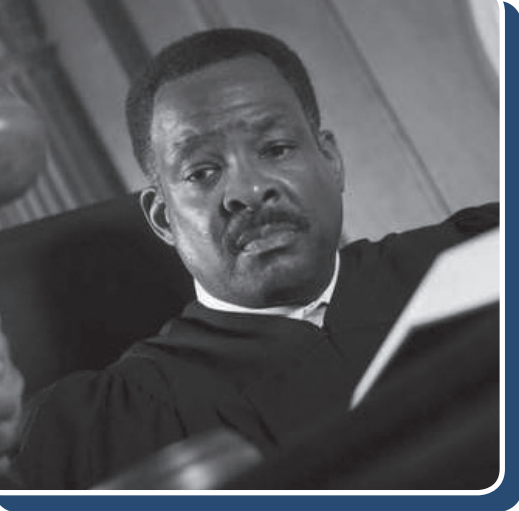


NEW JERSEY
DOMESTIC
VIOLENCE
GUIDE

*Steps To Take If Charged
With Domestic Violence*

CARL SPECTOR

Law Office of
CARL SPECTOR



Domestic violence disputes often occur between a husband and a wife, a wife and a husband, a boyfriend-girlfriend, or a girlfriend-boyfriend situation. Very often someone will call the police during an argument or fight. Very often it could be the person who initiated the fight but something gets out of hand, something goes

awry and the police are called.

THE PENALTIES FOR DOMESTIC VIOLENCE CAN BE SERIOUS

If you have been arrested or charged with domestic violence or assault and battery in New Jersey, you could be facing serious penalties that could jeopardize not only your future, but the future of your family. New Jersey domestic violence lawyer Carl Spector has been practicing criminal law for over 30 years and knows the ins and outs of how domestic violence cases are built. Utilizing his experience, he can help you mitigate the serious domestic violence and assault penalties that come with a conviction in New Jersey. Attorney Carl Spector has handled domestic violence cases from both the victim and the defendants side, and has the unique perspective of knowing how both sides think when pursuing these types of cases.

Attorney Carl Spector knows that domestic violence cases are not easy on the family, and has the experience needed to help provide swift resolutions to these often emotional disputes. When you contact our office for a domestic violence charge, we will thoroughly review all the charges against you, and discuss the best options to ensure you receive the least amount of penalties, if any. Attorney Spector has handled over 1000 criminal cases throughout his 3 decades of practicing law. When your future and your freedom is on the line, don't settle for less than the best possible defense. Contact New Jersey domestic violence lawyer Carl Spector today to arrange a free confidential consultation. Let his experience work for you.

DEFENDING UPGRADED DOMESTIC VIOLENCE CHARGES



When domestic violence charges are more serious, the charges are often be upgraded to an assault charge. In these cases, we're talking about an arrest that would probably lead to a high bail and a serious first, second, third or fourth degree crime, versus a simple assault, which is more of a disorderly person's offense.

Other reasons you could be charged with upgraded domestic violence charges in New Jersey could be that the person is attempting to menace another person or put them in fear of serious injury. That is another part of the statute, the threats, and that can also lead to a separate charge of harassment, which very often goes along with an assault charge.

Most of the cases that wind up in municipal court are the simple assault cases between couples where there's not a serious injury. There might be some injury but ordinarily, no one involved requires medical treatment.

LIFTING A NO CONTACT ORDER

As an experienced New Jersey domestic violence and assault lawyer, I have represented thousands of clients, and helped many people wrongly accused of domestic violence get their no contact orders lifted, rescinded or modified. If you are accused of domestic violence and have a no contact order in place, contact our office for a free confidential consultation. We can help ensure your rights and reputation are protected.

MODIFYING BAIL AND RELEASE CONDITIONS

Essentially you're modifying the conditions of the bail or modifying the conditions of release. Now some judges won't modify it, especially if it's too quick, but some judges will at least hear you to see why is it that you're trying to lift the no contact order. There might be young children in the household who the husband and the wife coordinate dropping off and picking up from school with different work hours. The judge will at least listen to the proposed modification.



WHAT AN ATTORNEY WILL HEAR WHEN BEING CONTACTED FOR REPRESENTATION

Ordinarily, it's both those matters but usually it's the no contact order that people question the most. Then of course, it's whether or not they wind up with a criminal record. Many people in these situations have no prior criminal record and they don't want to have one now. So they want to know the long-term ramifications of an arrest and ultimately, if they're ever convicted.

Were you accused of domestic violence and have questions about lifting a no contact order in New Jersey? Contact dedicated New Jersey domestic violence lawyer Carl Spector for dedicated representation. With over 30 years of experience as both a prosecutor and criminal defense attorney, he offers a unique perspective on how both sides think, and how to best approach each aspect of your case. When your future is on the line, don't settle for less than the best possible legal representation. Contact an experienced attorney that will aggressively fight to minimize the serious potential consequences you are facing. Call today for a free confidential consultation. Let our experience work for you.

REDUCING DOMESTIC VIOLENCE CHARGES

New Jersey has very strict domestic violence laws, and if they respond to the scene and see any signs of physical injury, they will arrest the accused abuser. Obviously the severity of the injuries are also a factor. In my 30+ years of experience as a dedicated New Jersey domestic violence lawyer, I'm always looking to make sure that my clients don't have a criminal record, so it doesn't hurt them in the future when applying for employment, schooling, or military service. Because of this, I'm always striving for either reducing domestic violence charges, or getting the cases completely dismissed for the benefit of my clients. With a proper defense, domestic violence charges can be reduced to a lesser disorderly conduct offense. Call today for a free confidential consultation, and let attorney Carl Spector start building your defense.

If I can get the cooperation of my client, which I often do, I recruit them to help me in either having a willingness to enter into a program if need be, or just to have the ability to speak to the victim and get access to that person. This way, I can prepare the prosecutor on whether the case can be dismissed or not.

If you or a loved one was charged with assault, or domestic violence in New Jersey, you need an experienced attorney on your side to ensure your rights are being protected. With over 30 years of experience as both a prosecutor and criminal defense attorney, Carl Spector offers a unique perspective on how both sides think, and how to best approach each aspect of domestic violence cases. When your future is on the line, don't settle for less than the best possible legal representation. Experienced legal counsel may be able to get your charges reduced or even dropped. Contact New Jersey domestic violence lawyer Carl Spector for aggressive representation you can count on. Call today for a free confidential consultation.

FREQUENTLY ASKED DOMESTIC VIOLENCE QUESTIONS



Will an Arrest Be Made for Domestic Violence Disputes?

In the state of New Jersey, if the police get a call on a domestic violence charge, they're going to be making an arrest. Back some years ago when the police were using their discretion and not making any arrests, they were finding that that was leading to people getting hurt. The perpetrators were thinking that the police weren't going to do anything anyway so they could get away with assaults. The law then changed and essentially imposed an almost zero-tolerance policy with regard to domestic violence disputes. So, if they're called to a home on a domestic violence charge, they're going to make an arrest.

What Happens When the Police Are Called for Domestic Violence?

What people can expect, as a victim of domestic violence or simple assault, and this would go for any simple assault, any kind of fight, is that the police would first advise the victim. The police will ask them whether or not they would want a restraining order and tell them they'd like to take photographs of any injuries that they do have so that they can preserve them as evidence.

What If the Victim Doesn't Cooperate?

While this scenario does happen occasionally, what I see more often is where there really does need to be some separation between those people at that moment and there's not much of a dispute about that. Because of that, the person who is the supposed victim or the alleged victim doesn't really try to get in the way of the police because they realize too that some separation is needed.

Is There Bail in a Domestic Violence Charge?

Under most circumstances, bail isn't even required. A municipal court judge, if the person does not have a significant history or any history at all of prior arrests, would simply release them on their own without a problem, without posting any bail in the state of New Jersey. This is also known as "being released on your own recognizance".

When Will You Be Released If Charged with a Domestic Violence Crime?

If you're charged with a domestic violence charge in the state of New Jersey, you would be arrested, processed and maybe questioned and then just a few hours later released, to say that same day.

Can You Return Home After Being Released?

There's not an automatic restraining order but what the judge will do as a condition of their release or any release of any bail is put a no contact order in place. A no-contact order is different from a restraining order as a restraining order would come from a civil court after a hearing, but as a condition of the bail or releasing the person without any bail.

The municipal court judge would inform the police to tell the person who was arrested not to have any contact with the alleged victim while the case is going on, which can cause a very significant problem, especially for people who are either married and have children or are living together and have children and have to coordinate their daily schedules.

What Are the Range of Assault Penalties You Could Face for a Conviction?

The jail time range for an assault conviction in New Jersey is actually up to six months. You can wind up with a period of probation, and a fine of up to \$1,000. There are several assessments which are monetary amounts that range from \$100.00, \$75.00, court costs, surcharges, that can add up to another few

hundred dollars. Obviously the most serious are the six months in jail and even probation can be quite burdensome.



Are There Anger Management or Rehabilitation Classes a Convicted Person May Be Required to Take?

As a dedicated New Jersey assault charge lawyer, what I am trying to do when I represent somebody who is charged with a simple assault on a domestic violence issue is to try to find out what the underlying issues are. I research what the family issues are and whether or not this is a family that is willing to stay together and work it out so no one will get hurt. I'm finding that a lot of the courts, and some of the prosecutors, are willing to listen when it comes to what the family needs to come to a resolution.

In some situations, I'm advising clients who are charged with these offenses that the prosecutors and/or the judges are going to recommend some type of anger management, or what's called an "alternative to violence program." That could be as part of a plea bargain on certain occasions. I've handled cases like this before, and represented people who have successfully complete anger management or alternatives to violence programs. We have even been successful in getting their cases dismissed once they demonstrated successful completion of these programs.

Do Victims of Domestic Abuse Ever Want Their Cases Dismissed?

It's very common that the alleged victim will come in, sometimes even into my office, and speak to me about not wanting to go forward with their case. In these situations, I would speak with the victim, and present that information to the prosecutor. My recommendation to that person is to come to court on their own, bring identification so the prosecutor can verify who they are, and that they are indeed the person who was involved, and to have an independent and

separate conversation with the prosecutor explaining why they want the case dismissed.

If the prosecutor is satisfied that the alleged victim does not want to go forward with the case, then in court the alleged victim could be questioned by the judge. This would lead to the judge asking specific questions of the victim on whether or not they wish to go forward with the charges or not.

Are There Usually Injuries Involved with Domestic Violence?

Yelling can be a factor; the police are usually there after the alleged assault. Sometimes, it's an attempted assault where they were not able to finish the act and the officers will see something, a cut, a bruise, and they'll ask, "How did that happen?" They'll have to decipher the story. Every incident is different.

Bottom of Form

Every incident that leads to domestic violence or a simple assault charge under the statute in New Jersey starts a little different but there's always a beginning somewhere. It might be that the police don't get called the first five times and all of the sudden, either a neighbor hears it or one of the actors gets hurt or there's a third party present and all of the sudden you have the police on the scene, which is not always a bad thing. The police can prevent further injuries.

If you or a loved one has been charged with domestic violence, assault, or battery, contact New Jersey domestic violence lawyer Carl Spector for experienced, aggressive, and strategic legal defense. Call today for a free consultation.



ABOUT THE AUTHOR:

Carl Spector graduated from The University of Buffalo in New York where he received his bachelor's degree in Communication. He then received his legal education and earned his Juris Doctorate at New York Law School and Nova Southeastern University.

Attorney Carl Spector is licensed to practice in New York, New Jersey, Florida (inactive), the United States District Court, Southern and Eastern Districts of New York, and the District Court of New Jersey.

New Jersey DUI Lawyer Carl Spector worked as an attorney in the Bronx County District Attorney's office as an Assistant District Attorney for six years. This experience has allowed him to effectively and aggressively defend clients charged with all varieties of crimes and DWI / DUI.

For the past 30 years, New Jersey DUI Lawyer Carl Spector has been representing over 10,000 people that have been charged with crimes throughout New York and New Jersey, including Bergen County, Essex County, Hudson County, Passaic County, Morris County, and Union County. New Jersey DUI Lawyer Carl Spector has served as an attorney in countless criminal and DWI / DUI matters with full control of initial investigations, trial planning, motions, discovery, legal research and courtroom appearances and trials.

Carl Spector has successfully litigated and argued many pre-trial motions to suppress evidence based on probable cause to stop and frisk and violations of the defendant's Fifth and Fourteenth Amendment rights. In 2009 Carl Spector served as the Municipal Prosecutor in the large Bergen County municipality of Fair Lawn. He was reappointed to that position for 2010 and 2011. Attorney Carl Spector was appointed by the Mayor and Counsel of Municipality Fair Lawn to serve as the alternate Public Defender in 2012, 2013, 2014, 2015 and 2016.

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