



NEW JERSEY SHOPLIFTING GUIDE

*What To Do If You're
Arrested For Theft*

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If you are caught shoplifting, you may be feeling frustrated and upset. While this is not as severe as some criminal charges, you can still be facing jail time. That is a scary thought. Shoplifting might seem like something you won't get into huge trouble for, but that is a common misconception. You need to fight back these charges. An experienced New Jersey Shoplifting attorney can help with that.

WHAT TO DO IF YOU'RE CAUGHT SHOPLIFTING

Once you purposely conceal anything that you haven't bought, you can be charged with shoplifting. If you get out of the store, that is additional proof that you did not intend to pay for it. If you were caught shoplifting in New Jersey, the penalties can be severe. That's why it's important to contact an experienced New Jersey shoplifting lawyer as soon as possible to protect your rights, and defend your freedom.

"IMPULSE" SHOPLIFTING

Then there's a very large segment of the population that goes into a store with either no intention or very little intention of taking anything, and on an impulse, they wound up with something in their bag or something in their cart that they know they put there. In those cases, they really don't know why they wound up stealing it; it's kind of an impulse.

New Jersey shoplifting lawyer Carl Spector has handled many cases where the person doesn't have any prior criminal record and they're not even sure themselves why they tried to take the item. Most of the time, they have the money for the item in their pocketbook or in their pocket, but for some reason, they've attempted to steal. The stolen items could be a pair of gloves or scarf, and that's a very common scenario that we see.

REPEAT OFFENDERS FACE INCREASED PENALTIES

The community service sentence goes up from 10 to 15 days on a second offense. For a third offense, it goes from 15 days to 25 days. The fines are exponentially increased, and as mentioned earlier, the jail term is mandatory on a third conviction.



If you are someone who is facing a second or a third offense, the idea is to get that charge, either by fighting it and winning it at a trial, or getting it plea-bargained, if possible, reduced to something other than the shoplifting charge.

As an experienced New Jersey Shoplifting Lawyer, I advise clients that any theft crime on your record for future employment would make your future employment very difficult. This is one very good reason to try and get that case downgraded, removed or dismissed. If you've been charged with a first time shoplifting offense, contact us today for a free consultation.

THERE ARE DIFFERENT LEVELS OF SHOPLIFTING OFFENSES IN NEW JERSEY

The differences in shoplifting offenses come into play when talking about different amounts of money. There are different grades of shoplifting offenses, anything from a disorderly person's offense, which would be a couple of pennies worth of items, all the way up to items that are a second-degree crime, that would be worth something as much as \$75,000. A third-degree shoplifting crime exceeds \$500, but is less than \$75,000. In a fourth-degree shoplifting crime for anything that is at least \$200, but doesn't exceed \$500. For a disorderly person's offense, it's anything that's below \$200. A disorderly person's offense would be something that would be prosecuted in the municipal court,

as opposed to the superior court. \$200 is the cut-off for a disorderly person's offense and \$500 brings you up to the fourth-degree crime. Fourth-degree crime is one that would be prosecuted, theoretically at least, in the superior court.

THE COUNTY PROSECUTOR DECIDES IN WHICH COURT TO PROSECUTE SHOPLIFTING OFFENSES

Experienced New Jersey shoplifting lawyer Carl Spector has seen cases he has handled become downgraded from third-degree crimes to disorderly person's offense when the item was worth over \$2,000. Every case is different and you just don't know until the county prosecutor's office makes a determination.



FREQUENTLY ASKED SHOPLIFTING QUESTIONS

Should I Hire an Attorney for Shoplifting?

As an experienced New Jersey Criminal Defense Attorney I am often asked by clients if they should hire an attorney for minor charges. I would suggest that you at least get the advice of an attorney. Speak to a lawyer to see what your options are, and see what you're facing to make sure you don't get all of your information from the Internet. Here I am giving you information on the Internet, but I must tell you there's nothing better than speaking to an attorney who's been there, who's done it for hundreds of people, and has helped hundreds of people. That's a

better way of getting all your information to decide whether or not it's worth your time, and effort, and financial obligation to hire an attorney.

What Should I Do If I'm Charged for Shoplifting?

In New Jersey, if you're charged with shoplifting, your case, more than likely, depending on the value of the property, will either be prosecuted in the municipal court in a local town or in the superior court at the county level. Very often, cases that are of higher value will be prosecuted at the county level. However, very often, cases that are of higher value will be prosecuted at the county level. However, very often the county prosecutor will reduce those charged to a disorderly persons offense and then you'll be prosecuted at the municipal level.

What you should know is that most prosecutors will not plea bargain shoplifting cases, and you'll need an experienced attorney to navigate through a shoplifting case. I've literally handled hundreds if not thousands of shoplifting cases in my thirty year career. Please give me a call.

What If I Forgot to Pay for Something and Got Charged for Shoplifting?

I've seen hundreds of shoplifting cases in the state of New Jersey, maybe thousands, and every once and awhile you do come across a case where there's an error made by the customer. Very often that's not the case. Very often there's some intent involved. In order for you to be successfully prosecuted, the judge would have to be convinced that you had an intent to deprive the store owner here of that property, so if you went through the line and failed to pay for one item unintentionally, it would be very difficult for a prosecutor to prove that you had the intent to deprive the owner of that particular item.

Know full well that shoplifting cases are vigorously prosecuted in the state of New Jersey and that you need an attorney that's as well versed as I am. Give me a call.

Can Additional Charges Result if You Evade the Loss Prevention Employee or the Police?

If you are caught shoplifting and you evade the loss prevention employee, the next call that they'll make will be to the police with a description of you and the direction in which you were heading. More than likely, the police will then find you and detain you. They may charge you with additional crimes, but more than likely, they'll simply charge you with the shoplifting, unless you try to elude or get away from the police. In that case, they'll try to charge you with evading arrest.

What If I'm Charged for Theft?

As an experienced New Jersey Criminal Defense Attorney I have dealt with many cases where people are charged with some sort of theft. You've been charged with shoplifting or some other type of theft such as theft by deception. It could be a case that's going into the Superior Court and you're looking at an indictable offense. You could be facing jail time. A lot has to do with the value of the property. A lot has to do with whether or not you have any prior offenses on your record. Oftentimes those cases can be handled very successfully by an experienced attorney in the municipal court. I would suggest that you seek out an attorney who has handled these cases before.



What If I'm a Minor Charged for Theft?

In New Jersey, if a juvenile is charged with a theft, there are different layers or different categories that that individual can be charged with. That will bring them to different courts. If it's a very minimal, or de minimis type of offense, it might just be handled at the local police level; at a forum or a committee meeting. Higher than that, it can go to the superior court to the family division where

cases are being handled which are being prosecuted by the county prosecutors. On some of those levels, even the lowest of levels, people can handle those matters with minimal intrusion into their life.

On the higher side, or the more serious theft charges, there is a prosecutor, there is a judge, and the juvenile is not only entitled to an attorney, but probably should have an attorney navigate that type of case because there are much more serious consequences at that level. Of course, if it's very, very, very serious charge, a county prosecutor can try to elect to bring that charge into the superior court and charge that person as an adult.

What Are the Penalties for Juveniles?

In New Jersey, a juvenile offense has a broad range of penalties. Whenever juveniles involved in an alleged criminal act, the courts ordinarily try to put themselves in a position where they want to benefit the child in the long run. Juvenile detention is usually a last resort, usually for very serious charges or for people who have had many, many different offenses and just haven't been able to rectify their aberrant behavior.

The penalties can range anything from writing an essay to a judge or to a victim, all the way up to juvenile detention. Very often, if it's a serious enough charge but detention is not required or recommended, a period of adjustment, which is kind of like being on probation where a juvenile might have to attend some classes or some therapy and then prove to the court that they are not aberrant any longer and can handle the rigors of growing up.

What Is the Role of Shoplifting Prevention Employees?

The shoplifting prevention employee will observe someone secretly put something into a bag that they're already carrying. If you're walking around the store and you put some item that you have not purchased in that bag, they'll keep an eye on you for quite a while. Eventually, if they've seen you, they'll stop you and ask you to talk to them, and discuss what it is that you have in your bag. Ordinarily, they'll ask you to join them in a conversation, usually in a

separate room inside the store itself. They'll be detaining you for the purpose of investigating further what they've already concluded is a shoplifting case. You do not have to get out of the store in order for you to be charged with shoplifting. A lot of people misunderstand that distinction.

If you've been accused of shoplifting in New Jersey, contact experienced New Jersey Shoplifting Lawyer Carl Spector for a free confidential consultation on how he can defend your freedom.



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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