

Property Crimes

In any case, you are innocent until proven guilty.

Beside the defenses unique to your case, any prosecution requires:

01

That guilt be proven beyond a reasonable doubt

02

That all evidence be admissible under the United States and Louisiana Constitution

03

That all of your constitutional rights be protected from your arrest through trial

Before discussing possible defense strategies, it is critical to determine if the state has enough admissible evidence to reach a conviction. Weighing the state's case requires answering two questions:

- **Is the evidence sufficient?**
- **Was the evidence lawfully obtained?**

Evaluating the evidence is not as simple as reviewing the state's disclosures. More often than not, the police report tells only half of the story. Your honest discussion with me will fill in the necessary gaps or point my office toward further investigation.

The relative strength or weakness of the state's case will determine the next course of action. The state's case can be weakened by legal issues

related to the admissibility of evidence or a more straightforward recognition that the facts do not support a conviction.

If the state's case is relatively strong, the fact that the victim was only damaged financially gives you the opportunity to offer restitution as part of a plea offer before trial. You should be prepared (as much as possible) to offer restitution. Making restitution before the plea is entered increases your chances for a lesser offense and/or sentence.

YOU SHOULD BE PREPARED TO OFFER RESITUTION.

If the offense is motivated by a substance abuse issue, then please review the appendix related to drug offenses and take advantage of the advice offered there. The steps suggested for a drug offense, such as getting treatment, can also help with a property crime if the district attorney understands that drug use was a significant factor.

STEPS SUGGESTED FOR DRUG
OFFENSES, CAN ALSO HELP HERE

FINAL THOUGHTS

This appendix is designed to give you ideas and options to consider. Your defense is tied to the specific facts of your case and the unique preferences of whatever jurisdiction is prosecuting you. The information here is general in nature and is simply a starting point—it does not replace or substitute the advice of your retained counsel. It should be considered a resource to help you develop a plan of defense with your attorney and not as an alternative to the defense proposed by him/her.





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