

Sierra Tabone:

Assault of a family member is where you're accused of assaulting in a number of ways, someone that is considered a family member under the Texas penal code. The biggest mistake anyone can make in their defense is just sitting back and thinking things are going to go away. They won't. A lot of times, in assault family member cases, you're getting a call from the wife, the girlfriend, the husband or boyfriend, who is the complaining witness. They realize it was a misunderstanding and they want their loved one out of jail. The state is not just going to dump a case. It doesn't matter whether or not you did what you're accused of or not. Because you have to defend yourself, you have to have someone who's going to advocate on your behalf.

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The range of punishment for an assault family member misdemeanor is a Class A misdemeanor. It carries the range of punishment of up to a year in the county jail and up to a \$4,000 fine. If there are other allegations made that make it rise to the level of a third-degree felony, you're looking at two to 10 years' prison time and up to a \$10,000 fine. If it's aggravated, it increases to different degrees of felonies. The most important thing to understand with assault family member cases is that there are several collateral consequences. That affirmative finding of family violence carries with you forever. And it's the one instance where even though the case is deferred and dismissed, if that's the way the case is resolved, you cannot come back and seal the record by a non-disclosure.

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It's going to keep you from potentially getting jobs or cause you to lose your job. You can never possess a firearm for the rest of your life and it cripples you for the rest of your life. The client ultimately wants the case to be dismissed or in some situations declined. They want it gone and to not have to deal with it. Depending on the circumstance, a lot of times there's some sort of underlying issue that needs to be addressed. Be it a drug or alcohol issue, family issues taking place within the home or within the relationship or some sort of mental health issue. If you don't address the issue, not only will it just happen again, but the prosecutor will not be very willing to work out the case in a way that the client is going to like. You definitely shouldn't seek to do things yourself. You should definitely call in an attorney first because on your own, you're not able to convey to the prosecutor in a way that will address the case to result in the case being disposed of in a positive way.

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The treatment comes in most of the time on the front end. I talk to the client, if there's something that immediately sticks out to me, I make my suggestions. I'm not a licensed mental health professional or a doctor by any means, but in handling them, I've seen the different things that clients can present and you want to address that as quickly as possible so that you can get the case handled as quickly as possible. When we address the problem, we have very positive results. If the client is willing to work on whatever issue they may have, it speaks volumes to the prosecutor and they're willing to work with you. A lot of times, they're willing to work it out in a way that will ultimately result in a dismissal.