



SMALL MISTAKE, BIG CONSEQUENCES

We all make mistakes: to err is human. Everyone has made some mistake that they wish they could take back. Most of the times, the mistakes we make are private and we try to learn from them as part of the growing up process. However, some mistakes are unforgiveable, criminal even. And when we make those mistakes, we find out that small mistakes can carry big consequences.

Take the case of one client who was charged with Grand Larceny for allegedly stealing some clothes at a department store. What happened was that she had become depressed due to a recent break up with her boyfriend. To clear her head, she went to a department store and, while browsing the aisle, saw a beautiful outfit that would be perfect to cheer her up. Almost without thinking, a blind desire came over her to steal the outfit. In an amateur attempt, she somehow stuffed the clothes into a shopping bag and attempted to leave when she was caught by the security officer. What happened next was a whirlwind of her worst nightmare.

The security officer ignored her plea to return the item or even pay for them. Once caught, it is unlikely that a security officer will just let you go. In the next instance, she was escorted to a small office in the department store whereby she was interviewed by the security officer who gave a detailed account of how she was first spotted on a security camera and how the security officer followed her out of the store until she was caught “red-handed”. Then she discovered that the outfit cost \$350.00, which in Virginia is categorized as a felony Grand Larceny. That’s right, in Virginia the difference between a misdemeanor Petit Larceny and felony Grand Larceny is \$200.00, whereby any stolen item below \$200 is charged as Petit Larceny and above \$200 is charged as Grand Larceny. So just like that, in a split second of misjudgment, she faced a criminal charge that could brand her as a felon for the rest of her life.

In Virginia, a charge of Grand Larceny carries a maximum jail sentence of 20 years and a maximum fine of \$2,500.00. It is highly unlikely, of course, that a single offense of Grand Larceny worth \$350 will put you in jail for 20 years. But what you are faced with is not only the possibility of some jail time, but also the scar of carrying a felony record for the rest of your life.

In addition, the client was a green card holder and not a U.S. citizen. This created another layer of complexity to the case in that if a non-U.S. citizen is convicted of a felony theft charge, he/she can be subject to a deportation proceeding by USCIS. Thus, in order to have this case fall under one of the exceptions to a deportation proceeding, the case had to be resolved by negotiating a plea agreement in which the felony charge is amended to a misdemeanor charge and the total jail sentence imposed does not exceed six (6) months.

Fortunately for the client, we were able to negotiate a plea agreement whereby she would plea guilty to a misdemeanor Petit Larceny and receive a jail sentence of less than six (6) months,



which all but some of the jail times were suspended. The price our client had to pay was that she had to serve some jail time in order to appease the prosecutor that she had learned her lesson. While the goal of a criminal attorney is to avoid any jail time for the client, there was another overriding goal which was more immediate and important: permitting the client to stay in the United States.