

Attorney explains 459 PC charges

A spirited defense by an experienced criminal attorney, can get the 459 PC charges dismissed or lowered.

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/EINPresswire.com/ -- [Los Angeles criminal defense attorney](#) Arash Hashemi recently explained what 459 PC is and how the law breaks down the criminal charges filed under the code section.

"459 PC is burglary. Basically entering any building, or vehicle with the intent to steal something. Whether or not something is actually stolen does not matter under California law. The intent is what matters," he said.

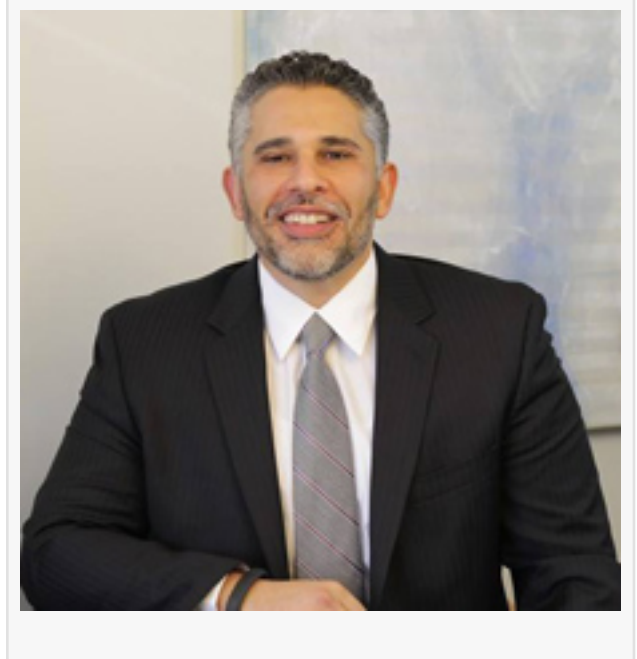
"Intent", proving the person charged with the crime intended to steal something, is a burden on the prosecution. Mr. Hashemi said the Prosecuting Agency is always going to look at burglary charges, even if nothing was taken.

"We see a lot of people who are charged with burglary and shoplifting who simply forgot to pay for something when they left the store. They got distracted by a baby, a phone call or simply forgot to pick up an item on the bottom of the shopping cart to be scanned," said Arash Hashemi. "Prosecutors will file both charges in hopes of intimidating the person and getting a conviction."

If it is really an oversight and the store got the items back or they were paid for, the store is likely not interested in prosecuting the person. A Civil Compromise might be a way to have the case dismissed.

Beyond that, the charge can be a misdemeanor or a felony. How the charge is filed depends on what happened and to some degree the person's past history, the attorney said.

"This applies to vehicle burglary as well as entering a building," Mr. Hashemi said. "The idea that felony or a misdemeanor charge is based on the dollar value of what was taken is not the case in California any more. The only difference is petty theft v. grand theft. If the item or items taken are more than \$950, that is grand theft. Petty theft, which can include shoplifting, is less than



\$950.”

California Penal Code 459 reads : “Every person who enters any house, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, outhouse or other building, tent, vessel...with intent to commit grand or petit larceny or any felony is guilty of burglary.”

For more information about [criminal defense in 459 PC cases](#), call Arash Hashemi at 310-448-1529.

About Law Offices of Arash Hashemi:

Law Offices of Arash Hashemi is a California-based law firm that is passionate in defending the rights of their clients in the face of criminal prosecution. To help their clients, Arash Hashemi leads a team of attorneys specializing in different practice or areas in criminal law, DUI & DWI, drug crimes, and more. A results-driven firm, they harness years of experience in aggressive representation.

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For more information, please visit www.HashemiLaw.com or call (310) 448-1529.

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