

Accused of Domestic Violence



'Thank you for all your help and advice. I would not hesitate to use you again if needed, and your firm would be an easy recommendation to anyone I know.' Criminal Law Client

Whatever your circumstances, our team of legal advisors are always on hand to advise and assist you, irrespective of your guilt or innocence.

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If you have been accused of a crime against a family member, you may feel totally lost and alone. If the allegation is false, you may wonder how you can prove your innocence and clear your name. If the allegation is true, you may be fearful of the sentence you may receive or be anxious to be reconciled with your family. Whatever your circumstances, our team of legal advisors are always on hand to advise and assist you irrespective of your guilt or innocence. Legal aid is usually available subject to a few restrictions, for example if you have a very high income.

Domestic Violence

There are specialist courts for Domestic Violence in most areas (and some other courts around the country) to deal with allegations arising out of incidents within the home and the family.

Most of the cases involve the use of force to persons or property but some allegations involve offences of dishonesty such as theft of money or property. Husbands, wives or partners make the majority of allegations but parents, children or siblings also commonly bring complaints.

Finding yourself before the domestic violence court will inevitably be a difficult experience. Aside from your fears of the court process itself, you will be concerned about the future of your family relationships, you may have been excluded from the family home and there may be problems with contact with your

children or access to your possessions.

Advice At Police Station

If an allegation is made against you, you may be arrested without notice or asked to attend the police station by appointment. If you find yourself in either situation, you should ensure that you receive legal advice before answering any police questions.

Being questioned by a police officer in relation to any offence is always difficult, but it is likely to be a particularly emotional experience where a family member makes the allegation.

It will be particularly difficult for you to make important decisions about whether to answer police questions, and particularly hard for you to withstand questioning so you should ensure that you have a solicitor with you to help you through the process and advise you at every step.

Our trained police station advisers have a great deal of experience in dealing with cases of this nature. One of our representatives can be there to provide you with free confidential and independent legal advice before your police interview and then stay with you throughout the interview procedure.

Legal aid at the police station is never means tested so you will not have to pay for our services at that stage of the case.

What If I Represented Myself At The Police Station?

If you didn't have a solicitor at the police station but now find yourself on police bail for, or charged with, an offence of domestic violence, you may now have lots of questions about what has happened to you and what is likely to happen in the future.

You may be frightened that you have been accused of something you haven't done, you may be worried about being kept away from your home or children, or you may have realised that it is time to seek help with aspects of your life such as substance abuse, alcohol addiction or anger management. Whatever your circumstances, you may find that an appointment with one of our team can put your mind at rest or help to set you on the right track.

Depending on your means, legal aid might be available – you can find out by calling us for a simple legal aid assessment.

Bail Conditions

In domestic violence cases, bail conditions keeping you away from the complainant and their address are very common. If you are on bail, you may find that this means that you are excluded from your own home and either directly or indirectly prevented from seeing your children or other family members.

It can be very difficult to persuade the magistrates to lift bail conditions in domestic violence cases, but our legal advisors have experience in making applications to the court for bail conditions to be lifted, or at least varied, so that family members can spend time together even before the case is concluded.

Pleading Not Guilty

Unfortunately, false allegations are sometimes made. The court process is designed to test the truthfulness of those who claim to be the victims of domestic violence.

We can help to prepare your defence by tracing witnesses, instructing experts, and taking your detailed instructions. We can cross examine the prosecution witnesses in court and support you when you give your evidence at trial.

Legal aid is widely available in domestic violence cases but, even where you don't qualify for legal aid, the court may still appoint a lawyer to cross examine the complainant and possibly also the other witnesses in the case.

Excellent  



Sentencing

If you have entered a guilty plea or been found guilty after trial, you will appear before the court to be sentenced. A pre-sentence report will usually have been prepared by the probation service, and the magistrates will decide the penalty that is appropriate for you.

In many cases, the magistrates will have punishment in mind but ensuring rehabilitation and deterring you from committing further offences in the future are also very important considerations. If you have issues with alcohol or drug misuse then you may find that the sentencing process is an opportunity to seek help.

Our advisors can help you to obtain a variety of references and reports to help with the sentencing process. Our solicitors are skilled in advancing mitigation to the court, with a view to securing the most lenient possible sentence. We can urge the magistrates not to impose a prison sentence and seek community penalties with an emphasis on support and rehabilitation.

Why use Hegarty Solicitors?

Our criminal defence team are experts in their field and pride themselves on providing a friendly, professional and efficient service, which will provide you with peace of mind knowing that you have done everything in your power to defend your case.

Solicitors who work in our criminal defence team are among the best locally. At the latest Peer Review the crime team at Hegarty Solicitors was awarded an Excellence (1) rating. This is the highest rating possible and was awarded to only 2% of firms' criminal departments, which means you can be sure you will have one of the best criminal defence teams in the country acting for you. The Peer Review is an independent body.

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