

GANG CRIMES

One of the most difficult criminal cases to defend is one that alleges that the accused is a member of a criminal street gang, commonly known as a gang allegation. In 1988, California enacted the “California Street Terrorism Enforcement and Prevention Act,” which defines a criminal street gang as “any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more criminal acts [defined in 186.22(e)], having a common name or common identifying sign or symbol, and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity.”

California Penal Code section 186.22(a) makes it a crime to participate “in any criminal street gang with knowledge that its members engage in or have engaged in a pattern of criminal gang activity, and who willfully promotes, furthers, or assists in any felonious criminal conduct by members of that gang...”

PC 186.22(a), which adds time to the penalty for felonies “committed for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further, or assist in any criminal conduct by gang members...” Under this statute, even those who are not gang members can be punished for committing a crime in conjunction with or for the benefit of other gang members. A gang allegation can add 5 to 10 years to some felonies and can turn an otherwise non-life case into a potential life-sentence case.

Experienced criminal defense attorneys Sanford and Christy Horowitz can successfully attack gang allegations. The attorney must demand the prosecution turn over all of its “gang evidence” about not only the accused, but all of the involved parties. Additionally, the defense attorney must obtain the gang expert’s credentials and prior testimony involving the same gang. At the preliminary hearing, the attorney may expose the gang expert’s lack of experience and/or knowledge. Such testimony may be used at trial to further discredit the gang expert. Finally, at trial, motions may be made to limit the gang expert’s testimony. Further, a well-prepared and well-executed cross-examination of the government’s gang expert can go a long way toward discrediting the gang allegation.

In the end, if you or your loved one is facing criminal charges with a gang enhancement allegation, all is not lost – Sanford and Christy Horowitz are experienced criminal defense attorneys here to defend you.