

Geo Location: San Francisco, California

Target Keywords:

Criminal defense lawyer

Criminal attorney

What Are Possible Defenses Against Heroin Possession Charges In California?

Drug charges are always serious, but when a person is charged with a crime in relation to a Schedule I drug, the consequences of a conviction can be devastating. The specific penalties depend on the defendant's criminal record and the nature of the possession, which will determine the charges that the defendant faces.

For example, simple possession of heroin is a misdemeanor offense, punishable by up to one year in jail; however, you may face felony charges if you are a registered sex offender or if you committed certain prior offenses. On the other hand, you might qualify for the Drug Diversion Program and avoid incarceration.

If you are facing charges related to possessing, selling, or transporting heroin in California, contact [Walter Smith & Associates](#). A criminal attorney in San Francisco will aggressively represent your interests.



With the right approach, it may be possible to reduce your charges or the penalties, or to get your case dismissed altogether. Call ###-###-#### today to schedule a free initial consultation.

Read on to learn about possible defenses against heroin possession charges in California:

Possible Defenses Against Heroin Possession Charges In California

You cannot be convicted of heroin possession unless the prosecutor can prove beyond a reasonable doubt that:

- You possessed heroin on your body or heroin was in your control;
- You knew that you were in possession of heroin; and
- The amount of heroin in your possession was usable.

Your criminal attorney will challenge the evidence provided by the prosecutor and police to cast doubt on your charges. There are several possible defenses against heroin charges. These include:

- Although heroin was present, the defendant did not possess heroin and was not in control of it;
- The substance found on the defendant was not heroin;
- Negotiating with the prosecuting authority to reduce the charges from a felony to a misdemeanor, or trying to send the defendant to the Drug Diversion Program;

- Challenging whether the defendant had an intent to sell the heroin – if he or she was charged with possession with an intent to sell; and
- Arguing that certain evidence is inadmissible because the police conducted an unlawful search and seizure.

If you are facing charges for heroin possession or a related offense in California, turn to Walter Smith & Associates. A criminal defense lawyer in San Francisco will give your case the individual attention that it deserves. Call ###-###-#### today to schedule a free initial consultation.