

Los Angeles Drug Crimes Defense Lawyer Tracy M. Grayson

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Tracy Grayson is the recognized go-to lawyer for state and federal drug cases. Mr. Grayson has an outstanding trial and settlement track record with respect to drug possession, sales, and trafficking cases. Most of his drug possession clients end up in outpatient or sometimes inpatient drug treatment programs via Proposition 36, deferred entry of judgment, and drug court. In many instances, even on drug sales, transportation, and possession for sale cases, Mr. Grayson has been able to get his clients into drug treatment and rehabilitation programs. Mr. Grayson also has a knowledge and understanding of ever-fluctuating medical marijuana laws.

Recently, in June 2011, Mr. Grayson was able to get his client into a residential drug treatment program even though the client was facing eight years in state prison on charges that he twice sold drugs to an informant while police monitored the transactions, and was caught in his own apartment in possession of cocaine and marijuana as well as guns and ammunition. The client pled no-contest to possession for sale of cocaine and was out of jail in less than a week.

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The Law

There are dozens and dozens of drug crimes listed in both the state and federal codes. The drugs or controlled substances which most often involve criminal charges include marijuana, powder cocaine, rock cocaine, methamphetamine, and heroin; and to a lesser extent, Ecstasy (MDMA), steroids, designer drugs, PCP, LSD, mescaline, hashish, opium, and barbiturates. Most drug-related crimes fall under one of the following categories:

- Being under the influence of drugs
- Possession of drug paraphernalia
- Simple possession of drugs for personal use
- Possession for sale of powder cocaine, rock cocaine, marijuana, heroin, methamphetamine, etc.
- Actual sale of powder cocaine, rock cocaine, marijuana, heroin, methamphetamine, etc
- Offering to sale powder cocaine, rock cocaine, marijuana, heroin, methamphetamine, etc
- Furnishing powder cocaine, rock cocaine, marijuana, heroin, methamphetamine, etc
- Administration of powder cocaine, rock cocaine, marijuana, heroin, methamphetamine, etc

- Drug trafficking and transportation
- Drug importation
- Drug smuggling
- Distribution or possession of drugs with the intent to distribute
- Cultivation of marijuana and other drugs
- Manufacture of drugs such as methamphetamine, etc.
- Possession of chemicals used to make drugs (precursors)
- Forged prescriptions (OxyContin, Percocet, Vicodin, etc.)
- Criminal charges related to all other illegal drugs
- Conspiracy charges relating to any of the crimes above

The following are examples of charges typically filed in California's courts:

Possession for Sale of Drugs

To be found guilty of this crime, the prosecutor must prove: the defendant possessed drugs; the defendant knew of the drug's presence (in their pockets, purse, car, house, etc.); the defendant knew the substance was a drug; the defendant possessed the drug intending to sell it; the prosecutor can prove that it really was a drug (through lab tests); and the drug was in a useable amount. If convicted of this crime, the penalty is three, four or five years in state prison. Mr. Grayson has handled hundreds of possession for sales cases and many of his clients have avoided prison and been placed on probation.

Sale, Furnish, Administer, Give Away, Transport or Import Drugs

To be found guilty of this crime, the prosecutor must prove: the defendant sold, furnished,

administered, gave away, transported, or imported drugs into California (or offered to do any of these things); the defendant knew of the drug's presence (in their pockets, purse, car, house, etc.); the defendant knew it was a drug; the prosecutor can prove that it really was a drug (through lab tests); and the drug was in a useable amount. If convicted, you could be facing up to five years in state prison. Even with these types of cases Mr. Grayson handles, his clients are often sentenced to a drug treatment program instead of prison. The penalty is three, four or five years in state prison. It is possible to be placed on probation for this crime.

Simple Possession of Drugs

To be found guilty of this crime, the prosecutor must prove that: the defendant possessed illegal drugs; the defendant knew of the drug's presence (in their pockets, purse, car, house, etc.); the defendant knew it was a drug; the prosecutor can prove that it really was a drug (through lab tests); and the drug was in a useable amount. If convicted, you face up to three years in state prison. In nearly every case Mr. Grayson has handled, his clients are placed on probation and sentenced to a drug treatment program instead of prison.

Manufacture of Drugs

To be found guilty of this crime, the prosecutor must prove that: the defendant manufactured, processed, derived, converted, etc. (or offered to do so) a drug or controlled substance using chemical extraction or independent chemical synthesis; and knew the substance manufactured was a drug. Note that the manufacturing process does not need to be completed and result in a finished product. If convicted, you could serve up to seven years in state prison and be required to pay a \$50,000 fine.

Planting or Cultivating Marijuana

To be found guilty of this crime, the prosecutor must prove that: the defendant unlawfully planted, cultivated, harvested, dried, or processed one or more marijuana plants; and the defendant knew that the substance was marijuana. If convicted, you could serve up to three years in state prison.

Maintaining a Place for Drugs to be Sold or Used

To be found guilty, the prosecutor must prove that: the defendant opened or maintained a place (house, apartment, store, etc.); and the defendant opened or maintained the place intending to sell, give away, or to use (or allow others to use) drugs at the place on a continuous or repeated basis. If convicted, you could serve up to three years in state prison for a felony, or up to one year in county jail if a misdemeanor is charged.

Under the Influence of Drugs

To be found guilty of this crime, the prosecutor must prove that: the defendant willfully used drugs a short time before his or her arrest; or that the defendant was willfully under the influence of drugs. If convicted of this misdemeanor crime, you face serving 90 to 365 days in county jail.

Possession of Less Than an Ounce of Marijuana

To be found guilty, the prosecutor must prove that: the defendant had in his or her possession not more than 28.5 grams of marijuana; and the defendant knew of the drug's presence (in their pockets, purse, car, house, etc.). The penalty is a \$100 fine. A conviction does not count as a crime on your rap sheet or criminal record, it is merely an infraction, which is like a ticket.

Driving with Marijuana in Car

To be found guilty, the prosecutor must prove that: the defendant drove a motor vehicle; while driving the motor vehicle the defendant had in his or her possession less than an ounce of marijuana, other than concentrated cannabis. The penalty is a \$100 fine. A conviction does not count as a crime on your rap sheet or criminal record, it is merely an infraction, which is like a ticket.

Enhancements

Keep in mind that, with drug crimes, the DA or prosecutor may be able to add all kinds of enhancements to the main charge which could potentially add significant time to your prison sentence. What started out as a five-year maximum prison exposure on a sales case can quickly grow to a 25-30 year prison exposure: for example, if you have a prior felony strike, the five-years could be doubled to ten; add three years for each prior conviction you may have for possessing drugs for sale or for selling drugs (or transporting, furnishing, etc.); and add one year for each prior time you have been to prison. There are also enhancements for having large quantities of illegal drugs or money, for involving minors in drug crimes, and for committing drug crimes near schools.

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Possible Consequences

- Prison or jail
- Probation or parole
- Having a criminal record (which may or may not be later expunged, reduced, or dismissed)
 - Fines and fees involving hundreds or even thousands of dollars
 - Drug counseling
 - Drug rehabilitation or treatment program (inpatient or outpatient)
 - Community service or work (your time and money)
 - Restitution payment
 - Could result in having a priorable offense, which may enhance a future prison sentence
 - Having to provide DNA sample which goes into a nationwide database
 - Registration as a drugs offender
 - Can no longer own, use or possess a firearm
 - Possible deportation or other immigration consequences
 - Could affect current job, future employment or professional license
 - Could affect your driver's license
 - Could affect right to vote, jury service, and holding public office

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Defenses

Illegal Searches and Arrests

With drug crimes, unlike most other crimes, police officers are sometimes present when the crime occurs (conducting surveillance, engaging in undercover buys, etc.), which can make your case that much more difficult. Still, the cops may have violated your Fourth Amendment rights. For example, they may not have a valid legal reason for pulling you over during a traffic

stop, stopping you as you walked down the street, or for searching your glove compartment, wallet, purse, trunk, etc. (NEVER consent or agree to a search). If the judge agrees that your rights were violated, the evidence could be suppressed (it cannot be used against you) and your case could be dismissed.

Search Warrants, Wiretaps, and Snitches

Moreover, just because the police have a search warrant does not mean that it is valid. Officers often insert bogus information into an affidavit supporting the warrant, which can be challenged, and if the court agrees, the evidence can be suppressed and the case dismissed.

Also, it is not unusual for law enforcement to utilize wiretaps during a drug investigation. If they fail to follow the laws governing wiretaps, the incriminating information gathered from monitoring phone calls can be suppressed.

Police officers all over the world know the value of employing snitches or informants during the investigation of criminal cases in general and especially in drug cases. Attorney Grayson despises snitches and is notorious for aggressively going after and destroying them. During such pursuits, it is possible that the police will not want to reveal the snitch's name and other information, and this refusal could result in the case being dismissed.

Lack of evidence, lack of intent, witness and police credibility, police harassment, personal use, and momentary possession (for purposes of destroying or disposing of the drugs) are some of the most common defenses and issues which have come up during Attorney Grayson's 15 years of very successfully fighting drug cases.

Medical Marijuana

Another defense comes from the Compassionate Use Act, which gives you the right to cultivate, possess, and smoke (or otherwise ingest) marijuana if you have a doctor's prescription. However, possession has to be for your own personal medical need, or you otherwise have to be a primary care-giver for a patient who has a medical need for marijuana. Note that medical marijuana is not a defense to sales. It is still illegal to sell medical marijuana even if you are allowed to legally cultivate, possess and ingest it. In fact, legally, you are not supposed to even give it away for free (for example, to your family and friends).

Federal Drug Crimes

Violations of federal drug laws carry severe penalties which often include minimum sentences of 5, 10 or 20 years. However, there have been some important changes in the law (the Fair Sentencing Act of 2010) in the last year, including the elimination of the five-year minimum for simple possession of rock cocaine for first-time offenders. Make sure you hire an experienced, skilled, and knowledgeable attorney like Tracy Grayson who keeps up with the latest changes in the law.

With federal drug crimes, it is possible to get caught up in a drug operation without knowing all of the players or even the particulars of the operation. In these cases, the prosecutor may have difficulty making their case against you. For example, your friend might pay you to drive their car from Louisiana to California without you having any idea that the car's bumper is filled with packages of rock cocaine or a large sum of money. In this scenario, Attorney Grayson can make sure that you are classified, at worst, as an unindicted co-conspirator and avoid criminal charges altogether.

Forfeiture

In federal and state drug cases, law enforcement will take steps to legally seize your money and property. Attorney Grayson has 15 years of experience successfully getting his clients' property returned to them.

When faced with state or federal drug charges, you need an experienced, skilled, and aggressive attorney like Tracy Grayson fighting for you. He will thoroughly review, investigate and prepare your case, interview prosecution and defense witnesses, obtain additional

discovery, research complexities in the law, prepare motions, appoint experts, aggressively fight for your freedom in court, and make certain that everything possible is done to win your case.

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