

## **Los Angeles Murder and Manslaughter Defense Lawyer Tracy M. Grayson**

**Murder & Manslaughter ~~Defense~~: [Possible Consequences](#) [Defenses](#)**

**Murder and Manslaughter Case Results: [Click here...](#)**

Tracy Grayson is the recognized go-to lawyer for murder, attempted murder, and manslaughter cases. Mr. Grayson has an outstanding trial and settlement track record with respect to these types of cases. He puts a great deal of work into preparation because these crimes carry a life sentence or worse. Mr. Grayson's clients have been very satisfied with both his effort and the results he's obtained in homicide cases.

In August 2010, Mr. Grayson began trial with his client looking at multiple life sentences for four attempted murders which involved gang and gun allegations. When Mr. Grayson first got the case, he convinced his client that he would be home in five months and that he would not have to waive any time. This was an unusual case, however, because more often than not more preparation is needed than five month's time would allow. Nevertheless, Mr. Grayson was able to keep his promise to the young man and the client was home in five months after a hung jury and dismissal of all of the charges.

More recently, in July 2011, Mr. Grayson had a client who was looking at 43-years-to-life in prison on an attempted gang murder case involving a knife, and he convinced 10 out of 12 jurors to vote not-guilty even though the alleged crime happened right in front of a sheriff's deputy inside the county jail. Mr. Grayson cross-examined the deputy so effectively that the jurors simply did not believe her testimony, in which she identified his client as the person who stabbed the victim multiple times.

Like the case above, many of the murder and attempted murder cases Mr. Grayson handles involve special allegations for using a gun or other weapon, for inflicting great bodily injury (GBI), or for being involved with a gang. These enhancements can add many more years to a client's state prison sentence. Nevertheless, Mr. Grayson has been very successful in getting these types of cases to settle for a relatively low number of state prison years considering that his clients are facing life in prison on these cases.

In the Spring of 2011, Mr. Grayson settled three noteworthy special allegation murder cases. One involved the murder of a gang rival and assault with a deadly weapon (ADW) on a Santa Monica police officer. The client was looking at more than 75-years-to-life in state prison, but the case settled for 15 years and the client will be home in about 10 years. In the second case, Mr. Grayson's client was facing attempted gang murder charges for two separate incidents in the Torrance courthouse. The client pled no-contest and will also be released in roughly 10 years; his co-defendants went to trial and were sentenced to life in prison. In the third case, Mr. Grayson's client was facing life in prison during a stabbing incident, but the case settled when the client pled to an ADW for only five years in prison; the attempted murder charge was dismissed

In May 2011, Mr. Grayson fought an attempted gang murder case on behalf of his client where the victim was shot six times in broad daylight in front of three witnesses who all testified at trial that they saw the shooting up-close and that Mr. Grayson's client was the shooter. Attorney Grayson convinced the jury to hang and the case settled as an ADW for nine years with half-time credits; the attempted murder charge was dismissed. The client will be home in two years.

Mr. Grayson believes that any time his client is facing spending the remainder of his life in prison, if he can get the client home in 10 years or less, he has done his job, and his clients agree with this assessment. Of course, this philosophy does not prevent Mr. Grayson from doing his utmost to beat the case at trial if he and his client think it is reasonably possible to do so.

[Return to Top](#)

## **The Law**

### **First Degree Murder**

First degree murder is the unlawful killing of a human being with malice a forethought. The killing must be committed in a manner which demonstrates that it was willful, deliberate, and premeditated. Felony murder is a special classification of first degree murder which occurs when you kill someone while committing or attempting to commit certain felonies, for example, robbery and burglary, etc. The penalty for first degree murder is 25-years-to-life in prison. When first degree murder is committed under "special circumstances" (see Penal Code section 190.2), the penalty is death or LWOP (life in prison without the possibility of parole).

### Enhancements

The District Attorney (DA) or prosecutor may be able to add enhancements or special allegations to any of these charges: (1) if the evidence shows that you used a gun or other weapon; (2) that the crime was committed for the benefit of, at the direct of, or in association with a criminal street gang; or (3) if you caused serious or great bodily injury to the victim (GBI). When these kinds of enhancements are added to such serious charges, you may face many more years in prison; for example, if you are charged with first degree murder, instead of looking at 25-years-to-life, you could be looking at 50-years-to-life, 75-years-to-life, etc.

### Second Degree Murder

Second degree murder requires that the killing be willful and with malice, but not deliberate or premeditated. The penalty for second degree murder is 15-years-to-life in prison. Note that provocation may reduce a murder from first degree to second degree murder (not applicable in felony-murder cases). Provocation may also reduce murder to manslaughter.

### Attempted Murder

Attempted murder occurs when a defendant takes at least one direct but ineffective step towards killing another person; and the defendant intended to kill that person. The penalty is life in prison.

### Manslaughter

Manslaughter is divided into two categories--voluntary and involuntary manslaughter. Voluntary manslaughter is killing someone because of a sudden quarrel or in the heat of passion; it does not require malice. The defendant must be provoked and the provocation must have caused him or her to act rashly and under intense emotion which obscures their judgment. A killing that would otherwise be murder may also be reduced to **voluntary manslaughter** if the defendant killed a person because he or she acted in imperfect self-defense or in imperfect self-defense of another. The potential sentence is 3-to-11-years in state prison.

### Involuntary Manslaughter

Involuntary manslaughter is the commission of an unlawful killing where the offender does not intend to kill and does not act with a conscious disregard for human life. Such an act occurs when a person commits a crime that posed a high risk of death or great bodily injury or otherwise committed a lawful act, but acted with criminal negligence. It is essentially killing someone unintentionally by acting recklessly or through gross negligence; there is no malice or intent to kill. For example, Dr. Conrad Murray is charged with involuntary manslaughter in the death of Michael Jackson. Murray is accused of administering intravenous drugs to Jackson which resulted in his death. The penalty for this crime if convicted is 2-to-4-years in state prison.

### Vehicular Manslaughter

Vehicular manslaughter can be charged as either a felony or misdemeanor (called a wobbler), and involves driving a vehicle or vessel in violation of the law (or otherwise committing a lawful act that might cause death) with either gross or ordinary negligence which results in another person's death. If convicted of felony vehicular manslaughter, you face 2-to-10-years in state prison; if convicted of misdemeanor manslaughter, you are looking at one year in the county jail.

[Return to Top](#)

### Possible Consequences

- Death or LWOP in Special Circumstance cases
- Life in prison for first and second degree murder cases and attempted murder
- County jail or state prison for manslaughter cases
- Probation or parole
- Having a criminal record (which is not likely to be expunged, reduced, or dismissed)
- Fines and fees involving hundreds or even thousands of dollars
- Anger management or domestic violence classes for up to a year (your time and money)
- Community service or work (your time and money)
- Restitution or reimbursement to the victim for medical bills, property damage, etc.
- If ADW or GBI, a strike could result in longer prison sentence(s) now or if you commit future felonies
- No longer able to own, use or possess a gun or weapon
- Could affect current job, future employment or professional license
- Restraining or protective order

- Possible deportation or other immigration consequences

[Return to Top](#)  
**Defenses**

If a person kills with a legally valid excuse or justification, the killing is lawful and he or she has not committed a crime.

Self-defense, defense of another, mistaken or bad identification, witness credibility, lack of intent, defendant has an alibi, unreliable informants, and lack of evidence (e.g., no evidence of any injury), accident, false or forced confession, heat of passion, and insanity are some of the most common defenses and defense issues which arise while fighting homicide cases. Attorney Grayson works with highly skilled investigators and experts to help maximize your chance of beating your case.

Tracy M. Grayson is an experienced, skilled, and aggressive attorney. He will thoroughly review, investigate and prepare your case, interview prosecution and defense witnesses, obtain additional discovery, research complexities in the law, prepare motions, utilize the very best investigators and experts, aggressively fight for your freedom in court, and make certain that we do everything possible to win your case.

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If you want to beat your homicide case, [contact attorney Tracy Grayson now!](#)