

Michelle Sparrow:

Basically someone says to an officer or a magistrate, "This person's pointed a gun at me." Boom, person gets arrested or charged with that. Can the state prove beyond a reasonable doubt that person did in fact point a gun at another person? Just pointing the guns enough. When you take a gun and you point it in the direction of another human being, that's enough, if the state can prove that. Well, it's a misdemeanor, it will stay on your criminal record. If convicted, you could potentially be placed on probation, could go to jail depending on somebody's record, but you'll have a criminal conviction regardless of what happens if you go to trial and you're convicted of it or don't work it out. There's always more to the story on those kinds of cases, always. It's not that someone just took a gun out and pointed it. There's always like some backstory or there's some relationship.

You hear about it in the news, road rage. Then those people that are genuinely afraid for their lives kind of thing are someone like what comes to mind is a gentleman that I know that he had four people coming at him with weapons that were not guns, but nevertheless, it was one person and four of them. They were making movements like they were going to hurt him. You have things like that happen. There's always more to that story on assault by pointing a gun, or are usually there is. You see that oftentimes in driving situations or situations where there's people are carrying, and they're intoxicated, or there's some kind of dispute, and they get in the middle of it. You defend those by talking with the witnesses, talking with the client. You need to look at the circumstances surrounding it.

The gun itself, was it in the holster or was it out of the holster? Was it a working gun? Which it doesn't matter really in the law, but it does in that it wasn't loaded. There's all kinds of different scenarios and then what was going on in the person's mind when they did it? Were they in fear? Were they being attacked, those kinds of things. Were they the aggressor? You just got to get to know what all the facts are, and then once you do that, you're able to assess the situation better and what you can do to try to negotiate or to try the case and what the odds are that you'll win the case.