

CRIMINAL DEFENSE

If you have been arrested

It is important that you consult with an experienced criminal defense attorney. The consequences of an adjudication of guilt can be severe and life changing. Employment opportunities may be limited, travel restricted, your driver's license can be suspended, and if you are not a United States citizen, you may be subject to deportation.

At the [Law Office of John F. Greene](#) I have practiced criminal law for 27 years and have represented clients who have been charged with murder, robbery, white collar crimes, drug and marijuana offenses, weapons charges, [drunk driving](#), assault, battery, theft, burglary, sex offenses, violation of probation, and many more. I practice in both federal and state courts in Northwest Florida.

Fighting Felony and Misdemeanor Charges

If you have been charged with a crime in Florida, I will aggressively protect your constitutional rights. I will challenge every aspect of the criminal charges you face and force the prosecutor to prove every element of the offense:

- Were the appropriate criminal procedures followed?
- Was the arrest based on probable cause?
- Were you properly advised of your rights during the arrest?
- Was all evidence and testimony properly admitted or excluded?
- What defenses do you have to the charges?
- What mitigating factors need to be brought to the Court's attention?
- Are there grounds for departure from the recommended sentencing guidelines?

Having handled a broad range of felony and misdemeanor offenses in the federal, state and juvenile courts throughout Northwest Florida, I will help you understand the consequences you are facing and give you an honest assessment of your case.

FLORIDA'S SENTENCING GUIDELINES

Crimes in Florida are ranked according to the severity of the offense, FS 921.0012, and a sentencing guideline worksheet is used to compute the recommended sentence. A trial court judge may then impose a sentence which varies upwards or downwards from the recommended guidelines sentence, unless there is a mandatory minimum sentence required by law.

A person who has been convicted of a 1st degree felony may be sentenced to a term of imprisonment not exceeding 30 years, and may be fined up to \$10,000; for a 2nd degree felony, imprisonment not exceeding 15 years and a \$10,000 fine; for a 3rd degree felony, imprisonment not exceeding 5 years and a \$5,000 fine; for a 1st degree misdemeanor, imprisonment not exceeding 1 year and a \$1,000 fine; and for a 2nd degree misdemeanor, imprisonment not exceeding 60 days and a \$500 fine.

Protecting You Against DUI and BUI Charges in Florida

DUI and drug offenses are aggressively enforced in Okaloosa and Walton County. If you are stopped for suspicion of DUI, you have the right to refuse the field sobriety tests, as well as the Breathalyzer, unless there has been an accident involving serious injury or death.

Enforcement of DUI is by criminal prosecution in the County Court and administratively by the Department of Motor Vehicles.

- The penalty for a first conviction is imprisonment for 6 months. However, most offenders are placed on probation for one year and ordered to pay a fine of not less than \$500 or more than \$1000, plus court costs, to submit to a substance abuse evaluation, perform 50 hours of community service, and impoundment of your vehicle for 10 days.
- For a second conviction, the penalties are enhanced, to imprisonment of 9 months, a fine of not less than \$1000 nor more than \$2000, installation of an ignition interlock device, and impoundment for 30 days.

Refusal to submit to a breath test will result in the DMV suspending driving privileges for a period of one year or for a period of 18 months if driving privileges have been previously suspended. A driver who submits to a breath or blood test and has a blood alcohol level of .08 or higher will have their driving privileges suspended for a period of 6 months for a first offense or for a period of 1 year if driving privileges have been previously suspended.

The 10 Day Rule allows a driver to request a formal hearing to review the suspension by the DMV within 10 days after your arrest and issuance of the notice of suspension.

A person whose driver's license is suspended may apply for issuance of a hardship license for business or employment purposes. When the suspension is for failure to submit to a breath or blood test, a hardship license may be applied for after 90 days. If the suspension is for a blood alcohol level of .08 or higher, a hardship license may be applied for after 30 days.

Defending Drug And Marijuana Offenses

Many drug arrests are made incidental to a traffic stop for infractions such as speeding or running a stop sign. It is important to test whether the arresting officer had probable cause to search the vehicle by means of a motion to suppress the evidence. Likewise, a search warrant must be supported by affidavit and proof setting forth facts which establish grounds for probable cause to the satisfaction of a judge or magistrate.

One of the most important legal distinctions to be considered in a prosecution of a drug offense is the difference between actual and constructive possession. Actual possession is when the drugs are found on the arrested person or in the immediate vicinity. Constructive possession is when the drugs are found under a car seat or in the trunk, or are scattered in a home or apartment. Often times there are multiple persons present to whom the drugs may belong. To prove constructive possession, the prosecutor must prove 1) the accused had control over the drugs, and 2) the accused has knowledge of the presence of the drugs.

Protect Your Rights Today

When you are facing criminal charges, it is important to turn to an experienced lawyer for guidance. [Contact me](#) to schedule an initial consultation. I will thoroughly investigate your situation and work to have the charges against you dismissed or minimize the consequences.

Put Experience to work on Your Side

A criminal conviction can seriously impact your future. In addition to the high fines and possible jail time, a conviction may make it difficult to get a job in the future and can strain your relationships with friends and family. As an experienced criminal defense lawyer, I will fight for you in negotiation and in the courtroom to have the charges against you dismissed or reduced and to minimize the impact of the situation on your future. [Contact me online](#) or call 850-424-6833 to schedule a consultation.