

## WHAT TO DO — EMERGENCY REFERENCE

# What to Do If Accused of Theft or Property Crime

Texas theft is graded by value (Class C to first-degree felony). Many cases qualify for pre-trial diversion; others require aggressive motion practice. Act quickly.

### CALL AN ATTORNEY IMMEDIATELY — (214) 466-1398

A licensed attorney answers 24/7. Do NOT discuss your case with anyone except your lawyer. Statements to police, cellmates, friends, or family can be used against you.

### Do This Now

1. Do not discuss the incident with store employees, loss prevention, or police beyond identifying yourself.
2. Write down everything about what happened while memory is fresh — what was said, by whom, in what order.
3. Preserve receipts, bank statements, and any evidence that you paid or had consent.
4. Request a copy of any written statement you signed (often coerced by loss prevention).
5. Identify witnesses who can confirm the facts.
6. Gather character references (employer, community, clergy) for possible pre-trial diversion applications.
7. Do not post, share, or discuss on social media.
8. Call L and L Law Group at (214) 466-1398 for a free consultation.

### Avoid These Common Mistakes

- Do NOT sign a "civil demand" letter from the retailer without attorney review.
- Do NOT return to the store location.
- Do NOT attempt to pay restitution before consulting an attorney.
- Do NOT apologize to the complainant or store — it can be used as admission of guilt.
- Do NOT bring others to any meetings with loss prevention or investigators.

### Key Texas Law You Should Know

#### Texas Penal Code § 31.03 — Theft

Graded by value: Class C (<\$100) to first-degree felony (\$300,000+). Prior theft convictions enhance grades.

#### Texas Penal Code § 30.02 — Burglary

Burglary of habitation = second-degree felony; of building = state jail felony. Intent at entry is the key element.

#### Texas Penal Code § 29.02 — Robbery

Theft with threat of harm = second-degree felony; aggravated robbery = first-degree felony.

#### Texas Penal Code § 32.31 — Credit Card Abuse

State jail felony for a single unauthorized use; enhancement for elderly victims.

**Texas Penal Code § 32.51 — Identity Theft**

Graded by number of identifying items; 5-10 items = third-degree felony.

**Possible Outcomes**

- Pre-trial diversion with class and restitution — case dismissed
- Motion to suppress (store surveillance chain of custody, illegal seizure)
- Reduction to lower-class misdemeanor
- Deferred adjudication followed by expunction eligibility
- Acquittal based on lack of intent
- Negotiated restitution + probation

**CRITICAL DEADLINES**

First court appearance: 2-6 weeks after arrest | Pre-trial diversion application: usually within 30-60 days of arraignment

**Questions to Bring to Your Consultation**

- Am I eligible for pre-trial diversion in Collin County?
- Can you get the surveillance video and check chain of custody?
- Will restitution help my case?
- What are the collateral consequences (background checks, licensing)?
- How can we challenge the valuation of the alleged property?
- Will this affect my immigration status?

**FREE CONSULTATION — AVAILABLE 24/7**

Call (214) 466-1398 or visit [friscocriminalattorneys.com/contact.html](https://friscocriminalattorneys.com/contact.html). A licensed attorney answers day or night. Flat-fee pricing with payment plans available.