

## Assault Charges in Texas

It does not take much for an altercation or argument to escalate and involve the police. Some people may believe that an assault charge consists of a violent fight between two individuals but this is not always the case. In Texas, assault can include an attempt to hurt someone physically. In some instances, prosecutors have decided that the slightest touch is enough to file assault charges. Additionally, the law does not require the alleged victim to sustain an actual injury.



There are several different types of assault charges including but not limited to:

- assault causing serious bodily injury
- assault on a public servant, sexual assault
- assault with a deadly weapon
- aggravated assault
- sexual assault
- assault family violence
- assault on a child or elderly

We could probably write a novel discussing the different types of assault charges and what they all mean and how each charge may come about. As a result, we thought it might be helpful just to provide a general overview of assault charges.

Assault charges can range from Class C misdemeanors (e.g. assault by contact) to a 1st degree felony; all cases will vary based on the facts and criminal history of each defendant. On the lower end of the spectrum (Class C misdemeanor), the punishment may result in implementation of fines, attendance of anger-management or marriage counseling classes, or deferred adjudication. Higher level misdemeanors could result in jail time or probation. Felony cases may result in probation or prison time. Depending on your criminal history and the actual charge, you may be eligible for special programs like the Pre-Trial Intervention Program in Williamson County that could result in a dismissal of your case.

### Assault Family Violence

We handle a large number of Assault Family Violence cases, both misdemeanors and felonies. These types of cases typically involve family members but may also include former spouses, domestic partners, roommates, and present/former boyfriends/girlfriends.

Frequently, assault family violence cases involve police officers responding to a call about a disturbance. The police will likely talk to both parties and make an arrest based on whose story they believe or what the evidence indicates. Unfortunately, sometimes, the person arrested is actually the victim and not the aggressor. Other times, a mere accusation of violence may be enough for a criminal case to be filed. Sometimes, penalties for assault family violence may be harsher than normal assault cases and may result in temporary or permanent loss of parental rights.

Unfortunately, having an assault family violence conviction on your record can be used to deny child custody and limit your visitation rights if you are undergoing a divorce or other child custody hearings.

### Affidavits of Non-Prosecution

Unlike in TV shows and movies, an assault case cannot be dropped in Texas simply because the victim requests that the charges be dropped. Instead, the right to drop the case belongs to the prosecutor and judge. However, not all hope is lost. Frequently, criminal defense attorneys help the victims in assault cases prepare Affidavits of Non-Prosecution,

which express the victims wish that the case be dismissed and may shed some light on the altercation or argument that led to the arrest and filing of charges. While these affidavits can't guarantee that a case is dismissed, they certainly help in persuading the prosecutor to dismiss the case or reduce the charges.

### **Protective Orders and Court Ordered Injunctions**

In some cases of assault, the prosecutor will request that a court impose temporary protective orders or an injunction to place restrictions on contact between the accused and the victim, or in the case of assault family violence on the other family members. Protective orders may vary, ranging from no contact with the alleged victim, which frequently results in the accused having to find another place to live until the case is resolved or the protective order lifted, or could result in a temporary loss of child custody. A violation of a Court Ordered Protective order is also a serious criminal matter and may result in additional criminal charges filed against the accused.

### **Aggravated Assault & Assault with a Deadly Weapon**

Aggravated assault consists of two different charges: aggravated assault causing serious bodily injury and assault with a deadly weapon, both of which are typically second degree felonies. An aggravated assault causing serious bodily injury occurs when during the course of an assault the victim was seriously injured. It is escalated from a mere slap to the face to a more severe resulting injury. Assault with deadly weapon occurs when the accused is alleged to have exhibited a deadly weapon during the commission of the assault. Deadly weapons can include but are not limited to: baseball bats, BB guns, bottles, clubs, drugs, firearms, knives, motor vehicles, nail guns, and even dustpans and hot water.

However, if you are accused of committing an aggravated assault against someone with whom you have a domestic relationship, or against a security guard, witness, police officer, or public official the charge may be elevated to a first degree felony. If you have any questions about what constitutes assault in Texas or have been charged with assault, feel free to [visit us on Facebook](#) and post a question, leave a comment or fill out a free case evaluation form with no obligation

### **List of Common Texas Assault Charges**

- Assault
- Sexual assault
- Aggravated assault
- Aggravated sexual assault
- Injury to a child, elderly individual, or disabled individual
- Abandoning or endangering child
- Deadly conduct
- Consent as defense to assaultive conduct
- Terroristic threat
- Aiding suicide
- Tampering with consumer product
- Leaving a child in a vehicle
- Harassment by persons in certain correctional facilities; harassment of public servant
- Applicability to certain conduct