

Greetings. My sincerest condolences for the predicament you seem to have been “lured” into. First, let me tell you what the prosecution must do to convict you:

The prosecutor must prove that you:

1. Solicited another person to engage in an act of prostitution, and
2. That you did so with the SPECIFIC INTENT of engaging in an act of prostitution.

You have a strong defense because you were in the location for a legitimate reason. Things to think about are:

-what time was it
-do you have a receipt from the parts store
-did the encounter with the undercover decoy occur BEFORE you were able to get to the parts store. In other words, did you ever get to the parts store? These are things the prosecution is going to look at. You need to be able to show that you had no specific intent of engaging in the act and that you had been set up.

Defenses:

1. A lawyer is going to see if the police have video or at least an audio recording of the conversation between you and the decoy. Believe it or not, many police do not have recordings so it is “he said/She said, etc.
2. Entrapment. Entrapment serves as an absolute legal defense in California. However, I must warn you ahead of time that is very difficult to prove. It’s not impossible, just difficult. The ultimate decision whether entrapment occurred is left up to the jury. Luckily, many jurors are fair and would probably have mercy on your case. I am almost certain that at least a few people on that jury will see that you are just a guy that was minding your own business, picking up some auto parts and you were LURED into this. You had a weak moment, we all do. The jury might see it this way.

The question you need to make is whether it is worth the hassle and expense of an attorney. Even public defender’s (if you qualify) can cost you money.

You have a lot going for you. First, you have no record. Second, you were legitimately conducting business and did not “set out” to find a prostitute; they found you.

My advice: a good lawyer is going to cost you about \$6500. Not to mention other fees. Plus, they might not even be able to make things better for you. It’s a gamble.

The expense of an attorney might be worse than anything the judge can throw at you. However, if you can afford one, get one. If you can’t, look into a public defender.

I do not recommend that you pursue this on your own. You have a right to an attorney and they can at the very least PLEA BARGAIN. For example, in some situations an attorney can work out a “deferred entry of judgment” program. With a deferred entry of

judgment a Defendant may plead guilty, perform certain obligations and then return to Court, withdraw the guilty plea and have the charge dismissed.

I hope I have helped a little bit. Contact me via email if you have some follow-up questions. Bottom line: you were setup, you have a strong case and whether you decide to represent yourself, get a public defender or hire a more expensive attorney, you are only looking at a misdemeanor and most likely will have to pay a fine and perform a few days of community service.

The only reason I urge people to get an attorney and plead not guilty is because the misdemeanor will be on your record.