

## **MR. CORLETTA SUCCESSFULLY RESOLVES MARITAL CRIMINAL CASE**

People who are married usually own personal property together. People who are married usually own houses together. People who are married incur debt together. Generally, it is not a crime to “steal” marital property, because it is presumed to be jointly owned. Nor is it a crime to enter a marital home against the wishes of another for the same reason. Similarly, it is not a crime to borrow money using a spouse’s name. It is frequently done for credit purposes.

In New York, any debt incurred during a marriage, irrespective of whose name it is in, is marital debt. Any property acquired during a marriage is marital property, unless gifted or inherited. Sorting these issues out is best left to the matrimonial courts.

Nonetheless, Mr. Corletta's client found themselves in hot water, because during the midst of a divorce, the client's spouse claimed the client borrowed money in the spouse’s name without their consent. As a result, of dubious decision making by police and prosecutorial authorities who ignored basic principles of matrimonial law, the client was charged with Felony Forgery and Felony Grand Larceny, thereby interjecting criminal court into what was essentially a marital dispute that should be settled in divorce court. Further, a criminal prosecution was unfairly used to obtain leverage in a civil matter.

Acting quickly, Mr. Corletta pointed out these principles to the Prosecutor and opposing counsel in the matrimonial case, both of whom stalled. Mr. Corletta made clear his client would not consider entering a plea to any crime as a result of this marital debt. The response from both the Prosecutor and opposing counsel was to continue to stall, as they expected a quick rollover.

Over 4 months passed until Mr. Corletta, daring the prosecution to present the case to the Grand Jury, received an email from the Prosecutor stating they were suddenly consenting to reduce the charge to the equivalent of a traffic ticket, thereby validating Mr. Corletta’s position, and leaving the matter where it belongs; in the matrimonial courts.

The only injustice was that the client had to pay the cost of Mr. Corletta’s fee to defend what essentially was a frivolous prosecution. The client however, was greatly relieved, as their job was threatened by this felony prosecution.