

Dan Horowitz represented Oksana Grigorieva in her custody and criminal battle with Mel Gibson.

The custody case ended with a recovery by Oksana worth over 12 million dollars and Mel Gibson pled no contest to battery charges in the criminal case. The attempt by the morally corrupt sheriffs department to arrest Oksana Grigorieva for extortion failed as we countered the charges and convinced an honest prosecutor to override the corrupt politically driven Los Angeles district attorney's office.

But fast forward fourteen years. Mel Gibson completed his probation years ago and his conviction was set aside. People ask, how could that happen.

Let's look at the law and Mel Gibson's record. California like many states has passed a clean slate law that allows a person to start fresh after successfully fulfilling the terms of their probation.

Mel Gibson completed 36 months of probation, paid fines and costs, had 52 weeks of counseling, and 16 hours of community service with Mending Kids International. He has had a perfectly clean record. He qualified for a "fresh slate".

The most basic California statute and the one used very often allows a defendant who has successfully completed probation for a misdemeanor conviction may have the conviction set aside and the charges dismissed. This is Penal Code section twelve oh three point four.

This is a standard clean your record law. In fact, courts and probation offices will actually provide a form that a person can fill out to have their record purged.

This statute allows the defendant to withdraw his plea of guilty or no contest plea which is what Mel Gibson entered. The defendant then changes his plea to not guilty. It undoes the plea and the case is dismissed.

However, it is important to note that this relief does not "expunge" the conviction in the sense of rendering it a legal nullity. The conviction remains a fact and can still have certain legal consequences, such as being used in subsequent prosecutions or affecting applications for public office or licenses.

People also ask whether President Trump can pardon Mel Gibson. He cannot because the conviction was not a federal conviction. Governor Newsom could pardon him and that would wipe the slate completely clean.

Meanwhile Oksana Grigorieva has continued releasing her songs including her tribute to her love for her wonderful daughter Lucy titled Lemonade.

The statute provides three scenarios under which a defendant may apply for relief: (1) if they have fulfilled the conditions of probation for the entire period, (2) if they have been discharged before the termination of the period of probation, or (3) in any case where the court, in its discretion and the interests of justice, determines that relief should be granted (People v. Allen, 41 Cal.App.5th 312 (2019)), (People v. McLernon, 174 Cal.App.4th 569 (2009))

Daniel Horowitz a certified criminal defense specialist, represented Oksana Grigorieva after she was battered by Mel Gibson. The sheriff's department favored the famous actor and attempted to skew the investigation to free Mel Gibson of responsibility and to press charges against the victim, Oksana Grigorieva. They failed. Here is what happened.