

Holidays in Spain that went out of control?

Spain is a beautiful country, bathed in sunshine and, by comparison to the UK, an affordable place to eat, drink, and enjoy your time off to the fullest. Unfortunately, taking a little too much advantage of the affordable entertainment can lead to unexpected, sometimes unfortunate events. If those events turn physical, it is often the case that both a troublemaker and innocent holiday makers can end up spending a night behind bars in a police cell.

When we're not partying, we often enjoy long strolls on crowded avenues and days dozing off on the beach. But sadly, foreigners are an easy target for pickpockets and thieves, to the point that the police in Ibiza have been forced to set up a Foreigners Care Service.

While the situations above will certainly ruin your holidays, it is important to bear in mind that their negative impact may go much further. If neglected or dealt with in an inappropriate manner, they can result in a criminal conviction, and even imprisonment.

Typical summer offenses and potential penalties

We have all heard about someone who has been caught drunk driving in Majorca (after, perhaps, a glass or two of Sangria); and everybody knows someone who once got involved in a fight outside a club in Benidorm and had to spend the night in a police station. The treatment the Spanish legal system gives to these episodes, however, is far from being in line with the summer-fun mood.

Article 379 of the Spanish Criminal Code establishes a sentence of up to 6 months imprisonment and a driving license suspension to up to 4 years for those caught while driving under the influence of drugs or alcohol. In turn, article 147 of the Spanish Criminal Code provides sentences of up to 3 years of imprisonment for the individual who willfully causes bodily harm to another one; whereas article 154 of the same Code orders a sentence to up to one year imprisonment to be imposed on those who take part in a fight or quarrel. Noteworthy as well, the Spanish Organic Law on Protection **of Public Safety establishes fines to up to €30,000 for the mere possession of drugs** – regardless of the use the individual intended to make of the substances.

Even for victims and bystanders the situation is not simple. It is worth noting that reporting crime is an obligation for victims or witnesses all the same. Under article 195 of the Spanish Criminal Code, victims and anyone who witnesses a crime have the duty to report it to the police authorities. Failure to do so may result in the imposition of fines and penalties.

How we can help

At Scornik Gerstein, we understand that the stakes in a criminal case are higher than in any other area of the law. Thus, it is vital to have a sound knowledge of the functioning of the legal system confronted and, most importantly, the ability to explain the client in plain English what they are facing. Whilst your clients will be provided with a publicly funded Spanish solicitor, it is likely that he or she is a young inexperienced Spanish abogado trying to gain some experience after having failed to access training in a Spanish firm of Spanish abogados. We believe that, in cases where the

freedom of a person is at stake, no effort should be spared to ensure that that person receives the best advice.

Scornik Gerstein LLP has been working for decades before the Spanish Courts, developing a sound relationship with court agents, magistrates and professionals, particularly in tourist areas such as the Balearic and Canary Islands, and all alongside the Spanish coast (Barcelona, Valencia, Alicante, **Marbella, Cádiz, Málaga** etc).

Our experts have a long-established experience on the defense of the interests of British citizens before the Spanish Courts. Our London office guarantees that your client will be assisted by a fully bilingual lawyer with an in-depth knowledge of the Spanish legal system. We offer integral assistance services in English, as well as translation and accompanying services before the courts in Spain.