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PokéCrimes Being Committed by Trainers in Virginia

With the recent app release of Pokémon GO in the United States, an increase in PokéCrimes or criminal charges directly stemming from playing the game, have started to surface against Trainers. Before racing out to the next Poké Stop to lay your lure module or take over a gym, be aware of some of the legal issues you may encounter while you try to *catch 'em all*.



Driving Under the Influence – having a beer before heading out on the hunt for the rare and elusive *Haunter* can make the game more enjoyable for some people. However, once you have a beer and decide to play Pokémon GO using your car, you turn an enjoyable evening into a potential DUI charge and conviction. Depending on your Blood Alcohol Content (BAC) and the number of past DUI convictions, if over the age of 21, you could be facing a mandatory minimum of 5 to 10 days in jail, in addition to several other serious consequences like losing your license, insurance increases and needing an ignition interlock if granted a restricted license. However, the Court is not going to believe Pokémon Trainer is your job or that you need to defend a gym across town, so you won't be *catching em all* under an approved condition of the restricted license!



General Reckless Driving – one of several traffic related charges a Trainer could encounter if caught playing Pokémon GO while driving could be general reckless driving. Regardless of if an accident occurs or not, you are deemed to be in care and control of a motor vehicle while trying to catch a 435 CP *Tentacruel* that keeps breaking free or while transferring a low CP *Tentacruel* to the Professor. Is catching a *Tentacruel* to evolve it into a *Tentacool* worth potential jail time, a 10 day to 6 month license suspension, fines and court costs, 6 demerit points against your driving record and a criminal record for a class I misdemeanor? Your insurance rates could also become *Gastly*!



Reckless Driving by Speed – a fellow Team Mystic sends you a text to get across town immediately as a Poké Stop with a lure module is attracting three Pokémon you don't have in your Pokédex. You try to get there so quickly that you drive 80 mph or 20+ miles over the speed limit. By the time the State Trooper is done running your plates and completing the paperwork, the 30 minute lure will have expired. Additionally, a conviction could mean up to 1 year in jail, a license suspension or revocation, fines and court costs, demerit points assessed by the DMV, dramatic insurance rate increases, a criminal record and you still won't have those three Pokémon in your Pokédex.



Speeding and Other Traffic Tickets – speeding, running red lights, or failing to signal to quickly get to an unclaimed gym is likely going to end in fines. Think about it: would you rather spend your money in the Poké Shop buying some PokéCoins to upgrade your storage, or give it to the Commonwealth to pay the speeding ticket and likely, the insurance company when your rates increase? When in doubt, be a *Slowpoke*!!



Hit and Run – why does the Pokémon GO screen force you to click the warning not to play Pokémon GO and drive before it will load? One of the most serious crimes that a Trainer could commit is to seriously injure someone with a vehicle and then take off to continue the search. Sadly, whether you leave on purpose or simply keep driving as you are unaware, committing a hit and run causing death or injury, which is a Class 5 felony, is going to start with a license revocation and end with 1 to 10 years in prison. Playing Pokémon for the foreseeable future could be *Farfetch'd*!



Assault and Battery – sometimes the battles over which team owns a gym can be a mix of intensity and frustration. While it's okay to use a *Machop* at the gym, it becomes a crime when you *Machoke* another player in real life. Whether you're on Team Mystic, Instinct or Valor, it is important to only get physical, Pokémon-to-Pokémon, or you could face 12 months in jail with no access to Pokémon GO, a maximum fine of \$2,500 and a criminal record for a class 1 misdemeanor. If 14,500 PokéCoins costs \$139.99, the maximum fine alone could buy you 258,947 PokéCoins from the Poké Shop! That's enough to buy 64,736 PokéBalls!!



Burglary – a *Saryu* shows up as nearby and you haven't caught one yet. Catching it now would complete your water collection and swimmer medal. You start hunting around and can see it inside your neighbor's kitchen. It's just sitting there, on the kitchen table, next to some red velvet cake, taunting you to capture it, but it's just outside your grasp. You notice your neighbor's kitchen window is ajar, so you push it all the way up and crawl inside to catch a *Saryu* and snag a piece of cake. Next thing you know, you caught the *Saryu*, but the police have caught you red (velvet) handed. That *Saryu* and cake could cost you 1 to 20 years if during the daytime or 5 to 20 years if done at night.



Destruction of Property / Vandalism – when you're on the hunt for *Pikachu* and it's just out of reach, there is no stopping you. That chain link fence could easily be cut and then you will be close enough to start the catch, before it disappears. While you might have caught a *Pikachu*, you could also catch a felony or misdemeanor charge. Under \$1000 is a misdemeanor charge facing up to 12 months in jail but over \$1000 is a Class 6 felony charge facing up to 5 years in jail.



Trespass – not every Poké Stop or gym is located on public property or within public access, like in a city park or the Whitehouse. As building owners of Poké Stops and gyms were not consulted before the sites were selected, some owners may not be overly happy to have strangers standing outside their building for 30+ minutes at all hours of the day (or night). As Pokémon GO warns, Trainers should always be aware of their surroundings and do not trespass. Do you really want to have to explain to a future employer that you were convicted of trespassing on private property, a Class 1 misdemeanor while playing Pokémon GO and spent up to 12 months in jail?



Disorderly Conduct – sometimes using 10 Poké Balls and a Razz Berry isn't enough to catch the Pokémon and it might make you *Krabby*. Keep in mind where you are and the time of day. If you start getting angry and yelling in a public place or late at night, you will likely increase the risk of catching a disorderly conduct charge instead of the *Charmander*. For this Class 1 misdemeanor, you'll be waiting up to 12 months while in jail before you can evolve it into a *Charmeleon*.



The Law Firm of Susan F. Fremit, P.C. understands that for some Trainers, *you gotta catch em all!* If you are charged with any type of PokéCrime in Caroline, Culpeper, Fredericksburg, Hanover, King George, Louisa, Richmond, Orange, Spotsylvania, or Stafford, Virginia, simply [contact Susan F. Fremit, P.C. now](#) or call (703) 666-9263 or (540) 322-2594 for a **free consultation** that could end up being a Super Potion for you!

This Guide does not constitute legal advice and is meant for information purposes only. Information provided is current as of August 2016 and is subject to legislative change at any time. The author of this Guide is not responsible for providing updates when legislative or game changes occur.

