

What Can You Do When Someone Commits Perjury?

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Anyone who has ever had to rely on the testimony of others, whether in a criminal, civil, or administrative proceeding, has probably felt the cold knife of panic and disgust slice through their gut as someone testified in a manner they considered untruthful. Of course, many people can have many different interpretations of the same event, including some that seem wildly different than your recollection, simply because they had a different perspective.

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But, what happens when someone says something that is undeniably a lie?

Perjury is a criminal act that occurs when a person lies or makes statements that are not truthful while under oath. For example, if a person is asked to testify in a criminal proceeding and they are under oath but do not tell the truth, they can be charged with perjury if it is discovered that they have lied. By committing perjury, people partake in the miscarriage of justice and corrupt the legal process. As a result, perjury is considered a very serious criminal offense, even though most people who lie under oath do not consider it to be very serious. When people commit perjury, they disrupt the legitimate discovery of truth. For this reason, people who are charged with perjury may face a variety of severe legal ramifications if they are convicted. Some of these legal consequences may include having to spend time in jail, probation, or paying fines to the court. It can also interfere with their ability to obtain employment or security clearance, as they will be convicted of a crime of dishonesty.

Unfortunately, the harsh reality is that perjury is very rarely charged against anyone who testifies unless the offense is egregious. The reason? It is exceptionally difficult to show that someone intentionally lied about something unless their lie is so far afield that it is plain that person is attempting to mislead the trier of fact.

For example, if two people witness a fight between John and Steve, one witness could say that John started the fight and threw the first punch while the other witness might say Steve started the fight and put his hands on John first. Even though the testimony is conflicting, neither witness has necessarily perjured themselves as the discrepancy may simply be a matter of perception, the deterioration of memory over time, or their own interpretation of when the fight actually began and why.

On the other hand, if John shot Steve and the event was caught on camera, but one of the witnesses testified that John was not even there and had spent the whole day with him, that is much more likely to result in a perjury charge (among others, like obstruction of justice). The reason is that the evidence shows irrefutably that the witness clearly knew he was lying when he made the statement.

Unfortunately, one of the most common places you might experience perjury is during family law proceedings. People routinely mischaracterize their income, events that might affect child support or alimony, the location and value of assets that should be distributed between the parties, etc. Of course, this is also one of the settings where perjury can often be the most difficult to prove and is rarely enforced because it is often difficult to prove. Nevertheless, if you can provide irrefutable evidence that someone has lied under oath, you may have the right to ask that the person be held in contempt for perjury and/or you or the judge might notify the local criminal prosecutor of the event.

In any event, whether you have been accused of perjury or you think someone else has committed perjury and you want to do something about it, your best bet is to contact a local attorney. Unfortunately, as noted, many kinds of perjury may not be actionable, but if it is in your case, you will want an attorney to help guide you through the subtleties of such a claim.

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