

Exemption From Public Inspection

Under the provisions of Florida Statute 918.149(3)(a) any information which reveals the home or employment telephone number, address, or personal assets of a person who has been the victim of a sexual battery, aggravated child abuse, aggravated stalking, harassment, aggravated battery, or domestic violence is exempt from public inspection and examination. You must make a written request for your information to be held confidential.

Stages of Criminal Justice System

1. **Arrest**— Suspect (s) taken to jail, fingerprinted and photographed. Some are immediately released or have to post a bond to guarantee they will show up in court.
2. **First Appearance**— Occurs within 24 hours of an arrest. Each Suspect kept in jail must appear before a Judge who establishes whether charges are reasonable. The Judge will also consider whether a bond should be set and if so how much. The Judge will also consider conditions of release and appoint a defense attorney if the suspect can't afford one.
3. **Filing of Formal Charges**— The State Attorney's Office will file formal charges after reviewing law enforcement reports within 21 days.
4. **Arraignment**— The accused is formally charged and enters a plea of guilty, not guilty, or no contest.
5. **Trial Preparations**— The prosecutor and defense attorney interview witnesses and exchange evidence. If the defendant gives up the right to a trial and pleads guilty or no contest, the prosecutor usually offers a reduced charge or drops additional counts. If the defendant refused to plead guilty or a deal can't be reached, the attorneys will interview more witnesses and prepare for trial.
6. **Plea**— Defendant pleads guilty or no contest without a trial. **OR CHARGES ARE DROPPED**— The State Attorney's Office may determine a case is not strong enough or witnesses aren't available. **OR TRIAL** Judge or jury decides guilt or innocence after hearing arguments.
7. **Sentencing**— If the defendant is found guilty, the Judge reviews sentencing guidelines and determines what type of sentence the defendant should receive.

What if I am a victim of domestic violence?

Domestic Violence is a crime. Florida Statute 741.28 defines domestic violence as any assault, aggravated assault, battery, aggravated battery, sexual assault/battery, stalking aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another, who is or was residing in the same single dwelling unit. Domestic violence includes physical, emotional, verbal, and sexual protection.

What is an Injunction?

An injunction is a court order signed by a Judge that orders the abuser to have no further contact with you. This includes your place of employment, residence, and telephone contact. An Injunction may also give you temporary sole use of your residence, temporary custody of your children, temporary child support and court ordered counseling for the abuser.

To obtain an injunction for Protection go to the Clerk of Circuit Court in the Lee County Courthouse. Once you have completed the forms a Judge will review them and either grant or deny your petition. If Granted, you will be given a Temporary Injunction and a court date to appear before the Judge. **YOU MUST ATTEND THIS HEARING OTHERWISE THE JUDGE WILL DISMISS YOUR INJUNCTION.** The Lee county Sheriff's Office will serve the abuser with the injunction. In order to verify service please call 477-1353.

What happens if the abuser violates the court order?

In the event that the abuser violates the order you should contact the Sheriff's Office for assistance. If an arrest cannot be made right away you may also file an Order to Show Cause Affidavit with the Clerk of the Circuit Court, in the Lee County Courthouse. The affidavit will be forwarded to the appropriate authority. Please contact the Victim Advocacy Unit at 533-100 if you have any further questions.

Your Case Information

Offense/Type of Complainant

Complaint number

Date of incident

Deputy's name ID Number

Contact number for follow up

This case:

- ___ is a felony and will be investigated by a District Investigator.
___ Is a felony and will be worked by a Major Crimes Investigator.
___ is a misdemeanor and requires you file a complaint with the Sheriff's Office for possible charges.
___ Involves a juvenile
___ an arrest has been made.

First appearances are held daily and are open to the public. Monday-Friday at the Lee County Courthouse, 1700 Monroe Street, Fort Myers, Florida.

As a victim of a crime in which an arrest is made, the Victim/Witness Advocate of the State Attorney's Office will inform you of the prosecution efforts. Contact can be made at 533-1000.

DEFENDANT/SUSPECT (S) NAME:

Victim Rights Pamphlet



Sheriff Mike Scott

14750 Six Mile Cypress Pkwy.
Ft. Myers, FL 33912

EMERGENCY 9-1-1
Non-Emergency 477-1000
Web-Site: www.sheriffleefl.org

“Proud To Serve”

Victims Have Rights

As the victim of a crime or the next of kin of a homicide victim you have rights. These guaranteed rights as outlined in Florida Statute 960 include:

THE RIGHT to be present, informed, and heard, when relevant at all crucial stages of the criminal and juvenile justice system as long as that right doesn't interfere with the rights of the accused.

THE RIGHT to be free from threats, intimidation, or harassment. It is against the law to cause a victim/witness to be placed in fear by force or threats, to make an assault on, or harm any victim/witness. If you are threatened or intimidated please contact the Sheriff's Office.

THE RIGHT to be notified when a defendant is arrested, escapes or is released from a correctional facility.

THE RIGHT to ask the court for restitution (payment for financial loss as a result of a crime) from the defendant and information from the court on enforcement of that order.

THE RIGHT to request assistance from Law Enforcement and the State Attorney's Office in notification to creditors and employers in regards to financial hardship or absences resulting from the crime.

THE RIGHT to a prompt, timely disposition of your case, provided this right does not interfere with the rights of the accused.

THE RIGHT to be notified of scheduling changes in your criminal or juvenile justice system appearances by the scheduling agency or person.

THE RIGHT to be consulted by the State Attorney's Office in certain felony cases in order to obtain you or your family's views about the disposition of any criminal or juvenile case.

THE RIGHT to have a Victim Advocate accompany you to a deposition. Victims who are not incarcerated shall not be required to attend discovery depositions in any correctional facility.

THE RIGHT to review certain portions of a pre-sentence investigation report for an adult and/or youthful offender prior to the sentencing of the accused.

THE RIGHT to request that a person who is charged with any offense that involved the transmission of body fluids from one person to another, undergo hepatitis and HIV testing.

THE RIGHT to submit an oral or written victim impact statement to a court.

THE RIGHT to a prompt return of property unless there is a compelling law enforcement need to retain the property.

THE RIGHT of the victim and the State Attorney's Office to standing to assert the rights of the victim, with the consent of the victim.

THE RIGHT to request and know at the earliest convenience, if the person charged with an offense has tested positive for the human immunodeficiency virus (HIV) infection.

THE RIGHT in certain circumstances to request that the offender be required to attend a different school than the victim or siblings.

A victim of a sexual offense has the right to have the courtroom cleared, with certain exception, during his or her testimony, regardless of their age or mental capacity.

Presence of victim advocates during forensic medical examination—At the request of the victim or the victim's parents, guardian, or lawful representative, a victim advocate from a certified rape crisis center shall be permitted to attend any forensic medical examination.

Use of a polygraph examination or other truth-telling device with victim—No law enforcement officer, prosecuting attorney or other government official shall ask or require an adult, youth, or child victim of an alleged sexual battery as defined in chapter 794 or other sexual offense to submit to a polygraph examination or other truth-telling device as a condition of proceeding with the investigation of such an offense. The refusal of a victim to submit to such an examination shall not prevent the investigation, charging, or prosecution of the offense.

A victim of domestic violence has the right to be informed of the Address Confidentiality Program administered by the Office of the Attorney General. Please contact (850) 414-3500 or 1-800-226-6667 for further information.

Incarcerated victims have the right to be informed and submit written statements at all crucial stages of the criminal and juvenile justice systems.

The victim or the next of kin of a homicide victim are obligated by Florida Statute 960 to not release any

information in a case involving a juvenile. The exception to this is if it is necessary in the pursuit of legal remedies.

The victim, next of kin of the victim, or a relative of a minor victim must receive advance notification of judicial and post judicial proceedings relating to the case including the arrest, release, work release, or release to community control of the accused; and proceedings in the prosecution of the accused.

The victim or next of kin of a victim can not be excluded from any portion of a hearing, trial or proceeding based solely on the fact that such person is subpoenaed to testify, unless the court determines their presence is prejudicial.

Victim Assistance Information

For many persons being a victim or witness to a crime is their first experience with the criminal justice system. A Victim Advocate is available 24 hours a day to assist victims with the emotional, physical, and financial trauma often resulting from a crime. You may contact a Victim Advocate the next day for information and support if immediate assistance is not needed. A Victim Advocate can provide further information on your rights as well as assistance, including but not limited to:

Crisis Intervention Counseling * Emotional Support Information & Referral * Emotional Support * Coordination with Police Officers * Court Accompaniment * Follow up Counseling * Assistance with Property Return * Assistance with Crimes Compensation * Information on Your Role in the Justice System * Assistance in Filing an Injunction for Protection * Locating Transportation and Accessible Parking * Attempt to Locate Translators as Needed.

Could I be eligible for Victim Compensation?

In some cases, the victims or relatives of a deceased victim may be eligible for financial compensation from the State of Florida. Those determined eligible by the Office of the Attorney General may receive assistance with medical/dental expenses, burial expenses, lost wages, relocation money for domestic violence victims, and mental health counseling. For further information, please call the Office of the Attorney General at (850) 414-3300 or 1-800-226-6667.

What happens if my case involves a juvenile?

A juvenile arrested and charged with a misdemeanor or non-violent felony, may be released immediately into the custody of the parent (s) or legal guardian. Juveniles charged with more serious crimes may go to a pre-detention hearing within 24 hours to set the conditions of release. You have a right to appear at these hearings. You may contact their Lee County Juvenile Detention Center at 332-6927 regarding the hearing. For further information about the stages of the juvenile justice proceedings, please contact the law enforcement agency or the State Attorney's Office handling your case.

What happens if an arrest is made?

The defendant (s) may be allowed to post bond and be released immediately. In these instances, you will be notified of a later hearing or conference. In other cases, the defendant (s) may have to appear before a Judge within 24 hours. At this initial hearing, the Judge will decide the conditions of release or the amount of bond, if any.

If the defendant enters an immediate plea of "guilty" at the jail arraignment (misdemeanor offense), the case will end there. You have a right to appear at these hearings. If you wish to be present, you may contact the jail at 477-1500 to learn if the defendant has been released or if a bond hearing or jail arraignment has been scheduled.

DIRECTORY OF SERVICES

Emergencies	911
Lee County Sheriff's Office	477-1000
Victim Advocacy Unit	477-1050
Juvenile Unit	477-1168
Homicide/Assault Unit	477-1050
Crimes Against Property	477-1000
Crime Prevention Unit	477-1400
Will provide a free security survey of your home.	
Crimes Compensation	1-800-226-6667
Phoenix Center/Rape Crisis	334-3379
National Domestic Violence Hotline	1-800-422-4453
Act Shelter	939-3112
State Attorney's Office	533-1000
Florida Abuse Registry	1-800-96-ABUSE
Domestic Violence Unit	533-1000