



VICTIM'S RIGHTS

Prepared by Office of
BERNIE McCABE
STATE ATTORNEY
Sixth Judicial Circuit
State of Florida

Message from the State Attorney



Trial by jury before an impartial judge is perhaps the greatest protection against tyranny in our democratic society. A jury composed of citizens from our community, impaneled to hear evidence, and sworn to return a verdict which speaks the truth, relies upon the testimony of witnesses in its search for truth.

As a victim or a witness, you perform a vital role in aiding the jury to understand those facts of which you have knowledge. Your several appearances in court will undoubtedly be a hardship, but without your help the system could not function. My entire staff will help you in any way possible and we thank you for your cooperation.

BERNIE McCABE
STATE ATTORNEY
Sixth Judicial Circuit
Pasco and Pinellas Counties

We realize that for many persons, being a victim or witness to a crime is their first experience with the criminal and juvenile justice systems. As a victim or witness, you have certain rights within the system. This brochure is being provided to you to assist you with questions you may have regarding those rights. For further information regarding these rights please contact the State Attorney's Office (SAO) and/or the appropriate law enforcement agency (LEA) handling your case.

OFFICER _____

Law Enforcement Agency
(LEA) _____

CASE # _____

DEFENDANT'S
NAME _____

STATE ATTORNEY OFFICE NUMBERS

Pinellas 727/464-6221

New Port Richey 727/847-8158

Dade City 352/521-4333

CRIMINAL JUSTICE PROCESS

The stages of the criminal justice system are as follows:

CRIME COMMITTED- After a crime is reported to law enforcement an investigation will be conducted. If law enforcement is able to collect enough evidence, they may make an arrest.

ARREST- Suspect(s) taken to jail, fingerprinted and photographed. Some are immediately released or have to post a bond to ensure they will show up in court.
(or)

INTAKE – Victim reports a crime to a local law enforcement agency. If probable cause is found, the State Attorney's Office may choose to file charges and summons the suspect into court.

ADVISORY - 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 cannot afford one.

FILING OF FORMAL CHARGES - The State Attorney's Office may file formal charges after reviewing law enforcement arrest reports.

ARRAIGNMENT- The accused is formally charged and enters a plea of guilty, not guilty, or no contest.

TRIAL PREPARATIONS- The prosecutor and defense attorney interview witnesses and exchange evidence in preparation for trial.

TRIAL – The prosecutor presents evidence to either the judge or a jury about the case. The defendant may be found guilty or not guilty. The process ends if the defendant is found not guilty.

PLEA- Defendant pleads guilty or no contest without a trial.

SENTENCING- If the defendant is found guilty, the Judge reviews sentencing guidelines, plea agreements, etc., and determines what type of sentence the defendant should receive.

JUVENILE JUSTICE PROCESS

INTAKE The process of determining where a child under the age of 18 will be placed until the case is resolved. There are three forms of detention status: home, non-secure or secure.

DIVERSION PROGRAMS An alternative to trial where the juvenile is placed in a community based program such as juvenile arbitration, juvenile alternative services program (JASP), or a treatment plan (Walker plan). If a juvenile successfully completes the diversion program, then the charges are generally dismissed.

FORMAL CHARGES The filing of a petition in court by the State Attorney's Office. The charge may be filed in either juvenile court or adult court, depending upon the crime and age of the offender.

ARRAIGNMENT The accused is formally charged and enters a plea of guilty, not guilty, or no contest.

ADJUDICATORY HEARING The trial of the juvenile, conducted in front of a judge. The judge will decide whether the juvenile committed the charged offense(s).

DISPOSITIONAL HEARING (SENTENCING) When a juvenile is found to have committed a delinquent act the court will hold a dispositional hearing to determine which sanctions to impose on the juvenile. The sanctions could range from community-based sanctions like probation and community services up to residential commitment.

JUVENILES TRIED AS ADULTS Juveniles who commit very serious crimes may be tried as adults. Juveniles who are prosecuted as adults may be sentenced to adult or juvenile sanctions.

You may contact the State Attorney or law enforcement agency for more information regarding the stages of the criminal and juvenile justice process.

YOUR RIGHTS IN THE CRIMINAL AND JUVENILE JUSTICE SYSTEMS

If you are a victim of a crime or a witness because you have seen, heard, or know something about a crime that has been committed, you are important to the case. Your testimony may be necessary to establish the facts. Understandably, you might feel anxious about testifying in court. However, without your testimony the defendant might go unpunished.

VICTIM – A person against whom a crime was committed. Some victims suffer physical injury or property damage, and some have psychological injury or both. Victims have certain rights in Florida. Others who can claim these rights are the victim's parent or guardian if the victim is a minor, the lawful representative of the victim or of the victim's parent or guardian if the victim is a minor, and the next of kin of a homicide victim. As a victim of a crime, you have the following rights:

1. Either you or the State Attorney's Office with your consent, have standing to assert any legal rights of a crime victim as provided by law or The Florida Constitution.
2. In some cases, victims (or their relatives where the victim is deceased) may be eligible for financial compensation from the State of Florida. Information regarding eligibility may be obtained from the State Attorney's Office, the Victim Witness Management Office, law enforcement agency or from the Bureau of Crimes Compensation, Office of the Attorney General 1-800-226-6667.
3. The right to receive information on available crisis intervention services and local community services to include counseling, shelter, legal assistance, or other types of help, depending on the particular circumstances. Telephone numbers of these services are provided at the end of this brochure.
4. The right to receive information regarding the role of the victim in the criminal or juvenile process, including what the victim may expect from the system as well as what the system may expect from the victim.
5. The right to receive information regarding the stages of the criminal or juvenile justice process and the manner in which information about such stages may be obtained. **Note: You cannot be notified if we cannot locate you. It is your responsibility to keep the State Attorney's Office informed of any changes in your address or telephone number.**
6. The right to be informed, present, and heard when relevant, at all crucial stages of a criminal or juvenile proceeding, to the extent the right does not interfere with the constitutional rights of the accused.

7. The right, if you are incarcerated, to be informed and submit written statements at all crucial stages of the criminal and juvenile proceedings.
8. The right to a prompt and timely disposition of the case as long as it does not interfere with the constitutional rights of the accused.
9. The right to be notified of the arrest and release of the offender, including release to community control and/or work release. When an arrest is made in a reported case, the victim, witnesses, relatives of minor victims and witnesses and relatives of homicide victims, where those persons have provided current addresses and telephone numbers to the Sheriff/Police/SA shall be notified.
10. The right to receive information on the steps available to law enforcement and the State Attorney's Office to protect you from intimidation and/or harassment. It is a third degree felony to knowingly use intimidation or physical force, or threaten another person, or attempt to do so, or engage in misleading conduct toward another person, or offer pecuniary benefit or gain to another person. If you are being threatened or intimidated, please contact the appropriate agency or any law enforcement officer.
11. The right of the victim of domestic violence to be informed of the address confidentiality program administered through the Attorney General's Office. You may contact the Attorney General's Office at 1-800-266-6667. The State Attorney's Office may assist with this paper work if necessary.
12. The right of each victim or witness who has been scheduled to attend a criminal or juvenile justice proceeding to be notified as soon as possible by the agency or person scheduling his/her appearance of any change in scheduling which will affect the victim's appearance.
13. The right to receive advance notification of judicial and post judicial proceedings relating to the case, including all proceedings or hearings relating to
 - The arrest of the accused.
 - The release of the accused pending judicial proceedings, any modification of release condition to include release to community control or work release.
 - Proceedings in the prosecution or petition for delinquency of the accused, including the filing of the accusatory instrument, the arraignment, disposition of the accusatory instrument, trial or adjudicatory hearing, sentencing or disposition hearing, appellate review, subsequent modification of sentence, collateral attack of a judgment, and when a term of imprisonment, detention, or involuntary commitment is imposed, the release of the defendant or juvenile offender from such imprisonment, detention or juvenile offender from

such imprisonment, detention or commitment by expiration of sentence or parole and any meeting held to consider such release.

14. The right to not be excluded from any portion of any hearing, trial or proceeding pertaining to the offense based solely upon the fact that such person is subpoenaed to testify, unless the court determines otherwise.
15. In addition to the provisions of s. 921.143, F.S., the rights of the victim of a felony involving physical or emotional injury or trauma, or in a case in which the victim is a minor child or in a homicide, the guardian or family of the victim shall be consulted by the State Attorney in order to obtain the views of the victim or family about the disposition of any criminal or juvenile case brought about as a result of such crime, including their views about:
 - The release of the accused pending judicial proceedings.
 - Plea Agreements.
 - Participation in pretrial diversion programs.
 - Sentencing of the accused.
16. The right to review certain portions of a pre-sentence investigation report for adult and youthful offenders prior to the sentencing of the accused.
17. The right to a prompt return of property unless there is a compelling law enforcement need to retain it.
18. The right to request that the State Attorney or law enforcement agency help you explain to employers and creditors that you may face additional burdens by taking time off from work to assist law enforcement and you may undergo serious financial strain either because of the crime or by cooperating with authorities.
19. Law Enforcement agencies and the State Attorney shall inform you of your right to request and receive restitution and of your rights of enforcement in the event an offender does not pay. The State Attorney shall seek the your assistance in the documentation of your losses for the purpose of requesting and receiving restitution.

If an order of restitution is converted to a civil lien or civil judgment against the defendant, the clerks shall make available at their office, as well as on their website, information provided by the Secretary of State, the court, or The Florida Bar on enforcing the civil lien or judgment.

The State Attorney shall inform you if and when restitution is ordered.

20. The right to submit an oral or written impact statement to the court, pursuant to s. 921.143 F.S., prior to sentencing of the offender. The State Attorney or any assistant state attorney shall advise all victims or, when appropriate, the

victim's parent, guardian, next of kin, or lawful representative that statements, whether oral or written, shall relate to the facts of the case and the extent of any harm, including social, psychological, or physical harm, financial losses, loss of earnings directly or indirectly resulting from the crime for which the defendant is being sentenced, and any matter relevant to an appropriate disposition and sentence.

21. The right to receive reasonable consideration and assistance from employees of the State Attorney's Office, Sheriff's Office, or Police Department. When requested, you will be assisted in locating accessible transportation and parking, and shall be directed to separate pretrial waiting areas when such facilities are available. When requested, you shall receive assistance in attempting to locate translators when practicable.
22. The right to be notified when the offender escapes from custody. The State Attorney shall make every effort to advise the victim, material witness, parents or legal guardian of a minor who is a victim or witness, or immediate relative of a homicide victim of the escape of a criminal defendant. The State Attorney shall also notify the Sheriff of the county where the criminal charge or petition for delinquency arose. The Sheriff shall offer assistance upon request.
23. The right of the victim to request that a victim advocate be permitted to attend and be present during any deposition. The victim advocate may be designated by State Attorney's Office, Sheriff's Office, or Municipal Police Department, or one representative from a not-for-profit victim services organization, including, but not limited to, rape crisis centers, domestic violence advocacy groups, and alcohol abuse or substance abuse groups.
24. The right of the victim of a sexual offense to have the courtroom cleared, with certain exceptions during his or her testimony, regardless of the victim's age or mental capacity.
25. The right to request, in certain circumstances that the offender be required to attend a different school than the victim or siblings of the victim. If the victim of an offense committed by a juvenile is a minor, and the victim or any sibling of the victim attends or is eligible to attend the same school as that of the offender, the Department of Juvenile Justice or the Department of Corrections shall notify the victim's parent or legal guardian of the right to attend the sentencing or disposition of the offender and request that the offender be required to attend a different school.
26. The right of the victim who is not incarcerated to not be required to attend discovery depositions in any correctional facility.
27. The statutory obligation of the victim, or next of kin of a homicide victim, that any information gained pursuant to FS Chapter 960, regarding any case

handled in juvenile court, must not be revealed to any outside party, except as reasonably necessary in pursuit of legal remedies.

28. The right to know in certain cases and at the earliest possible opportunity, if the person charged with an offense has tested positive for human immunodeficiency virus (HIV) infection. In such cases, upon request of the victim or the victim's legal guardian, or the parent or legal guardian of the victim if the victim is a minor, the court shall order such person to undergo HIV testing. In some cases, you can be notified of the results of the test within two weeks of the court's receipt of the results.
29. The right to request, for specific crimes, that your home and work telephone numbers, home and work addresses, and personal assets not be disclosed to anyone.
30. The right of a victim of a sexual offense to request the presence of a victim advocated during the forensic medical examination. An advocate from a certified rape crisis center shall be permitted to attend any forensic medical examination.
31. No law enforcement officer, prosecuting attorney or government official shall ask or require a victim of a sexual offense to submit to a polygraph examination or other truth-telling device as a condition of the investigation.

***EXPLANATION OF CASE LOCATION**

The Sixth Judicial Circuit is comprised of Pinellas and Pasco Counties.

PINELLAS COUNTY: Although you may attend an investigation at a law enforcement agency, your case will probably be heard at the Criminal Justice Center.

Pinellas County State Attorney's Office
14250 49th Street North
Criminal Justice Center – Clearwater (727) 464-6221

PASCO COUNTY: Pasco County is organized into two areas, East Pasco and West Pasco. There is no easily identifiable geographic separation line within the county, so the easiest way to determine if your case is an East or West Pasco case is by identifying the law enforcement agency involved.

EAST PASCO CASES

- *Dade City Police Department
- *Zephyrhills Police Department
- *Sheriff's Office-East Pasco Patrol Div

WEST PASCO CASES

- *New Port Richey Police Department
- *Port Richey Police Department
- *Sheriff's Office-West Pasco Patrol Div

If your case is being handled by an East Pasco law enforcement agency, then it will probably be heard in the Pasco County Courthouse located in Dade City. If your case is being handled by a West Pasco law enforcement agency, then it will probably be heard in the Pasco Government Center in New Port Richey.

Pasco Office locations:

East Pasco -

Dade City State Attorney
38053 Live Oak Avenue
Dade City (352) 521-4333

West Pasco -

New Port Richey State Attorney
7530 Little Road
New Port Richey (727) 847-8158

Mailing Address for all Offices

Office of the State Attorney
Post Office Box 5028
Clearwater, FL 33758-5028

MORE INFORMATION FOR YOU, THE VICTIM OR WITNESS

BOND HEARINGS

Some defendants will post bond immediately after arrest and will be released. The holding facility is required to notify you of the defendant's release for certain felony crimes. If you wish to determine if the defendant has been or may be released from custody, you may contact one of the numbers below for custody information:

Pinellas County.....727/464-6369

Pasco County.....727/847-5878 ext. 6070

RETURN OF PROPERTY

Upon your request, the police will attempt to return your property to you promptly and substitute photographs in its place unless there is a compelling reason for retaining it until after the trial process is over. Questions may be directed as follows:

Pinellas County 727/464-6090

East Pasco County 352/521-4333

West Pasco County 727/847-8158

DRESS REQUIREMENTS

Subpoenas and notifications will remind you that you are required to dress appropriately for the courtroom. Although we live in a casual atmosphere here in Florida, proper attire is required in Court. For example, tank tops or shorts would be inappropriate. Courtrooms are usually quite cool, so you may want to bring a light jacket or sweater. If you have any questions about what to wear, please feel free to call the Victim/Witness Management Team at 727/464-6090.

TDD

The State Attorney's Office has a TDD in order to communicate with the hearing impaired. The telephone number is 727/464-7328 and is answered weekdays between the hours of 8:00 a.m. and 5:00 p.m. Should a hearing impaired person need to contact this office after hours, they may use a relay service to communicate with our office through our twenty-four hour number (727/464-6221).

GLOSSARY OF TERMS

ARRAIGNMENT .. The initial court appearance of the offender, held for the purpose of having him or her enter a plea to the charge.

ASSISTANT STATE ATTORNEY.. An attorney empowered to prosecute criminal cases on behalf of the State.

BOND.. Bond is generally required to assure a defendant's appearance in Court. The amount will vary depending upon the seriousness of the charge and the offender's past criminal record, if any.

BAILIFF.. A duly appointed officer of the Court.

CERTIFICATION.. The process of determining that a juvenile defendant should be transferred to the Adult Division for prosecution.

CHANGE OF PLEA.. The act of changing one's plea of not guilty to guilty or no contest.

CONTINUANCE.. The act of postponing a scheduled court date.

VICTIM COMPENSATION.. A state funded program designed to reimburse qualified victims for medical expenses and/or loss of wage.

DEFENDANT.. The person who has been charged with committing a crime.

FELONY.. A crime that is punishable in excess of one year imprisonment.

GUILTY.. Admitting responsibility for the criminal act.

JUDGE.. A duly elected official presiding over court cases and determining sentence.

JURY.. A group of citizens selected to determine guilt or innocence of defendant in a court proceeding.

MISDEMEANOR.. An offense punishable by a year or less in jail.

NOLO CONTENDERE.. A defendant's formal answer in Court to the charge in which the defendant does not contest the charges; the nolo contendere plea is not an admission of guilt, but carries the same legal consequences as a guilty plea.

NOT GUILTY PLEA.. A denial of responsibility for the criminal charge.

PROBATION.. A specified period of supervision by a probation officer

PUBLIC DEFENDER.. A Court appointed attorney assigned to represent a defendant who cannot afford private counsel.

RESTITUTION.. A sentence imposed by the Court requiring the defendant to pay for the victim's monetary loss due to the crime.

SENTENCING.. The judgment of a Court concerning the defendant's punishment.

TESTIMONY.. Statements made in Court by witnesses who are under oath.

REFERRAL NUMBERS for PINELLAS COUNTY CASES

Helpline (Information & Referral).....	211
.....	TDD 727/518-3377
Abuse Registry (Elderly & Children).....	800/962-2873
Attorney General	800/226-6667
Domestic Violence Division (State Attorney).....	727/464-6013
Guardian Ad Litem Program (Children).....	727/464-6528
Law Enforcement Victim Assistants/Advocates:	
Clearwater Police Department.....	727/562-4350
Largo Police Department.....	727/587-6770
Pinellas County Sheriff's Office	727/582-6259
Pinellas Park Police Department.....	727/541-0766
St. Petersburg Police Department.....	727/893-7780 or 551-3318
State Attorney Victim Advocate	727/464-6090
Mental Health:	
Directions for Mental Health (North Pinellas)	727/524-4464
Suncoast Center (South Pinellas)	727/327-7656
Office of the State Attorney (Main Office).....	727/464-6221
Office of the State Attorney Victim Witness	727/464-6090
TDD Line	727/464-7328
Prisoner Release (Probation & Parole Tallahassee).....	850/488-9166
Toll Free Number.....	877/884-2846
Florida Statewide Toll-Free Automated VINE Service	1 877/VINE 4 FL
SAFE (Rape Crisis)	727/535-9811
Spouse Abuse Shelters:	
North Pinellas County	727/442-4128
South Pinellas County	727/898-3671
Nights & Weekends	727/442-4128
Florida Domestic Violence Hotline.....	800/500-1119
Victim Compensation Bureau	850/414-3300or 800/226-6667
Victim/Witness Management	727/464-6090

REFERRAL NUMBERS FOR EAST PASCO

Helpline (INFORMATION & REFERRAL)	United Way	877/828-8929
TDD		727/518-3377
Abuse Registry (Elderly & Children)		800/962-2873
Attorney General		800/226-6667
Domestic Violence Division (State Attorney-Clearwater)		727/464-6013
Domestic Violence Shelter – Sunrise		352/521-3120
Florida Domestic Violence Hotline.....		800/500-1119
Law Enforcement Victim Assistants/Advocates:		
Dade City Police Department		352/567-5194
Land O'Lakes Sheriff's Sub Station.....		813/949-3502
Pasco County Sheriff's Office		352/521-5131
Also		800/854-2862
Zephyrhills Police Department.....		813/780-0050
Prisoner Release (Probation & Parole Tallahassee).....		877/884-2846
Florida Department of Corrections VINE Program	1 877/VINE 4 FL	
SAVE (Rape Crisis)		727/834-3236
State Attorney (Dade City).....		352/521-4333
TDD		727/464-7328
Victim Compensation Bureau	800/226-6667 or	850/414-3300

REFERRAL NUMBERS FOR WEST PASCO

Helpline (INFORMATION & REFERRAL)	United Way	727/845-4357
TDD		727/518-3377
Abuse Registry (Elderly & Children)		800/962-2873
Attorney General.....		800/226-6667
Domestic Violence Division (State Attorney-Clearwater)		727/464-6013
Domestic Violence Shelter – Salvation Army		727/856-5797
Florida Domestic Violence Hotline.....		800/500-1119
Law Enforcement Victim Assistants/Advocates:		
Pasco County Sheriff's Office		727/847-5878
New Port Richey Police Department		727/841-4550
Prisoner Release (Probation & Parole Tallahassee).....		877/884-2846
Florida Department of Corrections VINE Program	1 877/VINE 4 FL	
SAVE (Rape Crisis)		727/834-3236
State Attorney (New Port Richey).....		727/847-8158
TDD		727/464-7328
Victim Compensation Bureau	800/226-6667 or	850/414-3300

