



Committed to Justice and Safety

A Guide for
Victims & Witnesses



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Dear Citizen:

The criminal justice process is dependent on citizen involvement for it to work. The system would fail without each and every one of you taking an interest in your community. From reporting to prosecuting, the participation of victims of crime or witnesses to one is critical to the functioning of our system of justice.

This brochure will help you understand how the justice system works, what your involvement would be and what services are available to assist you. It will attempt to answer questions that you may have and explain the procedures that will be followed in your case. Keep this brochure handy and refer to it.

During your involvement, you will be working with an Assistant State Attorney (prosecutor) and a Victim Witness Counselor or Trial Coordinator. They will keep you advised as the case progresses and you may contact them at any time if you have any questions.

Nothing takes the place of personalized and individual contact by a person who may be able to help you. In Miami-Dade County, I am pleased to tell you about a service called VAN, Victim Access Network. VAN is a service available to you to help supplement that personal touch, giving you up-to-date information about your case 24 hours a day, 7 days a week. I hope that you find this service helpful.

I am committed to developing a Miami-Dade County environment free of fear and violence where all of you and your children can flourish. But if you are touched by crime, I will insure that your pleas and concerns do not go unheeded. The personal, emotional, and financial wounds inflicted upon you must receive the necessary care and attention.

Sincerely,



KATHERINE FERNANDEZ RUNDLE

State Attorney

What is the VICTIM ACCESS NETWORK (VAN)?

The VAN system will

- Send you postcards about your case;
- In some cases, call you with a computerized phone message;
- Provide advance notice of scheduling changes, dates and events, such as case filing decisions, hearings, reports, and the trial date. You will receive a subpoena if you need to attend any of these events;
- Give information on the offender's release, eligibility for furlough, work release or release to community control or escape while in local jail custody prior to trial or after the completion of sentence;
- Provide information on the criminal and juvenile justice process, your rights as a victim of crime and general services in the community.

CALL VAN 24 hours a day
7 days a week
(305) 273-HELP or 1-800 388-2808

Why am I here?

You are here because you are a victim of a crime or a witness—because you have seen, heard, or know something about a crime.

- Your involvement is important;
- Please keep our office informed of your present address, telephone numbers and any plans you have for leaving the area.
- Your case may involve a felony, which is a more serious crime or a lesser offense called a misdemeanor, traffic offense or an ordinance violation. When the crime committed is a felony, the letter preceding your criminal court case number is an "F". All hearings, motions and trials for these cases will be held in the Circuit Court Division at the Richard E. Gerstein Justice Building at 1351 NW 12 Street.
- If your case involves a misdemeanor, the letter preceding your case

number will be an "M" and if traffic, a "T". These cases are handled in the County Court and Traffic Divisions. Some of these cases may be scheduled at the building listed above or at the various branches.

- All misdemeanor cases involving domestic violence are heard at Courthouse Center, 175 NW 1st Avenue. However, these rules do not apply if a juvenile committed the crime. If a juvenile committed the offense and it is determined that it will remain in the Circuit Court Juvenile Division, your case number will always begin with a "J". This division is located at 3302 NW 27th Avenue. It is important to understand that all matters concerning a juvenile offender are confidential. Because of the seriousness of some juvenile cases, they may be handled in the "adult" Circuit Court Division. You will be advised of any such changes.

What is a Crime Victim?

A crime victim is a person who was directly harmed by a criminal act or is the victim's parents or guardian if the victim is a minor, or the victim's next-of-kin in the case of a homicide, the lawful representative of the victim or of the victim's parent or guardian if the victim is a minor, or the family if the victim is deceased.

Why do I have rights?

Our Florida Constitution and Florida Statute 960.001 guarantees those rights.

What are my rights?

To be informed, present, and heard when relevant, at all crucial stages of criminal or juvenile proceedings:

- You cannot be excluded from a court event based on witness status alone;
- You have a right of standing in the criminal/juvenile justice process and with your consent, the Assistant State Attorney (prosecutor) can assert these rights on your behalf.

You will be notified of...

- Offender's arrest, release, escape and/or approval for community control, work release, and furlough;
- Scheduling changes, advance notice of all court proceedings and, if time permits, the results of court proceedings;
- The opportunity to submit an oral or written impact statement at the time of sentencing, and if you are an incarcerated victim, that you can submit written statements at all crucial stages of criminal, juvenile, or parole proceedings;
- The opportunity to review the presentence investigation report on adult and youthful offenders, prior to the sentencing of the offender.

You have the right to...

- Information on the address confidentiality program through the Attorney General's Office if you are a victim of domestic violence. You may call the Attorney General's Office at 1-800-266-6667.
- Request HIV testing of the accused in certain sex offenses, and receive information on the results of the testing within two weeks of the court's receipt of such results.
- If you are a victim of a sexual offense, request the courtroom be cleared in certain instances during your testimony;
- Request to have a victim advocate present during depositions, and the right to be excused from depositions held at any correctional facility;
- If you are a minor victim and/or their siblings who attend school with the offender, you or your parent or legal guardian may request at sentencing or disposition hearing that the defendant be required to change schools;
- If you are a victim of sexual battery, aggravated child abuse, aggravated stalking, aggravated battery, harassment or domestic violence, you may request in writing that your identifying

information be kept confidential.

However, this request will only impact the records kept by the State Attorney's Office and not affect other court documents or files.

Other things that MATTER!

- You can ask us to contact your employers to get time off and/or to explain to creditors of the serious financial strain resulting from victimization;
- If you are a victim of a felony where you suffered an injury or emotional trauma, or you are a parent of a minor child victim, or a family member of a person who has been killed, your Assistant State Attorney (prosecutor) shall consult with you about the case disposition, pleas, diversion and sentencing of the accused;
- Some cases get continued, but you have a right to a prompt and timely disposition of your case;
- You don't have to attend depositions held at any corrections facility;
- Any information obtained from cases handled in juvenile court should be kept confidential, not revealing it to anyone unless necessary for other legal remedy.

Restitution and Crimes Compensation

In some cases, you or families of deceased victims 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 costs, burial expenses, lost wages, relocation money for domestic violence victims and mental health counseling. For further information, please ask your Victim/Witness Counselor or Trial Coordinator for an application, or you may contact the Bureau of Victims' Compensation at 1-800-226-6667.

Unless you are elderly or disabled, you cannot recover money due to property loss or damage through the Victim's Compensation Trust Fund. For those losses, it may be possible to have the court order the defendant to pay you back as a part of the defendant's sentence. This is called "RESTITUTION". You have the right to request and receive restitution (Florida Statute 775.089), and we will assist you in enforcing these orders. Please keep good records of all your losses. Present the itemization and documentation to your Victim/Witness Counselor, Trial Coordinator or Assistant State Attorney (prosecutor) as soon as possible. You must be precise.

Remember, we can always ask for restitution, but it is up to the Court to order it and in what amount. You will be informed if and when restitution is ordered. If you have questions about restitution and what constitutes damage or loss, contact your Victim/Witness Counselor or Trial Coordinator.

What if I am afraid?

If you have any fears or concerns, discuss them immediately with your Assistant State Attorney (prosecutor) or Victim/Witness Counselor or Trial Coordinator. If you or your family is threatened in any way as a result of your being a witness, immediately take the following steps:

1. Notify your local police to report the incident. If possible, speak with the lead detective or officer assigned to your case.
2. Call your Assistant State Attorney (prosecutor), Victim Witness Counselor or Trial Coordinator between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, or after hours, call (305) 547-0100.

Will I have a lawyer?

An Assistant State Attorney (prosecutor) will handle your case. Please feel free to call your Assistant State Attorney should you have questions. If, for any reason, another Assistant State Attorney is assigned to your case, you will be informed and given the new name and number.

How about help for me?

A Victim/Witness Counselor or Trial Coordinator will be your contact with our office throughout the prosecution of your case. They will provide you with information and guidance concerning your case.



Other services

Counseling, shelter, emergency financial aid as well as many other services, are available from programs in the community—just ask! Information is available on topics such as sentencing alternatives, dealing with the media, domestic violence, appeals, stalking, etc., just ask your Victim/Witness Counselor or Trial Coordinator. Specialized Victim/Witness Counselors are available to help if you are a victim of domestic violence, robbery, sexual assault (adult or child), and if you have lost a loved one due to a crime. In addition, translator services are available. If driving to the State Attorney's Office, please allow 15 extra minutes to locate a parking space. Parking in the area may be difficult. Please observe restricted parking zones so that your car is not towed. In some instances, transportation for court events may be available.

Can I get my property back?

If property was stolen as part of the crime, it becomes important evidence. It is helpful for the jury to actually see the property at trial. Thus, the State prefers to keep the property until trial to make sure nothing happens to the evidence. However, if you need the property before trial, please let the Assistant State Attorney (prosecutor) know and we will do everything possible to promptly return your property.

What's going to happen next?

You will receive a subpoena, which is a court order directing you to be present at the time and place stated. Read your subpoena carefully. It may be a Mandatory or a Standby Subpoena. A Standby Subpoena will ask you to call us immediately so that we can tell you the exact day and time your testimony will be needed. You will then be spared unnecessary trips to court since your case may not be heard at the time indicated on the subpoena. A Mandatory Subpoena requires your appearance on that specific date and time. If you have any questions regarding a subpoena, you may call us at the number indicated on the subpoena.

Who will I have to talk to?

Under Florida law, the attorney for the defendant has the right to interview most witnesses in a case. This will occur sometime after formal charges have been brought against the defendant, but before the trial. In this interview, which is called a "deposition", the defendant's lawyer takes your statement and asks you what you know about the case. The statement is recorded under oath. Be prepared! What you say at the deposition can be used against you if you testify in court. Be truthful and consistent! Remember that, unless you are subpoenaed for deposition, you do not have to talk to the defendant, his lawyer or his representative.

What are motions?

Lawyers will often ask the Judge to make legal decisions in a criminal case prior to the actual trial. These requests are made by documents filed with the Court, called "motions". For example, the defense attorney may file a motion to suppress evidence on the grounds that it was illegally seized.

What are pleas?

The Assistant State Attorney (prosecutor) may agree to reduce charges or to recommend to the Court that the defendant receive a certain sentence in return for a guilty plea. The State Attorney requires that the victim and arresting police officer be consulted about any such plea negotiated by the Assistant State Attorney (prosecutor). If you do not agree with a negotiated plea, you may discuss it further with the Assistant State Attorney (prosecutor), or ask to speak with the Assistant State Attorney's supervisor. However, the Judge may negotiate a sentence with the defense attorney directly without the State's participation. Also, the Court can accept a plea without the State agreeing to it.

What about the trial?

In most criminal cases, the defendant will plead guilty before the trial. However, if the case goes to trial, you may be required to testify in court. At that time, you will have to tell your story under oath and be questioned by all parties. Your presence at the trial is required. Please stay in contact with your Victim/Witness Counselor or Trial Coordinator after you receive the subpoena for trial. This will keep you informed of the exact status of the case. We try to do everything possible to avoid witnesses having to wait once they have arrived at the E.R. Graham Building or Juvenile Justice Building. Sometimes, the matter is beyond our control and you may have to wait.

What are the stages in the process?

Criminal cases generally follow the sequence below, however, no two cases are alike and variations do occur in some instances.

- ⊖ Crime Committed
- ⊖ Police Investigation
- ⊖ Arrest
- ⊖ First Appearance (Bond Hearing)
- ⊖ Arraignment
- ⊖ Hearings, Reports, Motions & Depositions
- ⊖ Trial
- ⊖ Sentencing



Where can I find out more!

Our website is www.miamisao.com

Important Numbers State Attorney's Office

Main Office	(305) 547-0100
Helpline	(305) 545-HELP
County Court Division	(305) 324-2900
Criminal Intake Division	(305) 547-0250
Domestic Crimes Unit	(305) 547-0150
Domestic Violence MISD	(305) 349-5830
Juvenile Division	(305) 637-1300
Sexual Battery/Children's & Special Needs Center	(305) 547-0115
VAN (Victim Access Network)	1-800-398-2808 (305) 273-HELP (4357)

Important Numbers Community Resources

Victims' Compensation Bureau	1-800-226-6667
Domestic Violence Coordination Unit	(305) 349-5888
Family and Victim Services Program	(305) 571-7750
Miami-Dade Advocates for Victims	
North Dade	(305) 758-2546
South Dade	(305) 247-4249
Orlowitz-Lee Children's Advocacy Center "Kristi House"	(305) 547-6800
Rape Treatment Center	(305) 585-RAPE
Switchboard of Miami	(305) 358-HELP
Elder Helpline	(305) 670-4357

* In accordance with the American Disabilities Act, persons needing reasonable accommodations to attend any criminal proceeding should contact their Victim/Witness Counselor or Secretary or for the hearing impaired, call (TDD) 1-800-955-8771 via Florida Relay Service.

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