

Sex Crimes & Child Abuse Unit

794.011 Sexual battery.—

(1)As used in this chapter:

(a)“**Consent**” means intelligent, knowing, and voluntary consent and does not include coerced submission. “Consent” shall not be deemed or construed to mean the failure by the alleged victim to offer physical resistance to the offender.

(b)“**Mentally defective**” means a mental disease or defect which renders a person temporarily or permanently incapable of appraising the nature of his or her conduct.

(c)“**Mentally incapacitated**” means temporarily incapable of appraising or controlling a person’s own conduct due to the influence of a narcotic, anesthetic, or intoxicating substance administered without his or her consent or due to any other act committed upon that person without his or her consent.

(d)“**Offender**” means a person accused of a sexual offense in violation of a provision of this chapter.

(e)“**Physically helpless**” means unconscious, asleep, or for any other reason physically unable to communicate unwillingness to an act.

(f)“**Retaliation**” includes, but is not limited to, threats of future physical punishment, kidnapping, false imprisonment or forcible confinement, or extortion.

(g)“**Serious personal injury**” means great bodily harm or pain, permanent disability, or permanent disfigurement.

(h)“**Sexual battery**” means oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object; however, sexual battery does not include an act done for a bona fide medical purpose.

(i)“**Victim**” means a person who has been the object of a sexual offense.

(j)“**Physically incapacitated**” means bodily impaired or handicapped and substantially limited in ability to resist or flee.

827.03 Abuse, Aggravated Abuse, and Neglect of a Child—

(1) DEFINITIONS.—As used in this section, the term:

(a) “**Aggravated child abuse**” occurs when a person:

1. Commits aggravated battery on a child;
2. Willfully tortures, maliciously punishes, or willfully and unlawfully cages a child; or
3. Knowingly or willfully abuses a child and in so doing causes great bodily harm, permanent disability, or permanent disfigurement to the child.

(b) “**Child abuse**” means:

1. Intentional infliction of physical or mental injury upon a child;
2. An intentional act that could reasonably be expected to result in physical or mental injury to a child; or
3. Active encouragement of any person to commit an act that results or could reasonably be expected to result in physical or mental injury to a child.

(c) “**Maliciously**” means wrongfully, intentionally, and without legal justification or excuse. Maliciousness may be established by circumstances from which one could conclude that a reasonable parent would not have engaged in the damaging acts toward the child for any valid reason and that the primary purpose of the acts was to cause the victim unjustifiable pain or injury.

(d) “**Mental injury**” means injury to the intellectual or psychological capacity of a child as evidenced by a discernible and substantial impairment in the ability of the child to function within the normal range of performance and behavior as supported by expert testimony.

(e) “**Neglect of a child**” means:

1. A caregiver’s failure or omission to provide a child with the care, supervision, and services necessary to maintain the child’s physical and mental health, including, but not limited to, food, nutrition, clothing, shelter, supervision, medicine, and medical services that a prudent person would consider essential for the well-being of the child; or
2. A caregiver’s failure to make a reasonable effort to protect a child from abuse, neglect, or exploitation by another person.

The Criminal Justice Process

The Stages of the Criminal Justice System are as follows:

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 cannot afford one.

FILING OF FORMAL CHARGES - The State Attorney's Office may file formal charges after reviewing law enforcement arrest reports, and within 21 days in certain circumstances.

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

SUBPOENA- You may be receiving a subpoena for certain hearings and the trial. A subpoena is a court order to appear at the time and date indicated. The telephone number of the Victim/Witness Liaison will be on the subpoena, please call immediately. Your telephone number(s) will be taken in order to inform you of changes in the court date or case status.

CALENDAR-CALL- A court hearing where both attorneys (prosecutor and defense) meet in front of the assigned judge to determine whether or not both parties are ready to proceed. If they are, a trial date is scheduled.

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

DEPOSITION- The attorney for the defendant can have a subpoena issued requiring you to appear and answer questions under oath concerning your knowledge of the criminal offense. An Assistant State Attorney can be present if requested in advance by you. Also at your request, a qualifying victim advocate may also be present during any deposition you must attend.

STATUS CONFERENCE- A court proceeding where the prosecuting and defense attorneys discuss the conditions of the case.

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.

IMPORTANT NUMBERS TO CALL FOR ASSISTANCE

State Attorney's Office:

Sex Crimes/Child Abuse Unit	954-831-6933
Victim Advocate Unit	954-765-4133
Witness Coordination Assistance	954-831-6200
Sexual Assault Treatment Division (adult & child)	954-765-4159
24 Hour Crisis Line for victims of sexual assault	954-761-7273
Bureau of Victim Compensation	1-800-226-6667
Abuse Hotline	1-800-96-ABUSE
Abuse of children, elderly & disabled	1-800-962-2873
Women in Distress (shelter and/or counseling 24 hours)	954-761-1133
Family Court Services (restraining orders)	954-831-7693
Restraining order service verification	954-831-8777
Kids in Distress	943-390-7600
Guardian Ad Litem (children)	954-831-6214
First Call For Help (Crisis Line 24 hours daily)	954-467-6333
Fla. Parole Commission Victim Services (Tallahassee)	1-850-487-3259
Department of Corrections Victim Assistance Program	1-877-884-2846
Victim Notification Unit (Sheriff's Office)	954-321-4135
Confinement Status (to determine suspect's custody status)	954-831-5987
VINE (Victim Information & Notification Everyday)	1-800-934-6483
Legal Aid Service of Broward County	954-765-8950

How Do I Perform a Public Access Case Search for My Criminal Case?

1. Go to Clerk of Courts main website www.browardclerk.org
2. Select Case Search
3. Perform you criminal search by defendant name, case number, or citation/NTA number