



Justice Starts Here

A Guide for Victims & Witnesses



Katherine Fernandez Rundle
MIAMI'S STATE ATTORNEY
www.miamisao.com

1350 NW 12th Avenue, Miami, FL 33136-2102
(305) 547-0100

Dear Citizen:

The criminal justice system is dependent on your involvement as a citizen. The system would fail without each and every one of you taking an interest in your community. Your participation as victims and witnesses is critical to the successful 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 you can expect 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. I am pleased to tell you about a unique service we offer for our community 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 community 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.

Thank you for working with us and allowing us to serve you.

Sincerely,

A handwritten signature in black ink, appearing to read "Katherine Fernandez Rundle". The signature is fluid and cursive, with the first name being the most prominent.

KATHERINE FERNANDEZ RUNDLE

State Attorney

What is the Victim Access Network (VAN)?

VAN is a multilingual computerized telephone and postcard information service available to assist victims of crimes committed in Miami-Dade County. The purpose of this service is to provide continuous access to vital case information 24 hours a day, 7 days a week. When an arrest of a suspect is made or a warrant issued in Miami-Dade County, you will receive your initial postcard advising

you of this event and providing you with other important information about your criminal case. The personalized information that will appear on your first postcard will allow you to easily access VAN and obtain up-to-date case information. By calling VAN, you can determine whether the suspect/juvenile is presently in custody and what event is scheduled to occur next in your case.

Also, when calling this number, you can obtain important general information by selecting the menu to the Victim Information Guide. As a victim of a crime, you have a right to know what's happening in your case. You need not appear for these events. If you must appear for any appointment or hearing, the postcard will clearly indicate where and when to appear or you will receive a subpoena.

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 12th 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 the Lawson E. Thomas 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.

{ **CALL VAN 24 hours a day
7 days a week
305-273-HELP(4357) or 1-800-398-2808** }

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.

What are my rights?

The Florida Constitution and Florida Statute 960.001 guarantee victims of crime the following rights:

- The right to receive information concerning services available to victims of crime.
- The right to be informed about Victim's Compensation Trust Fund.
- The right to receive information about the role of the victim in the criminal justice system.
- The right to receive information regarding all stages of a case in the criminal justice system.
- The right to be informed, to be present and heard at all crucial stages, to the extent that these rights do not interfere with the constitutional rights of the accused.
- The right of an incarcerated victim, to be informed and to submit written statements at all crucial stages of the criminal proceedings, parole proceedings, or juvenile proceedings.
- The right to a prompt and timely disposition of the case, to the extent that these rights do not interfere with the constitutional rights of the accused.
- The right to be notified of the arrest and release of the offender, or if the offender escapes from custody.
- The right to protection from threats and criminal offenders.
- The right to prompt notification of scheduling changes.
- The right to prompt advance notification concerning judicial and post-judicial proceedings.
- The right to not be excluded from any proceedings, unless the court determines otherwise.
- The right to be consulted about the final disposition of the case.
- The right to review certain portions of a pre-sentence investigation report.
- The right to have the property promptly returned.
- The right to preservation of employment.
- The right to request and receive restitution.
- The right to submit an oral or written impact statement.
- The right to local witness coordination services.
- The right to have victim service providers well-educated and trained.
- The right to request the presence of a victim advocate.
- The right, in sexual offense cases, to have the courtroom cleared during testimony, with certain exceptions.
- The right of a victim of a sexual offense to request the presence of a victim advocate during the forensic medical examination. An advocate from a certified rape crisis center shall be permitted to attend any forensic medical examination.
- 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.
- The right to have crime prevention programs implemented in order to protect the safety of persons and property, as prescribed in the State Comprehensive Plan.

(Continued...)

- The right to request that the offender be required to attend a different school than the victim.
- The right to receive reasonable consideration and assistance from all law enforcement employees.
- The right of the victim who is not incarcerated not to be required to attend discovery depositions in a correctional institute.
- The right to prompt notification when an offender has tested positive for HIV.
- The right of statutory obligation for the victim, or next of kin of a homicide victim, that any information gained pursuant to F.S. 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.
- The right, for either you or the State Attorney's Office with your consent, to have standing to assert any legal rights of a crime victim as provided by law or the Florida Constitution.
- The right of the victim of domestic violence to the address confidentiality program through the Attorney General's Office.

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 expense, 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.



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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 you being a witness, immediately take the following steps:

- Notify your local police to report the incident. If possible, speak with the lead detective or officer assigned to your case.
- Call your Assistant State Attorney (prosecutor), Victim/Witness Counselor or Trial Coordinator between the hours of 8:00 am and 5:00 pm, 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 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?

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. They 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

Frequently Asked Questions

Q. The police responded to my house and referred me to the State Attorney's Office in order to file criminal charges. What do I do?

A. You come in to any of our offices located throughout Miami-Dade County, and provide us with the police case number, or a copy of the police report if you have one, along with any other evidence that you may have, such as pictures of injuries, names and contact information for witnesses, estimates for property damages, video tapes and/or audio tapes, etc. If the Paralegal determines that the incident is a criminal misdemeanor offense, he or she will take your sworn statement and will open up an investigation. The Paralegal will then bring in all of the witnesses, order the police report if you didn't provide him or her with a copy of it, and gather up whatever evidence is available in order to forward it to an Assistant State Attorney for review, and he or she will be the one to determine if the case has sufficient evidence to file.

Q. I don't have a police report, could I still file charges against somebody?

A. Although we highly recommend that you file a police report when you are the victim of a crime, our office may still take a sworn statement from you if you have other sufficient evidence to provide us with. Without a police report, the chances of your case being filed are greatly reduced.

Q. What do I do if someone wrote me a worthless check?

A. You may contact our Worthless Checks Division at 305-547-0175, or the Bad Check Victim Hotline at 1-800-832-1853 in order to obtain a Bad Check Crime Report application. Once you complete the application and attach the check(s) and all supporting documents such as certified mail return receipts, and returned item notices from the bank, you follow the mailing instructions listed on the application. If you do not receive restitution within 60 days, contact the Worthless Checks Division at 305-547-0175.

Q. Where do I go in order to evict someone, or to address other matters involving Landlord/Tenant issues?

A. These issues are of civil nature, and therefore our office does not handle them. You may contact the Clerk's Office in order to obtain the necessary documents for eviction, as well as any other information that you need in regard to Landlord/Tenant issues. You may also refer to Chapter 83 or the Florida Statutes.

Q. Where can I get information in regard to Florida's Lemon Law?

A. Since it is not of criminal nature, our office does not handle this. You need to contact 1-800-321-LEMON (321-5366).

Units Within The State Attorney's Office

Domestic Assistance Response Team (DART) 305-547-0100

Provides a helping hand for Assistant State Attorneys with victims of Domestic Violence, Sexual Battery, and Elderly Abuse by doing a complete assessment of the victim's needs and continuing contact with the victims on a regular basis.

M.O.V.E.S. (Mobile Operations Victim Emergency Services) Program . . . 305-547-0100

The M.O.V.E.S. Program has on-call paralegals who assist victims of domestic violence. The paralegals respond to domestic violence arrest cases immediately after the crime to help the victim regain control of their lives by assessing their needs, taking a sworn statement of the incident, providing a safety plan and appropriate referral information available in the community. The paralegals are on-call Monday through Friday from 5:00 p.m. to 5:00 a.m., and available 24 hours on Weekends and Holidays. This early intervention also helps build better cases for prosecution and provides our prosecutors with the necessary tools to make decisions about each case, improving the probability of successful prosecution.

Community Outreach 305-547-0724

Provides information, services and crime prevention programs that have a positive impact on the quality of life for residents of Miami-Dade County.

Justice in Motion (J.I.M.) 305-547-0724

A 37-foot mobile office equipped with state-of-the-art technology for community-based interviewing. It serves elderly and disabled victims who do not have the ability to come to the State Attorney's Office.

Child Support Enforcement 305-530-2600

Katherine Fernandez Rundle is the only State Attorney in Florida with a Child Support Enforcement Division responsible for initiating, developing and enforcing

child support cases. The Division provides the following services: Location of missing parents for child support purposes; determination of paternity when needed; establishment of financial and medical support orders; enforcement of support orders; and modification of support orders.

Homicide Counselors 305-547-0100

Counselors work with the surviving family members of homicide victims by providing emotional support, assistance and comfort through the criminal justice process. Their tasks include: Case status information; information on future court dates; court accompaniment; scheduling and attending meetings with the Assistant State Attorney and family members; Crime Victims' Compensation Program referral and claim filing assistance; referrals to professional community counseling programs and support groups; and assistance preparing a victim impact statement.

Public Corruption Hotline 305-547-3300

The Public Corruption Unit investigates and prosecutes government officials and employees who misuse their public positions for personal gain or other illegal purposes. This includes: elected officials, public managers, law enforcement; employees involved in bribery, falsification of public documents, election fraud, theft of public funds.

The Organized Crime Unit 305-547-0668

The Organized Crime Unit prosecutes organized criminal enterprises using racketeering statutes, electronic surveillance techniques, and wiretaps. The unit also handles money-laundering cases, death threats against judges and prosecutors, and complex proactive investigations.

Gang Prosecution/Gang Strike

Force Unit 305-547-0690

Targets, infiltrates and dismantles the most dangerous criminal street gangs and organized criminal organizations in South Florida through the use of long-term proactive racketeering-style investigations and prosecutions.

Narcotics Unit and Drug Court . . . 305-547-0895

Investigates and prosecutes all major trafficking cases and targets major narcotics trafficking organizations through wiretap/electronic surveillance and integrated legal support. Drug Court, a specialty court and the first of its kind in the state, was designed to process non-violent drug abusers through the criminal justice system while giving them a chance to turn their lives around. In Drug Court, non-violent drug offenders are diverted from traditional jail sentences into a Diversion and Treatment Program.

Economic Crimes Unit 305-547-0671

Specializes in the handling of sophisticated and complex “white collar” crimes (such as Insurance Fraud, Mortgage Fraud, Sales Tax Fraud, Credit Card Fraud, Computer Related Offenses, Employee Embezzlement, Theft Of Public Utilities, and Elderly Exploitation) from the initial investigative stage through the final prosecution in criminal court. The Unit has become involved in the investigation and prosecution of unlicensed medical activity, elderly exploitation, and, in conjunction with the Attorney General’s Office, Medicaid Fraud cases.

Sexually Violent Predator Unit . . 305-547-0343

The Sexually Violent Predator Unit prosecutes cases under the Sexually Violent Predator Act (commonly known as the Jimmy Ryce Act). The intent of the Jimmy Ryce Act is “to create a civil commitment procedure for the long-term care and treatment of sexually violent predators.” Convicted sexually violent predators who have served their criminal sentences may be civilly committed under the Jimmy Ryce Act if it is determined that they continue to pose a serious risk to society at large and need long-term care and treatment.

Career Criminal/Robbery Unit 305-547-0350

Focuses on the prosecution of violent repeat offenders who qualify for sentencing under the career criminal and prison release reoffender statutes. Provides specialized attention and resource information to victims of crimes committed against tourists. Works closely with state, local and federal law enforcement agencies to ensure successful prosecution of violent crimes such as bank robberies, home invasions, kidnappings, attempted murders and firearm-related crimes.

The Domestic Crimes Unit 305-547-0140

The Domestic Crimes Unit is dedicated to assisting and educating the community about this serious issue. There are several components of the Domestic Crimes Unit: Trial, Pre-filing Conferences, Walk-In Complainants, and Violation of Injunctions against Domestic or Repeat Violence.

Criminal Intake Unit 305-547-0255

The Criminal Intake Unit's main purpose is to process misdemeanor complaints, including those pertaining to domestic violence, and address inquiries from various police departments and members of the public, such as the intake of professional regulatory and licensing violations, Worthless Checks complaints, and referrals that require follow-up such as Lemon Law inquiries, Landlord Tenant Issues, and Identity Theft. On the next page there are some of the most common questions and answers that the Criminal Intake unit deals with.

State Attorney's Office Branches

Joseph Caleb Center
5400 N.W. 22nd Avenue
Miami, FL 33142
305-636-2240
Fax: 305-636-2241

**South Dade
Justice Center**
10710 S.W. 211th Street #1901
Cutler Bay, FL 33189
305-234-1430
Fax: 305-234-1515

North Dade Justice Center
15555 Biscayne Boulevard, Suite 213
Aventura, FL 33160
305-354-8725
Fax: 305-354-8720

Hialeah Courthouse Center
11 East 6th Street, 2nd Floor
Hialeah, FL 33010
305-520-4039
Fax: 305-520-4052

Miami Beach Center – CLOSED
1130 Washington Avenue
Miami Beach, FL 33141
305-535-4210
Fax: 305-532-1226
This office is temporarily
out of service.

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	305-547-0255
Domestic Crimes Unit (Felony)	305-547-0150
Domestic Violence (Misdemeanor)	305-349-5830
Juvenile Division	305-637-1300
Sexual Battery/Children's & Special Needs Center	305-547-0115
Community Outreach Division	305-547-0724
VAN (Victim Access Network)	1-800-398-2808 305-273-HELP (4357)

Community Resources

Victims' Compensation Bureau	1-800-226-6667
Domestic Violence Advocacy Program (Injunctions)	305-349-5677
Family and Victim Services	305-633-1634
Miami-Dade Advocates for Victims	
North Dade	305-758-2546
South Dade	305-247-4249
The Lodge/VRI	305-693-1170
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
Dade County Bar Association (Toll-Free Legal Help Line)	1-866-596-0399

* 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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