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STATE ATTORNEY

Eleventh Judicial Circuit of Florida

Miami-Dade County

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Justice Starts Here

Domestic
Assistance Response
Team



Why am I here today?

After a defendant is arrested, an Assistant State Attorney or Paralegal will hold a conference with the victim and witnesses on the case to determine what charges, if any, will be filed. This conference is called a Pre-Filing Conference. The Assistant State Attorney or Paralegal will decide to take one of three actions: file a misdemeanor charge and bind the case down to County Court; no-action the case; or, file a felony charge. The Assistant State Attorney or Paralegal will explain the reasons for the decision and answer your questions at the Conference.

What is an arraignment?

Whether the case is bound down, no-actioned, or filed felony, an arraignment will take place. At this hearing, the State will declare its intent and, if felony charges are filed, the defendant will have the opportunity to plead guilty, no contest, or not guilty to the charges. If the defendant pleads guilty or no contest, the Judge may sentence him immediately or set a future date for sentencing. If the defendant pleads not guilty and the State intends to file charges, the case will be set for trial.

What happens if the case is filed as a felony?

If the State Attorney's Office has sufficient evidence to file a felony charge, the case will be heard in Circuit Court. You may receive a subpoena for a deposition or for trial.

What happens if the case is bound down?

If there is not enough evidence to charge the defendant with a felony but sufficient evidence to charge a misdemeanor, the case is transferred or bound down to the County Court, Domestic Violence Court Unit. You will receive a letter from the Assistant State Attorney and Victim Witness Counselor assigned to this Unit requesting that you contact the counselor to discuss your case. You will also receive a mandatory subpoena to attend an Arraignment Plea Hearing. Once this case is bound down to County Court and if the defendant is still in jail, he will be scheduled to appear at a domestic violence bond hearing within 24 hours. You are encouraged to attend this hearing. Contact the jail to determine the exact time, date and location of the bond hearing in your case.

What happens if charges are not filed?

When felony or misdemeanor charges cannot be filed, this is referred to as the State taking no-action. A No-Action is an announcement made in court by the State Attorney's Office that it will not prosecute a case because there is not sufficient evidence or the State lacks a material witness.

What is the cycle of violence?

Phase I

The tension builds . . .

Arguing constantly or the "silent treatment" can last from days to years.

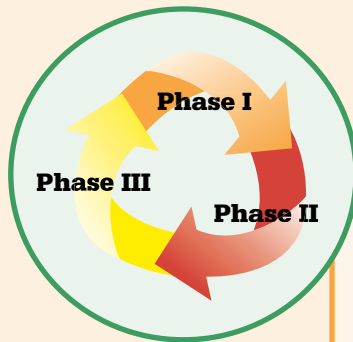
Phase II

Physical violence occurs . . .

Can last a few minutes to days.

Violence stops

- When victim leaves
- When police are called
- When abuser realizes what (s)he is doing is wrong
- When medical attention is needed
- When tension is reduced



Phase III

Honeymoon period. . .

This phase will eventually end, and the tension slowly builds again. In this stage, the abuser may:

- Apologize
- Beg for forgiveness
- Promise that it will never happen again, but he knows it will
- Try to make you believe that the problem is over

What are the characteristics of the cycle of violence?

Increased frequency The more times the cycle is completed, the less time it takes to complete the cycle when it happens again.

Increased severity The longer the cycle went uninterrupted, the worse the violence will get.

What is a safety plan?

You must always have a safety plan and it should include the following:

- ✓ Have enough money to pay for a cab.
- ✓ Have enough money put aside to pay for one or two nights in a motel.
- ✓ Have an extra key to your car and house.
- ✓ Have a list of telephone numbers to call in case of an emergency.
- ✓ Have a change of clothes for yourself and your children- ideally these items should be kept at a neighbor's house, at your job, or someplace else away from home.
- ✓ Know which motel to go to and know how to get there. If possible, practice ahead of time.
- ✓ Memorize the local shelter's phone number:
Safespace North (305) 758-2546
Safespace South (305) 247-4249.
The Lodge/VRI (305) 693-1170
- ✓ Do not leave this or any of the other handouts where the abuser can find them. This may jeopardize your safety.

You may be eligible for Crimes Compensation. Ask your DART Counselor or call 1-800-226-6667

What is the
Domestic
Assistance Response
Team

The Domestic Assistance Response Team (DART), a special project funded by the Victims of Crime Act, was established to assist you. DART Counselors have been specially trained to help you through your experience. The primary goal of this project is to assist you in finding ways to stop the violence. We believe that one of the ways to stop the violence is through prosecution.

Your DART Counselor will keep in touch with you on a regular basis and will be available to help you with any problems resulting from your victimization.

If you have not been contacted by a DART Counselor, please contact one of the numbers listed below.

(305) 547-0530

(305) 547-0450

(305) 547-0321

Domestic
Assistance Response
DART Team

Important Numbers to Remember

FOR INJUNCTIONS FOR PROTECTION (24 hours)

(305) 349-5677

SAFESPACE NORTH

(305) 758-2546

SAFESPACE SOUTH (HOMESTEAD)

(305) 247-4249

THE LODGE/VRI

(305) 693-1170

LEGAL AND ELDERLY HELPLINE

1-800-962-2873 OR (305) 670-4357

STATE ATTORNEY'S OFFICE

DART Counselor (305) 547-0530

DART Counselor (305) 547-0450

DART Counselor (305) 547-0321

Domestic Crimes Unit. (305) 547-0150

Misdemeanor Domestic Violence Unit ... (305) 349-5830

Miami Dade County Domestic

Violence Advocacy Unit (305) 349-5677

DADE COUNTY BAR ASSOCIATION

1-866-596-0399 (toll-free legal help line)

First Wednesday of each month, 6:00 pm to 9:00 pm

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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