



Legal Advisor

**Jerry Hill,
State Attorney**

JANUARY 2006

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As we begin a new year, I would like to say thank you to all of you in the law enforcement community of Hardee, Highlands, and Polk Counties for all you do throughout each and every year to ensure the safety of the citizens of this circuit. Yours is a noble profession, and you honor it by your loyalty and dedication.

On behalf of the entire staff of this office, I wish you a Happy and Prosperous 2006!



Sincerely,

BARTOW PHONE NUMBERS:

SWITCHBOARD	534-4800
MISDEMEANOR INTAKE	534-4928
MISDEMEANOR	534-4926
DOMESTIC VIOLENCE	534-4882
VICTIM ASSISTANCE	534-4861
FELONY INTAKE	534-4987
FELONY	534-4964
INVESTIGATIONS	534-4804
VIOLATION OF PROBATION	534-4803
CHILD ABUSE / NEGLECT	534-4857
HOMICIDE DIVISION	534-4959
ON CALL PAGER	819-1526
WORTHLESS CHECKS	534-4874
JUVENILE DIVISION	534-4905
FAX - MAILROOM	534-4945
WITNESS MANAGEMENT MISDEMEANOR/TRAFFIC	534-4021
WITNESS MANAGEMENT FELONY	534-4020
WITNESS MANAGEMENT FAX	534-4034

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EMPLOYEE BIRTHDAYS
NOVEMBER 2005November 1

Monica Hernandez, Hardee SAD

November 6

Connie Strickland, WH SAD

November 7JJ Branam, Felony Intake
Cindy Norris, F-4
Susan Ojeda, Child Support
Tiffany Richard, VDPSNovember 8

Ali McGraw, Misdemeanor

November 10

Ralph Guerra, F-5

November 15

John Flynn, F-4

November 17

Sheryl Phillips, Child Support

November 19

Cindy Rhoden, Homicide

November 20Peggy Murray, Juvenile
Melody Stratton, F-3November 22Ashley Gaines, Child Support
Terri Gregg, Misdemeanor
Kathy Slappey, InvestigationsNovember 25

Donna Carnett, F-6

November 29

Chip Thullbery, Administration

November 30

Bonnie Parker, Felony Intake

*Happy Birthday!***FROM CALL-OUT TO THE COURTROOM: SUCCESSFULLY PROSECUTING A PHYSICAL OR SEXUAL ABUSE CASE.**

By Reinaldo Ojeda



Rey Ojeda is an Assistant State Attorney at the State Attorney's Office. In addition to his case load, Rey also serves as the Division Chief over the Child Abuse / Sex Abuse Division. He has been with this office since May 2001.

When investigating an allegation of Child Abuse, whether it be physical or sexual, an officer should ensure that certain steps are followed that will not only make for a more thorough investigation but also for a more successful prosecution.

First, an officer should identify who is the victim of the abuse. Once that is established, then if the officer works for a large agency, the officer should call a special victim's detective for the purpose of speaking to the child victim, and potential witnesses. Especially in physical abuse cases, it is important to "lock in" witnesses to their statements as soon as possible. If an officer works for a smaller agency

without a special victim's detective unit, then the officer should proceed to conduct a preliminary contact. In conducting preliminary contact, it is important to remember to speak to the child victim outside the presence of others, and likewise to interview others outside the presence of the child. A child who is interviewed alone is much more likely to give accurate information. Remember it is imperative to ask non-leading questions, to use age appropriate language, and to qualify the child as to his or her ability to distinguish between the truth and a lie. If the allegations involve sexual abuse, the officer should remember that there is a 72 hour window for physical evidence(including DNA evidence) to remain viable. Thus, the Child Advocacy Center should be contacted to determine the necessity of a medical examination. The Center's phone number is (863) 519-3900 and their regular business hours are 8 a.m. to 5 p.m. After-hours they can be reached at (863) 528-2823. Also, if the case involves physical abuse, it is imperative that pictures be taken for evidentiary purposes, as the most compelling evidence in a physical abuse case are often pictures of the injury. An officer should remember that under Florida Statute 90.803 (23), the statement of a child victim

FROM CALL-OUT TO THE COURTROOM: SUCCESSFULLY PROSECUTING A PHYSICAL OR SEXUAL ABUSE CASE.

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eleven years of age or less can be admissible as substantive evidence at trial, and as such an officer should find out who the child has told, when the statement was made, and what the child said. Potentially, witness can be called to court to testify what the child said to them, and under what circumstances.

An officer should remember that a preliminary victim contact is exactly that, "preliminary". It should be kept short and to the point, long enough to find out what happened and by whom. Once this information is obtained, the officer should stop speaking to the child and give way to a more experienced interviewer, such as a Child Protection Team interviewer. Keep in mind that most detectives and all Child Protection Team forensic interviewers are certified in forensic interviewing of children, and as such are the most qualified to conduct detailed forensic interviews. Because of this, an officer should set up a forensic interview appointment for any child victim 12 years of age and under at the Child Advocacy Center in Bartow. There the child will be interviewed by a certified forensic interviewer, while the officer monitors the interview via closed circuit television. The CAC

Advisory Committee, comprised of representatives from the State Attorney's Office, Law Enforcement, Department of Children and Families, Child Protection Team, Guardian Ad Litem's Office, Peace River Center, and the Children's Advocacy Center recommend that child victim's under the age of 12 be interviewed at the CAC facility by CAC/CPT, staff or by appropriately trained law enforcement personnel.

For child victims older than 12 years of age, the officer, assuming he is certified and has conducted an extensive number of child interviews can then use his discretion in determining whether a Child Protection Team interview is necessary, taking into account the maturity level of the child victim, the particular circumstances, and the nature of the allegations. Officers who so choose to conduct such interviews should have completed basic standards regarding forensic interviewing of children, which includes having observed at least five forensic interviews of children conducted by an interview specialist, the successful completion of at least eight hour of beginning interview of training of children, and successful completion of at least three child forensic interviews conducted under the supervision of an interview

EMPLOYEE BIRTHDAYS DECEMBER 2005

December 3
Don Ratterree, VOPS

December 4
Torie Avalon, Post Conviction
Scott Matthews, F-3

December 7
Amanda Bolin, F-2
Steve Menge, Investigations

December 8
Becky DeVenny, Comp Services

December 9
Jane Bayless, Highlands SAO

December 11
Brian Moore, Investigations
Bill Ouellette, Juvenile

December 12
Molly Dupree, F-5

December 13
Gary Allen, VOPS
Tammy Glotfelty, Juvenile

December 14
Bob Antonello, Homicide
Sharon Franklin, Special Pros.

December 15
Janet Bulman, Administration

December 18
Denise Buchanan, Records
Becky Stokes, Child Support

December 23
Jeanette Dugas, Investigations

December 28
Wade Warren, Felony Intake

December 31
David Haas, Eco/Envi Crimes

Happy Birthday!





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Wauchula, FL 33873
Phone: (863) 773-6613
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Highlands County

411 South Eucalyptus
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Fax: (863) 402-6563

Polk County

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Bartow, FL 33831-9000
Phone: (863) 534-4800
Fax: (863) 534-4945

Child Support Enforcement

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Bartow, FL 33830
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Fax: (863) 519-4759

Lakeland Branch Office

930 E. Parker Street, Suite 238
Lakeland, FL 33801
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Fax: (863) 499-2650

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FROM CALL-OUT TO THE COURTROOM: SUCCESSFULLY PROSECUTING A PHYSICAL OR SEXUAL ABUSE CASE.

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specialist. Further, all such non CAC/CPT interviews should be audio or video taped.

An officer should also keep in mind that Administrative Order No. 2-18.1 limits the number of interviews a victim of physical/sexual abuse under the age of sixteen should be subjected to. The order calls for one investigative interview conducted for the purpose of criminal and dependency proceedings. An example of such interview would be a CAC forensic interview, that could be attended by all agencies involved in the investigation. Additional interviews may be allowed, but only under limited circumstances. Keep in mind that "interview" for purposes of the or-

der does not include the initial contact with the victim by law enforcement.

Lastly, whenever possible leave suspect contact up to your detectives; who are often more experienced in interviewing suspected physical/sexual abusers and the methods employed in such investigations, such as controlled phone calls. If we at the Child Sexual/Physical Abuse Division of the State Attorney's Office can ever be of any assistance do not hesitate to contact us and for that purpose I am on call 24 hours a day at (863) 860-8232. I look forward to hearing from you and aiding in your investigations.

...FROM THE COURTS...

FACTS DID NOT SUPPORT CARRYING CONCEALED WEAPON CHARGE.

The defendant was charged with carrying a concealed firearm. At his trial, the evidence established that although the defendant had previously occupied the vehicle in which the firearm was found, he was standing outside of it at the time the searching officer recovered the gun. After the officer recovered the gun, he arrested the defendant. The defendant was convicted as

charged. On appeal, the First District reversed, holding that the evidence was insufficient because at the time of the arrest, the defendant's firearm was not readily accessible to him and therefore it could not be said that he was carrying it on or about his person. *White v. State*, 30 FLW D1369 Fla. 1st DCA May 31, 2005).