

WHAT TO KNOW ABOUT A FLORIDA DOMESTIC VIOLENCE CHARGE

In Florida, you could be charged with a domestic violence crime even if the alleged victim does not press charges against you. "Domestic violence" is a wide umbrella term that encompasses several types of offenses when they occur between family or household members. Whether you have allegedly committed assault, battery, sexual assault or sexual battery, stalking, kidnapping or false imprisonment, or any other criminal act which results in the physical injury or death of a family member, you could be facing severe charges if you do not seek the help of an experienced criminal defense attorney.

If you are facing domestic violence charges in Florida, it is understandable that you may have several concerns. Here are the top things you need to know.

It is the State that Presses Charges

If you have ever had a temporary restraining order issued against you, you are probably familiar with the way Florida handles domestic incidents. In these matters, the alleged "abuser" has no say. When it comes to domestic violence charges, it is no different. The state of Florida is the only entity that may press or drop charges against you; even if your spouse or romantic partner does not wish to bring legal troubles upon you, she does not get the option to retract her statements.

Only the State Attorney can decide whether to prosecute criminal charges; however, for many other types of offenses, the State Attorney may drop charges if the victim does not wish to prosecute. This is not an option for charges of domestic violence.

If Police are Called, Someone is (Likely) Going to Jail

Since it is the State that maintains an interest in making domestic violence arrests, if the police are called to your house it is likely someone is walking away in handcuffs. Whether it was the alleged victim, another family member, or a neighbor who called it does not matter. If police have a reason to believe domestic violence has occurred, they will take someone to jail. There is a strict pro-prosecution mentality on behalf of the State to press charges, even if the victim does not wish to cooperate with the prosecution.

Failure to Post Bond

Unlike other criminal offenses, when you go to jail for domestic violence, you do not have the opportunity to post a bond and get out of jail until your first appearance before a judge. The victim has no say in this matter.

Domestic Violence Charges Cannot be Sealed or Expunged

Without a tough defense attorney in Palm Beach, you may reach a plea deal with the State to serve a lesser sentence; however, this could be a long-term detriment. Once you have served your time, domestic violence charges for which you pleaded "guilty" or "no contest" stay with you for the rest of your life. They will show up on your criminal record should you ever apply for a new job, to go back to school, or even for housing. You do not have the option to seal or expunge this offense.

Do not face these serious charges without a fight. Attorney Brian Gabriel has defended those accused of criminal offenses in Palm Beach County for over 25 years. He is a highly respected criminal defense attorney among legal professionals throughout Florida. Call 561-622-5575 for a free legal consultation.