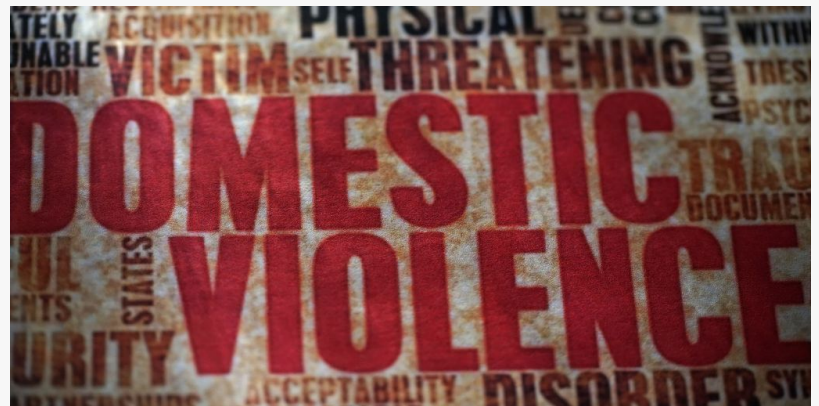


# Facing Florida Domestic Violence Charges

COCOA, FL, UNITED STATES, October 28, 2022 /EINPresswire.com/ -- Those accused of [Florida domestic violence charges](#) may wonder if hiring a lawyer to represent them is necessary.

If arrested for domestic violence, chances of a favorable outcome are increased with an experienced Florida domestic violence attorney that can help with an understanding of the legal proceedings after an arrest and work to minimize the consequences of the charges.



Florida Domestic Violence Charges

## Criminal Cases are Hostile Proceedings

All domestic violence cases are criminal prosecution cases in which the state of Florida is the complainant, and the accused is the respondent. The state attorney's job is to prosecute the accused or decide to drop charges based on the facts of the case.

Since criminal proceedings are adversarial, it can be difficult to advocate for the accused without a thorough understanding of the state's domestic violence laws. A Florida [criminal defense lawyer](#) can independently investigate the case by reviewing all the evidence and interviewing witnesses.

Attorneys understand how to negotiate with state attorneys and judges handling the case. They have the legal knowledge and local insight that can help determine the most appropriate approach for a defense strategy.

## Legal Guidance During an Arraignment

Domestic violence cases in Florida require a mandatory arraignment. During an arraignment, the court will inform the accused of the domestic violence charges and their right to an attorney. The judge will schedule other pre-trial proceedings after the arraignment if there are additional felony charges.

At a misdemeanor arraignment, the judge may accept a “guilty” or “no contest” from the accused. If a plea deal is entered and the judge is in the position to impose a sentence, the victim is allowed to address the court about compensation and sentencing. The judge can set a trial date and inform the victim if a trial was requested. A lawyer can help make a strategic decision if pleading guilty or no contest to avoid going to trial.

### Protect Rights After an Injunction

A victim can file an injunction for protection. Injunctions may restrict the accused from contact with other adults and minor children. They can prevent them from returning to their family home. The judge can decide the type of injunction for stalking, domestic violence, dating violence, and sexual violence.

The judge can serve a temporary injunction to the accused that lasts for 15 days. The court must hold the hearing on the date the injunction ceases to be effective. Both parties can have witnesses testify for them at the hearing. After a hearing with both parties, the judge may issue a permanent injunction or cancel it entirely.

It is essential to consult with a lawyer for domestic violence if an injunction is received. A lawyer can represent the accused to negotiate and speak at the hearing, offering a strong defense against the prosecution.

### Create A Legal Defense Strategy

An attorney with criminal law experience can create the foundation of the case using evidence. They can collect evidence, such as witness testimonies and police reports, from the state attorney during the discovery phase.

Several additional information sources may exist, including police body cam footage, video surveillance, and recordings of emergency calls. The attorney can file a motion with the court to preserve the evidence.

Domestic violence attorneys can review police reports for errors, misrepresentations, and false details. A private investigator can also help the attorney take recorded statements from witnesses to clarify the facts and show innocence.

### Stand Your Ground Law in Florida Can Benefit A Defense

An attorney may refer to Florida’s Castle Defense and Stand Your Ground laws when creating a defense strategy:

- The Castle Defense law justifies a homeowner using force by stating the home is the owner’s castle, and the owner does not need to retreat upon an attack on the home.

- According to the law for Stand Your Ground, a person is entitled to use threatening force to protect against another person's use of force. It also permits people to use lethal force if they feel such an action is necessary to prevent death or injury.

An attorney can review the facts of the case to establish a claim of self-defense under these laws. They can determine whether the accused is eligible to file a motion for dismissal based on statutory immunity. This motion may result in the dismissal of the charge before the trial.

### Legal Representation in Court

Many people accused of violent crimes make the mistake of representing themselves and making self-incriminating remarks in court. An experienced lawyer can help work on courtroom behavior to defend interests and ensure the accused does not say anything to hurt their case.

An attorney can review the critical points in the case and advise possible defense strategies against the prosecution. They can also explain how to remain composed during the trial and when to speak to the judge.

### Why Hiring an Attorney is Important to Prevent Further Consequences to Your Domestic Violence Case

Working with a [criminal defense attorney](#) can deepen one's understanding of the legal process and answer questions. A legal team can also update the accused on the proceedings to ensure they know what's going on with the case.

Without an attorney, facing Florida domestic violence charges can affect the course of the case:

- The accused needs to appear before a judge before the court can set a bond, meaning they may need to spend time in jail for a day or more.
- Appearing in court without an attorney at the initial appearance, may cause the judge to impose a no-contact provision in the release. This provision means the accused may not have any contact with the alleged victim, including children or spouses until court probation lifts it.
- When one pleads no contest and obtains a withhold of adjudication, there is no conviction, but the charge remains on the accused's criminal record. This record is public, and judges and attorneys may review it in divorce, child custody, and family law cases.

The experience of a criminal defense attorney just makes sense.

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