

Common Mistakes after being Arrested in Florida Domestic and non-domestic Battery cases

When the police are called to investigate a battery charge, there are myths which can lead to life altering mistakes which can blow your life up.

DESTIN, FL, UNITED STATES, March 12, 2025 /EINPresswire.com/ -- No one wakes up in the morning hoping to get into an argument that escalates into a criminal investigation for battery. Worse, there are several things that people often do which damages their legal position. In each case, the person was trying to make the situation better, yet increased their legal liability and risk of jail or prison. Let's review them to avoid them at all costs.



“

Never make a legal problem worse.”

Stephen G. Cobb, BCS

Violating a “No Contact” provision with third party contact is by far the most common error. Most people seem to get the idea that contacting the other party will violate their bond conditions. Yet these same people will have a family member, employee, employer, friend, etc., contact the complaining witness for them. This can result in an

immediate bond revocation and the defendant will stay in jail for months awaiting trial. Over the past three plus decades, judges in Okaloosa & Walton County Circuit Felony and County Misdemeanor court have routinely denied bail bond reinstatement after a violation allegation.

Explaining what happened. The Walton & Okaloosa County Sheriff's Office will send two officers out on the call, separate the parties, tell each person separately that they are not under arrest but that the Deputy Sheriff's are conducting a criminal investigation.

Hoping to avoid the ride to the county jail and dying to tell their side of the story, many start babbling while being recorded on body worn cameras. This is the fastest way to destroy your

case. Don't believe me? Let's test that: without searching online, what are the elements of a battery charge a jury will consider? What is the difference between a non-domestic and a [domestic battery](#)? You probably don't know the answer but the cops sure do. They want you to talk your head off because...

The story is not courtroom admissible evidence. This really throws people. Think of it this way: your case is like a picture in a hallway filled with pictures on both sides. The whole story of your case consists of every picture in the hallway but only one picture contains legally admissible evidence. When you are explaining the whole story, the police are carefully listening for evidence against you. They will take what they want and ignore the rest. At trial, the jury will never hear the whole story but only admissible evidence.

Testimony is evidence. I once had a client who blew up like a bomb when we were reviewing evidence in a non-domestic case: "those are lies and nothing but lies!", he exploded at one point. He also told me that "there was no evidence" in the case because the "entire domestic case is made up of lies."

Here is the problem with this thinking: you don't know what you don't know. The issue is never whether someone is innocent or not. The real issue is whether a Local Okaloosa or Walton County jury will believe the witnesses and other evidence. The jury does not vote based upon what actually happened. The jury will vote guilty or not based on what they believe.



CRIMINAL TRIAL

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Happy Holidays from Cobb Law Firm

We have relatively new and modern courthouses in Okaloosa (Crestview & Fort Walton Beach) and Walton County (DeFuniak Springs). They have football stadium sized video screens where pictures, videos and other evidence can be shown to the jury in crystal clear vivid color. This means recorded statements and injury pictures will be shown while witnesses testify against the defendant. Testimony plus injury pictures are powerful in both non-domestic and domestic battery cases but I think they are more devastating in most domestic violence cases.

"I can't take diversion or probation, it will destroy my life!" The question to ask if you find yourself near the end of your case and saying this is "What is the alternative?" Trial. What happens if you lost at trial? Unless your battery case is a felony, expect 11 months and 29 days in Okaloosa or Walton Counties.

While I can understand the emotion, probation - despite serious collateral consequences - will not destroy anyone's life. This is not meant to minimize the direct and collateral consequences of a battery conviction. In particular, a domestic violence conviction carries far more severe consequences than a run of the mill bar fight.

However, this thinking is the result of lack of experience in the criminal justice system. The truth is, if you lose a criminal trial in a battery case expect to go to jail or prison for the maximum. This is usually far more impacting than a plea bargain for probation. And yes, I have represented people who took bad cases to trial against good advice and lost. This includes people who had diversion offers yet managed to blow their case so badly they got maximum jail or prison time.

[Defenses to misdemeanor and felony battery charges](#). Don't miss out on defenses that could be a game changer in your case:

Did you know that aggravated battery is a specific intent crime where misdemeanor battery is a general intent crime? Were you aware that the defense of mutual combat is available for misdemeanor charges but not felony? How about when defense of self or others applies and when it does not?

Step I: Go to CobbLawFirm.com

Step II: complete the 3 minute form and schedule an appointment

*If you would like for a [local defense attorney](#) to contact you before the scheduled appointment, just check the early appointment box for a SAME DAY CONSULTATION

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