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JUSTICE COALITION'S VICTIMS' ADVOCATE

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Ride for Justice

September 11

Honoring America's
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 Firefighters

Join hundreds of bikers on a scenic 50-mile ride through the wooded countryside of north and west Jacksonville, over Baker County's rural roads, then back to Old Plank Road Baptist Church for a delicious meal prepared by members of the church.

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 Kickstands up at 10:30 a.m.
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- Partner - \$300
- Leader - \$100

The charge for each rider is \$25 and each passenger is \$10.
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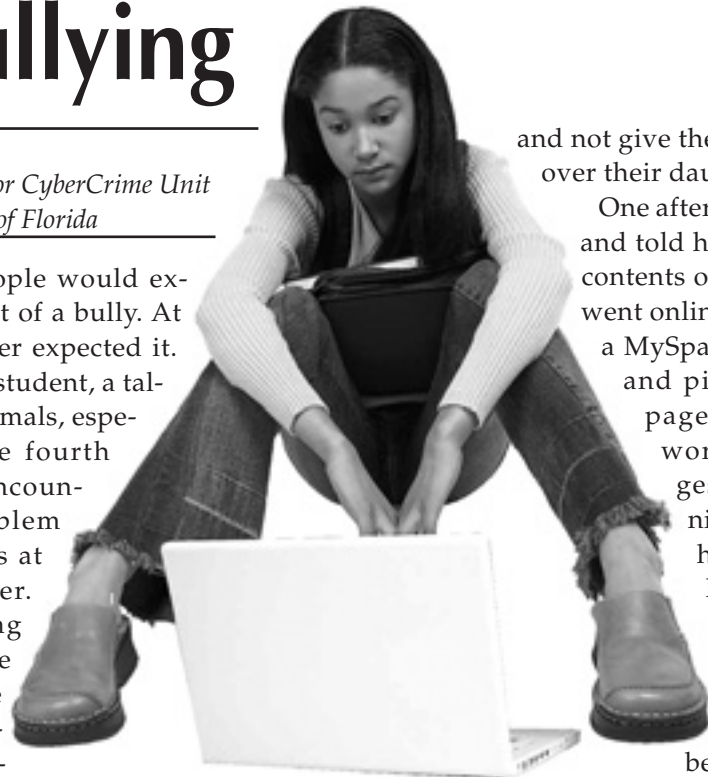
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Cyberbullying

By Gwen R. Rhodes
 Victim Advocate, Child Predator CyberCrime Unit
 Office of the Attorney General of Florida

The last thing most people would expect is to become the target of a bully. At least, Annie* certainly never expected it. She was an above-average student, a talented athlete and loved animals, especially horses. During the fourth grade Annie originally encountered the bullying problem when a couple of students at school began to tease her. Since she was not being physically bullied by the students, her parents gave her the standard adult response — it's just kids being kids; ignore them and they will go away.

As an eighth grader at a private school, she joined her friends in setting up a MySpace page. The bullying began insidiously with whispers at school and at equestrian trials, where Annie competed primarily in dressage events. She told her parents, who once again decided that it would be best to ignore the behavior



and not give the bullies any more "power" over their daughter.

One afternoon, a friend called Annie and told her she was surprised at the contents of her MySpace page. Annie went online and was horrified to find a MySpace page that had her name and picture on the profile. The page was filled with curse words and provocative suggestions, and the fake "Annie" had sent emails to all of her friends inviting them to her new page.

Annie showed her parents the page, and they reported it to MySpace and requested that the page be deleted. They also wanted

to speak to school administrators as they suspected the page had been set up by the same group of girls who had been bullying Annie at school. Annie begged them not to do that, fearing that it would only make things worse. She was upset but said she could handle it, that she had been dealing with the girls for

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The Williams Rule

Prosecuting crime victims with "similar fact evidence"

By Jay Howell



In some criminal cases the State of Florida attempts to introduce evidence that this is not the first time the defendant has committed this particular type of crime. This so-called "similar fact evidence" is usually in the form of an additional crime victim, who testifies that the defendant also committed a crime against her or him.

This type of evidence is most commonly used to convict perpetrators of sexual crimes. Back in 1959 the Supreme Court of Florida first allowed this type of evidence in certain, carefully controlled situations. Because the 1959 case was *State vs. Williams*, this evidence is referred to in the courts as "Williams Rule Evidence."

In a recent West Palm Beach case the defendant was charged with one count of sexual battery upon H.V., a person older than 12 years

of age, when she was physically helpless to resist. The victim and the defendant were in a pool league together at a local bar. On the night in question, the defendant brought the victim back to his house after she became highly intoxicated. Because she got sick from drinking, the defendant placed her in his bed, put a bucket next to her, and changed her shorts. When she awoke, the defendant was on top of her, committing a sexual act. She screamed and the defendant stopped. She grabbed his cell phone from the nightstand and called a friend and then 911.

The State Attorney attempted to introduce "Williams Rule" testimony in the form of a second victim who testified that she too met the defendant at the same bar. After the defendant bought her a few drinks, he invited her to his house for a movie. The defendant tried to make her engage in a sexual act. She blacked out, but when she woke up she had no clothing on and the defendant was on top of her engaged in a sexual act. She pushed him off, put on her clothes,

and left the house. She eventually went to the hospital to have a rape kit done, and told the police that when she woke up at his house, he was lying next to her, not on top of her. She also did not make any allegations to the police of non-consensual sex; instead, she signed a waiver of prosecution after the police determined that there were major inconsistencies in her story.

The detective, who investigated both cases, testified to the similarities between them. The trial court granted the State's motion to introduce the second victim's testimony at the trial. The jury found the defendant guilty of sexual battery, but did not find that the victim was physically helpless. The court sentenced the defendant to 60 months in the Florida State Prison, followed by 10 years of sexual offender probation. The defendant appealed the conviction, arguing to the appellate court that the second victim should not have been allowed to testify at his trial.

The appellate court ruled that the state must prove by clear and

RULE... CONTINUED ON PAGE 14