



BRYCE A. FETTER

ORLANDO JUVENILE CHARGES ATTORNEY

People make mistakes, especially young people. Juvenile lawyer Bryce Fetter believes children should get a second chance through rehabilitation rather than punishment. Juvenile cases are handled differently than adult court prosecutions. There are different rules, terms and procedures. Hiring an experienced and aggressive juvenile defense lawyer is essential. We have defended hundreds of juvenile cases. Once hired, we will:

1. Collect and review all written, audio & video evidence;
2. Find flaw's in the police officer's investigation;
3. Identify all possible defenses;
4. Immediately start negotiating with the prosecutor for a dismissal/reduced charges, and
5. Do whatever is necessary to avoid a criminal conviction.

Discussing Your Legal Options

During a free consultation, we will consider whether the following options are available to you. Our goal is to do whatever is necessary to avoid a conviction.

Dismissing the Charge

We can file a 'Motion to Dismiss' when there is insufficient evidence to support your criminal charges or when the court lacks proper jurisdiction to hear the case. Speedy trial and statute of limitations defenses can also lead to a complete dismissal.

Excluding Evidence

We can file a pretrial 'Motion to Suppress' where evidence may have been illegally obtained. This shifts the burden to the prosecutor to establish in court that all evidence was properly collected. We challenge the State's case at every stage of the police officer's investigation (stop, detention, statements, search, arrest, etc.).

Pretrial Diversion

We can apply for your participation in a pretrial diversion program. Your successful completion of the program will result in a dismissal of all charges.

Avoiding a Conviction

We can negotiate with the prosecutor and the court in an effort to secure a "withhold of adjudication." This final disposition allows you to avoid a formal conviction.

Seeking a Reduced Sentence

We can present the court with background information and mitigating evidence that can result in a reduced sentence.

Expunging Your Record

After your case is resolved, we can petition the court to seal or expunge all public records relating to your arrest and prosecution. This includes your police report and entire court file. Expunging your record will require the clerk to physically destroy your entire court file and allows you to lawfully deny (with a few limited exceptions) that you have ever been arrested or charged with the crime.



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Personalized Representation

When you call our Orange County juvenile law firm, you will speak with Bryce Fetter. Additionally, once retained, you have direct access to your criminal defense lawyer as every client has Bryce Fetter's personal cell phone number. You will be able to call, text or email him directly. Your case will not be assigned to a less-experienced attorney. Bryce Fetter is the only attorney that will speak to you on the phone, meet you in person and attend court with you.

Orange County Juvenile Pretrial Diversion: Teen Court

There are several programs for the first-time juvenile offenders. Each county offers a juvenile diversion program. All diversion programs require the child to obey certain rules and complete certain sanctions. Those sanctions may include community service work hours, restitution to the victim, counseling, letters of apology, etc. Orange County's primary juvenile diversion program is Teen Court. Seminole County's primary juvenile diversion program is called the PAY program. If the child completes a juvenile diversionary program, the child's charges will be dropped.

Florida Juvenile Attorney Defending All Orlando Juvenile Cases

An accusation against a juvenile can result in a juvenile delinquency record and possible placement outside of the home. Protecting the child's future career and educational opportunities is crucial. In many of these cases, the prosecutors and the courts seek to place the child in state-run programs that group troubled children together instead of addressing the root cause of the problem in a more productive setting.

We offer a free consultation so that you can discuss your child's case with a former prosecutor and experienced juvenile defense lawyer. Our goal is to review the facts of your child's case to determine what needs to be done to avoid a conviction. Call Bryce Fetter to find out the best way to help your child fight his or her juvenile charges. We handle juvenile cases in Orlando, Orange County, Seminole County, Osceola County, Brevard County, Lake County and Volusia County. Call 407.740.7275 to speak with a juvenile defense lawyer today.

Defending a Child in Juvenile Court

In any juvenile criminal case, the first step is determining whether the prosecutor has sufficient evidence to prove each element of the alleged offense. Bryce Fetter uses all available resources to determine the weaknesses in the prosecution's case. The next step is an investigation to uncover all facts that the defense can use to establish the child's innocence or mitigate any punishment.

In most cases, the court will refer the case to the Juvenile Probation Officer for a recommendation regarding the child. When appropriate, we provide the Florida Juvenile Probation Officer with a complete biographical history on the child and mitigating factors that exist in the case, so that more successful pretrial negotiations can take place. When an experienced attorney begins a complete investigation early in the case, more favorable results can be achieved.

Juvenile Court and Adult Court Differences

The circuit courts in Florida have jurisdiction over all cases in which a child is alleged to have committed a delinquent act or violation of law. A violation of the law is alleged through a delinquent complaint filed by a law enforcement officer when a juvenile in Florida is alleged to have committed a felony, misdemeanor, contempt of court or violation of a local ordinance.



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A juvenile does not have all of the same protections that an adult has to defend him or herself against a false accusation. Most notably, there are no jury trials in juvenile court under Florida law. If the case goes to trial, the juvenile court judge will determine your child's guilt or innocence.

Arrest, Release and Detention

Once a juvenile has been arrested for violation of a criminal law, the child will be taken to the Juvenile Assessment Center (JAC) where the JAC will determine whether further detention is necessary.

After a child is arrested and detained, he or she is taken to a juvenile detention center in the county in which the offense allegedly occurred. During the intake process, the JAC staff will contact the juvenile's parents.

In many cases, especially for misdemeanor or third-degree felony offenses, the releasing officer with the Department of Juvenile Justice (DJJ) counselor will issue the child a "Juvenile Notice to Appear" that directs the parent, adult relative, legal guardian or other responsible adult to take custody of the child and promise to ensure that the child appears at the designated time for the arraignment.

Alternatively, after the juvenile is admitted to the Florida juvenile detention center, the juvenile will be taken before the juvenile court within 24 hours for a detention hearing. An experienced Orlando juvenile criminal defense attorney can represent your child at the detention hearing to provide him or her with the best chance of being released while the case is pending.

Florida juvenile detention facilities are designed as a temporary program to house the juvenile prior to the resolution of the juvenile's court case. If the juvenile is found guilty, the child can be sentenced to a long-term residential program or a non-residential program as discussed below.

Detention Hearing

If the juvenile is held in detention, a detention hearing must be held within 24 hours of the arrest. The Judge then determines whether to release the juvenile, and if so, what conditions are necessary to protect the victim and the public. The Judge can order the juvenile to have "no contact" with the victim or witnesses. If the Judge does not release the juvenile, he or she remains in the juvenile detention center for a period of no more than 21 days (or under very limited circumstances for a period of 30 days).

Intake

The Florida Juvenile Probation Officer (JPO) will initiate the intake process by reviewing a copy of the charging report from the officer that made the arrest or the clerk of the court. The JPO then contacts the juvenile and his family to request additional biographical information about the child, his family, school and activities. A juvenile defense attorney can assist the family in providing this information and presenting all favorable biographical information and mitigating factors to the JPO.

Information gathered during the intake process will be used by the JPO to make a recommendation to the court about how the charges against the juvenile should be resolved. The JPO's report and recommendation will address the type of offense charged, the juvenile's risk to the community, the wishes of the alleged victims, and the needs of the juvenile. The intake report and recommendation is then forwarded to the State Attorney's Office. Having a juvenile defense attorney involved with the intake process can often make a big difference in how the case is handled by the State Attorney's Office.



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Arraignment

About 30 days after the arrest the juvenile will appear in court for his or her arraignment. An arraignment is an initial court hearing where the juvenile is advised of the charges filed by the State and asked to enter a plea to those charges, of either Guilty, Not Guilty or No Contest.

Plea Negotiations

After arraignment, plea negotiations will take place between the State and the juvenile's defense lawyer. A juvenile may change his plea of Not Guilty at any time and enter into a negotiated plea agreement with the State Attorney's Office. If a No Contest or Guilty plea is entered there will be no trial.

Trial

Preparing a juvenile case for trial is very similar to preparing an adult case for trial. The attorney is allowed to speak to the witnesses involved, including public school resource officers, teachers, administrators, other children and neighbors who may have knowledge about the case. When a felony offense is alleged, the attorney has the opportunity to take the deposition of the witnesses involved.

If no agreement can be reached, then the case will go to trial. There are no juries in Juvenile Court; a Judge decides all trials. The State is required to prove "beyond and to the exclusion of every reasonable doubt" that the defendant committed the crime. The defendant is not required to prove anything. Witnesses, including the victim, can be subpoenaed to testify and be cross-examined by the opposing attorney.

Pre-Disposition Report

A predisposition report (PDR) is an inquiry into the background, criminal history and family circumstances of the defendant. It is completed by DJJ and given to the Judge, the defense attorney, the defendant and the Assistant State Attorney. The report includes a sentencing recommendation for the Judge to review. Although the Judge may order DJJ to complete a predisposition report, they are not required or completed in all cases.

Dispositional Hearing

Once a defendant has been found guilty at trial or has entered a plea of guilty or no contest to a charge, we proceed to a dispositional hearing or sentencing hearing. The Judge sentences the defendant in a manner appropriate to the crime and other circumstances related to the case. The Juvenile Court has jurisdiction over the defendant until his or her 19th birthday (under some rare circumstances to age 21). Therefore, the sentence cannot extend beyond the 19th birthday of the juvenile.

The Judge may impose two types of sentences: (1) probation or (2) commitment to the Department of Juvenile Justice.

If the defendant is placed on probation, he or she may be ordered to complete community service work hours, take a tour of the jail, write a letter of apology, obtain specific types of counseling, etc. The probationary period is not for a specific period of time. Rather, once the juvenile has completed all of the sanctions and stays out of further trouble, the probation will be terminated.

If the Judge commits the defendant to DJJ, the Court must identify a restrictiveness level. DJJ recommends a commitment level, and the Judge ultimately commits the defendant, choosing the level that is most appropriate.



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There are currently four different levels of commitment: (1) low-risk programs that last from 30 to 45 days, (2) moderate-risk programs that last from 4 to 6 months, (3) high-risk programs that last from 6 to 9 months, and (4) juvenile prison that lasts from 18 to 36 months.

Violation of Juvenile Probation

After a juvenile is placed on probation, a Juvenile Probation Officer (JPO) is assigned. The JPO will supervise the child to determine whether the child is complying with the court-ordered special conditions of probation. The court may also order the parents or guardian of the child to report any violations of the court order by the child to the JPO and to the court.

If the juvenile commits a new offense or fails to complete the special conditions ordered by the court on time, the JPO will file a Violation of Probation Petition. If the court finds a violation of probation did occur, the court may revoke probation and impose an alternative sentence, such as placement in a residential facility run by the Department of Juvenile Justice or any other sentence that could have originally been imposed.

Post-Commitment Probation or Conditional Release

After the juvenile is released from a residential program, the juvenile will be supervised as part of post-commitment probation or conditional release. Both post-commitment probation and conditional release require the juvenile to comply with special conditions that are similar to those imposed in a probation sentence. Violations can result in the juvenile being recommitted into a more restrictive residential program.

Conditional release supervision violations are governed by administrative hearings conducted by department staff of the Department of Juvenile Justice. The court is not involved in conditional release violations. On the other hand, violations of post-commitment probation are handled by the court in the same manner as violation of probation cases.

Juvenile Charges Sent to Adult Court in Florida

For certain types of felony charges, it is possible for the juvenile's charges to be filed in adult criminal Circuit Court by either Direct File, Waiver or Indictment. Once the case is transferred to adult court, the juvenile can be tried and sentenced to adult sanctions, including prison.

In Florida, any person arrested for a criminal offense who is under the age of 18 is considered a juvenile. However, even juvenile offenses can be transferred to adult court. Any felony offense allegedly committed by a 16 or 17 year old person can be transferred to adult court. Even a 14 or 15 year old child can be charged in adult court for certain offenses such as grand theft auto, robbery, aggravated battery or possession of a weapon on school grounds.

Any offenses committed with a firearm under the "10-20-Life" provisions of Florida Law can be transferred to adult court. If the State Attorney's Office files the charges in adult court, then the juvenile is transferred to the county jail to a pod with other juveniles facing similar charges. Once the case is transferred to adult court, the juvenile is entitled to a bond hearing under the same provisions as an adult with similar charges.

After a plea or finding of guilt, the Department of Corrections will normally file a report that makes certain recommendations to the court regarding the juvenile's charges. It is possible for a juvenile found guilty in adult court to be sent back to the Department of Juvenile Justice for the imposition of juvenile programs and sanctions.



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Important Facts of Your Juvenile Case

Every juvenile case is different. It is important to analyze the specific facts of your case to determine the strengths and weaknesses of the State's case against you. Important factors to consider are:

- Were there any witnesses to the incident?
- Were you asked to provide a written or oral statement?
- How did you interfere with the investigation?
- Was the police officer in the lawful execution of a legal duty?
- What specifically, if anything, did you do to oppose the officer?
- Was your conduct lawful?
- Did you have the right to oppose the officer?

Your Constitutional Rights

The constitution guarantees that people be free from unlawful police conduct. It is important for you to know if any of your constitutional rights were violated when determining the legitimacy of the State's case against you. Important legal concerns are:

- Were you lawfully detained?
- Did you make any statements regarding this incident?
- Were you read your Miranda rights?
- Were any statements you made illegally obtained?

We Defend all Felony & Misdemeanor Offenses

If you were recently arrested or charged with any Florida criminal offense, please call our Winter Park criminal defense law firm at 407.740.7275 to discuss your options. We offer a free consultation so that we can learn about you, learn about your case and determine how we can help.