



THE Georgia FAMILY VIOLENCE Resource Newsletter

A PUBLICATION OF THE PROSECUTING ATTORNEYS' COUNCIL OF GEORGIA DOMESTIC VIOLENCE AND SEXUAL ASSAULT PROGRAM
WITH FUNDING FROM THE CRIMINAL JUSTICE COORDINATING COUNCIL

Our Mission

The goal of PAC's Domestic Violence and Sexual Assault Program is to effectively assist and be a resource to prosecutors, law enforcement and victim advocates across Georgia; to improve the effective adjudication of domestic and sexual violence cases; and to reduce such crimes across our state.

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feature article

The Use of Expert Witness Testimony in Domestic Violence Cases

An experienced expert can provide valuable information on victim management, preparing victims for testimony and addressing a victim's anxiety and concern about their participation in the court system

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The Use of Expert Witness Testimony in Domestic Violence Cases

By Sharla D. Jackson, Domestic Violence and Sexual Assault Resource Prosecutor

When preparing a domestic case, it is necessary to have a strategy to confront society's myths and misunderstandings about domestic violence and victim behavior. Due to trauma and the stress of a trial setting, domestic violence dynamics and societal pressure can cause a victim to recant his or her testimony or act to protect the batterer. This behavior can be perplexing to prosecutors who have come to expect it as part of their case. To the uninformed juror or judge, who does not understand these dynamics, this behavior can make a domestic violence victim seem untrustworthy. The use of expert witness testimony in domestic violence cases can mean the difference between having a successful prosecution and an acquittal. Expert witness testimony may be employed at all phases of a case to ensure that domestic violence offenders are held accountable at trial and that a victim receives justice.

Why Use Expert Witnesses In Domestic Violence Cases?

An expert witness can be used to help explain things that are "beyond the ken of the average layperson." In domestic violence cases, experts can be helpful in dispelling common myths about domestic violence. These myths include; "Domestic violence is a personal family problem," "a real victim would leave the batterer," "domestic violence only happens to poor women," "alcohol, drug abuse or mental illness cause domestic violence," and, "if the violence were that bad, he or she would just leave." By explaining the cycle of violence, the impact of domestic violence on victim behavior, and discussing research and studies about domestic violence, an expert can provide invaluable testimony about domestic violence to help jurors. Domestic violence experts can also provide an understanding of victim behavior to help analyze the evidence in a case.

To Help A Prosecutor To Better Understand The Complexities Of Their Case

Prosecutors can gain a better understanding of the dynamics of their case by consulting with

an expert witness during their trial preparation. Gaining an understanding of victim behavior can be important in creating a successful trial strategy. An experienced expert can provide valuable information on victim management, preparing victims for testimony and addressing a victim's anxiety and concern about their participation in the court system. Additionally, prior to trial, expert witnesses may assist the court in setting bond conditions and amounts, by providing crucial analysis of the potential for lethality in a relationship as well as helping to educate the court about the cycle of violence. Their knowledge of available counseling options and their efficacy can help the court to impose appropriate sentences at the culmination of the case.

To Dispel Common Myths About Domestic Violence

Expert testimony can help to dispel common myths about domestic violence victims by helping to explain their counterintuitive behavior:

Counterintuitive victim behavior is actions or statements made by victims which seem to be illogical or poor decisions by the victim; behaviors that are not what the average person or juror would "expect" from a victim. The term "counterintuitive behavior" is **not** a psychological term nor does it define a victim's behavior. Rather, it defines the public's perception of the victim's behavior and the disconnect between this perception and the victim's actual behavior.¹

Georgia courts have upheld the use of expert witnesses in this context. In *Horne v. State*, 2015 Ga.App. LEXIS 360 (June 23, 2015), the Court allowed the testimony of an expert witness to explain the victim's behavior in a case where the defendant was being tried for beating, raping and stabbing the victim. In spite of the violent acts that the defendant committed against her, shortly before the trial, the victim married the defendant and recanted

her statements against the defendant. The Court of Appeals found the expert's testimony relevant to explain why a victim of intimate partner violence might recant in order to protect the abuser from prosecution. "[T]he battered person syndrome is a complex area of human response and behavior. Therefore, expert testimony must be admitted because it supplies an interpretation of the facts which differs from the ordinary lay perception."²

To Overcome Attacks On Victim Credibility

In domestic violence cases, a victim's credibility is often attacked by the defense. Playing into these underlying prejudices has proven to be a successful defense tactic. Many jurors find it difficult to believe that anyone would continue to remain in a relationship with someone who victimized them. An expert witness can provide testimony about the cycle of violence that can help to explain a victim's continued relationship with the defendant. In *Brown v. State*, 325 Ga.App. 237 (2013), during the defendant's trial on aggravated assault and terroristic threats, the defense attacked the credibility of the victim regarding her continued relationship with the defendant. The defendant had fired a gun into the victim's home and threatened her and her family, yet she remained in a relationship with the defendant. When the defense attacked her credibility on this basis, the trial court properly allowed a domestic violence expert to testify regarding the cycle of violence to explain why, if she believed the defendant was the perpetrator, the victim would continue to be in a relationship with the defendant.³ See also, *Parrish v. State*, 237 Ga.App. 274, 277 (1999), where the Court allowed expert testimony regarding abusive relationships to explain the victim's behavior when her credibility was at issue.

To Explain The Absent Or Recanting Victim

It may be difficult for the average juror to understand the domestic violence victim who has survived an extreme act of violence at the hands of her partner and still recants to protect them from prosecution. Unlike victims of non-intimate partner crimes, domestic violence victims often experience additional consequences from their victimization, such as loss of home, children, or lifestyle. A victim may also have conflicting feelings about prosecuting someone that they love. At trial, expert witness testimony may be used to explain the recanting witness. Such testimony allows the jury to focus on the actions of the defendant rather than the ability of the victim to cooperate with the prosecution.

The Law Regarding The Use Of Expert Witnesses

Expert testimony in criminal cases is governed by O.C.G.A. § 24-7-707, which states that, "In criminal proceedings, the opinions of experts on any question of science, skill, trade, or like questions shall always be admissible;

and such opinions may be given on the facts as proved by other witnesses."

To be an expert, all that is required is that a person has knowledge in a particular matter. The law does not require that they have special education or study.⁴ This standard has been retained under Georgia's new Evidence Code. Under the new Code, courts have broad discretion in qualifying expert witnesses.⁵

Qualifying Expert Witnesses

"The decision whether to qualify a witness as an expert lies within the sound discretion of the trial judge."⁶ A witness's expertise can be derived from a number of sources including "on-the-job observations and attendance at conferences and seminars, because the federal rules of evidence do not rank academic training over demonstrated practical experience." Courts have looked at factors such as the number of years working in the field, any specialized training, and other activities that would provide expertise in a particular area. This liberal view allows prosecutors greater access to potential expert witnesses such as shelter advocates who may have a great deal of experience working with domestic violence victims but may not hold advanced degrees or possess special scientific knowledge.

For example, in *Gipson v. State*, 332 Ga.App. 309 (2015), the Court upheld the qualification of the executive director of a domestic violence shelter. She had been an advocate in the field of domestic violence for over 13 years and had obtained her bachelor's degree in psychology in 1996. She had specialized training in domestic violence, and received a minimum of 15 hours of additional training and education in the field of domestic violence each year. She had also given presentations across the community and worked at the state level to advocate on behalf of victims, form public policy, and train others to assist victims.⁷ However in *Lewis v. State*, 317 Ga.App. 218 (2012), the Court of Appeals held that a law enforcement officer who testified that, "it was common for victims of domestic violence to change their stories about being abused," in a domestic violence case, in which the victim recanted her story, was not qualified to testify as an expert in this case because his testimony was not relevant to explain the conduct or testimony of that particular victim.⁸

The Scope Of Expert Witness Testimony

An expert witness may form their opinion on facts or data, "perceived by or made known to the expert at or before the hearing...If of a type reasonably relied upon by experts in the particular field in forming opinions or inferences upon the subject, such facts or data need not be admissible in evidence in order for the opinion or inference to be admitted."⁹ However, the expert's opinion may not be used to admit inadmissible hearsay unless the probative value substantially outweighs the prejudicial effect.¹⁰ In *O'Connell v. State*, 294

Ga. 379 (2014), the Supreme Court upheld the trial court's exclusion of expert testimony regarding evidence of acts of abuse committed against the defendant by someone other than the victim, in support of her justification defense. This would have allowed the defendant to admit otherwise inadmissible testimony through the opinion of his expert witness. Because the expert's testimony included references to acts of violence by third parties other than the victim, it would have been impossible for the State to rebut or test as to the credibility of that evidence.

While an expert witness may form an opinion which addresses the ultimate issue, an expert witness may not offer opinion testimony that directly addresses the credibility, truthfulness, or accuracy of the victim or other witnesses.¹¹ An expert may testify that a victim exhibits behavior consistent with battered person syndrome, but they may not testify that a victim has been battered.

The Basis Of Expert Testimony

Pursuant to O.C.G.A. § 24-7-705, the expert's opinion may be based on: facts within their personal knowledge, facts admitted at trial, and facts reasonably relied upon by experts in the field. It is not necessary that the expert have personally interviewed or observed the victim, as the new rules of evidence allow an expert to testify as to his or her opinion without providing a factual basis for it.¹²

Securing An Expert Witness

A prosecutor may use experts of many disciplines. Potential expert witnesses may be found in the fields of social work, psychology, child protection, domestic violence services, victim advocacy, and law enforcement. Georgia has 46 state certified family violence shelters that can be a great resource for locating experts on domestic violence.¹³ Many of these organizations have legal advocates that are available to provide expert testimony for a case.¹⁴ Another option may be to develop an expert witness by working with local advocates. Provided that they have the experience and specialized knowledge to qualify as an expert witness, local advocates can be an asset to the State's case. Any potential expert witness should have sufficient experience to answer questions necessary to qualify them as an expert witness.

The Prosecuting Attorneys' Council is providing training for victims' advocates who wish to become expert witnesses. Court School is a 6-hour statewide training program designed to prepare the non-profit domestic violence and sexual assault advocate to assist victims in court. Advocates that are well-versed in local court protocol and procedure can help ensure successful prosecutions. This course will prepare victims' advocates to assist victims through the court process and to testify as expert witnesses for the prosecution. The Court School training schedule and locations are available on Page 5 and on the Prosecuting Attorneys' Council's website. 

Endnotes

1. Praxis International, *Appendix 5C – Use of Expert Witnesses in Domestic Violence Cases*, The Blueprint for Safety (visited July 21, 2015) http://praxisinternational.org/bp_materials.aspx.
2. *Horne v. State*, 2015 Ga.App. LEXIS 360 (June 23, 2015).
3. *Brown v. State*, 325 Ga.App. 237, 244 (2013).
4. *Pepe-Frazier v. State*, 331 Ga.App. 263, 267 (2015).
5. *Smith v. State*, 319 Ga.App. 590, 593 (HN7) (2013) (absent an abuse of that discretion, will not be disturbed.)
6. *Miller v. State*, 273 Ga.App. 761, 764 (2005).
7. *Gipson v. State*, 332 Ga.App. 309, 315 (2015).
8. *Lewis v. State*, 317 Ga.App. 218, 225 (2012).
9. O.C.G.A. § 24-7-703.
10. *O’Connell v. State*, 294 Ga. 379, 382 (2014).
11. O.C.G.A. § 24-4-704.
12. *Gipson*, at footnote 6.
13. State Certified Family Violence Agencies.
14. State Certified Family Violence Shelters.

Qualifying Questions For Expert Witness

1. What general experience do you have in the field of domestic violence?
2. How long have you been employed?
3. How many years of experience do you have working in the field of domestic violence?
4. What type of education do you have?
5. Which degrees do you possess?
6. Do you have any specialized training in domestic violence?
7. Have you conducted any domestic violence training of others?
8. Are you a member of any professional organizations?
9. Have you attended any local or national domestic violence conferences?
10. Have you conducted any presentations about domestic violence?
11. Have you previously testified in court?
12. Have you testified for the state or the defense?
13. If so, how many times?

The use of expert witness testimony in domestic violence cases can mean the difference between a successful prosecution and an acquittal.

Did You Know?

Domestic Violence in Georgia

- Ranks 9th in the nation for the rate at which men kill women. (Violence Policy Center, 2013)
- From 2003 through 2014, at least 1,400 Georgia citizens lost their lives due to domestic violence.
- Between 2010-2014, almost 222 Georgians were killed in murder suicides.
- In 29% of the cases studied through Georgia’s Domestic Violence Fatality Review Project, children witnessed the domestic violence homicides.
- Firearms were the cause of death in 65% of the recorded domestic violence fatalities in 2014.
- Domestic violence is the leading cause of injuries for girls and women between the ages of 14 and 44. (CDC)
- There are 46 certified domestic violence shelters and 24 certified rape crisis centers serving Georgia’s 159 counties.

Georgia Commission on Family Violence 2015 Fact Sheet

CaseLaw Update

By Sharla D. Jackson

Domestic Violence and Sexual Assault Resource Prosecutor
Prosecuting Attorneys’ Council of Georgia

Gipson v. State 332 Ga.App. 309 (2015)

The defendant was convicted of aggravated assault with an offensive weapon, aggravated assault with intent to murder, aggravated battery, and battery.

The defendant moved for a new trial arguing that there was insufficient evidence to convict him of aggravated assault with intent to murder, that the trial court erred in allowing expert testimony from the executive director of the domestic violence shelter on the cycle of abuse and that the indictment was fatally defective because it did not allege the deadly weapon used by the defendant against the victim during the attack.

The defendant and victim were involved in a year long relationship which included several acts of violence. In September of 2012, the defendant caused the victim to fracture one of her vertebrae. He pulled on the legs of a chair on which she was seated, causing her to fall to the floor, and injured her back. Several months later, in April of 2013, while they were both walking down a secluded path on their way to a mutual friend’s house, the defendant and the victim began to argue. As they walked down the path, the defendant kicked, pushed, and severely beat the victim using several tree limbs lying on the path. After the beating, the victim was barely able to walk but was able to follow the defendant to the friend’s house. The friend then took the victim to the hospital where she was treated for severe bruises on her

arms, legs, and back. One of the bruises to her arm left a permanent scar.

At trial, the State presented testimony of the executive director of a domestic violence agency who had a bachelor’s degree in psychology, had worked in the field for 13 years, and had specialized training in the field of domestic violence. She testified about the cyclical pattern of domestic abuse and the typical characteristics of domestic violence victims. The defendant contested the expert witness’ qualifications and argued that her testimony impermissibly placed his character at issue.

The Court of Appeals held the trial court was proper in qualifying the expert because, “[t]o qualify as an expert, generally all that is required is that a person must have been educated in a particular skill or profession; his special knowledge may be derived from experience as well as study. Formal education in the subject at hand is not a prerequisite for expert status.” The Court also held that the expert’s testimony did not place the defendant’s character at issue as it was relevant to support the victim’s credibility and the explanation of why a victim would not immediately leave their abuser was “beyond the ken of the average layperson.” Since the evidence showed that the victim failed to leave the defendant after the abuse and lied to others about what occurred in order to protect the defendant, the expert testimony was properly admitted.

The Court also held that the indictment was not fatally defective in charging the defendant

with aggravated assault with intent to murder even though the language did not specify the type of weapon used. Because the State included the language, “did unlawfully then and there make an assault upon the person of [the victim] with the intent to kill, contrary to the laws of this State, the good order, peace and dignity thereof.” This language was sufficient to put the defendant on notice that he could be convicted of aggravated assault if he committed a simple assault in either manner contained in the simple assault statute, so long as the State proved that he did so with the intent to kill the victim.

The Court also held that the State presented sufficient evidence of the defendant’s “intent to kill” the victim when it presented evidence of the nature of the instrument used to make the assault, the manner of its use, and the nature of the wounds inflicted. In this case, the State’s evidence showed that the defendant lured the victim to an isolated path, that he beat her severely with several tree limbs, and injured her so badly that she had to be evaluated for kidney damage and a pulmonary embolism.

Hager v. State 297 Ga. 112 (2015)

The defendant appealed the trial court’s denial of his motion for new trial after his conviction on malice murder related to the shooting death of Rashad Sampson.

Witnesses found the victim, Rashad Sampson, lying in the street, after he had been shot and thrown out of a car by the defendant. After the defendant left the scene, the witnesses approached the victim who said, “I’m going to die.” When the police arrived at the scene, answering the 911 calls about the incident, the victim kept asking them if he was going to die. The victim then gave the name of the defendant to the paramedics and described the circumstances of his shooting and the gun used to shoot him. At the hospital, the victim told the nurse that he had been shot by Kelvin, with whom he worked at Target. In spite of his treatment at the hospital, the victim succumbed to his injuries.

The defendant contested the sufficiency of the evidence, arguing that the victim’s dying declarations lacked probative value because the dying declaration statute did not specify that dying declarations are exceptions to hearsay.

The Court held that while dying declarations are not probative on the issue of guilt, they are admissible as evidence for the jury to weigh and consider as evidence of guilt. Furthermore, a victim’s dying declarations are often cited as part of the trial evidence considered by the court in determining the sufficiency of the evidence. As such, testimony about the victim’s dying declaration may be used to support convictions.

Dyal v. State S15A0139 (June 1, 2015)

The defendant was convicted of murder, aggravated assault, and the possession of a firearm during the commission of a crime.

The defendant lived with his wife and son, with whom he had a difficult relationship. On the day of the murder, the defendant took a handgun into the kitchen of the family home, where his wife and son were seated at a table. His wife had not heard the defendant and her son arguing that evening and she did not know why the defendant was carrying his handgun. The defendant pointed the gun at both his wife and son, put his hand on his wife’s shoulder in a way that made her feel like he wanted her to stay seated, and shot his son in the head, killing him. When the police arrived at the scene, the defendant told the officers that he killed his son because “he was going to beat my tail.” The defendant was tried and convicted by a jury.

The defendant appealed his conviction, asserting that the trial court erred when it failed to merge the aggravated assault conviction with the malice murder conviction, that it improperly refused to admit evidence of prior bad acts by the victim against third parties, and that it improperly approved a verdict form which allowed the jury to consider the charge of voluntary manslaughter only if it found the defendant not guilty of malice murder or felony murder.

The Court vacated the sentence on the aggravated assault conviction, holding that it should have been merged with the conviction for malice murder. The defendant was charged with a single assault against the victim, placing a gun to his head and then shooting him, causing his death. Since this assault did not require proof of an additional fact that was required to prove the malice murder charge, it should have been merged into malice murder for sentencing.

The Court held that the trial court properly used its discretion to exclude evidence of prior bad acts committed against third parties by the defendant’s son, because the defendant did not provide the State with proper notice. The defendant failed to provide the State with timely notice of his intent to present evidence of acts of violence by the victim and did not provide specific information about the prior bad acts, as required by Uniform Superior Court Rule 31.6 (B), the trial court did not err in excluding this evidence.

Finally, the Court found meritless the defendant’s argument that trial court improperly approved a verdict form which allowed the jury to consider the charge of voluntary manslaughter only if it found the defendant not guilty of malice murder or felony murder. Because the jury found the defendant guilty of malice murder

and not felony murder, the Court held that the defendant had committed the homicide without sufficient provocation to authorize the guilty verdict of voluntary manslaughter.

Cotton v. State S15A0950 (June 1, 2015)

The defendant was convicted of malice murder, felony murder, aggravated assault cruelty to children, and the unlawful possession of a knife during the commission of a felony in the stabbing of Tyriss Turner.

The defendant intervened in a physical altercation between his roommate, Turner and the defendant’s sister in the living room of the apartment. The defendant pushed Turner into a lamp, went into the kitchen, retrieved a knife, and stabbed Turner in the chest, killing him. The defendant was tried and convicted by a jury.

The defendant appealed his conviction, arguing that the trial court erred when it denied his motion for pretrial immunity when it failed to specifically reference the standard set out in *Bunn v. State*, 284 Ga. 410, 413 (2008). In *Bunn*, the Supreme Court of Georgia outlined a “preponderance of the evidence” standard to be applied by courts in immunity hearings. The Court affirmed the denial of the motion, holding that while the trial court did not specifically reference the *Bunn* standard, the trial court properly weighed the evidence in making the determination that the defendant did not prove by a preponderance of the evidence that he was acting in self-defense when he killed the victim.

Further, the defendant contested the admission into evidence of incriminating Facebook messages made by him admitting to the killing, arguing that they were prejudicial, not probative, and were not properly authenticated.

The Court held that since Facebook messages are documents from electronic sources they may be authenticated through circumstantial evidence. Because the State authenticated the messages through the testimony of the victim’s mother who knew the defendant and was familiar with his Facebook page, the messages were properly authenticated.

Onyekwe v. State 322 Ga.App. 267 (2015)

The defendant was convicted of family violence simple battery. The defendant was convicted after a bench trial and appealed his conviction.

The defendant and his ex-wife had two children together. Pursuant to their divorce, the ex-wife drove to the Fayetteville police station to meet with the defendant for his overnight visitation with their children. The defendant’s daughter refused to go with him and the de-

defendant became angry. He began yelling, hit his daughter and tried to pull her out of her mother's van, leaving red marks on her arm and stretching the sleeve of her shirt. When his ex-wife tried to stop him, he hit her on the shoulder. He was arrested and charged with family violence simple battery.

The defendant contested the sufficiency of the evidence to support his convictions and the trial court's exclusion of evidence regarding his visitation with his children. The Court of Appeals affirmed his conviction, holding that the State presented sufficient evidence of family violence simple battery when it presented the testimony of his wife and daughter, which was corroborated by the testimony of the police officer, who noted that his daughter had red marks on her arm and that her sleeve was stretched. The Court also upheld the trial court's exclusion of evidence related to his divorce and child custody arrangements with his wife. As the evidence was not relevant to proving or disproving the charge of family violence simple battery, it was properly excluded.

Tepanca v. State 297 Ga. 47 (2015)

The defendant was convicted of malice murder, felony murder, aggravated assault, and possession of a firearm during the commission of a felony. The defendant appealed his conviction, arguing that the verdicts were mutually exclusive and that adultery or sexual jealousy between non-married persons was sufficient provocation for a jury instruction on voluntary manslaughter.

The defendant was convicted by a jury for the killing of Jose Sanchez-Vargas. The defendant was having a secret relationship with Alicia Hernandez. Prior to the murder, Hernandez told the defendant that she no longer wanted to see him. The victim, Sanchez-Vargas, often drove Hernandez and her neighbors to work

for a fee. On the date of the murder, the victim visited Hernandez to collect his fee. While they talked, the defendant, who was visiting the same complex, saw them talking. He confronted Sanchez-Vargas, pulling out a handgun, and shooting it into the ground. The victim left and the defendant followed him. The defendant alleged that while they were stopped at a traffic light, the victim threatened "to kick his ass." The defendant then followed the victim all the way to his home, intending, as he testified, "to make things right." According to the defendant, the victim got out of his truck, threatened the defendant again, and appeared to reach for something in his pocket. The defendant shot the victim six times, while the victim was attempting to run away. The defendant admitted that he never saw the victim with a gun.

The defendant argued that because the jury found him guilty of malice murder but acquitted him of the lesser included offense of voluntary manslaughter, that the verdicts were mutually exclusive. A guilty verdict is mutually exclusive when, "one count logically excludes a finding of guilt on the other." Here, where the jury reached verdicts of guilty and not guilty, the Court held that the verdicts were inconsistent, not mutually exclusive. Because the inconsistent verdict rule no longer applies to criminal cases in Georgia, the defendant's argument was moot.

Finally, the Court upheld the trial court's refusal to charge the jury that adultery or sexual jealousy between non-married persons may serve as provocation for voluntary manslaughter. The Court found that the jury instruction would not have embodied a correct, applicable and complete statement of law cited in the jury charge because the parties were not married. As such, there was no adultery and the jury charge did not apply to the evidence presented in the case. [GFV](#)



Is There Witness Intimidation in Your Case? First Steps

Excerpt reprinted with permission from AEquitas. [Click to download the full text of this resource including endnotes](#)

Experience has shown that criminal defendants inclined to engage in witness intimidation will take advantage of any available opportunity to do so.⁶ The longer it takes for a case to go to trial, the more likely it is that some of these attempts to intimidate will ultimately succeed. It is critical, therefore, that these cases move to trial as expeditiously as possible, with witness protection and evidence preservation at the forefront of trial preparation efforts.

As soon as a case is assigned, whether you assume responsibility for the case immediately after arrest or shortly before trial, carefully review the case for potential intimidation issues. In cases involving domestic violence, child abuse, elder abuse, or human trafficking, witness intimidation of some sort is a virtual certainty. Even if there has been no contact between the victim and the defendant since the defendant's arrest, the dynamics involved in these crimes usually dictate that intimidation has been occurring on an ongoing basis, long before the criminal act that precipitated the defendant's arrest. Defendants routinely intimidate their victims in these cases in order to prevent the victims from reporting what has usually been a long-standing pattern of abusive conduct. As a result, the victim may be afraid of cooperating with the prosecution,

UPCOMING TRAINING EVENTS

September 2-4, 2015
2015 Protecting Lives, Saving Futures
Brasstown Valley Lodge
6321 Highway 76
Young Harris, GA 30582

September 8, 2015
Court School for Advocates - Augusta
University Hospital
1350 Walton Way
Augusta, GA 30901
8:00 AM - 5:00 PM

September 10, 2015
Family Violence Training - Ellijay
Gilmer County Courthouse
Jury Assembly Room
1 Broad Street
Ellijay, GA 30540
9:00 AM - 4:00 PM

October 7-8, 2015
2015 Solicitor-Generals' Fall Meeting
Sea Palms Resort
5445 Frederica Road
St. Simons Island, GA 31522

October 8-9, 2015
2015 District Attorneys' Fall Meeting
Sea Palms Resort
5445 Frederica Road
St. Simons Island, GA 31522

October 15, 2015
Court School for Advocates - Americus
Student Success Center
800 Georgia Southwestern State Univ. Dr.
Americus, GA 31709
8:30 AM - 5:00 PM

November 11-13, 2015
2015 Fundamentals of Prosecution
Prosecuting Attorneys' Council of Georgia
1590 Adamson Parkway, 4th Floor
Training Room
Morrow, GA 30260

December 3-4, 2015
2015 District Attorneys' Winter Meeting
Prosecuting Attorneys' Council of Georgia
1590 Adamson Parkway, 4th Floor
Training Room
Morrow, GA 30260

December 15, 2015
Court School for Advocates - Morrow
Prosecuting Attorneys' Council of Georgia
1590 Adamson Parkway, 4th Floor
Training Room
Morrow, GA 30260
8:30 AM - 5:00 PM

and afraid to testify, because the defendant has made it clear that speaking out will have dire consequences. Or, as a result of the defendant's emotional manipulation, the victim may be feeling guilty and responsible for the defendant's ensuing legal problems.

In cases involving organized crime—or gang-related violence, particularly those occurring in gang-dominated neighborhoods, witnesses are also predictably fearful and reluctant to testify. Intimidation in those cases is generally fear-based, involving fear of violent retribution on the part of the defendant or the gang, or fear of social disapproval as part of the “no snitching” culture of the community. Emotional manipulation may be a factor in some of those cases, too—particularly where the witness is a partner or friend of the defendant, or is a fellow gang member.

In any case where intimidation is or may be a factor, timely actions can make the difference between a successful prosecution and an unsuccessful one. As a prosecutor, you can increase the probability of a successful outcome by implementing the following strategies immediately upon assuming responsibility for a case. GFV

Continue reading the full text and endnotes at: <http://www.aequitasresource.org/The-Prosecutors-Resource-Intimidation.pdf>

RESOURCES:

Domestic Violence and Sexual Assault Resources for Prosecutors

24/7 Domestic Violence Hotline:

1 (800) 33 HAVEN
1 (800) 334-2836 (V/TTY)

GA Criminal Justice Coordinating Council:

www.cjcc.georgia.gov

GA Cares:

www.gacares.org

GA Network to End Sexual Assault:

www.gnesa.org

Battered Women's Justice Project:

www.bwjp.org

GA Commission on Family Violence:

Provides Georgia domestic violence statistics, domestic violence protocols.
www.gcfv.org

GA Coalition Against Domestic Violence:

www.gcadv.org

Forensic Healthcare Online:

Provides links to studies on intimate partner violence and sexual assault
www.forensichealth.com

AEquitas: The Prosecutors Resource on Violence Against Women

Provides information on complex topic areas, emerging issues, and promising practices related to the prosecution of violence against women cases
www.aequitasresource.org

The Women's Legal Defense and Education Fund

www.legalmomentum.org

End Violence Against Women International

www.evawintl.org

National Sexual Violence Resource Center

www.nsvrc.org



THE Georgia FAMILY VIOLENCE Prosecutor Resource Newsletter



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GEORGIA DOMESTIC VIOLENCE AND SEXUAL ASSAULT RESOURCE PROGRAM



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Did you know?

In Georgia, “Family Violence” also known as Domestic Violence is defined as: “the occurrence of one or more of the following acts between past or present spouses, persons who are parents of the same child, parents and children, stepparents and stepchildren, foster parents and foster children, or other persons living or formerly living in the same household: (1) Any felony; or (2) Commission of offenses of battery, simple battery, simple assault, assault, stalking, criminal damage to property, unlawful restraint, or criminal trespass. The term “family violence” shall not be deemed to include reasonable discipline administered by a parent to a child in the form of corporal punishment, restraint, or detention.”

Statistics from 2012 Georgia Domestic Violence Fatality Review Annual Report courtesy Georgia Coalition Against Domestic Violence (www.gcadv.org) and Georgia Commission on Family Violence (www.gcfv.org)