

DISPOSITION STATEMENT

STATE OF FLORIDA

vs.

FRANCHON MICHELLE HART

DATE: March 20, 2019

DIVISION: CRA/SVU

S.A. CASE NO.: 19CF000443AD

CLERKS NUMBER: 162019CF000024A

AGENCY RPT NO.: 2018-0887485

BOOKING NO.: 2018-034389

OFFICER NAME: D. B. Baker

CHARGES: CHILD ABUSE

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|--|--|
| <p>The below-listed disposition has been made in this case for the stated reason:</p> <p style="text-align: center;">DN (Arrest Only)</p> <p>Reason Code: 443</p> <p>**PLEASE PROVIDE RESTITUTION INFORMATION ON REVERSE OF FORM.</p> | <p style="text-align: center;"><u>POLICE OFFICER / VICTIM DISPOSITION STATEMENT</u></p> <p>P.O. Consented to any ASA decision at filing</p> <p>VICTIM Notified and disagrees with disposition and understands on 3/20/2019</p> <p>COMMENTS:</p> <p>(It is the policy of this office that law enforcement officers and victims are informed of case dispositions. Include in this section or below any difficulties in making contact and any other relevant information.)</p> |
|--|--|

Victim Letter: YES
Property Notice: YES

REASONS:

[Redacted] Vic Abuse Sex Off observed the D (also an [Redacted] Vic Abuse Sex Off) pick up the V. D picked the child up because the V bit another student. The witness observed the D repeatedly pinch the inside of the V's thighs. The witness advised that the D told the V, "This is how it feels when you bite a baby." The witness advised that she tried to intervene, but the D told her to just let her (V) sit there. The witness took the child to wipe her face due to her crying. After the witness returned, D had left work.

D is acting in loco parentis under these facts. It is not a crime for a parent or a person who is acting in place of a parent of a child to impose reasonable physical discipline on a child for misbehaving under the circumstances even though physical injury resulted from the discipline. The Victim's injuries did not require medical attention and consisted of bruising to her inner thighs. Although the D's response or behavior was inconsistent with societal expectations from a child care worker in this circumstance, it is likely that a juror may find the D's actions reasonable when considering the law as outlined above.

Therefore, I am taking no further action in this matter and I am entering the disposition as indicated above.

Jessica Marie Henstey
Assistant State Attorney

3/20/19

Tonya Barge

Date

Division Chief

3/20/19

Date

RESTITUTION:

VICTIM NAME, ADDRESS AND PHONE

AMOUNT

Vic Abuse Sex Off

None known

Are there co-defendants? NO

Will restitution be divided equally? NO

If not, please provide additional information below under COMMENTS.

LIST CO-DEFENDANTS' NAMES AND S.A. CASE NUMBERS:

COMMENTS:

Redaction Log

Total Number of Redactions in Document: 3

Redaction Reasons by Page

| Page | Reason | Description | Occurrences |
|------|-------------------|--|-------------|
| 1 | Vic Abuse Sex Off | Information revealing identity of victims of child abuse and/or sexual offense incl. Human Trafficking §119.071(2)(h), F.S. §119.071(2)(j)2.a.,b., F.S. §810.145, F.S. §794.024, F.S. AGO 03-56 | 2 |
| 2 | Vic Abuse Sex Off | Information revealing identity of victims of child abuse and/or sexual offense incl. Human Trafficking §119.071(2)(h), F.S. §119.071(2)(j)2.a.,b., F.S. §810.145, F.S. §794.024, F.S. AGO 03-56 | 1 |

Redaction Log

Redaction Reasons by Exemption

| Reason | Description | Pages (Count) |
|-------------------|--|------------------|
| Vic Abuse Sex Off | Information revealing identity of victims of child abuse and/or sexual offense incl. Human Trafficking §119.071(2)(h), F.S. §119.071(2)(j)2.a.,b., F.S. §810.145, F.S. §794.024, F.S. AGO 03-56 | 2(1) 1(2) |