

# FLORIDA LAW WEEKLY SEX CRIMES EDITION BY DENNIS NICEWANDER

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Whittingham v. State, 33 Fla. L. Weekly D612 (Fla. 4<sup>th</sup> DCA 2008):

Prosecutor's submission to the jury in child sexual abuse case of several counts that included multiple distinct acts of abuse did not constitute fundamental error, and thus, could not be raised for the first time on appeal; the prosecutor charged the defendant with a different type of sexual abuse in each separate count with some counts charging that the act occurred within a specific time frame and others charging the specific type of sexual abuse occurred on one or more occasions within a specified time range.

Because the state may charge a defendant in child **sexual** abuse cases in a manner not permitted in other types of criminal cases, expanding time periods for the commission of offenses and grouping types of offenses together, it is not fundamental error to submit such a charge to the jury.

Oliver v. State, 33 Fla. L. Weekly D626 (Fla. 5<sup>th</sup> DCA 2008):

Psychological expert testified about common behaviors in sexually abused children. These included (1) the victim's desire to act "hyper-normal" after being sexually abused; (2) denying sexual abuse at first; (3) delaying disclosure; (4) disclosing the facts in piecemeal fashion; and (5) the victim's attempts to control their emotions.

Court ruled that since the expert was relying on his own experience and not on a "syndrome" his testimony was admissible.

Testimony did not vouch for credibility of victim.