

FW: Jafet Santiago Miranda 2020-00027450



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Today, 9:46 AM

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Good Morning,

Below is the disposition of the above case. Let me know if you have any questions.

After reviewing the cameras and sworn statements, the State cannot conclusively determine if the complainant entered the residence prior to the use of physical force. The suspect claims that the complainant unlawfully entered his residence and he was restraining her until law enforcement arrival. There are conflicting statements between the witnesses (child and sister of the complainant) as to whether the entry occurred prior to the use of physical force. Furthermore, the facts do not rise to the level of child neglect as the child did not suffer any injury or show any facts that there was a likelihood of injury. Mental injury requires an expert opinion per statute, which is absent in this case. Even though there is a statement indicating that the child will be sent for therapy, this does not automatically support that there was a mental injury. For the above reasons, the State cannot successfully prosecute this case to the burden of beyond a reasonable doubt.

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