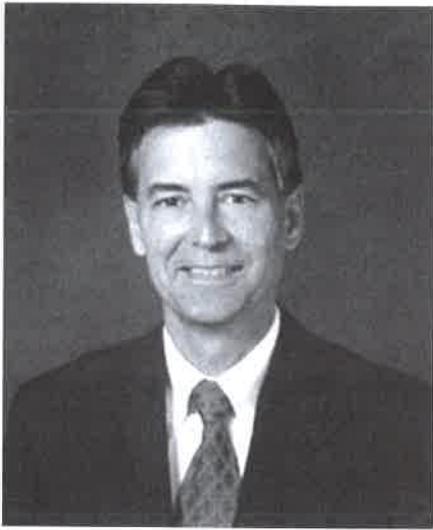


A MESSAGE FROM YOUR COMMONWEALTH'S ATTORNEY



As your Commonwealth's Attorney, I will do everything in my power to enforce the laws of this state and to see that justice is done. To do this, I need your help. *Report crimes when you see them. Assist the police in their investigation. Testify honestly and completely in court.* If you do these things, the possibility of arrest and conviction of criminals will be greatly increased.

My staff and I are dedicated to serving the rights of those who are victimized by crime. We stand ready to work with you to make Suffolk a safe place in which to live, work and raise our families.

Sincerely,

C. Phillips "Phil" Ferguson
Commonwealth's Attorney

INTRODUCTION

Suffolk Victim/Witness Services, located in the office of the Commonwealth's Attorney, helps ensure that crime victims and witnesses receive fair and compassionate treatment while participating in the criminal justice system.

As a victim or witness, your role is an important one. However, the responsibilities involved may be unfamiliar to you. This brochure is designed to acquaint you with the steps involved in bringing a case to trial and your role in the process. It also describes your rights as a victim or witness, and the services available to you.

DEFINITION OF VICTIM

The Victims' Bill of Rights and most other victims' rights laws recognize the following individuals as crime "victims":

- Anyone suffering physical, emotional or financial harm as a direct result of a **felony** or **certain misdemeanors**
- Spouses and children of all victims
- Parents, siblings, legal guardians, current and former foster parents of minor victims, mentally or physically incapacitated or victims of homicide

RIGHTS OF CRIME VICTIMS & WITNESSES

The mission of Suffolk Victim/Witness Services is to ensure, where legally allowed, that victims and witnesses of crime:

- Are informed of their rights
- Are treated with dignity, respect, and sensitivity and that their rights are protected
- Receive authorized services
- Have the opportunity to be heard at all critical stages of the criminal justice process
- Can make the courts aware of the full impact of the crime

YOUR RESPONSIBILITIES AS A VICTIM OR WITNESS

As a victim of crime, you have certain rights under the Victims' Bill of Rights. However, there are specific steps you need to take in order to receive these rights. **Contact Victim/Witness Services (514-4366) for assistance.** A description of the rights and services you may be entitled to follows.

VICTIM & WITNESS PROTECTION

- **No Contact Orders** prohibit the accused person from some or all contact with you. These orders are often requested by victims of *stalking* and *domestic violence*, but can be used in other crimes as well.
- **Separate Waiting Areas** are available, in certain cases, for victims and witnesses who require privacy and protection from intimidation.

FINANCIAL ASSISTANCE

- **Compensation for Travel** may be available to victims and witnesses traveling from out of town who are subpoenaed by the Commonwealth. This can include payment for mileage, lodging, meals and airfare for each day's attendance in court.
- **Property Return.** To assist in the investigation and prosecution of certain crimes, law enforcement authorities may hold your property as evidence. The law allows them to photograph and return certain evidence to you. However, your property may be held until after the trial and any appeals.
- **Restitution.** If you are a crime victim, the defendant may be ordered to repay you under certain circumstances, at least partially, for your losses.

FINANCIAL ASSISTANCE (CONTINUED)

- **Victims' Compensation** may be awarded to victims of a crime who were physically or emotionally injured and have no means of paying their medical treatment. Surviving spouses, parents, children, siblings or legal guardians of homicide victims may be compensated for certain un-reimbursed losses such as earnings, medical or funeral expenses.

NOTIFICATIONS

- **Employer Intercession.** If you are subpoenaed to court and you give reasonable notice at your workplace, your employer may not fire you, discipline you, or require you to use vacation or sick leave in order to go to court. However, your employer is not required to pay you for your time in court.
- **Status of Release of Defendants or Prisoners.** Victim/Witness Services can assist you in being notified of the release or change of status of the defendant in your case.
- **Notification of Prisoner Appeals or Habeas Corpus.** You can be advised if the defendant in your case has appealed his sentence or filed a habeas corpus petition.
- **Changes in Court Dates.** You can be notified of any continuances, pleas or other changes in court dates. You must have your current address and phone number on file with Victim/Witness Services or the Commonwealth's Attorney in order to be notified.

Call (757) 514-4366 after 5:00 p.m. on the day before you have to come to court. A tape recorded message will tell you whether your case will be heard. By calling this number, you may save yourself an unnecessary trip to court.

VICTIM INPUT

Right to Remain in Courtroom. Victims have the right to remain in the courtroom during all court proceedings, unless the judge has determined that the victim is a material witness. Victim/Witness Services can accompany victims to court proceedings for support purposes.

Victim Impact Statement and/or Verbal Testimony. In certain cases the judge may consider a Victim Impact Statement or verbal impact testimony when determining the defendant's sentence. This gives the victim the opportunity to tell the court, the impact of the crime(s).

COURTROOM ASSISTANCE

Contact Victim/Witness Services for help in receiving the following Courtroom Assistance services:

Interpreters for non-English speakers and the hearing impaired.

Closed Circuit Television may be available in certain, very limited cases involving testimony of child victims under the age of fourteen on the date of the offense and under the age of sixteen at the time of trial.

Closed Preliminary Hearings in cases involving sexual assault may be available. However, trials are open to the public

Confidentiality of certain victim information may be requested. The victim must file a Request for Confidentiality by Crime Victim Form (DC-301) with the Magistrate, Court, Commonwealth's Attorney, Police Department or Sheriff's Office in the Locality where the crime occurred.

THE CRIMINAL JUSTICE PROCESS

The Steps	When*	Where	Must You Appear
Arraignment	1-5 days after arrest	General District Court or Juvenile & Domestic Relations Court	No
Preliminary Hearing (or Trial)	30-60 days after arrest	General District Court or Juvenile & Domestic Relations Court	Yes, If subpoenaed
Grand Jury	Meets Monthly	Circuit Court	No
Trial	60-120 Days after Preliminary Hearing	Circuit Court	Yes, If subpoenaed
Sentencing	60-90 days after guilty verdict or plea	Circuit Court	Yes, If subpoenaed

*Many times a case will take longer if continuances are granted

TIPS ON TESTIFYING

- Dress neatly and be courteous
- Be prepared and listen carefully.
- Answer only the questions that you are asked.
- Speak in a clear, loud voice and look straight at the person asking the questions.
- Do not guess or make up answers.
- Never lose your temper.
- If one of the lawyers objects to a question you are asked, do not answer until judge has ruled on the objection.
- **TELL THE TRUTH**

POST TRIAL ASSISTANCE

- **Case Disposition.** Victims have the right to receive in writing the disposition of the case, crimes of which the defendant was convicted, the defendant's right to appeal, if known, and the telephone number of offices to contact in the event of nonpayment of restitution by the defendant.
- **Bail Release.** Information pending the outcome of an appeal by the agency that has custody of the defendant shall be given to the victim prior to his release as soon as practicable.
- **Retrial.** Victims shall be entitled to the same rights if the defendant's conviction is overturned and the Commonwealth decides to retry the case or the case is remanded for a new trial.

TERMS USED

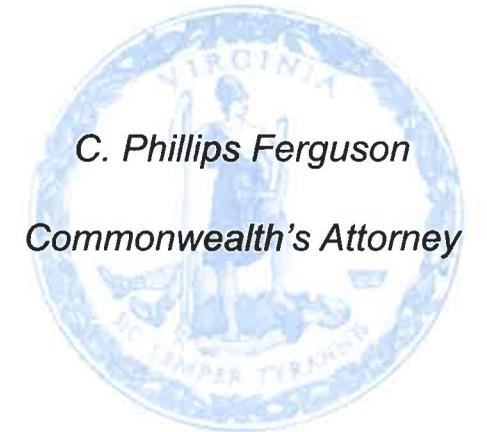
- **Circuit Court** - a court of record in which the actual criminal trial takes place.
- **Defendant** - the person charged with committing a crime.
- **Docket** - a schedule of cases to be heard on a particular day in a certain court.
- **Felony** - a serious crime punishable by possible imprisonment for a minimum of one year or more.
- **General District Court** - the lower court in which most preliminary hearings take place.
- **Juvenile & Domestic Relations Court** - the lower court in which all juvenile cases are heard, where either the victim or defendant is a juvenile, or where the victim and defendant are related or have a child together or have lived together within the last 12 months.
- **Misdemeanor** - a less serious crime punishable by confinement in jail for a maximum of one year, or a fine of \$2,500, or both.
- **Plea Agreement** - an agreement between the Commonwealth and defendant as to the charges the defendant will plead guilty to and/or the time the defendant will receive. If you are a victim, the prosecutor will try to contact you before a plea agreement is formalized in order to give you a full explanation.
- **Pre-sentence report** - a background investigation of the defendant prepared for the court prior to sentencing.
- **Preliminary Hearing** - a hearing before a judge to determine if there is probable cause to believe the accused has committed the crime charged.
- **Probable Cause** - reasonable grounds to believe that a crime has been committed and that the person charged committed the crime.
- **Subpoena** - a court order directing you to be present at the time and place stated.

THREATS

Threatening a victim or witness is a serious crime in Virginia. If you are threatened by the defendant, or anyone else in regard to your case, immediately call the Suffolk Police Department at 911 or the Detective Bureau at 514-7932



*An Information Guide
for
Crime Victims & Witnesses*



Office of the Commonwealth's Attorney
Godwin Courts Building
150 North Main Street
Suffolk, Virginia 23434-4552

**Victim/Witness Services &
After Hours Docket Info Line
(757) 514-4366**