



## Your Rights as a Victim

As a victim or victims' representative of a crime, you have a right to be notified of and attend public court hearings involving the criminal case. You have a right to be informed of any release of information and you have a right to confer with a representative of the Prosecutor after the criminal charges are filed and before final deposition. You have a right to make an oral or written statement at the sentencing when the Defendant is convicted by a trial or plea. You have the right to information on the conviction, sentence and release of the Defendant on request. You have a right to pursue restitution and other civil remedies. If the Defendant has posted bond while the case is pending, there may be a No Contact Order for you, and any act of the Defendant that violates that order may result in the defendant having bond revoked or new charges.

If the final disposition of the case should result in a dismissal of a felony offense or a sentence of less than presumed time for the felony offense by a plea agreement, you will have that discussed with you prior to that occurring. You will have an opportunity to give your opinion to the court before such a plea would be finalized.

Our Victim Advocate Program is here to assist you. Your responsibilities are to let us know what, if any, of these rights you want to exercise and to keep the Victim Advocate informed of your current address and telephone number.

## Case Sequence of Events

### Criminal Charges Filed

Charges are filed by either a Grand Jury Indictment or by a document called Information and PC stating the charges supported by a sworn statement of a Police Officer that has been reviewed by a Judge determining probable cause exists to believe the Defendant has committed the crime charged. At this stage the crime is an allegation only pending the State proving the charge beyond a reasonable doubt. If the Defendant isn't already in custody, an arrest warrant is issued.

### Initial Hearing

The Defendant has been arrested and appears in court where the Defendant is advised of the charges and possible penalties. Bond is set by the Judge, taking into consideration the seriousness of the charges, the criminal history of the Defendant and safety concerns.

### Bond

The Defendant can be released on bond if bond is posted. The Prosecutor may ask for a No Contact Order for a victim of a crime as a condition of any bond.

### Pretrial Conference

This is a conference between the Judge, the Prosecuting Attorney and the Defendant's Attorney. The progression of the case, setting dates for pretrial motions in the case and a trial date are discussed.

*The criminal justice system should not only serve the public, but the victims as well.*

*As Prosecutor, I have a strong commitment to assisting victims of crime in understanding the criminal justice system and protecting victims' rights.*

*The Victim Advocate Program of Dearborn and Ohio County Prosecutor's Office is designed to provide information and support to victims. This brochure provides a brief overview of the program, the court process, and the victim services available through the Prosecutor's Office.*

*Sincerely,*

*Lynn Deddens*

## **Deposition**

If one is scheduled in your case you may be called to testify. Your Victim Advocate will notify you and may want to schedule an appointment for you to discuss this with the Prosecutor or Deputy Prosecutor handling the case.

## **Final Disposition of Case**

The case may be finalized by the Defendant pleading guilty, a negotiated plea or a trial.

- **Plea to Court**

The Defendant pleads guilty to the court and the Judge determines sentencing at a sentence hearing, where the victim has a right to be present and give an oral or written impact statement.

- **Negotiated Plea**

The Defendant pleads guilty to a specific sentence established by an agreement between the Prosecutor and the Defense Attorney. In return, the Defendant gives up constitutional rights including the right to a trial and certain appeals in the case. A sentencing hearing is set where the victim has a right to give an oral or written impact statement.

- **Trial**

The Defendant has a right to a trial by Jury in which the State has the burden to prove the case beyond a reasonable doubt and the Defendant has the right to remain silent. A conviction requires the unanimous decision of guilty of twelve jurors in a Felony case. A guilty decision may be appealed by the Defendant. A mixed decision will result in a mistrial and the case may be retried. Our Victim Advocate will work closely with you to schedule appointments, provide support and information as your case proceeds to trial and will be with you during the trial process. After a guilty verdict, the case will have a sentencing hearing and you can be present and give an oral or written impact statement.

## **How Long Can You Expect Your Case to Take?**

Our Criminal Justice System is one of the most important cornerstones of our freedom and way of life. At times, your case may take longer than you like and there may be delays that are designed to protect the rights of the defendant that are frustrating to victims. Each case is different. Our Victim Advocate Program is designed to keep you informed and assist you through this process. We appreciate your patience.

## **What is a No Contact Order?**

A No Contact Order is an order of the court through a condition of bond that orders the Defendant to have no contact with a victim or other persons. It is our office policy not to lift a No Contact Order; this is put in place for your protection. Violation of this order may be charged as a crime. A copy of the no contact order should be carried by the victim to share with Law Enforcement if a violation is reported.

## **Can I Get Restitution?**

Out of pocket expenses for medical care or damaged property may be ordered by the Judge at the sentencing if the Defendant is convicted. There may be financial assistance available, or you may desire to pursue financial losses through small claims or seek a private attorney. The Victim Advocate may be able to provide helpful information about restitution.

If you have any questions, please contact your Victim Advocate Monday – Friday 8:30 – 4:30 at 812-537-8858

## **VICTIM ADVOCATE PROGRAM OF THE PROSECUTING ATTORNEY**



*Lynn Daddens*

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