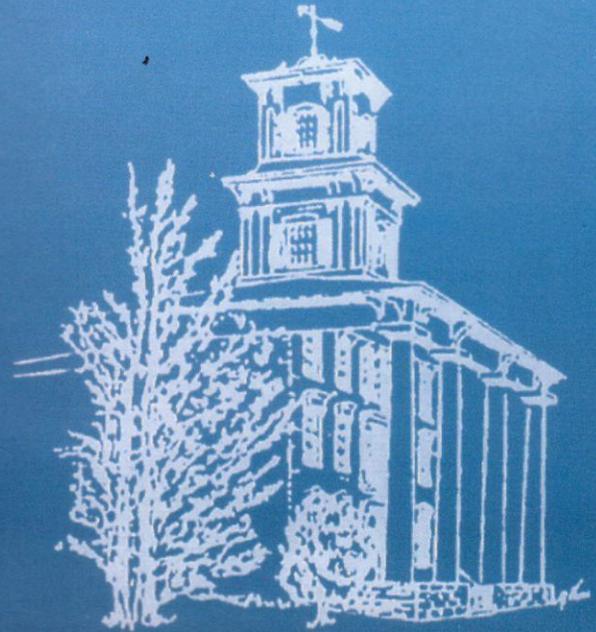

OFFICE OF THE
COMMONWEALTH'S ATTORNEY
WASHINGTON COUNTY, VIRGINIA

VICTIM/WITNESS HANDBOOK



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THE WASHINGTON COUNTY VICTIM/WITNESS ASSISTANCE PROGRAM

OVERVIEW:

The Victim/Witness Assistance Program, 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.

Your role as a witness is an important one, but the responsibilities involved may be unfamiliar to you. This handbook acquaints you with the steps involved in bringing a case to trial and explains your role in this process. It also describes the services available to assist you.

The Victim/Witness Assistance Program is supported by funding through a grant administered by the Virginia Department of Criminal Justice Services.

CONTACT NUMBERS:

Phone: (276) 676-4200

Fax: (276) 676-6293

Email: victim.witness@washcovva.com

ACCESS OUR WEBSITE:

By visiting www.washcovva.com the website for the Office of the Commonwealth's Attorney, you can find more in-depth information about the **following**:

- Helpful links to **community resources**;
- Answers to **frequently asked questions**;
- Downloadable **forms** to aid crime victims.

WHEN TO CONTACT THE VICTIM/WITNESS ASSISTANCE PROGRAM

- You have questions about your role as a witness;
- You would like an explanation of court procedures or a tour of the courtroom before you testify;
- You need someone to speak to your employer to allow you to appear as a witness without loss of wages;
- Your personal property is being held as evidence and you want to know when you may get it back;
- You want assistance in preparing your Victim Impact Statement;
- You want information about qualifying for Victims' Compensation for personal injuries or counseling;
- You need a referral to community service agencies that provide emergency financial, medical, or psychological assistance to crime victims; or
- You have out-of-pocket expenses that were incurred from the incident and are interested in receiving court-ordered restitution.

THE CRIMINAL COURT PROCESS

JUVENILE and FAMILY CASES

Juvenile and Domestic Relations District Court handles criminal and traffic violations by juveniles and crimes against family or household members or against minors.

It is helpful to understand that General District Court (GDC) and Juvenile and Domestic Relations District Court (J&DR) do not conduct jury trials. The judge listens to evidence during the trial and, if he or she finds the defendant guilty, will issue a sentence at the end of trial.

FELONY CASES

A felony is a serious crime that may be punished with a minimum of one year in jail or prison.

STEPS	WHEN	WHERE	VICTIM/WITNESS MUST APPEAR?
1 Advisement of Rights	1-5 Days After Arrest	General District Court or Juvenile and Domestic Relations Court	No
2 Preliminary Hearing	30-60 Days After Arrest	General District Court or Juvenile and Domestic Relations Court	Yes, If Subpoenaed
3 Grand Jury	4th Tuesday, Quarterly	Circuit Court	No
4 Trial	Within 90 Days of Step 3	Circuit Court	Yes, If Subpoenaed
5 Sentencing	30-45 Days After Guilty Verdict or Plea	Circuit Court	No, But You May Attend

MISDEMEANOR CASES

A misdemeanor is a less-serious crime, punishable by confinement in jail for a maximum of 1 year, a fine of not more than \$2,500, or both.

STEPS	WHEN	WHERE	VICTIM/WITNESS MUST APPEAR?
1 Advisement of Rights	1-5 Days After Arrest	General District Court or Juvenile and Domestic Relations Court	No
2 Trial	30-45 Days After Arrest	General District Court or Juvenile and Domestic Relations Court	Yes, If Subpoenaed

Please note that all timelines provided above are generalized. Not all court cases will conclude within the provided timelines.

YOUR ROLE IN THE COURT PROCESS

SUBPOENA:

A subpoena is a court document that requires you to be present at the time and place stated. The name of the defendant and court case number will appear on the subpoena for your reference.

PRE-TRIAL PREPARATION:

The Office of the Commonwealth's Attorney is responsible for prosecuting the defendant. Our office will have any statements you gave to the police. If further information is needed, the prosecutor will contact you to discuss the facts of the case. You may, however, call the prosecutor at any time if you have questions.

TRIAL:

The defendant, represented by a defense attorney, stands trial and his/her guilt or innocence is determined by the judge or jury. At the beginning of the trial, all witnesses are sworn and may be required to remain outside of the courtroom until they testify. The amount of time it takes to try a case will vary; therefore, you may want to bring a book to read to pass the time.

When you are called to testify, the prosecutor will ask you some questions about the case. Afterwards, the defense attorney will have a chance to ask you questions.

TIPS ON TESTIFYING

•Tell The Truth

Don't pause to try to figure out if your answer will hurt or help the case. Just answer truthfully, to the best of your memory.

•Be Prepared

Try to recall what happened and picture the scene and the objects there. Don't try to memorize your testimony; simply be prepared to tell what happened in your own words.

•Clarify Questions If You Need To

If you did not hear the question or did not understand it, ask the attorney to repeat it.

•Answer Properly

Do not volunteer information. Stop immediately if the judge interrupts or if an attorney objects to a question. Do not guess or speculate. If you don't know the answer, say so. If you give an estimate of time or distance, be sure everyone knows you are estimating.

•Relax

What will happen in court is not like you see on television. Remain calm and remember that being polite makes a good impression.

•Be Heard

Your testimony is important to the case. Speaking clearly and loudly ensures the judge and members of the jury hear you.

•Dress Neatly

Try to have a clean, neat appearance in court.

OTHER THINGS THAT YOU SHOULD KNOW

GUILTY PLEAS:

In felony cases, if the defendant pleads guilty, a trial will not be required and you will not have to testify. In some cases, the prosecutor may agree to modify the charges or recommend that a defendant receive a certain sentence in return for a plea of guilty. If you are the victim of the crime, the prosecutor handling your case will try to contact you before a plea agreement is formalized. If you do not understand the agreement, or have questions about it, ask the prosecutor for a full explanation.

VICTIM IMPACT STATEMENT:

In felony cases, if a defendant is found guilty, the probation office completes a pre-sentence report. To assist in preparing this report, our office may contact you about writing a Victim Impact Statement.

Composing a Victim Impact Statement serves as an opportunity for you to tell the court and the offender, in your own words, how the crime has affected your life. In your statement, you may discuss any economic losses, physical or psychological injuries, and major life changes you have experienced as a result of the crime. This information will be included as part of the probation office's pre-sentence report and will be taken into consideration by the judge in determining an appropriate sentence for the defendant.

RESTITUTION:

In cases where the victim has suffered a financial loss, the Court may order the defendant to pay restitution. If you desire restitution, itemize and document your losses and notify the Victim/Witness Program Director by calling (276) 676-4200.

CONTINUANCES:

Sometimes court proceedings cannot take place as scheduled. We will make every effort to notify you in advance, but we may not be successful. By calling (276) 676-6291 the day before the hearing, you can confirm whether you have to appear. You should notify us if your phone number or address changes.

CRIMINAL INJURIES

COMPENSATION FUND:

If you have been a victim of a violent crime or are a surviving relative of a victim, you may be eligible for financial compensation to cover medical expenses, psychological counseling, lost wages, or funeral expenses incurred as a result of the crime. The Virginia Criminal Injuries Compensation Fund was created to assist innocent victims in recovering these expenses. Please note that expenses covered by insurance and damage/loss of personal property are not covered by this fund.

For more information about the fund, visit: www.cicf.state.va.us or speak to the Victim/Witness Program Director.

THREATS/INTIMIDATION:

Threatening a witness is a crime in Virginia. If you receive a threat from a defendant or anyone else, contact your local police immediately and notify the prosecutor assigned to your case as soon as possible.

KNOW YOUR VICTIMS' RIGHTS

As a victim or a witness of crime, you have certain rights under Virginia's Crime Victim and Witness Rights Act (§19.2-11.01). These rights include:

1. Victim and Witness Protection

Provides protection from harm and threats of harm arising out of your cooperation with law-enforcement or prosecution efforts.

2. Financial Assistance

You may request assistance with community intervention/social services as needed. You may be eligible to file a claim for compensation from the Criminal Injuries Compensation Fund. You may also request restitution for theft or any damages resulting from the crime.

3. Notices

You may request a written excuse for work or school. You may also request to be notified of the following: if there are any changes to your court date; if the defendant is transferred from one facility to another, escapes, changes his/her name, is released, discharged, or is placed on probation; or if your case is appealed or the defendant files a habeas corpus petition.

4. Victim Input

In felony cases you are entitled to information regarding the disposition of the case, including any plea agreement. You may write a Victim Impact Statement, if applicable. You are also permitted to remain in the courtroom during the criminal trial as permitted by the Court.

5. Courtroom Assistance

You may request the following: a courtroom tour, escort to the courtroom, or moral support during the hearing; a closed preliminary hearing in specific situations; that your contact information remain confidential except when necessary for the criminal proceeding; and the services of an interpreter.

6. Post Trial Assistance

Upon written request, you will be provided information pertaining to the case. You will also be notified if the defendant is released pending an appeal.

HOW TO FIND YOUR WAY AROUND

The Victim/Witness Assistance Program is housed in the Office of the Commonwealth's Attorney, which is located on the main level of the Washington County Courthouse. The office is located at 191 East Main Street in Abingdon, VA. The General District Court, Juvenile and Domestic Relations District Court, and Circuit Court are all located within the courthouse building.

Public parking is available in the parking lot located directly behind the courthouse, and 2-hour parking is available on Main Street or Court Street. Only the courtyard entrance facing Main Street is open to the public. Please note that cellular phones and weapons are prohibited and will not be allowed through security; please leave these items secured in your car.

Law Enforcement Contacts

Virginia State Police

1186 East Lee Hwy.
Wytheville, VA 24382
(800) 542-8716

Washington County Sheriff's Office

20281 Rustic Ln.
Abingdon, VA 24210
(276) 676-6000

Abingdon Police Department

425 West Main St.
Abingdon, VA 24210
(276) 628-3111

Damascus Police Department

208 West Laurel Ave.
Damascus, VA 24236
(276) 475-3341

Glade Spring Police Department

113 East Glade St.
Glade Spring, VA 24340
(276) 429-2333