

## The constitutional rights of crime victims *Tenn. Const. Article I, § 35 –*

- ▶ To confer with the prosecution
- ▶ To be free from intimidation, harassment, and abuse
- ▶ To be present at all proceedings where the defendant has the right to be present
- ▶ To be heard, when relevant, at all critical stages of the criminal justice process
- ▶ To be informed of all proceedings, and of the release, transfer, or escape of the accused or convicted person
- ▶ A speedy trial or disposition and a prompt and final conclusion of the case after the conviction or sentence
- ▶ To restitution from the offender
- ▶ To be informed of your constitutional rights as a crime victim

## Criminal Injuries Compensation

Compensation for crime victims may be available. In cases of death, relatives may be eligible. Eligible victims and claimants may be reimbursed for medical expenses, lost wages, and other costs related to the crime. Victim Witness Coordinators, advocates, or your attorney can assist determining eligibility and applying for compensation. More details and the ability to file a claim is online.

 [treasury.tn.gov/injury](http://treasury.tn.gov/injury)  **((866)960-6039**

## If you are called to testify...

- Listen carefully to the questions and take your time.
- If you do not understand a question, say so and ask for an explanation. If you do not remember an answer, say that you cannot remember.
- Don't worry if you are nervous - most people are!

## POST TRIAL



**Appeal** - Convicted defendants have a right to appeal their convictions and sentences to higher courts. These courts examine the trial proceedings to determine if reversible error has occurred. If a higher court finds that serious errors occurred, it may order a new trial or even dismiss the charges. Although most appeals are unsuccessful, the process is very lengthy. Appeals are handled by the State Attorney General's Office.

**Parole** - "Parole" is the release of a person from prison before the end of his/her sentence, under certain conditions or restrictions which must be met or the person will be returned to prison. You may request to be notified by the Board of Parole of hearing dates and Board decisions prior to an individual's release.



### Attorney General and Reporter (Appellate Cases)

 (615) 741 - 8109  [www.tn.gov/attorneygeneral](http://www.tn.gov/attorneygeneral)

### Department of Correction

 (615) 253-8145  
 [www.tn.gov/correction](http://www.tn.gov/correction)

### Board of Parole

 (615) 741 - 1150  
 [www.tn.gov/bop](http://www.tn.gov/bop)

## Tennessee District Attorneys General Conference

**Sue Jones**

 (615) 532 - 5591

**Kendra Bonetti**

 (615) 600 - 5674


# Victims & Witnesses of Crime



The criminal justice process can be frustrating and lengthy. This pamphlet has been created to equip you with the resources, terminology, and contacts you need to make this process more understandable.

If you have any questions about anything in this pamphlet or have specific questions about your case, **please contact your local Victim Witness Coordinator (VWC).**

 To find your District Attorney and local Victim Witness Coordinator (VWC), visit: [www.tndagc.org/#findda](http://www.tndagc.org/#findda).

 To find resources and services near you to help during this difficult time, visit: [www.tndagc.org/victim-services/](http://www.tndagc.org/victim-services/).



# The Criminal Justice Process

---

**1 Arrest Warrant** - A written order from a judge that a person be arrested.

**2 Bail/Bond Hearing** - Once the defendant has been arrested, the court may hold a bail hearing, sometimes called a “bond hearing,” to determine whether the defendant should be held in the local jail until the trial is complete or can be released on bail. Bail is an amount paid or pledged by the defendant to make sure he or she will appear in court. Not every case will have a bail/bond hearing.

**3 Preliminary Hearing** - A probable cause hearing, usually in General Sessions court, to determine if there is reason to believe that a crime has been committed and that the defendant committed it. Attendance by the victim is not required, but victims do have a constitutional right to be present at all hearings where a defendant is present.\*

**4 Court Decision** - If the court determines that there is reason to believe a misdemeanor crime has been committed and that the defendant committed it, the case goes straight to a **plea hearing (step 8)**. If the court determines that there is reason to believe a felony crime has been committed and that the defendant committed it, the case is “bound over” to **grand jury (step 5)**.

**5 Grand Jury** - An independent group of private citizens who listen to information about the crime in order to decide whether the case should go to trial. This is different from a jury trial, and the defendant is not present. The victim’s appearance is required only if subpoenaed or requested.

**6 Indictment** - If the grand jurors decide that a case should go to trial, they “return” an indictment or presentment charging the defendant with the crime(s) committed.

**7 Arraignment**- The first scheduled appearance by the defendant in Criminal or Circuit Court. The indictment returned by the grand jury is read and the defendant is given a copy. Arrangements are made for an attorney for the defendant.

**8 Plea Agreement** - This is a negotiated settlement that allows defendants to accept responsibility for their actions and for the case to be disposed without trial. Once a defendant pleads guilty, it is up to the District Attorney’s Office and the defendant’s attorney to work out an agreement to present to the judge. The defendant may agree to plead guilty to the crime(s) charged or to a lesser offense. The judge may accept or reject the plea. Although you will not have the final say as to what sentence is given, the District Attorney’s Office values and will consider your input. **If no plea agreement is reached, the case goes to trial (step 9). If a plea agreement is reached, the case moves straight to sentencing (step 10).**

**9 Trial** - The court proceeding in which the District Attorney’s Office presents the case for the State, attempting to prove beyond a reasonable doubt that the defendant committed the crime(s) as charged. The defendant may present proof to dispute the State’s claim. Usually, the defendant chooses whether a judge or a 12-person jury will decide the case. You should be present at the trial and may be required to attend if you were a witness to the crime.

**10 Sentencing** - After a defendant’s guilty plea is accepted or he/she is found guilty after a trial, the judge decides what happens. The defendant may be sent to prison or jail, or the sentence may be “suspended,” and the defendant put on probation. **Probation** means the defendant is left free as long as he/she does what the judge has told him/her to do. He/she may also be placed in other alternative programs.

**Victim’s Impact Statement** – You will be given the opportunity to provide a written impact statement to be submitted as part of the pre-sentence report to be reviewed by the court prior to sentencing. The District Attorney’s Office will work with you if you wish to make an oral statement at the sentencing hearing.

*\*For more information on court hearing times and dates, please contact your local Criminal/Circuit Clerk.*