

13th JUDICIAL DISTRICT ATTORNEY'S OFFICE

Morgan & Kit Carson County

400 Warner Street
Fort Morgan, CO 80701
(970) 542-3420
(970) 542-3421 (fax)

Logan, Phillips, Sedgwick,

Washington & Yuma County

110 N. Riverview Road, Rm 105
Sterling, CO 80751
(970) 522-2973
(970) 542-3421 (fax)

Crime Victim Compensation Fund

400 Warner Street
Fort Morgan, CO 80701
(970) 542-3473

In addition to the right to be informed and present, a victim also has the right to be heard at hearings on bond reduction, acceptance of a negotiated plea and at sentencing. A Victim has the right to give input to the court regarding motions to continue.

DEFINITIONS:

- Advisement:** Court hearing where the defendant is notified of his or her rights and potential charges against them.
- Arraignment:** Court hearing where a defendant pleads guilty or not guilty. Witnesses do not testify at this hearing.
- Arrest:** The taking into custody of a person by a law enforcement agency.
- Bond Hearing:** A hearing by the Court to determine how much bail is required to be posted before the defendant can be released from custody.
- Continuance:** When a court hearing is continued.
- Cold Case:** A term used to describe unresolved cases. This happens when all leads have been exhausted and resulted in no suspects.
- Critical Stages:** Events in a case when victims rights must be considered as explained in this booklet.
- Defendant:** A person who is accused of committing a crime.
- Disposition:** When a case is resolved without a trial.
- Filing of Charges:** Presentation of written charges to the Clerk of Court. The document is also called a complaint and information or an indictment.
- Motions Hearing:** A hearing where a Judge decides what evidence will be allowed at trial. A victim may be called to testify in this hearing.
- No Contact:** A condition of bond that means that a defendant cannot have contact with a victim by phone, letter, through a third person or in person.
- Plea Agreement:** A defendant pleads guilty to a charge or a lesser charge in return for a sentence that may be less than if convicted of all charges at trial.
- Preliminary Hearing:** A hearing to determine if there is probable cause to believe that a crime was committed by the defendant. This is the first hearing when witnesses may have to testify.
- Probation:** The release, under specific conditions, of a person convicted of a crime as an alternative to imprisonment.
- Restitution:** After conviction, a defendant can be ordered to pay the victim for financial losses caused by criminal conduct. This is different from Victim Compensation.
- Sentence:** The penalty that is given by a Judge to a defendant upon conviction of a crime.
- Subpoena:** A court order to appear in court, which is mailed to the witness or personally delivered.
- Trial:** An examination of issues of fact and law before a Judge or Jury. Evidence is presented to determine whether or not the defendant is guilty beyond a reasonable doubt of committing the charged crime(s).

Your Constitutional Rights As a Victim of a Violent Crime



Brittney B. Lawton

District Attorney

Office of the District Attorney
Thirteenth Judicial District

Serving Kit Carson, Logan,
Morgan, Phillips, Sedgwick,
Washington & Yuma Counties

As a crime victim, you may have experienced injury, loss, confusion, and a disruption of your life. Feelings of shock, disbelief, fear, vulnerability, anger and frustration may occur. Having information and an understanding about the criminal justice system may be helpful to you at this time. As a victim of violent crime, you have the constitutional right to be informed of certain information and certain court dates.

Violent crimes that apply are:

The crimes specifically covered by the Victims Rights Act include:

- ❖ Murder, Manslaughter, Homicide
- ❖ Vehicular Assault, Vehicular Homicide
- ❖ Assault
- ❖ Sexual Assault on an Adult or Child
- ❖ Incest
- ❖ Sexual Exploitation of Children
- ❖ Menacing
- ❖ Kidnapping
- ❖ Robbery
- ❖ First Degree Burglary
- ❖ Human Trafficking in Adults or Children
- ❖ Child Abuse
- ❖ Retaliation against a Judge or Juror
- ❖ Crimes Against At Risk Persons
- ❖ Crimes Involving Domestic Violence
- ❖ Careless Driving Resulting in Death
- ❖ Hit & Run Resulting in Death
- ❖ Stalking
- ❖ Bias Motivated Crimes
- ❖ Retaliation Against a Witness or Victim
- ❖ Tampering With a Witness or Victim
- ❖ Intimidation of a Witness or Victim
- ❖ Indecent Exposure
- ❖ Violation of a Protection Order in a Sexual Assault Case

The Victims Rights Act also includes any criminal attempt, conspiracy, criminal solicitation or accessory involving any of the crimes specified above.

The Victim/Witness Assistance program can answer questions you may have or talk with you about your case.

It is your responsibility to keep the DA's Office informed of your current address and phone number(s) at all times.

YOUR RIGHTS AS A VICTIM OF A VIOLENT CRIME

- ❖ To be treated with fairness, respect and dignity.
- ❖ To be informed of and present for all critical stages of the criminal justice process.
- ❖ To be present and heard in court regarding any bond reduction, continuance, acceptance of plea negotiations, case disposition, or sentencing.
- ❖ To have a safe place to wait before court.
- ❖ To consult with the Deputy District Attorney before the case is resolved or goes to trial and to be informed of how it is resolved.
- ❖ To prepare a Victim Impact Statement and to be present and to be heard at sentencing.
- ❖ To be informed of the status of your case and any scheduling changes or cancellations if known in advance.
- ❖ The right to have the restitution determined by the Court.
- ❖ To be informed of post-conviction release or modification hearings.
- ❖ To get your property back when it is no longer needed for prosecution as evidence.
- ❖ To be informed of the availability of financial assistance and community services.
- ❖ To be given appropriate employer intercession services regarding court appearances and meetings with criminal justice officials.
- ❖ To be assured that in any criminal proceeding the court, the prosecutor and other law enforcement officials will take appropriate action to achieve a swift and fair resolution of the proceedings.

For a Complete listing of your rights, please refer to Colorado Revised Statutes, 24-4.1-101 through 24-4.1-304.

VICTIM WITNESS ASSISTANCE PROGRAM

Being victimized and going through the court system can be difficult and confusing. Trained Victim/Witness Assistants can give you support, information and referrals. The Office of the District Attorney provides a Victim Witness Assistance Program for your benefit. This program is staffed by people who care about you and your involvement in the criminal justice system. Their goal is to help lessen the impact of being a victim of the crime or a witness to a crime.

A Victim/Witness Assistant can give you information about how the court system works and what is happening with your case. We can also talk to you about your feelings and answer your questions. Some of the services available are:

- ❖ Crime Victim Compensation
- ❖ Restitution Program
- ❖ Referral to other services which may be of help to you.

Community Resources

Your local community has resources to provide you with support and assistance. A good place to start is your local law enforcement agency's Victim Assistance Program, the District Attorney's Victim-Witness Coordinator, or a community service provider.

Resources frequently requested are:

Law Enforcement Victim Advocates

Kit Carson County	(719) 346-8876
Logan County	(970) 522-2578
Morgan County	(970) 542-3449
Phillips County	(970) 854-3644
Sedgwick County	(970) 474-3355
Washington County	(970) 345-2244
Yuma County	(970) 332-4805
Colorado State Patrol	(303) 273-1618

13TH Judicial District Probation

Fort Morgan	(970) 542-3465
Sterling	(970) 522-4303
Wray	(970) 332-5213
Burlington	(719) 346-5938
S.H.A.R.E.	(970) 867-4444
S.A.R.A.	(970) 867-2121

If all efforts to obtain your rights have failed, you may request assistance from the Governor's Victims' Coordinating Committee. For additional information call the Office of Victims' Program at the Division of Criminal Justice (303) 239-4442.