

Call the Victim Advocate if you:

- Have questions about the status of your case.
- Want information about the criminal justice system and what to expect in court.
- Need referrals to community resources for medical, legal assistance, counseling, support or other services.
- Have questions about the return of property held as evidence.
- Need someone to contact your employer or school on your behalf to allow your appearance in court.
- Want information about the Crime Victims Compensation Fund.
- Have questions about restitution.
- Have concerns for your personal safety.
- Have changed your address or phone number.

When to Appear in Court:

You will receive a court paper a subpoena that will tell you the date, and time to appear and in which you should appear. If you have any questions about the date time or location, call the prosecutor's office, the Victim Advocate, or the clerk of the court. Bring the subpoena with you to court. You will be able to have a certified in the clerk's office and may collect a witness fee for your appearance. Always be sure to provide the prosecutor's office or Victim Advocate with your current address, phone number and physical location of your residence.

Continuances:

Frequently, cases are not heard when originally scheduled. This can happen when one party requests a postponement, the judge agrees and orders a continuance. The continuance is simply the rescheduling of the case to a later date. Often, continuances are not granted until the day before therefore it is important for you to phone in on the day of your hearing date to confirm that it is still scheduled. This may save you an unnecessary trip to court. If the judge continues your case, please be aware that you will be sent a new subpoena and will have to return on that new date.

Will the Defendant be Kept in Jail?

Not normally. In most cases, the defendant, once arrested and arraigned, is admitted to bail and released on bond. Until the next hearing. Often, the judge will make it a condition of the defendant's bond and then they will have no contact with the victim.

Who Will You See in Court

In the courtroom you may see the following key persons:

- The Judge who hears the evidence and determines this case according to the law and the evidence brought before him or her.
- The Prosecuting Attorney who presents the case for the state.
- The Investigating Officer who responded to the scene and/ or took the criminal complaint.
- The Defense Attorney who represents the person charged with the crime.
- The Defendant, the person who is charged with the crime.
- The Bailiff, or deputy sheriff, who is the officer in charge of court room security
- If it is a trial, the Jury, who is the citizens who have been called to hear the testimony and render a verdict of either guilty or not guilty

- Most judicial proceedings are open to the public, and other people may be in court, including the press.

Sentencing and Restitution

If the defendant is found guilty, the judge will sentence him or her according to the guidelines set out by statute for each type of offense if you have any questions about what the possible sentences are for your case, contact the victim advocate or prosecutor. Remember that the judge alone makes the final decision as to sentencing.

In cases where the victim has suffered financial loss the court may order the defendant to pay restitution. If you would like restitution, document your losses and contact the victim advocate.

If you are a victim of domestic violence

If you are being abused or threatened by a family or household member (including current or former intimate partners), you may apply for a protective order. You can get the petition form from the protective order, sometimes called a FPO, from the magistrate's office. There is no fee, and you do not need witnesses, an attorney or police report to file.

The Crime Victims Compensation Fund

Innocent victims or survivors of violent crimes may be eligible for financial compensation to cover their out-of-pocket expenses for medical services, psychological counseling, lost wages, or funeral expenses. These expenses must have occurred as a result of the crime.

There is no filing fee, and you do not need to have an attorney in order to apply.

The compensation fund can pay for expenses that are not covered by other sources such as private health insurance, medical aid, worker's compensation, social security, etc...

It is not necessary that an offender be convicted in your case for you to be eligible for this compensation.

Financial losses and loss of or damage of property are not covered by compensation fund.

There is no guarantee you will receive compensation, but if you think you will be eligible, we encourage you to apply. Contact the victim advocate for more information, the application form, or help in filling it out

Tips for Testifying

- **Always tell the truth.** Tell exactly what you recall and what you know. If you do not know the answer, say, "I don't know." Do not guess.
- Listen carefully to the question you are asked. Take your time and think about your answer. If you do not understand a question, ask to have it rehearsed or repeated. Stop talking if an objection by one of the attorneys or the judge interrupts.
- Speak clearly and address your answer to the judge or jury hearing the case. They are naturally interested in what you have to say, and in what happened to you.
- Answer only the question asked and then stop. Do not volunteer information.

- If the question requires a "yes" or "no", answer "yes" or "no" unless your answer could not be fully understood without an explanation.
- Be polite, firm and clear in your answers, even if the answers are unfriendly.
- Dress appropriately. Do not appear lazy, unclean, or unkempt, but do not overdress. Although you are not the one on trial, you want your appearance to help you not hurt you.
- If you are asked whether you have talked about the case with anyone, answer truthfully. As a victim you probably have spoken to the police, the prosecutor, your family and friends. The court is interested in what you know and how you know it.
- Be quiet in and around the courtroom. Talking about the case around jurors or other witnesses may cause a mistrial.
- Never: Chew gum in the courtroom. Smoking, eating or drinking is prohibited in the courtroom. **Do not bring small children to court.**

Crime Victims' Rights in West Virginia

The Victim Protection Act was passed by the West Virginia legislature in 1984. It was West Virginia's only legislation for victims and applies to felony crime proceedings. The purpose of the act is to "enhance and protect the necessary role of crime victims and witnesses in the criminal justice process and to ensure that the state and local governments do all that is possible within the limits of available resources to assist victims and witnesses of crime without infringing on the constitutional rights of the defendant." W Va. Code ~61-11A-1(a)

The Victim Protection Act establishes these guidelines:

- Victims should receive advanced notification, if possible, of court dates and schedule changes relating to their case.
- Victims of a serious crime should be consulted to obtain their views about the disposition of the criminal case.
- Victims should be advised of any plea arrangements with the accused.
- Victims shall have the right to make a victim impact statement and the right to appear before the court to make an oral statement at sentencing.
- Victims have the right to the prompt return of property that has been held as evidence in their case.

Victims have the right to receive court ordered restitution from the offender from any physical, psychological or economic injury or loss they have suffered as a result of the crime.