

Legal Rights

-Upon Your Request-

Under the Michigan Constitution and the Crime Victim Rights Act, you have the right to:

- Be treated with fairness and respect throughout the criminal justice process
 - Timely disposition of the case following the arrest of the accused
 - Receive an explanation of the criminal case process
 - Reasonable protection from the accused throughout the criminal justice process (e.g., a waiting area separate from the defendants and their relatives and witnesses, and receiving advice to follow if threatened or intimidated by the defendant)
 - Be free from threats or acts of discharge from your employer because you are subpoenaed or requested by the Prosecuting Attorney to testify in court
 - Consult with the Prosecuting Attorney to give your views about the disposition of the case
 - Receive notice of emergency and medical services from the investigating police agency
 - The name of the person in the Prosecutors Office with information about your case
 - Notice of all scheduled court proceedings, including sentencing
- Notice of the defendant's release on bond or escape from custody while awaiting trial
 - When a pre-sentence investigation report is ordered by the court, the address and telephone number of the probation department that is preparing the report
 - An explanation of eligibility requirements for victims compensation benefits
 - Attend trial and all other court proceedings the accused has the right to attend (unless you are sequestered before you testify)
 - Make an oral statement to a pre-sentence investigator, or have a written impact statement included in the pre-sentence report
 - Make an oral or written statement to the court at sentencing
 - Restitution
 - Information about the conviction, sentence, imprisonment, and release of the accused
 - An explanation of the appeal process
 - Prompt return of your property taken during an investigation, except as otherwise provided by law

TESTIFYING?

- **TELL THE TRUTH**
- **STICK TO THE FACTS**
- **RELAX, AND SPEAK CLEARLY**
- **DRESS NEATLY**

COURTROOM PROCEDURES

- A basic rule in every criminal case is that both sides have the chance to question every witness. Questions asked by both sides have the same goal: to find out what is true
- Don't let the defense lawyer upset you. It may seem that he is trying to pin you down, but he has the right to test how many of the facts you know and remember.
- If you can answer a question, "yes" or "no", do so. Answer only the questions asked. Do not volunteer additional information.
- If you don't know the answer to a question, say so. **DON'T GUESS.**
- If you don't remember, but you used to know, you may answer, "I don't remember".
- If you don't understand or did not hear the question, ask that it be explained or repeated.
- If either lawyer raises an objection, stop speaking at once. After the judge has ruled, you will be asked to go on.



FREQUENTLY ASKED QUESTIONS

Why am I receiving a subpoena?

The law requires live testimony in criminal cases. Affidavits and depositions cannot be used as substitutes for live testimony, as they are in civil cases.

Why was this case adjourned?

Cases are adjourned for many reasons. Witnesses or attorneys may be unavailable. Multiple trials are set each day and the court decides the scheduling priority of each case.

What is an impact statement?

A written or verbal statement letting the court know your feelings about the crime and how it has affected your life.

What happens if I don't return my impact statement?

Your views on the case may not be known and restitution may not be ordered on your behalf.

What is restitution?

It is an amount of money you can be reimbursed by the defendant for actual damages. This amount, along with documentation of your loss, should be included in your impact statement.

What is Crime Victim Compensation?

The Michigan Crime Victim Compensation Commission is located in Lansing. Qualified victims would be those who are injured or lose earnings or support because of the crime. This award can be in combination with court-ordered restitution. We have a CVC brochure that provides more detailed information.

How Victims Can Help Us!

Our victim unit is here to assist you with your questions about the legal system. Please feel free to call the victim unit as questions arise. Here are some suggestions for you to consider:

- 1) If the defendant is in jail, you can ask to be notified of jail release. A free 24-hour hotline & operator are available at **800-770-7657** to sign up for this service. The Michigan Crime Victim Notification Network brochure is in your packet.
- 2) **Fill out and return your green or blue Victim Impact Statement.** It lets us and the sentencing judge know how this crime has impacted you. An envelope is also enclosed for your convenience.
- 3) **Keep our office up to date with current contact information** such as: your mailing address or where you are staying, phone(s), pager and/or e-mail so we can give you the latest information available.
- 4) If your case has the attention of the media, **our office can help you interact with the media.** If you want your feelings made known, it can be done without damage to the case in the court system.
- 5) **Attend court hearings** to keep up to date on the details in the case. If you will be attending, check in with the victim unit so we are able to notify the

prosecutor handling the case. **Or if you cannot attend, you can call our victim unit** later to find out what happened.

- 6) You can **get a copy of the police report** from our office (after the preliminary hearing in felony cases). If you have information in addition to what is in the police report, write it down and give it to the police agency handling your case.
- 7) **If your injuries are visible, take photos.** You may contact the police agency regarding photos for additional bruising, or take your own photos.
- 8) **Provide documentation to verify your losses** to receive restitution. This documentation needs to be given to our office at least two weeks before sentencing. If you were covered by insurance, have your insurance agent contact our office to ask for reimbursement of their claim and your deductible.
- 9) You have the right to **speak at sentencing.** Unless you speak in person or write a victim impact statement, the judge will not know how the crime has affected you and your family.
- 10) The Quick Reference Guide lists local **resources in the Eaton County area** that provide assistance for many types of services.

"Traumatic events are extraordinary, not because they occur rarely, but rather because they overwhelm the ordinary human adaptations to life"

VICTIM ASSISTANCE

Our crime victim unit is here to assist crime victims responding to the court process, and help victims return to his/her normal way of life.

We can also provide information on:

- ◇ Michigan Crime Victims' Compensation
- ◇ local emergency services
- ◇ referrals to other community agencies
- ◇ status of your case
- ◇ accompanying a victim to court
- ◇ completing Victim Impact Statement forms
- ◇ return of personal property
- ◇ Restitution

If you are intimidated or threatened with violence:

CONTACT THE POLICE IMMEDIATELY

To contact our victim unit call:

- (517) 543-4835 (victim/witness unit)
- (517) 543-4801 (ECPA main office)

IMPORTANT INFORMATION FOR CRIME VICTIMS

I am sorry to learn that you are the victim of a crime.

I recognize that you may be unfamiliar with criminal law and procedure. To help you overcome your concerns and to answer questions you may have, I encourage you to read this brochure and contact my victim unit. My staff will do all they can to help you.



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