

IF YOU ARE THE VICTIM OF A
VIOLENT CRIME...



YOU

SHOULD

KNOW

YOUR

RIGHTS

An informational
brochure prepared by:

The Office of the District Attorney
Seventh Judicial Circuit
Calhoun and Cleburne Counties

case involves a misdemeanor charge, it will either be prosecuted by the District Attorney's Office in District Court or by the City Prosecutor of the municipality where the offense occurred. Your subpoena will advise you where the trial of the case will be conducted. If you are unsure which agency will prosecute your case, or where the trial will be, you may contact the District Attorney's Victim Service Office at (256) 231-1770.

How do I advise the prosecutor I wish to be notified about the proceedings in my case? To secure your rights as the victim of a violent crime, the law requires you to request, in writing, notification of the proceedings of your case. When you mail the form on this brochure, you provide us with the means to keep you informed about the progress of your case. If you are certain your case is a misdemeanor to be prosecuted in municipal court of the city where the incident occurred, you may deliver the completed form to the investigating officer or a person designated by the municipality to receive it.



What are the procedural steps involved in a criminal prosecution? If your case involves a misdemeanor charge the accused, after his or her arrest, will be scheduled for trial either in state district court or municipal court. If a magistrate is convinced there is probable cause to believe the accused committed the offense, you or the investigating officer will be allowed to sign a warrant for the accused's arrest. The next step will be the trial at which a judge will decide whether the accused has been shown to be guilty.

Felony investigations and prosecutions have more steps and are generally lengthier. They normally proceed as follows:

Warrant: Signed by victim or police officer before magistrate.

Arrest: Accused is incarcerated. Bail is always set in misdemeanor cases. Alabama law requires bail to be set in felony cases except in capital murder cases or when the judge determines that the defendant is unlikely to return for court appearances. A defendant who is unable to make bail, or whose bail amount has not been set, must remain in jail.

Preliminary Hearing: A judge determines if there is sufficient evidence presented against a defendant to "bind over" the case for further investigation by a grand jury.

Grand Jury: A panel of eighteen citizens of the county where the incident occurred hears evidence against the defendant and decides if sufficient evidence exists to require the defendant to stand trial. A decision to indict is a "true bill" and a decision to dismiss the charge is a "no bill".

Arraignment: At Arraignment, the indicted defendant is formally advised of the charge against him. If the defendant pleads guilty to the charge, the judge will sentence him or her after the sentence hearing. If the defendant pleads not guilty, the case is scheduled for trial.

Trial: Unless a jury trial is waived by the defendant, the prosecutor and the judge, a jury of twelve citizens decides if sufficient evidence has been shown of the defendant's guilt. The jury can convict or acquit the defendant.

Sentence Hearing: After considering the wishes of the defendant, the prosecutor, and the victim, the judge informs the defendant what punishment he or she will receive. The defendant may be required to serve a penitentiary sentence, be placed on probation, be fined and/or required to make restitution to the victim, among other judicial options.

Appeal: A convicted defendant may seek a new trial by appealing to the Alabama Court of Criminal Appeals.

The progression of a criminal case may vary depending on the type of case, the age of the defendant, and other factors. You should contact the Victim Service Office for further explanation of the processing of your case.

BRIAN A. MCVEIGH, DISTRICT ATTORNEY

c/o Victim Service Office
25 West 11th St. - Suite 400
Anniston, AL 36201-4584

BRIAN A. McVEIGH
DISTRICT ATTORNEY

To Violent Crime Victims and Their Families:

The criminal justice system should do more than provide justice for those accused of crimes; it should also provide justice to victims of crimes. In addition to their commitment to successful investigation and prosecution of crime, law officers and prosecutors in Calhoun and Cleburne Counties strive equally hard to protect victim's rights.

We understand that the court system is often confusing and complicated to those who are not familiar with its workings. Often justice seems slow. Victims usually have many questions about their cases that deserve answers.

Under Alabama law, victims of violent crime have rights relative to the way their cases flow through the criminal justice system. In this brochure we try to advise you of some of those rights and the ways to invoke them. The personnel of the Victim Services Office of the District Attorney's Office will be glad to answer any other questions you may have.

I assure you the staff of my office and the law enforcement agencies in this judicial circuit will make every effort to ensure your rights as a victim of violent crime are protected and enforced.

Sincerely,



Brian A. McVeigh
District Attorney

25 West 11th Street, Suite 400, Anniston, AL 36201-4584
(256) 231-1770
(256) 231-1775 (FAX)
(256) 231-1770 (Victim Service Office)

To The Violent Crime Victim:

As a victim of violent crime, you have certain rights throughout the criminal proceedings against the defendant in your case. You have the right to be informed, to be present, and to be heard, when authorized, at all crucial stages of the criminal proceedings, to the extent that these rights of the person accused of committing the crime (Amendment No. 557, Constitution of the State of Alabama).

We are committed to working with you to resolve your case through the criminal justice system and to providing you with the information and assistance you need. Whether your case is prosecuted by the District Attorney's Office or the City Prosecutor, we will strive to make your contact with the system as pleasant and productive as possible. Some of the questions you may have are the following:

Where can I get emergency help concerning my case?

Below is a list of law enforcement and service providers in Calhoun and Cleburne Counties available to you. This is not an exclusive list. The Victim Service Office of the District Attorney's Office will be able to provide you with a list of other persons and agencies willing to assist victims of violent crime.

District Attorney's Office	256-231-1770
Victim Service Office	256-231-1770
Sheriff's Department (Calhoun)	256-236-6600
Sheriff's Department (Cleburne)	256-463-2277
Coroner (Calhoun)	256-237-8572
Coroner (Cleburne)	256-463-2287
Anniston Police Department	256-238-1800
Heflin Police Department	256-463-2291
Jacksonville Police Department	256-435-6448
JSU Campus Police	256-782-5050
Ohatchee Police Department	256-892-3156
Oxford Police Department	256-831-3121
Piedmont Police Department	256-447-9091
Ranburne Police Department	256-568-9044
Weaver Police Department	256-820-0530
State Trooper Post (Jacksonville)	256-435-3521
Federal Bureau of Investigation (Gads.)	256-547-0522
Department of Human Resources (Cal.)	256-231-7500
Department of Human Resources (Cle.)	256-463-1700

Can I receive any monetary help because I am a victim of violent crime? You may be entitled to **restitution** from the offender. After the offender is convicted, the judge can order the offender to pay back the losses incurred by the victim. The judge must

consider such factors as the ability of the offender to pay, the hardship on the victim as a result of the crime, and the mental and financial well-being of the victim.

Also, you may be awarded financial assistance from the **Alabama Crime Victims Compensation Fund** if...

1. The claim is made within one year of the incident.
2. The crime was reported properly within 72 hours.
3. You cooperate fully with law enforcement.
4. You were not the offender or an accomplice of the offender.
5. No portion of the compensation will unjustly benefit the offender.
6. You must not have contributed to the offense, or been engaged in criminal activity at the time.
7. You, as the victim, cannot have been confined in a correctional facility at the time of the crime.
8. You, as the victim, cannot have been convicted of a felony after applying for compensation.

For further information regarding restitution or compensation, you may contact the District Attorney's Victim Service Office (256-231-1770) or the Alabama Crime Victim's Compensation Commission (1-800-541-9388).

What should I do if I am threatened? At times you may feel you are the subject of threats or intimidation from the offender when you make the decision to pursue criminal charges. If this happens, you should immediately inform the officer investigating your case. If an emergency arises regarding such threats or intimidation, you should immediately contact the law enforcement agency where the threat or intimidation occurred.

Who will investigate my case? The investigation of violent crime committed against you or someone you are representing is being performed by:

_____ (Law Enforcement Officer)

_____ (Law Enforcement Agency)

The telephone number for this agency can be found in this brochure. If within 60 days you are not notified of an arrest in your case, you may call the telephone number of the law enforcement agency for the status of the case.

Who will prosecute my case? The District Attorney's Office prosecutes all felony cases in Calhoun and Cleburne Counties, and some misdemeanors. If your

CRIME VICTIM'S INFORMATION FORM

Name _____

Address _____

City _____

State _____

Zip _____

Phone No. (Home) _____

Phone No. (Business) _____

Type of Case (if known): Misdemeanor _____

Felony _____

Location of Offense _____

(you should detach this form and mail it within a week of receiving this brochure to be kept informed of proceedings in your case.)
If you have a change of address, please notify the Victim Services Office.