

IMPORTANT CONTACT INFORMATION

Caroline County

- * Emergency 911
- * Sheriff's Department 804-633-5400
- * Commonwealth's Attorney 804-633-7170
- * Victim/Witness Director 804-633-8037

Courts

- * General District 804-633-5720
- * Juvenile & Domestic Relations 804-633-9550
- * Circuit 804-633-5800

Others

- * Juvenile Intake Office 804-633-9340
- * Magistrate 804-537-6400
Ext. 6206

Empowerhouse on Domestic Violence

(540) 373-9372

Hotline: (540) 373-9373

Toll Free: 1-877-734-7238

Rappahannock Council Against Sexual Assault

(540) 371-6771

Hotline: (540) 371-1666

Department of Social Services

(804) 646-7212

Rappahannock Area Community Services Board

(540) 633-9997

Hotline: (804) 633-4148

The Victim/Witness Assistance Program

The Victim/Witness Assistance Program, administered by the Office of the Commonwealth's Attorney, helps to insure that crime victims and witnesses receive fair and compassionate treatment while participating in the criminal justice system. If you are a victim or a witness of a crime, your role is vital to the court process. This information guide is designed to acquaint you with the steps involved in bringing your case to court.

Call the Victim/Witness Program if:

You have questions about your role as a victim or witness.

You would like an explanation of court procedures or a tour of the courtroom before you testify.

You would like someone to escort you to court and remain with you until the completion of your testimony.

Your personal property is being held as evidence and you want to know if you can recover it.

You want assistance in filing for compensation under the Criminal Injuries Compensation Fund.

You have changed your home/work telephone numbers or address.

You need information regarding the status of your case.

Tips on Testifying In Criminal Court:

Dress appropriately and be courteous: Shorts, hats, halter tops, and tank tops are not permitted in court. It is recommended that you not wear t-shirts, and clothes that are too tight, or clothes that are too revealing. The way you dress and present yourself is a direct reflection on you. It is to your advantage to dress neatly and conduct yourself in a courteous manner.

Tell the truth: Do not hesitate and try to figure out if your answer is going to help or hurt, this will only hurt your credibility. Just tell the truth.

Speak clearly: Answer questions clearly and loudly enough so that you can be heard and understood.

Answer only the questions asked of you: Do not volunteer information. Stop speaking immediately if the Judge interrupts or an attorney objects to the question. Do not speak again until the Judge says it is okay.

Never lose your temper: Holding your temper will make your testimony much more valuable.

Do Not: In the courtroom, do not: chew gum, eat, drink, read a newspaper, sleep, wear a hat, use a cell phone, camera, or camera phone, or carry a weapon.

CAROLINE COUNTY COMMONWEALTH'S ATTORNEY'S OFFICE

An Information Guide for Victims and Witnesses of Crime



John Mahoney

Commonwealth's Attorney

Estee Newbey-Howard, Director

Victim/Witness Assistance Program

Office Hours

Weekdays 8:30am – 4:00pm

111 Ennis Street

P.O. Box 432

Bowling Green VA 22427

Phone: (804) 633-8037

Fax: (804) 633-0146

Email: enewbeyhoward@co.caroline.va.us

A Message From Your Commonwealth's Attorney

It is my privilege to serve as the Commonwealth's Attorney for Caroline County. The Commonwealth's attorney is the county's chief prosecutor, and I work closely with law enforcement agencies and the Victim/Witness Assistance Program.

If you are a victim or witness of crime, you probably have lots of questions. You may be feeling angry, confused or fearful about the crime itself or the judicial process.

We are fortunate in Caroline County to have a Victim/Witness Assistance Program to help you as your case makes its way through our courts. Their staff will advise you of your rights and the resources available to help you. They will also answer your questions about the judicial system, keep you informed of the status of your case and accompany you to court.

We need your help. Cases cannot be prosecuted and justice administered without the cooperation of victims and witnesses. We must all work together to make Caroline County an even safer place to live.

I want to make your experience in our courts as convenient and satisfying as possible. If you have questions or need assistance at any time, please call our Victim/Witness staff at (804) 633-8037 or call me at (804) 633-7170.

*Thank you,
John Mahoney*

DEFINITION OF A VICTIM:

Anyone suffering from physical, emotional, or financial harm as a direct result of a felony or certain misdemeanor crimes. The definition of victim includes spouses, children, parents, siblings, grandparents, and guardians of certain victims under the Crime Victim and Witness Rights Act.

Your Rights as a Victim

If you are a crime victim and have suffered physical, psychological, or economic harm as a direct result of any of the following:

Any Felony...

- Assault and Battery
- Stalking
- Sexual Battery
- Attempted Sexual Battery
- Driving While Intoxicated

You may be entitled to...

- Protection from further harm and threats of harm
- Separate waiting areas during Court proceedings
- Financial Assistance
- Property return
- Case status information
- Employer intercession services
- Prisoner release information
- Victim Input
- Courtroom Assistance
- Confidentiality of address and telephone number
- Interpreter Services
- Closed Preliminary Hearing (when appropriate)

Threats or Intimidation: Threatening a witness is a crime in Virginia. If you receive a threat from the defendant or anyone else, contact the Sheriff Office immediately at 804-633-5400, and notify our office as soon as possible

The Criminal Court Process

Felony Cases: A felony is a major crime that may be punished by a minimum of one year in prison. Felony trials are heard in Circuit Court, which is located at 112 Courthouse Lane, Bowling Green, VA.

Misdemeanor Cases: A misdemeanor is a less serious crime that is punishable by confinement in jail for a maximum of one year, a fine of no more than \$2500.00, or both. Misdemeanor trials are heard in General District Court, which is located at 111 Ennis Street, and Juvenile & Domestic Relations Court, located at the same address.

Subpoena/Summons: A court order directing you to appear in court at a particular time and place. Failure to appear may constitute a separate offense.

Preliminary Hearing: This is a proceeding held when a person is arrested for a felony. The preliminary hearing is not a trial. The Judge listens to the evidence of the crime to determine whether it is reasonable to believe that the defendant committed a felony. If the Judge determines that there is sufficient evidence, he will certify the case to the Grand Jury.

Grand Jury: The Grand Jury is a panel of citizens who meet once in January, March, May, July, Sept., and November. These citizens listen to evidence presented by a police officer who covers the facts of the case. The Grand Jury then determines if the evidence is sufficient to indict (charge with a specific crime) the defendant. If charged, the case will then be set for trial in the Circuit Court.

Circuit Court: The defendant stands trial and his guilt or innocence is determined by the Judge or by a jury. Unless the defendant is going to plead guilty, all witnesses are required to appear in court. Witnesses are generally required to remain outside of the courtroom until they have testified. If the defendant is found guilty, he may be sentenced at the conclusion of the trial or at a later date, if a presentence report is ordered.

Presentence Report: This report is completed by a probation and parole officer and consists of the defendant's background. A report generally takes 6-8 weeks to complete. A sentencing date is set, upon completion of the report. The Judge will read the report and impose the sentence. You will be notified and may be present during this time.

Possible Outcomes

Acquittal or Dismissal: The defendant is found not guilty.

Nolle Prossed: The charge is dropped, but it can later be reinstated, if appropriate.

Conviction: The defendant is found guilty and sentenced as below:

- ◇ Misdemeanor sentences are served in local jails.
- ◇ Felony sentences are usually served in prison.

Plea Agreements: If the defendant pleads guilty, a trial will not be required, and you will not have to testify. In some cases, the prosecutor may agree, after consultation with the victims, to modify the charges or to recommend that a defendant receive a certain sentence in return for a plea of guilty. If you are the victim of a crime, the prosecutor will contact you before a plea agreement is formalized. If you have questions about the agreement, ask the prosecutor for a full explanation. The prosecutor will not enter into a plea agreement without having first consulted with the victims.

RESTITUTION: In cases where the victim has suffered a financial loss, the Court should always order the defendant to pay restitution. If you desire restitution, itemize and document your losses and notify the Victim/Witness Program as soon as possible.

CRIMINAL INJURIES COMPENSATION: Victims of violent crime, or their survivors, may be eligible for financial compensation to cover out-of-pocket costs of medical treatment, psychological counseling, or funeral expenses. If you think you are eligible, contact the Victim/Witness Program for an application.

VICTIM IMPACT STATEMENTS: In felony cases, if the defendant is found guilty, the Judge may postpone sentencing until a pre-sentence investigation is completed. The pre-sentence report provides the Judge with information about defendant's background. If you are the victim of a crime, you may be asked to describe, in a written statement, what impact this crime has had on your life. Your statement may be included in the report and considered by the Judge in determining an appropriate sentence. The Victim/Witness Program can assist you in preparing this statement.