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## ● Introduction ●

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*“Misfortune is great, but human beings are even greater than misfortune.”*

*- Rabindranath Tagore*

Violent crime continues to rage across our state and nation at an alarming rate. According to the North Carolina State Bureau of Investigation, a violent crime occurs every 14 minutes; a sexual assault occurs every 4 hours; and an innocent person is murdered in North Carolina every 17 hours.

Being a victim of crime reminds us that we are vulnerable - crime doesn't just happen to someone else. Whether you or a family member has been victimized, this discovery may cause feelings of anger, guilt, shame, insecurity, fear, and depression. In turn, these reactions may interfere with the way that you relate to other people and the way they relate to you.

Whatever you are faced with right now, it is important to keep in mind that each person copes with the aftermath of victimization in his or her own unique way. The path toward healing begins by talking about what happened with people you trust - people who support you without judgment and without advice about what you should do or how you should feel.

With this in mind, this handbook has been written specifically for you - because the more you know about the criminal justice system, the more comfortable you will feel as various events occur. Also, the material contained in this handbook will help you understand the after effects of the crime. Realistically, we know that this information will not solve all of your problems or answer all of your questions, but we hope that it will serve as a useful guide to explain how and where to find help.

Most importantly though, we hope that you will feel less alone, better understood, and comforted by the knowledge that there are many people who genuinely care about you and your well-being.

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## ● A Message from a Crime Victim ●

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No matter how serious a crime - whether you are the victim of a brutal assault or burglary - all crime victims share the common emotions of vulnerability and personal violation. These feelings are normal, as are feelings of anger and fear, which are often felt by family members who are also, victims of crime.

As the victim of a violent crime, there are some important things about crime victimization that you should try and remember.

First, a victim of crime is an innocent victim. I had to remember that I was not responsible for what happened to me. One crime victim said it perfectly: “To blame victims for crime is like analyzing the cause of World War II and asking ‘What was Pearl Harbor doing in the Pacific anyway?’”

Second, victims need information. I found that many of my fears came from not understanding what was happening with my case.

Third, victims and those assisting victims have to learn to be patient. I had to learn to be patient with law enforcement, with the district attorney and with the judge. My counselor had to learn to be patient with me. Most important though, I had to learn to be patient with myself. Recovery may be a long and complicated road for some.

I am grateful I had someone to help me. Without the information and care provided to me, my life would still be in pieces. - *A Victim of Violent Crime*

## ● Emotional Aftermath of Crime ●

*“Everything can be taken from a man but one thing: the loss of human freedoms - to choose one’s attitude in any given set of circumstances.”*  
- Victor Frankl, Holocaust Survivor

Dealing with the emotional aftermath of crime is not easy, however, knowledge of what are “NORMAL” reactions to a traumatic event can be helpful in validating the feelings you are experiencing. No one expects to become a crime victim or have a family member or friend victimized by crime or violence. You are reacting normally to an abnormal event. There are several stages one experiences in response to any type of victimization. It is important for you to understand that these stages do not occur in any predictable timetable or sequence. You are likely to move back and forth between stages. Thus, the type of feelings you experience can vary from hour to hour, day to day.

### Shock and Numbness

Initially, you will be in a state of shock. Feelings of numbness, confusion and disorientation are common. You may feel detached - like you are an outsider observing an unreal world.

### Denial

This stage is marked by the fact that the losses have not been fully acknowledged or accepted emotionally. Denial is nature’s way of protecting you until you can cope with the full impact of the trauma.

### Fear

You may experience intense fear and startle easily. Leaving your home or being alone may cause you a great deal of anxiety. You may also be fearful that the assailant will return and harm you and/or your loved ones again. Once you have been harmed by crime, it is only natural to be fearful and suspicious of others. Over time, the intensity of these feelings will diminish.

### Guilt

In trying to find a reason for the crime, some people find it easier to accept what happened if they can blame themselves in some way. You may find yourself thinking or saying, “if only I had ...”. It is important for you to know that you are not at fault and did not deserve to be hurt. Seeking reasons for the crime is a way of trying to regain a sense of control over your life. But place the blame where it belongs ...with the perpetrator.

### Anger

Anger is a very common reaction to victimization. You may feel intense anger towards the criminal and may have fantasies of revenge. Your anger may be directed at family and friends, your doctors or therapist, the criminal justice system, or toward God. You may feel anger toward anyone who you feel is insensitive to your pain. You may also be angry with yourself. Acknowledge your feelings of anger, and find safe and healthy ways to express it. Many people find that writing down their thoughts, exercising, beating a pillow, or screaming allows them to release some of the anger. Remember that anger is a natural part of the healing process.

### Grief, Sadness, Depression, Emotional Pain

Crime creates loss. In cases of homicide, it is the loss of a future with your loved one. For other types of victimization, it could be the loss of control, the loss of security, the loss of trust, the loss of innocence, the loss of health. You will grieve your loss and feel sadness. You may experience change in your normal sleeping and eating patterns. Life may seem flat and meaningless and you may lose interest in activities or people that were previously important to you. Mood swings, irritability, fatigue, diminished sexual interest, dreams and flashbacks about the crime are common and may again create feelings of fear and anxiety. There will be an ebb and flow pattern to your grief. When it is there, allow yourself to experience it. When it is gone, let it go. It is not your responsibility or obligation to keep the pain alive. Emotions are a part of being human. Emotions are healers.

## Acceptance

*“Acceptance comes when you decide you care whether your own life continues or not.”*

*- Ralph Shelton, father whose son was killed by a sniper*

Over a period of time that is unique to each person, you will begin to feel an internal calmness and peace. You accept that you have experienced a painful loss but not realize that many other things remain. Your perspective on life and your values have been altered. You will have events and experiences that may trigger powerful emotions that are associated with the crime. The anniversary date of the crime can cause a resurfacing of emotions. Legal proceedings that seem never-ending are always stressful for crime survivors. In time, grief associated with these trigger dates or events will be less intense and come less often.

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## Professional Counseling

*“It was a great relief to have someone to talk to who would in no way pass onto others what I thought, felt or did at that confusing time.”*

*- A crime survivor*

You have just experienced a life-altering event. Talking with a counselor who has formal training in post-traumatic stress disorder and clinical experience with crime survivors can be extremely helpful. Sharing your experience and your feelings is a means of taking back control, and taking care of yourself. Seeking counseling in the aftermath of a crime does not mean, “something is wrong with you” or “you’re not able to cope well.” It means you are taking positive steps to come to terms with your feelings. Your local mental health center or victim assistance program can refer you to qualified professionals within your own community.

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## Support Groups

*“I felt terribly alone. If there had been some way to find out about other people in the same situation, to hear what they were going through so I could compare it to what I was going through. More than anything else, I just needed to understand what was happening.”*

*- Woman whose sister was murdered*

In many communities across our state, help, understanding, compassion, and support are available in the form of support groups. These groups offer mutual support and a network of understanding within an atmosphere of acceptance that has no comparison. By sharing a common bond of having been through similar life-altering experiences - these individuals support one another in the process of rebuilding their lives.

Before joining a group, it is important to consider your personal needs, as well as the focus of the support group. If you are not comfortable in a group setting, one-on-one counseling may be a more appropriate choice for you. And find a group that is specific to your type of victimization. Contact your local mental health center or victim assistance program for referrals to support groups in your area.

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## Victim Assistance Programs

*“This experience brought me closer to death than one could ever imagine, not only because of the gun, but because of the rape itself. I felt ashamed and thought I wanted to die. My heart felt it was going to burst. Crying and talking with people I could trust helped to relieve the pressures. I needed to share feelings with people who would honor my privacy for however long I needed them to.”*

*- A sexual assault survivor*

Every county in North Carolina has programs available to help crime victims. Some of the programs are specific to the type of crime (i.e. rape crisis centers or domestic violence shelters), while others are more comprehensive. Program services may vary, but in general, services may include:

- Crisis intervention and short-term counseling
- Referrals to other agencies or programs that can help
- Assistance with emergency shelter, food, clothing or transportation
- Counseling and support groups
- Court preparation and accompaniment
- Assistance with Victims Compensation and filing claims with insurance
- Assistance with civil remedies
- Employer and creditor intervention
- Personal safety and crime prevention information

Contact your local law enforcement agency, prosecutor's office, or the North Carolina Victim Assistance Network at (800) 348-5068 to find out what services are available in your community. Or, you can visit [www.nc-van.org](http://www.nc-van.org)

## ● *Who's Going to Pay the Bills?* ●

### Restitution

*"The man who murdered my husband is in prison, thankfully. We as taxpayers are paying for his room and board, medical and psychiatric help. My husband was my only means of support. I'm now destitute, very ill and have no financial means. Meanwhile, the murderer has 600 acres of valuable property. Why should this man who ruined my life be able to keep and return in a few years to that, while I have nothing?"*  
- A homicide survivor

Under N.C. law, victims of violent crime have the right to receive restitution as ordered by the court. Therefore, victims should be prepared to have documentation of any economic loss to present to the court. Upon conviction, an offender may be ordered to pay restitution, and restitution is collected through the Clerk of Court Office. If the offender is imprisoned, the restitution may not be collected until the offender is released. If the offender is put on supervised probation, the Division of Community Corrections monitors payment of restitution. If the offender is on unsupervised probation, it is up to the victim to notify the District Attorney's Office that the restitution is not being paid.

### N.C. Victim Compensation Program

*"My injuries were so severe, I accumulated over \$25,000 in medical bills. My job didn't offer an insurance plan. The offender was sentenced to 3 years in prison. The creditors didn't care how I got injured. They were just concerned about how I would pay for all of this and threatened to take me to court."*  
- A Crime Survivor

The State of North Carolina has a Victim Compensation Program to help eligible victims with medical and counseling expenses, lost wages, emergency household support (in domestic violence cases only), replacement services such as child care while the victim recovers from injuries, and funeral expenses (in the case of homicide). Compensation is not available for loss or damage of property, pain or suffering, or expenses paid by your insurance. The program does not cover loss as a result of a violation of motor vehicle law with the exception of injuries resulting from a drunk driver or a hit and run.

For more information or to file a claim, contact your law enforcement agency, prosecutor's office, or the N.C. Crime Victim Compensation Commission at (800) 826-6200 or (919) 733-7974.

### Civil Remedies

Restitution and compensation do not always cover the full economic loss that the victim may experience. A civil lawsuit, which all crime victims have the right to file, may provide more complete compensation to the victim. A suit can be brought against the offender, the offender's parents (if the offender is a juvenile), and/or a third party whose negligence or indifference contributed to the results of the criminal act. It is recommended that you consult with an attorney before pursuing a civil lawsuit. Keep in mind that there are statutes of limitations on civil cases, which vary depending on the crime.

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## *Your Constitutional Rights as a Crime Victim*

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On November 5, 1996, North Carolina voters overwhelmingly supported an amendment to the State's Constitution to provide constitutional rights to crime victims. The amendment reads:

Victims of crime, as prescribed by law shall be entitled to the following basic rights:

- The right to be informed of and to be present at court proceedings of the accused.
- The right to be heard at sentencing of the accused and at other times deemed appropriate by the court.
- The right to receive restitution.
- The right to be given information about the crime, how the criminal justice system works, the rights of victims and the availability of services for victims.
- The right to receive information about the conviction or final disposition and sentence of the defendant.
- The right to receive notification of escape, release, proposed parole or pardon of the accused, or notice of a reprieve or commutation of the criminal's sentence.
- The right to present their views and concerns to the Governor or agency considering any action that could result in the release of the accused, prior to such action becoming effective.
- The right to confer with prosecution.

Following the passage of the Constitutional amendment, "enabling legislation" was created to prescribe the manner in which the amendment will be carried out by the various entities within the criminal justice system. The enabling legislation is located in North Carolina General Statutes, Article 46 15A-830 through 15A-841. For more information on your rights, contact the North Carolina Victim Assistance Network at (800) 348-5068 or (919) 831-2857.

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## *Understanding the Criminal Justice System*

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Complex rules and procedures govern the many agencies that compose our Criminal Justice System. This system can be both confusing and intimidating to the crime survivor who may not have prior experience or exposure to these agencies and their personnel. The information that follows will provide a basic overview of what each entity is responsible for and what you can expect.

### **Reporting Crime**

In the N.C. criminal justice system, citizens have two avenues to report a crime. First, a citizen can contact a magistrate and request a warrant. Or second, a citizen can contact a law enforcement agency that will investigate the crime and request a warrant from the magistrate on your behalf. A law enforcement officer is required to serve the warrant.

### **Investigating Crime**

Law enforcement agencies are charged with the responsibility of investigating crime. Law enforcement agencies differ in size, jurisdiction, primary function, and procedure. Regardless of the type of agency you contact, a survivor of violent crime can expect the following to occur:

- An officer will respond immediately.
- If you are injured, medical assistance will respond immediately.
- A report will be filed.
- An investigation will take place until an arrest is made, or until all solvability factors (leads) are exhausted.
- If applicable, all evidence will be collected and all witnesses, including you, will be interviewed.
- You will be provided with information, either orally or in writing, about how to reach the investigating officer, your rights, availability of medical and financial assistance, court information, and how to contact the victim assistance programs in your area.

- Depending on the circumstances of your case, you may be asked to look at mug shots or line-ups, help with a composite drawing of the suspect, and return for follow-up interviews.
- If an arrest is made, the officer will attempt to notify you in person, by telephone, or in writing within 72 hours of the arrest.
- When an arrest is made, the officer takes a photo and fingerprints of the offender, and then brings the offender before the magistrate to have the warrant drawn up and to have bail issued. Bail is money or property posted with the court to secure the defendant's appearance in court. Defendants in murder cases are usually not afforded bail. In addition, defendants in domestic violence cases can be held up to 48 hours with out bail. Bail can be increased or decreased by a judge during a bond hearing. If the defendant cannot post bail, he/she will remain in custody of the county jail until trial. If the defendant can post bail, he/she is released from custody.
- The officers that worked on your case will be subpoenaed to testify in your court case.
- The officers will probably not call you each and every day with an update on your case because they are usually working on several cases at a time. If you have questions or concerns about your case please contact them.

## Prosecuting Crime

Once the offender is charged with a crime, he/she is referred to as the defendant. In North Carolina, the District Attorney's office has the responsibility of prosecuting the case on behalf of the state. The case will be referred to as State vs. "the defendant". The elected District Attorney (DA) or an Assistant District Attorney (ADA) will be assigned to your case. You do not have to hire your own attorney. You may hire a private attorney to represent you and assist the DA if the DA is in agreement.

Each District Attorney's office employs Victim/Witness Legal Assistants (VWLA) who have the responsibility of serving as a liaison between you and the DA, and providing you with information that you need. As a violent crime victim, you can expect the following:

- The DA's office will contact you by telephone or letter explaining your rights as a crime victim, information about the courtprocess, and of other services available to you in the community. They will also request contact information for you, and ask you if you would like to be notified of all court proceedings involving the defendant.
- You can expect the VWLA to gather information about the emotional, physical, and economic impact the crime has had on you to be included in a document called the Victim Impact Statement. This statement will be used to determine an appropriate sentence upon conviction of the defendant, and may be presented in writing or orally.
- If you need assistance with medical bills, the VWLA will assist you in filing for Victims Compensation.
- You will be notified of all subsequent hearings involving the defendant if you request to be notified (remember to give the DA's office any changes in address or phone number). You are not required to attend these hearings unless you receive a subpoena to appear in court.
- You can expect your case to take several months, sometimes longer than a year or more. The criminal justice process is slow and there are usually several cases ahead of yours.
- You can expect postponements in your case, called continuances. The defendant's attorney or the DA can request a continuance. It is up to the judge to grant or deny a request for a continuance.
- When your case is being prepared for trial, the DA's office may request a conference with you to discuss the case, your testimony, and possible outcomes. The DA may discuss a plea negotiation with you. The defendant's attorney or the DA may propose a plea in the case. A plea is when the defendant agrees to plead guilty to a lesser charge or to plead guilty to a charge on the condition that other charges be downgraded or dismissed. When deciding on a plea agreement, the DA must consider the strength of the case and it's evidence, your ability and the ability of other witnesses to testify, and the defendant's prior criminal history. You have the right to confer with the DA about a plea agreement, but you do not have the right to dictate the terms of the plea agreement or to stop the DA from accepting a plea agreement.
- If you are not present at the trial, you can expect to be contacted by the DA's office to advise you of the final outcome of the case including the sentence of the defendant.

North Carolina has two types of court that conduct criminal trials: District Court and Superior Court. District Court is reserved for trying misdemeanor crimes, traffic violations, and infractions. In District Court, the judge hears the evidence, determines guilt or innocence, and if the defendant is found guilty, the judge determines the sentence. If the defendant appeals his conviction, he/she has the right to appeal the case to Superior Court.

Superior Court is reserved for trying felony cases and misdemeanor cases that have been appealed. In Superior Court, a trial is held before a judge and jury. Except for capital murder (death penalty) cases, the jury determines guilt or innocence and the judge determines the sentence. In capital murder cases, the jury determines guilt or innocence AND the appropriate sentence.

In Superior Court, the defendant has to appear at several hearings prior to his/her case reaching a jury trial. The following hearings may take place in your case:

### First Appearance Hearing

The first appearance hearing takes place in District Court soon after the defendant is charged with a crime. At this hearing, the judge will inform the defendant of the charges, explain the defendant's constitutional rights, answer any questions the defendant has, appoint an attorney if the defendant cannot afford one, and hear any requests for bond reduction.

### Probable Cause Hearing

At this hearing, the judge hears evidence in District Court to determine whether the offense was probably committed and whether the defendant probably committed it. The purpose of this hearing is to determine if there is enough evidence to forward the case to Superior Court. It is not to determine guilt or innocence. The probable cause hearing can be waived, at which time the case goes directly to the Grand Jury.

### Grand Jury Hearing

The grand jury is a panel of 12-18 citizens of the county. These citizens hear evidence from the prosecution to determine if there is sufficient evidence to believe that the defendant committed a crime. If there is sufficient evidence, a "true bill" of indictment is issued, and the case moves forward. If there is not sufficient evidence, the Grand Jury returns a "no true bill".

### Arraignment Hearing

If the defendant is indicted (issued a "true bill"), the defendant appears before a Superior Court judge who informs him of the charges and his constitutional rights, including the right to a court-appointed attorney if he cannot afford one. The defendant will be asked how he pleads to the charges - guilty or not guilty. If the defendant pleads guilty, the judge may impose sentencing or may schedule a sentencing hearing at a future date. If the defendant pleads not guilty, the defendant will be scheduled for trial.

### The Trial

The trial convenes in Superior Court before a presiding judge and a jury of 12 citizens. The jury will hear and evaluate testimony and evidence, and determine the guilt or innocence of the defendant. The jury verdict must be unanimous. If the jury is not unanimous, there is a mistrial. In the case of a mistrial, the District Attorney has the option of re-trying the case before another jury.



## Sentencing Hearing

Upon a verdict of guilty, the defendant proceeds to the sentencing hearing. Except for capital murder cases, the judge determines the appropriate sentence by weighing mitigating and aggravating factors and applying this to standardized sentencing guidelines prescribed by the N.C. General Assembly (called structured sentencing). In capital murder cases, the trial jury determines between a life sentence and death sentence.

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## ● Important Information about Post-Convictions ●

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- Defendants who have been convicted of crime have the right to appeal their cases. Cases from Superior Court are appealed to the N.C. Supreme Court or the N.C. Court of Appeals. Death penalty convictions are automatically appealed, and the survivors can expect the appellate process in death penalty cases to exceed 10+ years. The N.C. Attorney General's office will represent the state during the appellate process for death penalty cases, and the survivors have the right to be informed and present during the appellate process. Survivors can contact the Attorney General's Office at (919) 716-6400.
- Under structured sentencing, the judge may impose an active prison sentence by determining both a minimum and maximum prison term for felony convictions. Felons with active sentences must serve 100% of their minimum term and may serve up to their maximum term if they have infractions for misconduct while incarcerated.
- Under structured sentencing, the judge may sentence a defendant to probation with very specific conditions. Probation is a way for the offender to serve the sentence in the community. If the conditions are not complied with, the judge could divert the defendant to serve an active sentence. Defendants who are ordered to probation are under the authority of the N.C. Division of Community Corrections. If you have questions about a defendant's probationary conditions, contact your local Community Corrections office.
- Parole only applies to those offenders whose crimes were committed before October 1, 1994. This was when structured sentencing was adopted and the parole process was abolished. Offenders whose crimes were committed after this date fall under structured sentencing, and must serve at least the minimum prison term they were sentenced to. The N.C. Post-Release Supervision and Parole Commission is responsible for overseeing the release of offenders when they are either paroled under the old sentencing guidelines, or has served their minimum prison term under the new structured sentencing guidelines. Victims will be notified, if requested, of any consideration of release of an inmate. Victims can contact this office directly by calling (919) 716-3016.
- As a result of the passage of the Constitutional Amendment for Victims' Rights in November 1996, the Department of Correction has employed victim advocates throughout the various divisions to provide crime survivors with information and resources. Whether you have a question about the status of an inmate, conditions of probation, or an upcoming parole hearing, you can contact the Department of Correction Office of Victim Services at (800) 368-1985.

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## ● North Carolina SAVAN ●

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N.C. SAVAN or Statewide Automated Victim Assistance and Notification, helps victims of crime get custody and court information about offenders. It is a free, 24-hour telephone service that is available in both English and Spanish. In addition, SAVAN automatically notifies registered victims of important events, such as release of an inmate or a scheduled court event.

Offenders who are listed in North Carolina state and county detention facilities, or who are under community supervision, or whose cases are pending at the District Attorney's office will be included in the SAVAN service.

The SAVAN program is designed to provide you with quick and easy access to offender and case information and to alert you when an offender's status changes. DO NOT depend solely on SAVAN or any other program for your safety. For more information on how to use SAVAN, call the Governor's Crime Commission at (919) 733-4564. To access the SAVAN service, dial 1-877-NC-SAVAN and follow the prompts.

## **General Courthouse Guidelines and Testifying Tips**

The Victim/Witness Legal Assistant in the District Attorney's office prosecuting your case can help prepare you for the courtroom. The following are some general guidelines that you may find helpful in the courtroom:

- Maintain a serious and dignified manner in and around the courthouse and throughout the trial. Dress appropriately.
- Do not discuss the case in the halls, restrooms, or anywhere else in the courthouse. Most district attorney's offices have a special waiting area for victims and witnesses. Check with the Victim/Witness Legal Assistant for location and information.
- Never speak to a judge or juror, unless you are in the courtroom and testifying under oath - or unless the judge specifically asks you a question in the courtroom.
- You may see the defendant, for the first time since the crime, in the courtroom. Try to prepare yourself for the emotional impact of this encounter. It may upset you to hear the defendant say "not guilty."
- Prepare yourself to hear upsetting and graphic testimony, as well as to view upsetting and graphic photos.
- If you are the family or loved one of someone who was murdered, ask the District Attorney to fully review the details of your loved ones death prior to the trial.
- If you find yourself becoming extremely upset during the trial, quietly leave the courtroom.
- If you have any questions or concerns during the trial, write them down and give them to the district attorney or Victim/Witness Legal Assistant. Don't interrupt or whisper during the trial.
- If the press is covering the trial, you may be approached and questioned by reporters. You should refrain from answering any questions or making any comments until after the trial is over. Be polite and refer them to the District Attorney.
- Prepare yourself to hear the verdict, which could be a highly emotional time for you and/or your family.

### ***The following are some helpful tips to remember when testifying at any court proceeding:***

- Neat appearance and proper dress are important.
- Prior to testifying, try to recall the crime scene, what was there, and exactly what happened, the best you can. Don't try to memorize what you are going to say.
- Always tell the truth. If you do not know the answer to a question, say, "I don't know." Do not guess.
- Listen very carefully to each question, making sure you understand completely, before answering. If you do not understand a question, ask for it to be repeated or rephrased.
- Speak clearly and loudly enough so that the judge and/or jury can hear you. Be polite, firm and clear in your answers.
- Answer only the questions asked and then stop. Don't provide information unless you are specifically asked.
- If the questions you are asked requires a "yes" or "no" answer, answer "yes" or "no" unless your answer cannot be fully understood without an explanation. You may ask the judge if you can explain your answer or elaborate.
- Stop talking if an objection is made by one of the attorneys or if the judge interrupts. The judge or one of the attorneys will tell you if you can continue your testimony. If you have forgotten the question, ask to have it repeated.
- Although you may feel nervous and frightened by testifying, it is important to be serious and focused in your approach.
- If you become upset while testifying, pause until you can regain your composure or ask the judge if you can have a few moments. The judge may call a recess to allow you this time. You may want to ask for a drink of water.
- If you are asked if you have talked with anyone about the case, answer truthfully. You have probably spoken with police, the district attorney, family and friends. If you say only "yes" in response to the question, the defense attorney may imply that you have been told what to say. It is best to tell whom you have spoken with and that you only have discussed the facts of the case.

*“It is unfair to subject those courageous enough to appear and testify to months or even years of living in fear for their own safety and that of their family. Although this fear cannot be eliminated, it can be mitigated by keeping the home addresses and phone numbers of victims and witnesses private. At the onset, there is no reason why police or prosecutors should release this information to the news media. If jurisdictions required that certain police reports be open to the public, they should either amend their statutes or redesign their forms so that this information is not available for publication.”*

*- President’s Task Force on Victims of Crime*

If the media is covering your case, reporters may contact you for information or comments. You should refrain from answering any questions or making any comments until after the trial is over unless you have been directed to do so by the law enforcement agency or District Attorney’s office handling your case.

The media can be friend or foe to the crime victim/survivor.

In cases where there is a missing child or family member, the media can be a useful tool in helping to locate the missing person. Law enforcement may ask you to work with the media during this time of investigation and search.

On the other hand, insensitive, incomplete, or inaccurate reporting by the news media can further traumatize victims, their families and friends. Graphic TV footage or photographs of crime scenes, printing of victims’ names, addresses, and injuries, aggressive and intrusive attempts to interview survivors and witnesses, can all contribute to further victimization of crime victims.

If talking with reporters could jeopardize your case during judicial proceedings politely refer them to the law enforcement agency or the District Attorney’s office handling your case.

Because our system operates under a presumption of innocence and a defendant’s right to a fair trial, statements by you as to the defendant’s guilt may be used by defense attorneys to request a change of venue (location of trial) on the basis that the defendant may not be able to receive a fair trial in the jurisdiction where the crime occurred, due to pre-trial publicity.

For more information on how to handle media inquiries contact your local law enforcement agency, the District Attorney’s office, or the North Carolina Victim Assistance Network at (800) 348-5068 or (919) 831-2857.



### Glossary of Terms



**Appeal:** A review of the trial record by a higher court to see if the trial judge made any legal mistakes.

**Arraignment:** The process where the defendant is brought into open court, advised of the charges against him, and directed to plead. He may plead guilty, not guilty, or nolo contendere (no contest). If the defendant fails to plead, he is tried as if he had pleaded not guilty.

**Arrest Warrant:** A written order issued by the District Court or magistrate including a statement of the crime of which the person to be arrested is accused, and directing that the person be arrested and held to answer the accusation before a magistrate or other judge.

**Assailant:** The person identified as the attacker.

**Bail:** An amount of money set by the court that allows a person charged with a crime to be released from custody. The purpose of bail is to insure that the offender will return to court.

**Bailiff:** An officer or attendant of the court who has charge of keeping order during court session, custody of the jury, and custody of the prisoners while in court.

**Composite:** A picture of the assailant made from an artist's drawing or assembly of facial features.

**Continuance:** Sometimes court proceedings cannot take place as scheduled and the case is scheduled for a later time. Such a postponement is called a continuance.

**Corroborating Witness:** A person who is able to give information that agrees with the victim or attacker's statement about the attack.

**Cross-Examination:** The period during the trial when the defense attorney asks the victim questions.

**Defense Attorney:** The lawyer for the defendant.

**District Attorney:** An elected official who represents the State of North Carolina and whose job is to prosecute the offender. The District Attorney may assign the case to an Assistant District Attorney for prosecution.

**District Court:** Misdemeanor cases are tried in this court before a judge without a jury. If convicted, a defendant may appeal for a new trial in Superior Court before a jury.

**Defendant:** In criminal cases a person who is charged with a crime. In civil cases the person who is sued.

**Evidence:** Testimony and exhibits that help to prove either the victim or assailant's statements.

**Eye Witness:** A person who witnessed the crime.

**Felony:** A serious crime such as burglary or murder. Punishments for felonies range from fines and/or imprisonment of three years up to the death penalty.

**Grand Jury:** Comprised of 12 to 18 citizens of the county. The Constitution requires that a person charged with a felony must be indicted by a grand jury. The grand jury hears evidence in secret only from prosecution witnesses and decides if the defendant should go to trial.

**Hung Jury:** A jury whose members cannot unanimously agree that the defendant is guilty or not guilty.

**Indictment:** A formal written statement prepared by the District Attorney and issued by a grand jury charging a person with a crime.

**Jury:** Twelve county residents sworn to decide the case on the evidence presented in court.

**Lie Detector Test:** See "Polygraph Exam."

**Lineup:** A group of five or six people who are viewed (in person or by pictures) by a victim or witness in an attempt to determine whether one of them is the person who committed the crime.

**Magistrate:** An officer of the district court whose jurisdiction is defined by the General Assembly and includes accepting guilty pleas and entering judgment in certain misdemeanors as well as issuing search and arrest warrants, and setting bond.

**Misdemeanor:** Crime less serious than a felony. Punishment may be as much as two years in prison or a fine, or both.

**Mug Shots:** Pictures of people made at the time they have been arrested for a crime.

**Perjury:** Deliberate, false testimony under oath.

**Plea Agreement (Plea Bargain):** An agreement made between the district attorney, the defendant, and the defense attorney in which the defendant agrees to plead guilty to a crime (usually a lesser crime than the original charge).

**Polygraph Exam:** A test that uses a machine to measure changes in a person's heart rate, breathing rate, and blood pressure while questions are asked. The results are not admissible in court.

**Probable Cause Hearing:** A hearing before a district court judge to determine if a felony was probably committed and that there is probable cause to believe that the defendant committed the crime. If the judge decides there is probable cause, the case will be sent to the grand jury to consider whether or not it will return an indictment. This is sometimes called a “Preliminary Hearing.”

**Prosecutor:** The lawyer (attorney) who represents the state of North Carolina. The prosecutor does not represent the victim. The victim is a key witness in the case for the state. (Same as District Attorney or Assistant District Attorney)

**Public Defender:** A lawyer employed by the state to represent defendants who cannot pay for a lawyer’s services.

**Subpoena:** A court order directing a witness to be present in court to testify at the time and place stated. Failure to comply constitutes contempt of court and may result in a fine or imprisonment up to 30 days.

**Superior Court:** Felony cases are tried in criminal superior court before a jury, as are misdemeanor convictions appealed from District Court. Guilty pleas and plea bargains of felony cases are handled in Superior Court.

**Suspect:** A person who is believed to have committed a crime.

**Testimony:** Statements made in court by a person who, before testifying, is required to take an oath to tell the truth.

**Verdict:** The decision a jury in Superior Court, or a judge in District Court, makes at the end of a trial about whether the defendant is guilty or not. A jury verdict must be unanimous.

**Victim Impact Statement:** A statement, either written or oral, from the victim to be given to the sentencing judge. Items in an impact statement should include the emotional, physical, and financial impact of the crime. Families and friends of the victim may also submit a statement.



## **General Information**



For information about services available in your community, please contact NCVAN at (919) 831-2857, (800) 348-5068 or visit our online *Directory of Victim Services, Emergency Resources and Related Criminal Justice Agencies in North Carolina* at [www.nc-van.org](http://www.nc-van.org).

### **Contact your local law enforcement agency for information about:**

- Arrests
- Investigation
- Victim Advocacy  
(In some locales)
- Property Return
- Victims Compensation
- Pretrial Release
- Post-trial Release if Defendant is in Jail

### **Contact the Clerk of Court’s office for information about:**

- Court Dates and Times
- Restitution Collection
- Domestic Violence Protective Orders
- Condition of Sentence

### **Contact your local District Attorney’s office for information about:**

- Trials and Hearings
- Victims’ Rights
- Victim Impact Statements
- Disposition of the Case
- Victims Compensation
- Prosecution
- Plea Negotiations
- Convictions and Sentencing
- Restitution
- Defendant’s Right Appeal

### **Contact your local Magistrates office for information about:**

- Arrest Warrants
- Protective and Restraining Orders  
(In some locales.)
- Bail
- Small Claims Suits

**Contact the Attorney General's Office for information about:**

- Appeals Process
- Consumer Crimes
- Prosecutions Deferred by District Attorney's Office
- Death Penalty Cases

**Contact Crime Victim Compensation Program for information about:**

- Filing a Claim
- Status of a Claim

**Contact the NC Division of Community Corrections (formerly Probation & Parole) for information about:**

- Nonpayment of Restitution
- Conditions Offenders Probation or Post-Release Supervision
- Restitution Modification

**Contact the Department of Correction Office of Victim Services for information about:**

- Offenders Release from Custody
- Work Release
- Community Based Programs
- Prison Assignment

**Contact your local Guardian Ad Litem program for information about:**

- Child Advocacy
- Court Accompaniment

**Contact the Governor's Clemency Office for information about:**

- Reprieves, Commutations or Pardons

**Contact your local Rape Crisis Center or Domestic Violence Shelter for information about:**

- Court Advocacy
- Safe Shelter
- Counseling
- Victims Compensation
- Support Groups
- Children's Programs

**Contact a private attorney or legal services for information about:**

- Civil Law Suits
- Child Custody
- Dissolution of Marriage
- Restraining Orders

**Contact your County Department of Social Services about:**

- Child Abuse & Neglect
- Elder Abuse
- Financial Assistance

**Contact the County Medical Examiner for:**

- Autopsy Results
- Death certificates

**Contact your U.S. Attorney's Office for information about prosecution of federal offenses.**

**Contact your local Mental Health Center for information about:**

- Counseling
- Batterer's Treatment Programs
- Support Groups
- Programs

**Contact your County Jail for information about:**

- Arrest Status
- Pretrial Release
- Bail/Bond Status
- Post-Trial Release

# IMPORTANT INFORMATION

*This information is important and should be recorded*

Date of Crime \_\_\_\_\_

Defendant's Name \_\_\_\_\_

Criminal Charge(s) \_\_\_\_\_

Police Case Number (OCA#) \_\_\_\_\_

Police Officer at the Scene \_\_\_\_\_

Detective \_\_\_\_\_

Police Department's Victim Advocate \_\_\_\_\_

District Attorney \_\_\_\_\_

District Attorney's Victim/Witness Assistant \_\_\_\_\_

Defendant's Arrest Date \_\_\_\_\_

First Appearance Date \_\_\_\_\_ Judge \_\_\_\_\_ Location \_\_\_\_\_

Bond Hearing Date \_\_\_\_\_ Judge \_\_\_\_\_ Location \_\_\_\_\_

Probable Cause Hearing Date \_\_\_\_\_ Judge \_\_\_\_\_ Location \_\_\_\_\_

Grand Jury Indictment Date \_\_\_\_\_

Superior Court Arraignment Date \_\_\_\_\_ Judge \_\_\_\_\_ Location \_\_\_\_\_

Trial or Plea Date \_\_\_\_\_ Judge \_\_\_\_\_ Location \_\_\_\_\_

Sentencing Hearing Date \_\_\_\_\_ Judge \_\_\_\_\_ Location \_\_\_\_\_

Defendant's Sentence \_\_\_\_\_ Years \_\_\_\_\_ Months \_\_\_\_\_

Active \_\_\_\_\_ Suspended \_\_\_\_\_

Probation \_\_\_\_\_

Conditions of Probation \_\_\_\_\_ Active \_\_\_\_\_ Suspended \_\_\_\_\_

Community Service \_\_\_\_\_

Docket Number \_\_\_\_\_

## We Want to Know What You Think

The North Carolina Victim Assistance Network is committed to improving victim's rights and services in North Carolina. Through continuing research, our organization provides policy makers with recommendations made to better respond to victims of crime. We need your help. By completing this survey relating to your experience with, and attitude of, the criminal justice system, will help us in our research efforts.

Please take a few moments to complete and return this survey to NCVAN, P.O. Box 28557, Raleigh, NC 27611 or you may fax it to (919) 831- 0824. Thank you!

Indicate the type of crime you have experienced (Circle all that apply):

Homicide	Sexual Assault	Domestic Violence
Armed Robbery	Burglary	Drunk Driving
Child Abuse	Elder Abuse	Aggravated Assault
Other _____		

Date the crime occurred \_\_\_\_\_

City and County where crime occurred \_\_\_\_\_

How did you obtain this copy of the Surviving Violent Crime handbook? \_\_\_\_\_

Did you find the Surviving Violent Crime handbook helpful? Yes \_\_\_\_\_ No \_\_\_\_\_

If no, what information could be added to make this handbook more useful to crime victims? \_\_\_\_\_

In the future, would you be willing to complete a more detailed survey concerning your experiences throughout the criminal justice system? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please provide your name and address in the space below. \_\_\_\_\_

*Thank you for your help.*