



STEPHANIE NEWELL

DISTRICT ATTORNEY

27TH JUDICIAL DISTRICT OF TEXAS



**VICTIMS OF CRIME
&
THE JUSTICE SYSTEM**



"The Bell County District Attorney's Office And Our Victim Services Division Is Committed To Ensuring Victim's Rights' Awareness and Advocacy By Supporting Victims Of Crime with Compassion."

***Stephanie Newell
District Attorney
of Bell County***

COURAGE

RESILIENCE

JUSTICE

A Message From Your District Attorney



Crimes occur every day, and they affect our lives and community. When you become the victim of a crime, it can cause a total disruption in your life. It can change the way in which you view your personal safety, your family's safety, and it can change how you view the community in which you live and work.

My office and our Victim Services Division will make every effort to help those affected by crime to navigate a criminal justice system that can seem complex and confusing. We are here to ensure that your voice is heard and seek justice.

This publication provides answers to some of the questions most frequently asked by crime victims and their families. It can help you answer many questions you have and provide you with information that we hope you find helpful about the criminal justice system. I want you to know that we consider your questions to be important, regardless of the nature of the crime that has occurred. Please feel free to contact us with your questions so that one of our victim witness coordinators or an Assistant District Attorney can help you.

We are here to assist you and the community, subject to the legal limitations provided by law. We will do all that we can to support you as your case passes through our criminal justice system. I hope that you will rely upon us to offer support throughout the legal process and to help protect your rights.

Stephanie Newell
District Attorney



TEXAS CRIME VICTIMS RIGHTS

Article 56A.001 - Definitions

- (1) "Board" means the Board of Pardons and Paroles.
- (2) "Clearinghouse" means the Texas Crime Victim Clearinghouse.
- (3) "Close relative of a deceased victim" means a person who: (A) was the spouse of a deceased victim at the time of the victim's death; or (B) is a parent or adult brother, sister, or child of a deceased victim.
- (4) "Department" means the Texas Department of Criminal Justice.
- (5) "Guardian of a victim" means a person who is the legal guardian of the victim, regardless of whether the legal relationship between the guardian and victim exists because of the age of the victim or the physical or mental incompetency of the victim.
- (6) "Sexual assault" means an offense under the following provisions of the Penal Code: (A) Section 21.02; (B) Section 21.11(a)(1); (C) Section 22.011; or (D) Section 22.021.
- (6-a) "Sexual assault examiner" and "sexual assault nurse examiner" have the meanings assigned by Section 420.003, Government Code.
- (7) "Victim" means a person who: (A) is the victim of the offense of: (i) sexual assault; (ii) kidnapping; (iii) aggravated robbery; (iv) trafficking of persons; or (v) injury to a child, elderly individual, or disabled individual; or (B) has suffered personal injury or death as a result of the criminal conduct of another.

Article 56A.051 – General Rights

- (a) A victim, guardian of a victim, or close relative of a deceased victim is entitled to the following rights within the criminal justice system:
- (1) the right to receive from a law enforcement agency adequate protection from harm and threats of harm arising from cooperation with prosecution efforts; a) A crime victim has the following rights:
 - (2) the right to have the magistrate consider the safety of the victim or the victim's family in setting the amount of bail for the defendant;
 - (3) if requested, the right to be informed in the manner provided by Article 56A.0525: (A) by the attorney representing the state of relevant court proceedings, including appellate proceedings, and to be informed if those proceedings have been canceled or rescheduled before the event; and (B) by an appellate court of the court's decisions, after the decisions are entered but before the decisions are made public;



Article 56A.051 – General Rights continued

(4) when requested, the right to be informed in the manner provided by Article 56A.0525: (A) by a peace officer concerning the defendant's right to bail and the procedures in criminal investigations; and (B) by the office of the attorney representing the state concerning the general procedures in the criminal justice system, including general procedures in guilty plea negotiations and arrangements, restitution, and the appeals and parole process;

(5) the right to provide pertinent information to a community supervision and corrections department conducting a presentencing investigation concerning the impact of the offense on the victim and the victim's family by testimony, written statement, or any other manner before any sentencing of the defendant;

(6) the right to receive information, in the manner provided by Article 56A.0525: (A) regarding compensation to victims of crime as provided by Chapter 56B, including information related to the costs that may be compensated under that chapter and the amount of compensation, eligibility for compensation, and procedures for application for compensation under that chapter; (B) for a victim of a sexual assault, regarding the payment under Subchapter G for a forensic medical examination; and (C) when requested, providing a referral to available social service agencies that may offer additional assistance;

(7) the right to: (A) be informed, on request, and in the manner provided by Article 56A.0525, of parole procedures; (B) participate in the parole process; (C) provide to the board for inclusion in the defendant's file information to be considered by the board before the parole of any defendant convicted of any offense subject to this chapter; and (D) be notified in the manner provided by Article 56A.0525, if requested, of parole proceedings concerning a defendant in the victim's case and of the defendant's release;

(8) the right to be provided with a waiting area, separate or secure from other witnesses, including the defendant and relatives of the defendant, before testifying in any proceeding concerning the defendant; if a separate waiting area is not available, other safeguards should be taken to minimize the victim's contact with the defendant and the defendant's relatives and witnesses, before and during court proceedings;



Article 56A.051 – General Rights continued

9) the right to the prompt return of any of the victim's property that is held by a law enforcement agency or the attorney representing the state as evidence when the property is no longer required for that purpose;

(10) the right to have the attorney representing the state notify the victim's employer, if requested, that the victim's cooperation and testimony is necessary in a proceeding that may require the victim to be absent from work for good cause;

(11) the right to request victim-offender mediation coordinated by the victim services division of the department;

(12) the right to be informed, in the manner provided by Article 56A.0525, of the uses of a victim impact statement and the statement's purpose in the criminal justice system as described by Subchapter D, to complete the victim impact statement, and to have the victim impact statement considered: (A) by the attorney representing the state and the judge before sentencing or before a plea bargain agreement is accepted; and (B) by the board before a defendant is released on parole;

(13) for a victim of an assault or sexual assault who is younger than 17 years of age or whose case involves family violence, as defined by Section 71.004, Family Code, the right to have the court consider the impact on the victim of a continuance requested by the defendant; if requested by the attorney representing the state or by the defendant's attorney, the court shall state on the record the reason for granting or denying the continuance; and

(14) if the offense is a capital felony, the right to: (A) receive by mail from the court a written explanation of defense-initiated victim outreach if the court has authorized expenditures for a defense-initiated victim outreach specialist; (B) not be contacted by the victim outreach specialist unless the victim, guardian, or relative has consented to the contact by providing a written notice to the court; and (C) designate a victim service provider to receive all communications from a victim outreach specialist acting on behalf of any person.



Article 56A.051 – General Rights continued

(b) A victim, guardian of a victim, or close relative of a deceased victim is entitled to the right to be present at all public court proceedings related to the offense, subject to the approval of the judge in the case.

(c) The office of the attorney representing the state and the sheriff, police, and other law enforcement agencies shall ensure to the extent practicable that a victim, guardian of a victim, or close relative of a deceased victim is provided the rights granted by this subchapter and, on request, an explanation of those rights.

Article. 56A.052 – Additional Rights of Victims of Sexual Assault, Indecent Assault, Stalking, or Trafficking

(a) A victim, guardian of a victim, or close relative of a deceased victim of an offense under Section 21.02, 21.11, 22.011, 22.012, 22.021, or 42.072, Penal Code, is entitled to the following rights within the criminal justice system:

(1) if requested, the right to a disclosure of information, in the manner provided by Article 56A.0525, regarding: (A) any evidence that was collected during the investigation of the offense, unless disclosing the information would interfere with the investigation or prosecution of the offense, in which event the victim, guardian, or relative shall be informed of the estimated date on which that information is expected to be disclosed; and (B) the status of any analysis being performed on any evidence described by Paragraph (A);

(2) if requested, the right to be notified, in the manner provided by Article 56A.0525: (A) at the time a request is submitted to a crime laboratory to process and analyze any evidence that was collected during the investigation of the offense; (B) at the time of the submission of a request to compare any biological evidence collected during the investigation of the offense with DNA profiles maintained in a state or federal DNA database; and (C) of the results of the comparison described by Paragraph (B), unless disclosing the results would interfere with the investigation or prosecution of the offense, in which event the victim, guardian, or relative shall be informed of the estimated date on which those results are expected to be disclosed;



Article. 56A.052 – Additional Rights continued:

(3) if requested, the right to counseling regarding acquired immune deficiency syndrome (AIDS) and human immunodeficiency virus (HIV) infection;

(4) if requested, the right to be informed about, and confer with the attorney representing the state regarding, the disposition of the offense, including sharing the victim's, guardian's, or relative's views regarding: (A) a decision not to file charges; (B) the dismissal of charges; (C) the use of pretrial intervention program; or (D) a plea bargain agreement; and

(5) for the victim, the right to: (A) testing for acquired immune deficiency syndrome (AIDS), human immunodeficiency virus (HIV) infection, antibodies to HIV, or infection with any other probable causative agent of AIDS; and (B) a forensic medical examination as provided by Subchapter G.

(b) A victim, guardian of a victim, or close relative of a deceased victim who requests to be notified under Subsection (a)(2) must provide a current address and phone number to the attorney representing the state and the law enforcement agency that is investigating the offense. The victim, guardian, or relative must inform the attorney representing the state and the law enforcement agency of any change in the address or phone number. The victim, guardian, or relative must provide an e-mail address and update any change in that e-mail address if the victim, guardian, or relative chooses to receive notifications by e-mail.

(b) Subject to Subsection (c), a victim, guardian of a victim, or close relative of a deceased victim who requests to be notified or receive information under Subsection (a)(1), (2) or (4) must

(1) provide a current address and phone number to the attorney representing the state and the law enforcement agency that is investigating the offense; and

(2) inform the attorney representing the state and the law enforcement agency of any change in the address or phone number.

(c) A victim, guardian of a victim, or close relative of a deceased victim may designate a person, including an entity that provides services to victims of an offense described by Subsection (a), to receive any notice requested under Subsection (a)(2).



(d) This subsection applies only to a victim of an offense under Section 20A.02, 20A.03, 21.02, 21.11, 22.011, 22.012, 22.021, 42.072, or 43.05, Penal Code. A victim described by this subsection or a parent or guardian of the victim, if the victim is younger than 18 years of age or an adult ward, is entitled to the following rights within the criminal justice system:

(1) the right to be informed in the manner provided by Article 56A.0525: (A) that the victim or, if the victim is younger than 18 years of age or an adult ward, the victim's parent or guardian or another adult acting on the victim's behalf may file an application for a protective order under Article 7B.001; (B) of the court in which the application for a protective order may be filed; (C) that, on request of the victim or, if the victim is younger than 18 years of age or an adult ward, on request of the victim's parent or guardian or another adult acting on the victim's behalf, the attorney representing the state may, subject to the Texas Disciplinary Rules of Professional Conduct, file the application for a protective order on behalf of the requestor; and (D) that, subject to the Texas Disciplinary Rules of Professional Conduct, the attorney representing the state generally is required to file the application for a protective order with respect to the victim if the defendant is convicted of or placed on deferred adjudication community supervision for the offense;

(2) the right to: (A) request that the attorney representing the state, subject to the Texas Disciplinary Rules of Professional Conduct, file an application for a protective order described by Subdivision (1); and (B) be notified in the manner provided by Article 56A.0525 when the attorney representing the state files an application for a protective order under Article 7B.001;

(3) if the victim or the victim's parent or guardian, as applicable, is present when the defendant is convicted or placed on deferred adjudication community supervision, the right to: (A) be given by the court the information described by Subdivision (1), in the manner provided by Article 56A.0525; and (B) file an application for a protective order under Article 7B.001 immediately following the defendant's conviction or placement on deferred adjudication community supervision if the court has jurisdiction over the application; and



(4) if the victim or the victim's parent or guardian, as applicable, is not present when the defendant is convicted or placed on deferred adjudication community supervision, the right to be given by the attorney representing the state the information described by Subdivision (1), in the manner provided by Article 56A.0525.

(e) A victim of an offense under Section 20A.02, 20A.03, or 43.05, Penal Code, is entitled to be informed, in the manner provided by Article 56A.0525, that the victim may petition for an order of nondisclosure of criminal history record information under Section 411.0728, Government Code, if the victim:

- (1) has been convicted of or placed on deferred adjudication community supervision for an offense described by Subsection (a)(1) of that section; and
- (2) committed that offense solely as a victim of an offense under Section 20A.02, 20A.03, or 43.05, Penal Code.

Article. 56A.0525 – Authorized Form of Notifications.

For purposes of this subchapter, a judge, attorney representing the state, peace officer, or law enforcement agency that is required to notify, inform, or disclose information to a victim, guardian of a victim, or close relative of a deceased victim in accordance with a right granted under this subchapter shall provide the notification or information in the following manner:

- (1) Electronically, including by text message, video conference, or e-mail;
- (2) by mail;
- (3) through an anonymous, online portal; or
- (4) by contacting by telephone or otherwise making personal contact with the victim, guardian, or relative, as applicable.



Article 56A.053 – Failure to Provide Right or Service

(a) A judge, attorney representing the state, peace officer, or law enforcement agency is not liable for a failure or inability to provide a right granted by this subchapter.

(b) The failure or inability of any person to provide a right or service granted by this subchapter may not be used by a defendant in a criminal case as a ground for appeal, a ground to set aside the conviction or sentence, or a ground in a habeas corpus petition.

Article 56A.054 – Standing

A victim, guardian of a victim, or close relative of a deceased victim does not have standing to:

- (1) participate as a party in a criminal proceeding; or
- (2) contest the disposition of any charge.

For further information and the full text go to the Texas Department of Criminal Justice Website at http://www.tdcj.state.tx.us/divisions/vs/victim_rights.html or you may read the Statute at <https://statutes.capitol.texas.gov/Docs/CR/htm/CR.56.htm>



How Are Crimes Classified In Texas?

Texas law classifies criminal offenses into two broad categories: felonies and misdemeanors. Felony offenses are the more serious, and involve possible imprisonment in the Texas Department of Criminal Justice, Institutional Division. Felony cases are prosecuted in the district courts of this State, and the District Attorney is responsible for all such cases. The table below reflects the punishment range of felony offenses in Texas:

Offense	Maximum Punishment	Examples	Court with Original Jurisdiction
Felonies			
Capital felony	Execution or Life in Prison	Capital murder	District court, with automatic appeal to Texas Court of Criminal Appeals
First degree felony	5-99 years or life; \$10,000 fine	Murder, Aggravated Sexual Assault or Aggravated Robbery	District court
Second-degree felony	2-20 years; \$10,000 fine	Theft of property valued at \$150,000 or more, but less than \$300,000; Aggravated Assault; Robbery, or Burglary of a Habitation	District court
Third-degree felony	2-10 years; \$10,000 fine	Theft of property valued at \$30,000 or more, but less than \$150,000; Assault, Family Violence with previous Conviction or by Strangulation	District court
State jail felony	180 days to 2 years.; \$10,000 fine	Theft of property valued at \$2,500 or more, but less than \$30,000; Credit or Debit Card Abuse, Unauthorized Use of a Motor Vehicle, or Burglary of a Building	District court

Classification and Penalties for Theft in Texas

The Texas Penal Code uses a Standard Value Ladder in cases of theft, conversion, theft of service, criminal mischief, and many other property and economic crimes. As the value of property lost increases, the seriousness of the crime increases. **As of September 1, 2015, the Standard Value Ladder for theft in Texas is:**

< \$100

Class C Misdemeanor

The punishment is a fine of no more than \$ 500, and does not involve any jail time.

\$100 — < \$750

Class B Misdemeanor

The punishment is a sentence of confinement in jail for a term of not more than 180 days, a fine of not more than \$2,000, or both.

\$ 750 — < \$2,500

Class A Misdemeanor

The punishment is a sentence of confinement in jail for a term of not more than 1 year, a fine of not more than \$4,000, or both.

\$ 2,500— < \$30,000

State Jail Felony

The punishment is incarceration ranging from 180 days to 2 years in a state jail, plus a fine of no more than \$10,000.

\$ 30,000 — < \$150,000

3rd Degree Felony

The punishment for is incarceration ranging from two to ten years of imprisonment in the Texas Department of Criminal Justice, and a fine of no more than \$10,000.

\$ 150,000 — < \$300,000

2nd Degree Felony

The punishment is 2 to 20 years of imprisonment in the Texas Department of Criminal Justice, and a fine of not more than \$10,000.

\$ 300,000 +

1st Degree Felony

The punishment is 5 to 99 years of imprisonment in the Texas Department of Criminal Justice, and a fine of no more than \$10,000.

What Should I Do When A Crime Happens?

First, call the Police or Sheriff's office and make a full report. In most cases, a law enforcement officer will meet with you in person to obtain important details.

What Is A Victim Assistance Coordinator?

Our office has been recognized at both the state and national levels for leadership in the developing field of victim's rights. Four full-time victim/witness coordinators assist crime victims and their families, as well as other civilian witnesses in cases going to trial, with the sometimes difficult activities associated with participation in the criminal justice process. The coordinator is particularly helpful in cases involving young children who have been victimized, and in sexual assault cases where victims often feel unusually violated, not only by the offense but at times by the necessity of testifying about the offense in court.

The coordinator also assists with referrals for mental health counseling, application for crime victim compensation benefits, and pretrial interviews in preparation for actual trial of a case. The coordinator provides continuing information to victims and witnesses regarding case status and scheduling.

How Does My Case Get To Your Office For Prosecution?

All local law enforcement agencies present felony cases to our office for what is called "screening" before a complaint is filed. The law enforcement agency investigating your case will bring it to us when their investigation is complete, and you do not need to be present for this action.

What Is A Complaint?

A complaint is a legal document charging a specific person with the violation of a criminal law. It must be sworn to by someone who knows the facts of the crime charged, either by direct knowledge or through investigation. A complaint is generally necessary before a peace officer can obtain a warrant of arrest authorizing him or her to apprehend a person accused of a crime.

What Do You Mean When You Say That A Case Is "Screened"?

Before a complaint charging a felony is filed it is reviewed by an Assistant District Attorney who determines whether there is sufficient evidence to prove that an offense was committed, and whether there is sufficient evidence to show probable cause (a legal term) to believe that the person accused committed the crime. Certain other legal questions may also be explored at this time, such as whether an arrest without a warrant was legally justified, whether certain evidence essential to the case was legally obtained, and whether additional investigation is required. The process of screening felony cases ensures that fewer criminals escape justice on legal technicalities later in the process.

What Is A Warrant Of Arrest?

A warrant of arrest is an order signed by a judge, authorizing a peace officer to arrest a person charged with having committed a crime.

What Happens To The Accused?

The person accused of the crime is now called the defendant. Soon after arrest by a peace officer, the defendant is taken before a judge who informs the defendant of the reason he has been arrested, and of the facts contained in the complaint. The judge is required to set an amount of bail and to advise the defendant of his/her rights. Unless the defendant can post bail in the amount set by the judge, he remains in custody and is normally transferred to the county jail to await further action in the case.

How Can I Be Notified If The Defendant Is Released From Jail?

The District Attorney's office is typically not notified when a defendant is released from jail. If the Defendant has been arrested and placed in the Bell County Jail you may register with the Texas VINE (Victim Information and Notification Everyday) hotline for automatic jail status or release information 24 hours a day. To register call 1-877-894-8463 or go online at <https://www.vinelink.com/#/home/site/44900> and follow the step by step procedures. After you register you will be notified if the offender is released or transferred.



What Is The Purpose Of Bail?

Bail is allowed in virtually all cases, including felonies. The amount of bail is set by a Judge or Magistrate. Its sole legal purpose is to guarantee the defendant's appearance in court for later proceedings. The judge is required to consider not only the seriousness of the offense charged against the defendant, but also the defendant's ability to raise money to make bail, in setting the amount. Bail may not be set so high as to punish a defendant by keeping him in jail pending his trial.

What If Someone Threatens Me?

Such a person is obstructing justice and may be guilty of a felony offense called "Retaliation". Call the law enforcement agency which investigated the case originally, or contact the assistant district attorney who is handling the case in my office. Do so as soon as possible so that the threats can be documented and action taken to prevent reoccurrence.

What Should I Do If I Am The Victim Of Domestic Violence Or Sexual Assault?

Families in Crisis, Inc. is a non-profit organization that serves victims of domestic violence and sexual assault in Bell County, including Fort Cavazos. Services offered include provision of immediate safe shelter, food, clothing and personal items, crisis intervention counseling, safety planning, support and educational groups for victims of sexual assault and domestic violence, transportation and accompaniment to medical, legal, law enforcement and social service agencies and a 24 hour toll free hotline. All services are free and confidential. You can contact them at 254-634-1184 or call the hotline at 888-799-SAFE (7233).

How Is A Case Processed In The District Attorney's Office?

After a case is screened and a complaint prepared in our office, we begin preparation of a file. This file will contain information provided by the law enforcement agency investigating your case, as well as other information developed by our staff. After the file is assembled, it will be assigned to one of my Assistant District Attorneys, normally within a few days of the filing of the complaint. After the case has been reviewed by the assistant to whom it is assigned, it is sent to the Grand Jury for consideration. The period between filing of the case in our office and submission to the Grand Jury will vary because of many factors, but will generally be from one to four weeks.

Who Do I Talk To?

You may be contacted by one or more people wanting to talk to you about the details of this case and any statement you gave to the police. Unless this person identifies themselves as an employee of the District Attorney's Office or a Police Department, they **DO NOT** work for the District Attorney or the Police, and they may in fact work for the Defense Attorney or Defendant.

If someone wants to talk to you about this case, a good rule of thumb is to ask them who they are and what agency they are with. You can ask them either; "What law enforcement agency do you work for?" or "Are you an investigator for the defense?"

REMEMBER: Police and District Attorney investigators have badges with the name of their agency on it. Private investigators for the Defense have badges that do not have the name of law enforcement agency on them. Ask to see identification for any person who asks to talk to you about this case.

Someone who identifies themselves as "working for the Court" or "sent by the Judge" is **NOT** an employee of the District Attorney or the Police. It is **your choice** whether or not to talk to such a person, and/or give them a written statement or sign an Affidavit.

You **ALWAYS** have the right to have the Assistant District Attorney assigned to your case present while you talk to any such person. If you have questions, please call the District Attorney's Office Victim/Witness Unit at (254) 933-5215.

What If A Defense Attorney Contacts Me About The Case?

You may discuss the case with him, but we would like to know in advance if you plan to do so, and we would like to have someone from our staff present when you do. You are NOT required to discuss the case with a representative of the defense and may decline to do so. Please remember that the attorney representing the defendant is performing a legal duty when he investigates the case, but also remember that what you say can impact our case. If you wish, you may simply refer the attorney to our office for any information he wants and decline to discuss the case with him.

Does The Judge Appoint Investigators for the Defense In Criminal Cases?

Yes and no. In some cases, private investigators assist defense attorneys in case preparation. If the defendant is indigent, the judge may appoint an attorney and an investigator to aid the defendant. However, in no case will the investigator be working for the judge; he will report his investigation to the defense attorney, and it may be used by the defense for trial. Require anyone who claims to be investigating "for the judge" or "for the court" to show identification and be sure to examine it closely. Call our office BEFORE you talk about the case if you have any doubts.

What Is A Grand Jury?

A Grand Jury is a body of twelve citizens who serve 3-month terms and consider whether indictments should be returned in felony cases. The Grand Jury meets weekly in Bell County. Grand Jurors are selected in a random fashion, similar to the trial jury selection system. The Jury Pool is taken from registered voters, licensed drivers and state ID holders in the county in which the court presides. Prospective jurors cannot have been convicted of any felony offense or a misdemeanor involving moral turpitude (like theft). They must also not have any criminal charges pending against them. The District Attorney has no control over the selection process. Grand Jury proceedings are NOT open to the public, and witnesses take an oath of secrecy before testifying.

What Does A Grand Jury Do?

Texas law requires action by the Grand Jury before a felony case can be filed in district court. If the Grand Jury believes that there is sufficient evidence (probable cause) to prove that a person has committed a felony, it votes to issue what is called a "true bill", or indictment. At least nine grand jurors must vote in favor of an indictment or the case is "no-billed", which terminates the case. The District Attorney assists the Grand Jury in hearing evidence and preparing indictments, but the actual deliberations on cases are secret and only the Grand Jurors are present when voting is in progress.

How Are Witnesses Called For Trial?

Witnesses are notified by subpoena when and where to appear, and what, if anything, to bring with them to court. Witnesses for the prosecution usually receive their subpoenas more than a week prior to the trial setting.

I Have Cooperated Fully With The Police; Why Am I Being Subpoenaed?

Occasionally witnesses feel offended that they should be "ordered" to appear in court, which is what a subpoena does. We issue subpoenas for all witnesses because our law provides that we cannot have a case postponed, despite the illness or incapacitation of a witness, unless that witness has been served a subpoena. We issue the subpoena to protect our case and your rights, in the unlikely event that you or some other witness is ill or incapacitated at the time of trial.

What Should I Do After I Receive The Subpoena?

No action is required on your part after you receive the subpoena, other than appearing in court on the date and at the time stated on the subpoena. Please note that all of our subpoenas instruct the witness to check with our office before reporting to the courthouse. This may prevent an unnecessary trip to the courthouse in case of a change in the trial schedule. Each court will have multiple jury trials scheduled for the same date, and some of those trials will be reset when one trial commences.

What Should I Wear To Court?

All persons entering the courtroom shall be dressed in clothing reasonably befitting the dignity and solemnity of court proceedings. Tank tops, T-shirts, shorts, flip flops, and clothing that is tattered or soiled are among those items of clothing not considered appropriate courtroom attire. Your manner of dress can have an impact upon jurors who listen to your testimony and who may be called upon to determine disputed facts.

What Is An Examining Trial?

An examining trial is a hearing before a judge to determine whether probable cause exists to send a felony case on to the Grand Jury. In Texas, an examining trial is not held unless requested by a defendant. Once the Grand Jury has returned an indictment, the defendant loses the right to an examining trial. If such a hearing is set in your case, you will be notified of the date and time and asked to appear, if your testimony is necessary.

What Is A Pretrial Hearing?

After the felony case has been considered by a Grand Jury and an indictment returned, the case will be scheduled for a pretrial setting. This setting will normally be several weeks or more after indictment. At the pretrial setting, the defendant and his attorney usually advise the judge whether the defendant wants a trial or will plead guilty, and if a trial is desired, whether a jury is required. Certain motions concerning legal issues may be heard at the pretrial setting. Occasionally, a witness may be needed on a pretrial motion, and if your presence is required, you will be notified well in advance of the setting. A case can have many Pretrial settings.

Why Do Some Cases Get Dismissed?

If the Assistant District Attorney handling a felony case determines that there is not sufficient evidence to obtain a conviction, he may file a motion with the district judge asking that the case be dismissed. This action is taken only after the case has been completely investigated, and normally after the police have exhausted all

avenues for obtaining additional evidence. The judge may grant the motion to dismiss if he is satisfied that the case cannot be proven at trial.

What Happens at Trial?

In a trial, the District Attorney presents the case for the State, attempting to prove beyond a reasonable doubt that the defendant committed the crime as charged. The defendant may present his or her side of the case, or may present no case at all. The Jury (if one has been impaneled) or the judge must decide whether or not the State's case has been proved by legally-competent evidence beyond a reasonable doubt.

If the defendant is found guilty, our law provides for a second stage of trial at which the defendant's punishment, within the range authorized by law, is fixed by either the jury or a judge. The defendant is permitted to determine whether he wants his punishment set by the judge or a jury.

What Do I Do At The Trial?

As a witness for the State, you have an important part in the trial. The truth of your testimony, the manner in which you give it, and the appearance you make while on the witness stand and in the courtroom are all factors which may be weighed by the jury or judge in deciding the case. You will be questioned by the District Attorney, and then "cross-examined" by the attorney for the defendant. During cross examination, witnesses sometimes feel that their personal motives for testifying are under attack, but the process is not meant to demean you, nor as a personal attack upon you. The defense attorney is charged by law with representing his client well, and this often involves bringing close scrutiny to bear upon the testimony of others. If you are concerned about the trial procedures, you may contact the Assistant District Attorney handling the case and he will answer your questions. A pretrial conference with witnesses is usually scheduled prior to the trial date.

Why Do I Have To Be Outside The Courtroom During The Trial?

Under Texas law, witnesses who are going to testify in a case generally must remain outside of the courtroom during the trial so that they do not hear any of the other testimony.

When Can I Have My Property Returned?

Property which has been stolen during the commission of an offense or taken as evidence during an investigation can sometimes be restored to the owner prior to the trial. However, there are times when this cannot be accomplished, particularly if the property is currency or where it in some manner directly identifies the perpetrator of the offense (i.e. it has fingerprints on it, etc.).

If property is to be restored to you before disposition of the case, you must contact the police agency that investigated the case. The police agency will furnish our office with documentation of ownership, as well as with necessary affidavits to obtain a court order restoring the Property to you. Property held until trial, and/or received into court as evidence in the trial, can usually be restored after trial. Contact the Victim/Witness Coordinator and she will clear it with the Assistant District Attorney who prosecuted the case.

Can I Be Compensated For My Efforts As A Witness?

As a general rule, Texas law does not authorize any compensation for witnesses testifying in criminal matters. Exceptions are made in cases where the witness is from outside the state, or from outside the country in which the trial is held, in which case travel expenses and a per diem are allowed.

What Happens If I Change My Mind And Decide Not To Prosecute?

The whole community has a stake in prosecuting wrongdoers. The complaint is now the State's case and it is not in your power to drop charges. However if you are experiencing anxiety about testifying, please discuss your concerns with the victim assistance coordinator or the prosecuting attorney. They can help you deal with questions about your case.



What Is A Plea Bargain? Will You Plea Bargain My Case?

The term "plea bargain" is unfortunate in that it is misleading to the public and implies that the defendant and his attorney have managed to have his charges reduced or receive a light sentence.

A plea bargain is an agreement between the attorney representing the State and the defendant and his attorney, that the State will recommend a specific punishment in the case, if the defendant will enter a plea of guilty. The agreement as to punishment is not binding upon the judge, who may impose any punishment within the range authorized by law. There are advantages to both the State and the defendant in arriving at such an agreement in many cases. You may rest assured that we will not negotiate such a plea for less punishment than a jury would likely set under the facts of your particular case. In the event your case is set for a plea of guilty, you will be notified by the Assistant District Attorney, handling the case of the date and time of the plea. You will not be subpoenaed but are welcome to come to the hearing. The Assistant District Attorney, will be available to answer any questions you may have.

Why Was The Case Reset Before Going To Trial?

Many times a number of cases are set for trial on the same day. Obviously, not all of them can be tried. However courts often set more than one case for trial on the same day because some cases are plea bargained, some witnesses may be missing in one case, someone is sick in another case, etc. In addition, courts will often give priority to trials of defendants who are in jail. If the defendant in your case is out on bond, your case may be behind other cases set for trial on the same date. Therefore, your case may not go to trial on the first trial setting, or on a number of settings thereafter. As far as it is reasonably practical, it is the responsibility of the attorney for the state to contact you if the case is reset, but one quick phone call on your part on the day of the setting could save you a lot of frustration and prevent a waste of your time.



What Is A "Victim Impact Statement?"

A Victim Impact Statement is a document that victims and their families can use to record the impact the crime has had on them. The judge must inquire whether a VIS has been returned, and if one has been returned, it must be considered before imposing a sentence. A VIS statement will be sent to you by our office so you will have the opportunity to document the impact of the offense and return it to our office. The judgment should reflect whether a VIS was returned to the attorney representing the state. After a finding a guilt and before sentencing, the court shall permit the defendant or the defendant's counsel a reasonable time to read the statement, excluding the victim's name, address, and telephone number, comment on the statement, and with the approval of the court, introduce testimony or other information alleging a factual inaccuracy in the Victim Impact Statement. The VIS, becomes a formal part of the court record but is not a public document. The Statement lets you request notification of any parole proceedings regarding the defendant and provides a place to list contact information that may be needed later by the Texas Department of Criminal Justice Victim Services Division.

What is Victim Allocation?

The federal Crime Victims' Rights Act (CVRA) grants victims the right to be reasonably heard at sentencing. According to Article 42.03, of the Texas Code of Criminal Procedures the court shall authorize a victim, a close relative of a deceased victim, or guardian of a victim, as defined by Article 56.01 (56A.001) of this code, to appear in person.

The victim, relative, or guardian does not get to ask questions of the defendant while making the statement. They may not get physical (hitting, spitting etc....) with the defendant or use obscenities. Statements need to be appropriate for the courtroom. The court reporter will not transcribe the statement. The statement must be made:

- (1) after punishment has been assessed and the court has determined whether or not to grant community supervision in the case;
- (2) after the court has announced the terms and conditions of the sentence; and
- (3) after sentence is pronounced.

The main purpose for victim allocation is to provide the victims with the opportunity for empowerment through their participation in the justice system process. During Victim Allocation victims or family members can present a statement to the defendant and the court. The statement can include victim's personal views on the offense, the defendant, and the effect the offense has had on the victim. Many times victim allocation statements include very personal testimony from the victim and family members regarding the pain and suffering the defendant has caused them. This is also a opportunity for family members to talk about the victim, his/her accomplishments, the future they have lost because of the crime and hopes and dreams. Many victims and families feel that participating in this part of the court process allows them to find closure.

Appeals

Every convicted defendant has the right to appeal his or her case to an appellate court. Generally, the defendant appeals on the grounds that some error occurred at the trial that requires a reversal of the conviction. It is not uncommon for these appeals to take years. During the time when the appeal is pending, the defendant is entitled to a bond if the sentence was 10 years or less. If the case is reversed, the court of appeals may order a new trial. The law in this area can be very complicated. If your case is appealed, please speak with the attorney representing the State for more information.

Parole

Most defendants who are sentenced to a term in prison will, at some time, become eligible for release before serving all of the sentence. As with appeals, this area of the law is very complicated. Generally, the law provides that a person convicted of a more serious crime will spend a greater portion of his or her sentence in prison. In addition, you have the right to participate in any parole proceeding involving the defendant in your case. If you want to be involved in those proceedings, it is important that you file a Victim Impact Statement with the attorney for the State and notify parole officials of any change in address.

What Is The Crime Victims Compensation Act?

The Crime Victims Compensation Act was passed to financially assist victims, dependents of deceased victims of violent crimes, persons who go to the aid of peace officers or attempt to prevent a crime of violence, or people who legally assume the obligations of medical or burial expenses incurred as a direct result of a crime. If you fall into one of these groups, you may be eligible for compensation. Compensation may be made for loss of earnings or support, support of dependents of homicide victims, support of minor children so that the victim may continue employment, medical expenses, funeral expenses, and counseling services. For details, please contact your local victim assistance coordinator.

Who Can File A Claim?

You can file a claim if:

- (a) You sustain personal injury as a victim of a violent crime, or
- (b) You were injured going to the aid of another person or peace officer or while attempting to prevent a crime of violence, or

- (c) You are the spouse, child or other dependent of a victim, or
- (d) In the event of death, you legally assume the obligations or voluntarily pay the medical or burial expenses incurred as a direct result of the crime.

Basic Requirements For Eligibility

- (a) A violent crime was committed within the State of Texas.
- (b) The victim reported the crime to the appropriate state or local public safety or law enforcement agency within a reasonable period of time after the crime was committed and cooperated with those agencies.
- (c) The claimant filed application with the Crime Victims Compensation Division of the State Attorney General's Office within three years after the date of the crime (exception, when the victim is a child).
- (d) The behavior of the victim at the time of the incident was such that he or she does not bear a share of the responsibility of the incident.
- (e) The victim or claimant must cooperate with the police.
- (f) The financial losses are not covered by insurance or other sources.

What Compensation May Be Paid?

If the application for compensation is approved, the Board may take any or all of the following actions:

- a) Authorize payments not to exceed \$700.00 per week for actual loss of past earnings and not to exceed \$700.00 per week for loss of anticipated future earnings.
- b) Authorize payments not to exceed \$ 300.00 per week for child care to enable a victim or spouse to engage or continue in lawful employment.
- c) Pay medical and hospital costs and funeral expenses not recouped from other sources.
- d) Provide counseling services for victims. Provide counseling services for victim's family members when the victim is a child.
- e) Lost wages and travel expenses due to participation in prosecution.
- f) Lost wages and travel expenses associated with seeking medical treatment.
- g) Crime scene clean-up maximum of \$2250.00.

Application For Benefits Will Be Denied If

- (a) The crime is not reported or application is not made in the manner specified by law.
- (b) The victim or claimant knowingly and willingly participated in the crime.
- (c) The claimant has not suffered or will not suffer financial hardship from the crime.
- (d) The assailant or accomplice will benefit.

Losses Not Covered By This Program

- (a) Pain and suffering.
- (b) Stolen or damaged property.

You can go online and file it at the following link <https://www.texasattorneygeneral.gov/crime-victims>

Information about Victim Restitution

Article 42.037 of Texas Code of Criminal Procedure allows judges to impose restitution in a variety of situations.

The court that sentences a defendant convicted of an offense may order the defendant to make restitution to any victim of the offense.

Restitution is generally money the court orders a defendant to pay to a victim who has suffered financial losses caused by a crime. The judgment and sentence direct how much restitution, if any, a defendant pays and who receives it.

The defendant may be given a payment plan with monthly restitution installments or the defendant may pay restitution in full at the time of sentencing. If there are multiple victims, the restitution payments are divided among them.

There is no guarantee that the defendant(s) will have income and make the payments as ordered by the court. The court may not order restitution for a loss for which the victim has received or will receive compensation.

What are the Victim's Responsibilities?

Please know that we understand that restitution is important, but it is only available when an offender is apprehended and convicted and a judge orders it.

An accurate assessment of the extent of victims' injuries and/or losses is essential to a fair order of restitution. To get restitution, victim must be able to:

- ⇒ Show that your loss was caused by the crime, and
- ⇒ Prove the amount of your loss with documents like bills, receipts, or estimates for repairs.

That is why we ask that you please return the restitution card along with the required documentation on your loss, so that we can present it to the court. Please understand that you may be required to be present in court in order for the judge to order restitution.

Who collects Restitution for the Victim?

- ⇒ If the defendant is on probation, the Community Supervision and Corrections Department probation officer collects the restitution, and gives it to the victim.
- ⇒ If the defendant is incarcerated, and there is a court order, the Texas Department of Criminal Justice (TDCJ) can withdraw the restitution from the inmate's trust fund account and give it to the victim. If there is no court order, the victim can ask the court to issue one.
- ⇒ If the defendant is on parole or mandatory supervision for an offense that restitution was ordered, the defendant pays the parole officer, who has the TDCJ give the money to the victim.



Transitional Compensation (TC) Program for Military Spouses and Family Members.

The Transitional Compensation (TC) Program is a congressionally authorized program for abused family members of military personnel. The legislation authorizes temporary payments and benefits (medical care, commissary and exchange privileges) for families in which the active duty soldier has been court-martialed (*with a qualifying sentence*) or is being administratively separated for a family member abuse offense. In addition, the service member must have been convicted of a dependent abuse offense and at least one of the following must apply:

- ⇒ Separated under a court martial sentence for dependent abuse offense.
- ⇒ Sentenced to a forfeiture of all pay and allowances by a court martial for a dependent abuse offense.
- ⇒ Administratively separated, at least in part, for a dependent-abuse offense.

You will become ineligible for compensation and benefits if you remarry or move back in with the former service member while receiving benefits. If compensation is available for more than twelve months, you will be required to re-certify your eligibility for Transitional Compensation annually.

To find out more about this program please visit the Military One Source Website. http://www.militaryonesource.mil/abuse?content_id=266715 or you can contact the Victim/Witness Liaison on Fort Cavazos at 254-(254) 287-2599

* Information adapted from the Military One Source Website.



Important Telephone Numbers

District Attorney's Office	1-800-460-2355 or 933-5215
DA Office Victim Services	254-933-5235
Bartlett Police Department	254-527-3733
Bell County Sheriff's Department	1-800-460-4357 or 933-5400
Belton Police Department	254-933-5840
Fort Cavazos Military Police	254-287-1170
Harker Heights Police Department	254-953-5400
Harker Heights Police Victim Assistance	254-953-5439
Killeen Police Department	254-501-8830
Killeen Police Department Victim Assistance	254-501-7698
Morgan Point Police Department	254-742-3231
Nolanville Police Department	254-698-6334
Rogers Police Department	254-642-3674
Salado Police Department	254-947-5681
Temple Police Department	254-298-5500
Temple Police Department Victim Assistance	254-298-5678
Texas Department of Public Safety	254-770-6734
Troy Police Department	254-938-0100

Resource And Referral Information

Families in Crisis Hotline	1-800-799-SAFE (7233)
Killeen Families In Crisis	254-634-1184
Aware Central Texas	254-939-7582
Mental Health Hotline	866-903-3787

Military Resources

Fort Cavazos Domestic Violence Crisis Line	254-702-4953
Fort Cavazos Child Abuse Hotline	254-287-2273
Army Community Services	254-287-4227
Post Operator (Fort Cavazos Directory Assistance	254-287-1110
Fort Cavazos Special Victim Council	254-702-2187

Texas Health & Human Services

Temple	254-778-6744
Austin	512-776-7111

Child Protective Services

Copperas Cove	254-547-4286
Killeen	254-690-1312
Lampasas	512-556-8269
Temple	254-770-2660

Central Counties Services

Crisis Hotline	800-888-4036
Temple	254-298-7000
Killeen	254-526-4146
Copperas Cove	254-518-1660

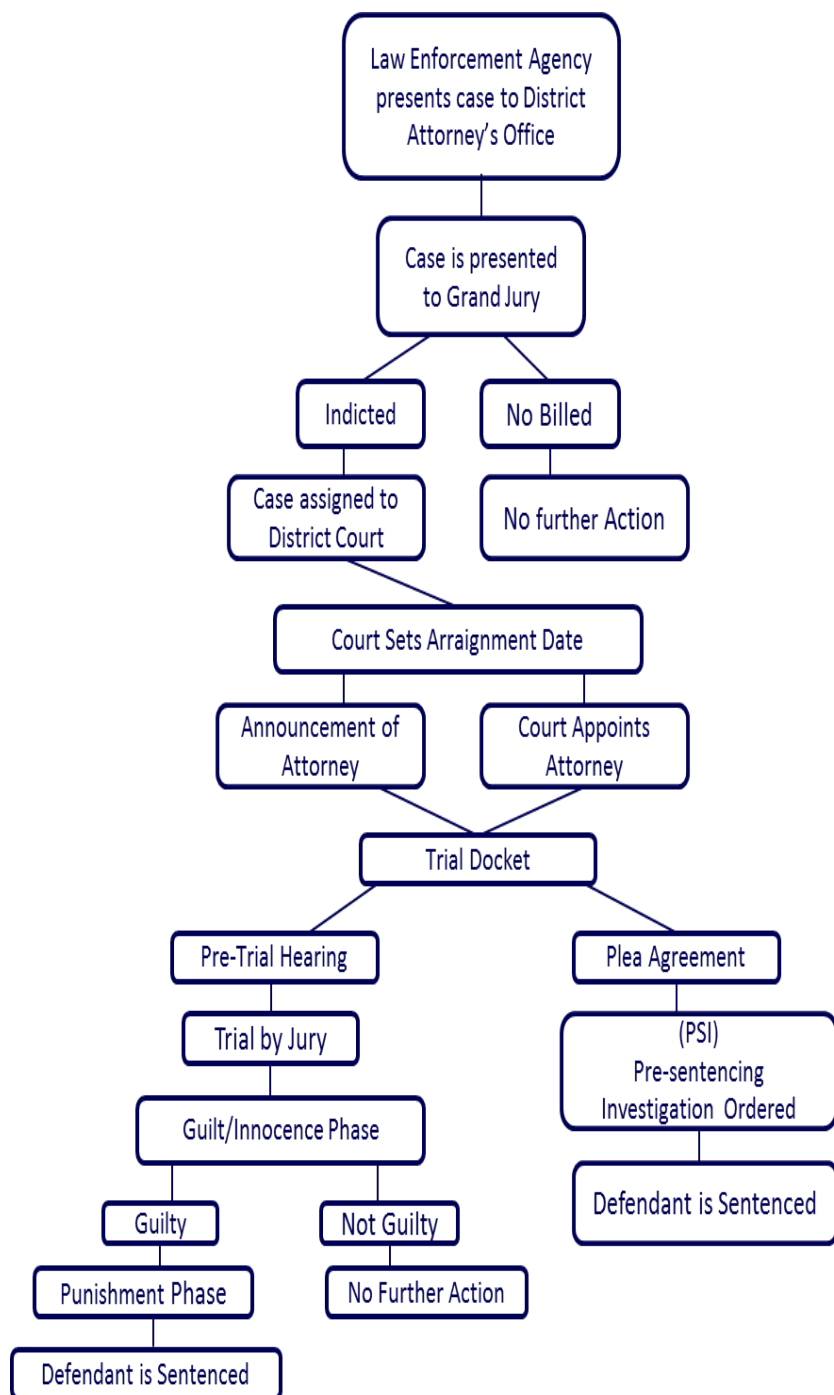
Mothers Against Drunk Driving (MADD)

Killeen, Temple	TOLL FREE 1-877-6233-4357
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Victim Assistance Centers/Hotlines

National Victim Center	1-800-484-2846
Alcohol & Drug Abuse Hotline	1-800-621-8504
Missing Children's Hotline	1-800-843-5678
Texas State Child Abuse Hotline	1-800-252-5400
Crime Victim Compensation Attorney General's Office	1-800-983-9933
TDCJ Victim Services Office & Crime Victim Clearinghouse	1-800-848-4284
Suicide And Crisis Center	1-800-SUICIDE
Texas Crime Stoppers	1-800-252-8477
Rape, Abuse& Incest National Network	1-800-656-4673

How The Judicial Process Works



Dana Bettger

Director, Victim Services

Betsy Cruz

Victim Assistance Coordinator

Ashlee Trevino

Victim Assistance Coordinator

Ella Walker

Victim Assistance Coordinator

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