

COMMONWEALTH'S ATTORNEY VICTIM WITNESS PROGRAM



MARC H. ABRAMS
COMMONWEALTH'S ATTORNEY

“Fighting for victims’ rights”

COURT ROOM LOCATIONS

General District Courtrooms	2 nd floor
Circuit Court Clerks Office	1 st floor
Circuit Courtroom	3 rd floor
Juvenile & Domestic Relations Court	2 nd floor
Commonwealth's Attorney's Office	See front
Victim Witness Office	See front

CRIMINAL INJURIES COMPENSATION FUND*

The Commonwealth of Virginia recognizes the need to provide financial assistance to innocent victims of crime that suffer physical injury or death as a result of violent criminal acts. A victim who suffers this type of injury is able to file a claim. Criminal Injuries Compensation Fund pays for losses not covered by other sources, such as health insurance, workman's compensation or social security. If you qualify you may be paid for loss of wages, unpaid medical expenses, funeral expenses and other debts resulting from your injury. There is a limit of the amount of compensation that is awarded to victims. If you think you are eligible, contact the Victim Witness Program for an application.

***You must cooperate with Law Enforcement authorities to be eligible for this compensation.**

POLICE PROCEDURE

When the Winchester Police Department receives a call for service, a Police Officer is dispatched to the scene as soon as possible. The officer usually writes a report of the incident, including the names and addresses of all persons involved. This report is filed permanently in the police department. You may be advised to obtain a warrant from the magistrate yourself.

During the investigation, you may be asked to report to the Police Department to identify property, photographs, or suspects. Your willingness to cooperate with Law Enforcement agencies has a great impact on crime prevention, detection and prosecution.

LEGAL STEPS IN THE CRIMINAL JUSTICE PROCESS

ARRAIGNMENT: This is the first step in the Criminal Justice process following a defendant's arrest. This is a hearing in which the defendant appears before a General District Court Judge and is formally advised of the charges against him, and a date for a preliminary hearing or trial is then set.

SUBPOENA: A subpoena is a court order directing you to be present in court at a particular time and place.

PRELIMINARY HEARING: This is a hearing in General District Court or Juvenile and Domestic Relations Court in which the victim may testify. The hearing is only to establish probable cause. The Commonwealth's Attorney may proceed directly to the Grand Jury. This is called a direct indictment.

GRAND JURY: The Grand Jury is a panel made up of 5 - 7 Winchester citizens who listen to evidence presented by the police officers on cases that were certified from the General District or Juvenile and Domestic Relations Court and Direct Indictments. The Grand Jury hearing is held in Circuit Court and is closed to the public. If the Grand Jurors consider the evidence presented by the police officer to be sufficient, they will return an Indictment and a trial will be set in Circuit Court. An indictment is a formal accusation of a crime.

TRIAL: A hearing held in Circuit Court before a Judge or jury in which the guilt or innocence of the defendant is decided. If the defendant is found guilty, he may be sentenced at the conclusion of the court hearing, or at a later date if pre-sentence report is requested (a report on his background). Unless the case is on a plea of guilty, it is necessary for the Commonwealth to produce all witnesses at the trial.

SENTENCING: A hearing held in Court in which the court imposes a final disposition of the case. Sometimes the victims are requested by the Commonwealth to attend the sentencing hearing and testify how the crime has affected you. A

victim impact statement is used as a sentencing tool by the court.

TIPS ON TESTIFYING

RECALL THE INCIDENT. Try to recall what happened and picture the scene and the objects there. Do not try to memorize your testimony, simply be prepared to tell what happened in your own words.

DRESS WELL AND BE COURTEOUS. The way you dress and present yourself is a direct reflection on you. It is to your advantage to dress neatly and conduct your self in a courteous manner.

BE ATTENTIVE. You should remain alert at all times so that you can hear, understand and give the proper response to each question. If the Judge or jury gets the impression that you are bored or indifferent, they may disregard your testimony.

THINK BEFORE YOU SPEAK. Make sure you understand each question then give an accurate answer to the best of your ability. If you do not know the answer to a question, say so. It is the attorney's responsibility to make each question understandable.

SPEAK CLEARLY. There is nothing more annoying to a court than a witness who refuses to speak clearly enough to be heard and understood. An inaudible voice detracts from your testimony and may make the Judge or jury think you are not certain of your testimony.

ANSWER QUESTIONS CLEARLY. Do not volunteer information. Only answer what has been asked. The attorney will ask questions that are relevant to the case and is concerned with specific answers. Answer in as few words as possible. Be sure to stop if the Judge interrupts or if there is an objection to the question. Do not begin speaking again until the Judge says it is okay.

NEVER LOSE YOUR TEMPER. When you lose your temper, you have placed your self at the mercy of the cross-examiner. The defense attorney may make you feel uncomfortable, but he has an obligation to ask questions and determine the truth. Hold your temper and your testimony will be more valuable.

BE PREPARED TO WAIT. The Commonwealth's Attorney Office has limited time a witness must spend in Court. There may be times however that a witness will be asked to stay nearby. You may want to prepare for this by bringing a book to read or some handwork to pass the time.

CALL THE VICTIM WITNESS PROGRAM IF:

You have questions about your role as a witness

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

You need someone to speak to your employer about your appearing as a witness without loss of wages

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

You want assistance in filing for compensation under the Crime Victim's Compensation Act

You want assistance in preparing your Victim Impact/Restitution Statement

You have changed your home/work address or phone number

You need a referral to social service agencies that provide emergency financial, medical, or psychological assistance to crime victims

You would like someone to escort you to court, or have a problem with transportation

You are not receiving restitution payments that were ordered by the court

You have received crime-related threats or harassment

You need information regarding the status of your case

YOUR RIGHTS AS A VICTIM OR WITNESS

You have a right to be free from threats, harassment and intimidation. If as a result of your involvement in a criminal case, you or your family are threatened, harassed or intimidated in any way, immediately call your local police and our office for assistance.

You have the right to seek restitution. In appropriate cases, the Judge may order the defendant to reimburse you for your financial loss as part of sentence imposed. Information regarding your injuries or out-of-pocket losses resulting from the offense should be brought to the attention of this office **as soon as possible.**

****As a victim or witness, it is very important to keep the Police and the Victim Witness Office informed of your current address and telephone number (at home and work) so that we can contact you about your case. If you should change your address or telephone number, please be sure to let us know as soon as possible.**

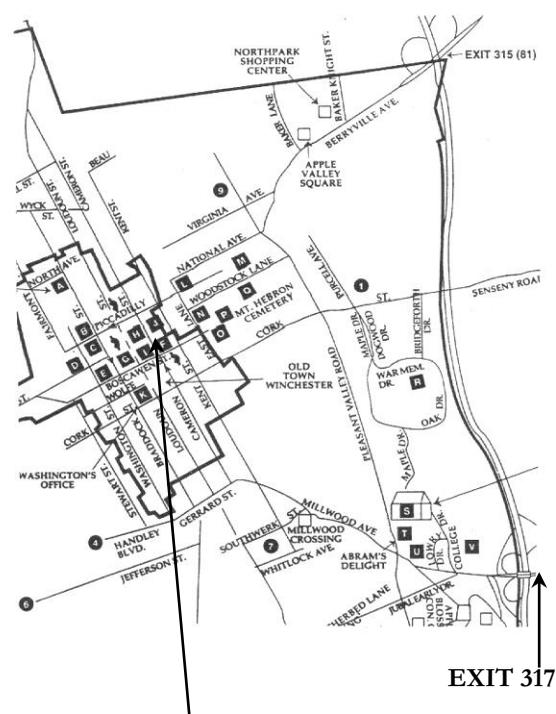
IMPORTANT TELEPHONE NUMBERS

Winchester Police Department:	
Emergency:	911
General Information:	662-4131
Commonwealth's Attorney:	722-7940
Victim Witness Program:	722-7940
General District Court:	722-7208
Juvenile & Domestic Court:	667-5770
Social Services:	
Winchester:	662-3807
Frederick County:	665-5688
The Laurel Center:	667-6466

CASE INFORMATION

Some times court proceedings cannot take place as scheduled. **We will make every attempt to notify you in advance,** but may not always be able to contact you. **Please try to call a few days prior to your court date to verify that you are still needed.** This will help to avoid anyone from having to come to court when they are not needed. Please call 540-722-7940 to check on your court appearance.

Map of Downtown Winchester



LETTER F IS THE COURTHOUSE
(Corner of Boscawen & Cameron Streets)
LETTER H IS THE COMMONWEALTH
ATTORNEY'S OFFICE
(Behind BB&T on Cameron St.)

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VICTIM WITNESS HANDBOOK

WINCHESTER COMMONWEALTH'S ATTORNEY'S VICTIM WITNESS PROGRAM



Marc H. Abrams
Winchester Commonwealth's Attorney
Jim Pearce - Program Director
Mandy Vecero - Assistant Director

(NEW LOCATION)
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