

**A Message from your Commonwealth's Attorney
Georgette C. Phillips**

In our criminal justice system, it may appear that defendants have their rights protected and are represented under the law while victims and witnesses of crimes are underrepresented or overlooked. The Isle of Wight Victim Witness Services, as part of the Commonwealth's Attorney's Office, was created as a free service to assist crime victims and witnesses throughout the judicial process. They are here FOR YOU. They will ensure you receive fair and compassionate treatment, are treated with dignity and respect and your rights, as set forth in the **CRIME VICTIM AND WITNESS RIGHTS § 19.2-11.01 (Code of Virginia)** are protected. They can act as a liaison between you and the Commonwealth's Attorney's Office to answer questions and assist with services and other referrals as needed.

I can imagine how you may have a host of feelings or emotions that can range from being scared, anxious, confused, nervous, neglected, overwhelmed, and angry, while going through the criminal justice process. As your Commonwealth's Attorney, I pledge to do my best to serve the citizens of Isle of Wight County by enforcing the laws of the Commonwealth to see that justice is served. Although you may sometimes be inconvenienced by the judicial process, it is with your help by providing information and possibly testifying in court that this system can work effectively. The Isle of Wight County Commonwealth's Attorney's Office and the Isle of Wight Victim Witness Services appreciate your willingness to cooperate in this process and we will do all that we can to help minimize these feelings.

This brochure is designed to provide general information about the type of services that the Isle of Wight Victim Witness Services can provide for victims and witnesses. It will also provide a brief overview of the criminal justice process, definition of legal terms, tips for testifying and important referral numbers. I hope you find this brochure helpful as you prepare for the judicial process.

Proudly and respectfully serving the citizens of Isle of Wight County,
Georgette C. Phillips

Victim Witness Services can:

Information provide answers to questions about your role in court, updates on court dates and the status of the cases.
Explanation provide information of court proceedings, explain protection orders and can schedule tours of the courtroom.

Referrals refer victims to social services or other community service agencies as needed.
Intercession provide letters for your Employer or School verifying your appearance in court or an in-office meeting.

Notification assist you with defendant custody status, notification, changes in court dates and upon request from you, the disposition of the case.

Victim Input assist you in preparing your Victim Impact Statements (if a defendant, usually in felony cases, is found guilty and scheduled to be sentenced).

Restitution explain what losses can be requested as restitution upon a defendant's sentence.
Crime Victims Fund (Officially Criminal Injuries Compensation Fund): explain what crimes fall under the Crime Victims Fund and assist you with completing the application for assistance with medical bills, funeral expenses, etc.

****This project was supported by the Department of Criminal Justice (DCJS) award number: 17-W8555VW15 from funds made available to Virginia by the Office for Victims of Crime, the Office of Justice Programs, and the U.S. Department of Justice.****

Important Numbers for Isle of Wight County

Victim Witness Services
(757) 357-7403
Commonwealth's Attorney
(757) 357-7312
Domestic Violence Coordinator (VSTOP)
(757) 357-3526
Police Agencies:

Isle of Wight Sheriff
17110 Monument Cr., Ste. C.
Isle of Wight, VA 23397
(757) 357-2151

Smithfield Police
913 S Church St.
Smithfield, VA 23430
(757) 357-3247

Windsor Police
8 E Windsor Blvd
Windsor, VA 23487
(757) 242-6799

Additional Departments:

Circuit Court
(757) 365-6233

General District Court
(757) 365-6243

Juvenile & Domestic Relations Court
(757) 365-6237
Court Services
(757) 365-6239

Department of Social Service
(757) 365-0880



VICTIM WITNESS SERVICES

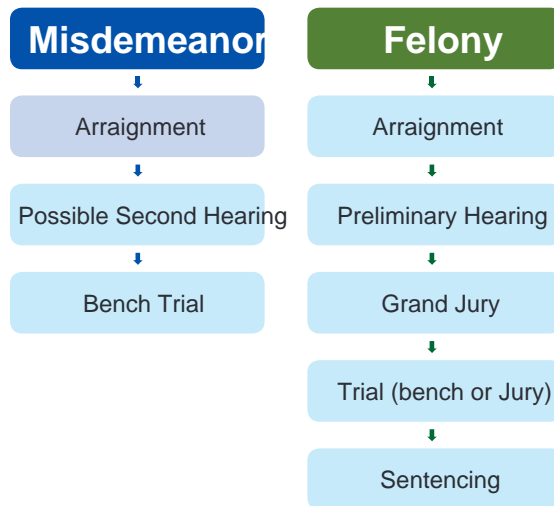


Informational Guide

Isle of Wight County
Victim Witness Services
P.O. Box 80
17000 Josiah Parker Circle
Isle of Wight, VA 23397

(757) 357-7403

What Happens in Court



The following are some of the steps in the criminal justice process that you may encounter or may be required to participate:

Subpoenas An order from the Court or the Commonwealth’s Attorney commanding your presence at a given time and place.

Preliminary Hearing This hearing is held in either General District Court or Juvenile and Domestic Relations Court where evidence is presented against the defendant who is charged with a **felony**. The judge listens to evidence to determine whether or not there is probable cause to believe the accused has committed the crime charged. If probable cause is found, the case is certified to the Grand Jury. The victims and witnesses to a crime are usually present for the preliminary hearing.

Grand Jury The Grand Jury meets six times a year in Isle of Wight County. A police officer presents the case to the Grand Jury for them to make the determination whether there is sufficient evidence to indict (formally charge) the accused and take the case to trial.

Trial: The defendant stands trial and his or her guilt or innocence is determined by either the judge or by a jury.

Pre-Sentence Report This report is completed by a probation officer and consists of a background investigation of the defendant. It is read by the Judge, Commonwealth’s Attorney and Defense Attorney before sentencing a defendant.

Other Things You Should Know

Continuances Sometimes Court proceedings cannot take place as scheduled. We will make every effort to notify you in advance, but, we may not always be successful. By calling Victim Witness Services the day before the hearing, you can confirm whether you have to appear in Court.

Plea Agreements If the defendant pleads guilty in a felony case, a trial will not be required and you will not have to testify. If you are the victim of a crime, the prosecutor handling your case will try to contact you before a plea agreement is formalized.

Victim Impact Statements It is your RIGHT, as a victim of a crime, to describe in either a written statement or verbally in court what impact this crime has had on your life. Your statement will be part of the court file and it is considered by the judge in determining an appropriate sentence.

Restitution In cases where the victim has suffered a financial loss due to theft, property damage or medical expenses, the Court may order the defendant to pay restitution.

Definitions of Legal Terms

Arrest the first appearance in court for the defendant where he/she is informed of the charges against them. Victims/Witnesses are usually not subpoenaed for this hearing.

Felony Crime punishable with a minimum one year in prison.

Misdemeanor Crime punishable up to 12 months and/or a fine up to \$1,000.

Nolle Prosequi describes a prosecutor’s decision to voluntarily discontinue criminal charges either before trial or before a verdict is rendered. It IS NOT a dismissal; charges COULD be brought back at a later time.

Protective Order: Legal documents issued by a judge or magistrate to protect the health and safety of a person who is alleged to be a victim of any act involving violence, force or threat that results in bodily injury or places that person in fear of death, sexual assault or bodily injury.

Show Cause An order made upon the motion of one party requiring a party to appear and show cause (argue) why a certain thing should not be permitted.

Subpoena An order from the Court, requiring your appearance.

Trial: A hearing heard in Juvenile & Domestic Relations and General District Court for misdemeanor cases or a hearing in Circuit Court.

Warrant A written, legal order authorizing a law enforcement officer to make an arrest.

Tips on Testifying

Dress well and Be Courteous The way you dress and present yourself is a direct reflection of you. **Be Prepared-** Try to recall what happened and picture the scene and the objects there. Ask to see your witness statement if you made one. **Do not** try to memorize your testimony; simply be prepared to tell what happened in your own words.

Listen Carefully- Make sure you understand each question and then answer it to the best of your ability.

Speak clearly and Loudly, So You Can Be Heard and Understood- An inaudible voice detracts from your testimony and may make the Court think you are uncertain of your testimony. **Answer Only the Questions Asked of You** not volunteer information not asked of you.

When You Answer, Look Straight at the Person Asking the Question In a jury trial it may be helpful to occasionally direct your answer to the jury. **Do Not Speculate** If you do not know the answer to a question, say so.

Never Lose Your Temper If you lose your temper you will be at the mercy of the cross examiner. Remember, the Court is interested only in the facts of the case.

Tell the Truth- Do not pause to try and figure out if your answer will help or hurt the case. Just truthfully answer to the best of your memory. If a defense attorney makes you feel uneasy, remember that they are just doing their job. You are not on trial; the defendant is on trial.

Be Prepared to Wait Our courts are busy and handle many cases every day. Be patient-the case will be called.