

AFTER THE TRIAL

Sentencing takes place after a plea or verdict of guilty. Sometimes a pre-sentence investigation is conducted by the Department of Correctional Services in order to gather background information on the defendant and the crime, and you might be contacted by the pre-sentence investigator.

At the sentencing, the defendant should be ordered to pay restitution to you for monetary losses resulting from the crime. You will also get a chance to tell the judge what practical and emotional impact this crime has had on you through a victim impact statement.

Except in certain violent crimes which require a prison term, judges have a variety of sentencing options at their disposal for each level of crime.

RESTITUTION

While the case is proceeding, you should receive restitution forms and a Victim Impact Statement in the mail from the Victim-Witness Assistance Program. If for some reason you do not receive the forms, please contact us. By filling out and returning the forms, you help the prosecutor to determine how much restitution the defendant may be required to pay you. Restitution can be ordered for expenses such as medical bills, lost income, property damage, insurance deductibles, and lock changes. If you have medical bills or lost income due to injury you may be eligible for assistance from the Iowa Crime Victim Compensation Program. The defendant may also be ordered to repay this program as restitution.

When the defendant is ordered to pay restitution, a Plan of Payment is set up by the judge at sentencing, or by the probation officer or prison counselor within a month or two of sentencing. Restitution payments are made by the defendant through the Clerk of Court, who will forward them to the victims of the crime. If the defendant in your case is not on probation, in jail, or in prison, and you do not receive a restitution payment within a reasonable amount of time, call the Johnson County Attorney's Office for assistance with collection.

Remember that your contact information must be kept current with our office and with the Office of the Clerk of Court.

YOUR FEELINGS AS A VICTIM OF CRIME

You may experience some of these feelings after you have been victimized:

- *a sense of violation*
- *anger and frustration*
- *increased fear*
- *a feeling of loss of control over your life*
- *a loss of trust in other people*

All of these feelings are natural responses to the trauma of victimization. Many victims share these responses. You can speed your recovery by keeping in touch with your feelings and talking about them. For information on counseling and other local victim services or preventative measures you can take to help reduce the risk of being victimized again, or just for a listening ear, call the Victim-Witness Assistance Program.

SIMPLE MISDEMEANORS

This pamphlet is directed towards victims and witnesses involved in crimes that are serious misdemeanors, aggravated misdemeanors or felonies. If the crime you were a victim of or a witness to is a simple misdemeanor, procedures are somewhat different, and the legal interns in the County Attorney's Office can help you. Information is also available through the Clerk of Court's Traffic Division. Feel free to call the County Attorney's Office if you are not sure what level of charge has been filed.

JUVENILE COURT SERVICES

If you are the victim of a crime committed by someone under the age of 18, you can contact an Assistant County Attorney assigned to juvenile matters for information about your rights and the status of your case. You can also contact Juvenile Court Services at 319-356-6076.

IOWA COURTS ONLINE CASE SEARCH ASSISTANCE

To follow court activity on your case:
<http://www.iowacourts.state.ia.us>

1. Access the Iowa Courts Online (ICIS) web site and click on the blue link: Start a case search here!
2. Two columns appear on the screen. On the right side of the page under "Trial Court", click on Case Search.
3. On the "Name Search" screen, type in the Last Name of the person; in the next data field to the right type in the First Name of the person. Click on the down button in the "ALL ROLES" box and select DEFENDANT (or the appropriate role of the person, or leave as ALL). Do the same for "County" and "Case Type". Click on the "Search" button directly across the screen from the "Case Type" box on the right-hand side
4. If recent public records exist on that person, a list will appear on the left with the District Court Number as a blue hyperlink. Select the case and double-click on the blue link. This opens the "Summary" screen.
5. General information on the case may be researched by clicking on the tabs near the top of the screen, such as "Filings" or "Criminal charges/Disposition". Use the "Back" link (top center of screen) to navigate within the case or to return to the Case Search screen to begin a new search.

OTHER RESOURCES

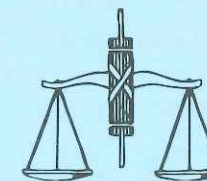
Victim Information & Notification Service (VINE)
..... 888-742-8463
Domestic Violence Intervention Program (DVIP)
..... 319-351-1043 or 800-373-1043
Rape Victim Advocacy Program (RVAP)
..... 319-335-6000 or 800-284-7821
United Action for Youth (UAY)..... 319-338-9279
Horizons Survivors of Homicide Program
..... 319-398-3943
Iowa Crime Victim Compensation Program
..... 800-373-5044
Iowa City Crisis Center..... 319-351-0140
Iowa Board of Parole 515-725-5757
Clerk of Court 319-356-6060
Dept. of Corrections..... 319-625-2650

For more information, contact:

Mischeale Luze, Victim Witness Coordinator
Phone (319) 339-6100
E-mail: mluze@co.johnson.ia.us

INFORMATION FOR VICTIMS AND WITNESSES

Victim Witness
Assistance Program



Janet M. Lyness
County Attorney

Office of the
Johnson County Attorney
Johnson County Courthouse
417 South Clinton Street
P.O. Box 2450
Iowa City, IA 52244-2450

Phone (319) 339-6100
Fax (319) 339-6149
www.johnson-county.com

Dear Victims and Witnesses,

It is the responsibility of the Johnson County Attorney to prosecute crimes on behalf of the people of Iowa. We will do our best to answer questions about that process and your role in it --and to assist you in any way possible consistent with fair and effective prosecution.

The case in which you are a victim or a witness will be handled personally by myself or an Assistant County Attorney working under my supervision. You will also have various contacts with our Victim-Witness Coordinator, volunteer staff from our Victim-Witness Assistance Program or other members of our staff.

We need your help and cooperation in order to properly discharge our duties. Please read and keep this brochure. It should help familiarize you with the criminal justice process here in Johnson County. It is also an outline of some of your rights and responsibilities.

Please call my office if you have questions or need assistance. Your help in making Johnson County safer for yourself, your family, friends and neighbors is vital and appreciated. Thank you.

Sincerely,

*Janet M. Lyness
Johnson County Attorney*

THE VICTIM-WITNESS ASSISTANCE PROGRAM

The Victim-Witness Assistance Program of the Office of the Johnson County Attorney exists to help you understand your part in the criminal justice system and to help the system take your needs into consideration whenever possible. The Victim-Witness Coordinator and other members of our staff can:

- *keep you informed of the progress of your case,*
- *accompany you if you have to go to court,*
- *help you receive restitution from the defendant,*
- *help you get back property that has been held in evidence, and*
- *inform you of your rights as a victim.*

It is important you keep us up-to-date with your contact information. Please keep in touch with us while your case is pending. We need your current mailing address, phone number and e-mail address.

TRIAL PREPARATION

The County Attorney or an Assistant County Attorney may set up a time to meet with you before the trial. This is your opportunity to discuss the case with the prosecutor and find out what will be expected of you as a witness.

It is possible that an attorney, an investigator, or a paralegal working for the defense may contact you. It is all right to ask for identification before you speak to anyone. You are not obligated to talk with anyone from the defense unless you are subpoenaed. If the defense wants your statement, they are permitted to subpoena you for a deposition (formal sworn statement) at which time the prosecutor will be present. The decision to talk without a subpoena is yours to make. You may request that the prosecutor working on the case be present during any meeting or conversation with the defense; simply call our office and speak with the attorney or with the Victim-Witness Coordinator to make the arrangements.

At any time you do receive a subpoena, please contact our office to speak to the attorney handling the case.

TESTIFYING IN COURT

You must appear in court and truthfully testify under oath if you are subpoenaed. If you receive a subpoena call the Victim-Witness Coordinator right away. We will be able to tell you if there have been any last minute changes in the status of your case, and we may be able to tell you approximately when your testimony will be needed in order to minimize the time you spend waiting at the courthouse.

While you are waiting to testify, you will not be able to sit in the courtroom during the testimony of other witnesses. Delays in testifying are sometimes unavoidable. Our staff member will be available at the courthouse to assist you.

Here are some hints that will help you with your court appearance:

- *Always tell the truth.*
- *If you don't know the answer to a question, or you can't remember, just say so.*
- *Speak loudly enough for everyone to hear you.*
- *Dress neatly.*
- *Wait until a question is finished to answer and stop speaking if an objection is made.*
- *Don't guess. If you must make an estimate about something, make it clear that you are estimating.*
- *Try to remain calm while answering questions.*
- *Do not discuss your testimony with other witnesses.*

THREATS OR HARASSMENT

On rare occasions, witnesses are threatened or harassed. Tampering with witnesses and harassment may be crimes. If this happens to you, contact the police and the County Attorney's Office immediately.

OTHER INFORMATION ON YOUR RIGHTS AS A VICTIM

Refer to Iowa Code Chapter 915 regarding Victim Rights. Your online resource for this is at <http://www.iowa.gov> and search for the 2013 Iowa Code, Chapter 915.

FEES AND TRAVEL ARRANGEMENTS

Witnesses are entitled to \$10 for a full day of testimony or \$5 for a half-day and receive reimbursement per mile traveled. To apply for payment, you must complete a reimbursement form with our office. The Victim-Witness Coordinator or prosecuting attorney will assist you with this process.

If you must come from out of town to testify, call the Victim-Witness Coordinator to find out about travel arrangements. If you live in Johnson County but are having trouble finding a ride to court, we can assist you.

When you receive your subpoena, notify your employer to find out company policy regarding your appearance in court. If necessary, the Victim-Witness Coordinator can explain the need for your appearance to your employer. Although your employer is not required to pay you for time spent in court, many do, and it is against the law for your employer to penalize you because you have to come to court.

VICTIM RIGHTS

According to Iowa law, as a victim of crime you have the right:

- *to register with the Iowa Victim Information and Notification Service (VINE) to be informed of the custody status of a defendant (www.vinelink.com), including when a defendant is released from jail. You must keep VINE updated with your current contact information.*
- *to know when you must appear in court,*
- *to be informed of any plea agreements,*
- *to apply to the Iowa Crime Victim Compensation Program which pays for medical expenses and lost income in cases of violent crime,*
- *to receive restitution from the defendant for economic losses resulting from the crime,*
- *to make a Victim Impact Statement at the time of sentencing,*
- *to register with the Department of Corrections and the Board of Parole so you can be notified of parole hearings and the inmate's release, if you are a victim of violent crime in which the defendant is sent to prison.*