

A Guide for Crime Victims and Witnesses

Wisconsin Department of Justice
Office of Crime Victim Services



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Table of Contents

Introduction.....	3
The Impact of Crime.....	4
Victim/Witness (VW) Programs.....	4
DOJ Victim Resource Center.....	5
Crime Victim and Witness Rights.....	5
The Criminal Justice System.....	5
Recovering Costs.....	7
Tips for Interacting with the Media.....	8
Subpoenas.....	8
The Court Process.....	9
Testifying in Court.....	9
Sentencing and After Court.....	10
Victim and Witness Rights Complaints.....	10
Victim Rights Enforcement.....	11
Appendix A.....	12
Appendix B.....	15
Appendix C.....	19
Appendix D.....	20

Introduction

The period following a crime can be hard. Although everyone reacts differently, many victims and witnesses report that they feel shock, confusion, numbness, disbelief, anger, or other emotions after the incident. You may be having similar feelings, in addition to dealing with physical, financial, and psychological concerns related to the crime. At the same time, the criminal justice system is likely to need you to take part in the court process, so that the person(s) responsible for the crime can be held accountable.

It can all be trying, but there is help. As a crime victim in Wisconsin, you have rights providing certain privileges and protections, which will be outlined in this packet. Additionally, crime victims in the state of Wisconsin are to be treated with fairness, dignity and respect for their privacy.

This packet is designed to give you information about these rights, how to exercise them, and who to call to find out about services. It will also give an overview of the criminal justice system, tell you about what might happen if you have to go to court, how to prepare to speak in court, and what can happen afterwards. There is also a glossary to help you become familiar with words commonly used in the justice system. This packet does not provide legal advice.

“This is one experience that one does not plan for, is not prepared for, has no knowledge of who or where to turn.” — a victim

The Impact of Crime

Emotional reactions to crime can be very different. Not everyone feels the same or responds the same. However, victims and witnesses report some similar responses. The lists below identify some common reactions to being a victim or witness of crime:

Physical

- Nausea
- Tremors
- Chills or sweating
- Lack of coordination
- Heart palpitations/chest pains
- High blood pressure
- Headaches
- Sleep disturbances
- Dizziness
- Loss of appetite
- Startled responses

Emotional

- Anxiety
- Fear
- Guilt
- Grief
- Depression
- Sadness
- Anger
- Irritability
- Numbness
- Feeling abandoned
- Feeling isolated
- Wanting to withdraw or hide

Mental

- Intrusive memories
- Flashbacks
- Confusion
- Disorientation
- Memory problems
- Slowed thinking
- Nightmares

When your sense of personal safety has been violated, it is normal to feel that the world is dangerous or unsettled for a time. Seeking assistance, whether it be professional, spiritual, or peer support can help you understand these reactions.

Sharing your feelings and concerns with a friend, family member, or a counselor helps to sort out your emotions and can decrease feelings of isolation.

As you try to explain or understand the crime, it is easy to say, “I should have....” Remember that you are not to blame for what happened to you. Nobody asks to be victimized. It is not your fault.

Feelings such as fear, anger, shame and anxiety will generally change over time. As you deal with the aftermath of crime, support is important. Your life has changed and it can be difficult to deal with these changes alone.

Victim/Witness (VW) Programs

Victim/Witness programs are located in all Wisconsin District Attorneys’ (DA) Offices. VW Programs provide:

- Information about victim and witness rights and how to exercise them.
- Specific information about when and where the case will be heard.
- Notice of cancelled or rescheduled court hearings and the final outcome of the case.

- Support for your appearance in court by providing a separate waiting area, someone to go with you to court, and assistance with childcare needs.
- Help in the return of personal property.
- Referrals to other sources of help, including domestic abuse programs, sexual assault programs, social service agencies, support groups and the Crime Victim Compensation Program.
- Help with preparing a victim impact statement.
- Information to the court about your financial losses (restitution).
- Assistance with safety concerns.
- Assistance to confer with the prosecutor.

To request VW help, call your county DA's Office.

DOJ Victim Resource Center

If you are experiencing difficulties as a result of the crime, you may ask that the VW Program in your area provide you with referral information. Additionally, the Wisconsin Department of Justice - Victim Resource Center provides services and can be reached by calling 1-800-446-6564. The Victim Resource Center provides the following statewide services to victims of crime:

- Information and referrals for crime victims who are in need of additional services.
- Informational materials on victims' rights in Wisconsin.
- Victim Appellate Notification Services (VANS).
- Assistance in understanding and participating in the criminal justice process.
- Help in resolving problems with the justice system.
- Informal mediation to address potential victims' rights violations.

“Just being informed of all the facts reduced my anxiety greatly.” — a victim

Crime Victim and Witness Rights

Wisconsin law directs law enforcement, prosecutors, judges and other criminal justice officials to inform victims of their rights and how to exercise those rights. If you have specific questions about your rights, please contact the VW Program. You can also find information about rights and links to statutes online at www.doj.state.wi.us/ocvs.

Counties vary in their practices, and it will be important for you to clarify and discuss the rights you have and how to exercise them. Some rights are automatic but other rights are only available if requested. Be sure to make your interests known, and to be clear on what information you are required to request. In order to receive information, it is important that you keep the appropriate agency informed of your current address and telephone number.

For a complete list of victim and witness rights please see [Appendix A](#).

The Criminal Justice System

For many, the criminal justice system can be very confusing. This information will give you a general overview of the process. If you have additional questions, contact the VW Program. You may be unfamiliar with some of the legal words. Many of the terms used are included in the Glossary found in [Appendix B](#).

What happens after the crime?

Within 24 hours after the first contact with law enforcement, victims should receive written information from law enforcement regarding victims' rights, Crime Victim Compensation, victim assistance services and information on how to reach the DA's Office.

What if the offender was arrested?

If someone was arrested and booked into a county jail, the person may be able to post bond immediately (pay a pre-determined amount to the jail) or may be held for a bail hearing (a hearing before a judge where the amount to be paid is determined). Whether someone is released from jail after an arrest typically depends on the amount to be paid and the person's ability to pay.

Victims can be notified of release or custody status information through a program called WI VINE.

Victims can sign up for WI VINE the following ways:

- Call 1-888-944-8463
- Register online at www.vinelink.com

If a victim signs up for this program, WI VINE will automatically call when an offender is released or their custody status changes. WI VINE is anonymous.

How do you know if charges were issued?

If someone was arrested, but not charged with a crime, the DA's Office should inform the victim that no charges will be issued.

If charges are filed against the defendant, the victim should get written information within ten days after the initial appearance or 24 hours before the preliminary hearing including:

- The procedure for prosecution.
- A list of rights and how to exercise them.
- Who to contact to update address or telephone information (to receive notices and information about services).
- Crime Victim Compensation information.
- The person to contact for more information about prosecution of the case.

What are the steps in the court process?

If someone has been charged with a crime, the case begins with pretrial hearings followed by a plea agreement or trial. If the person charged is convicted of the crime, the case proceeds to a sentencing hearing.

For a full description of the court process, please consult the following resources:

- [Misdemeanor Flowchart](#) (or see [Appendix C](#))
- [Felony Flowchart](#) (or see [Appendix D](#))

What is a Plea Agreement?

A plea agreement is a way to resolve a case without a trial. Plea agreements are worked out between the prosecutor, the defense attorney and the offender. In most cases, an agreement can be reached to hold the offender accountable, but avoid a trial. Victims have a right to confer about potential plea agreements. It is important to inform the VW Program of your request to confer. The VW Program can provide more information about how plea agreements are handled in your county.

What does the “opportunity to confer” mean?

To confer with the prosecutor means to discuss the case and its possible outcomes. In some instances, as appropriate, the prosecutor can give the responsibility of conferring to other staff. If a victim requests to confer, the discussions can include possible outcomes including potential plea agreements, sentencing recommendations, and disposition information. The prosecutor is not required to make decisions about the case based on what a victim says or believes should happen.

What can I do if I receive any threats or am being harassed?

In most cases, victims and witnesses are not threatened or harassed by the defendant. However, if you are being threatened, contact the police or other law enforcement agency immediately. It is also important to notify the VW Program.

How do I get property held as evidence returned to me?

The prosecutor will know when your property is no longer needed as evidence. Any questions about your property should be directed to the VW Program.

What do I do if the offender’s investigator or attorney wants to talk to me?

A victim has the right to not be compelled to submit to a pretrial interview or deposition by the defendant or his or her attorney.

Always make sure you know with whom you are talking; you can ask for identification. You may choose not to speak to the person, and you may also ask to have a police officer or prosecutor with you during the interview. If you decide to talk with the person, give clear and precise statements and be aware that anything you say may be used in court.

Recovering Costs

The State of Wisconsin Department of Justice has a program to reimburse crime victims, or in the case of death, their dependents and family members for certain expenses that are the direct result of a crime.

Crime Victim Compensation (CVC)

Program may reimburse victims for certain expenses related to the crime, such as medical or counseling expenses, lost wages, loss of support, funeral and burial expenses, cleaning up the crime scene, and clothing and bedding held as evidence as long as these expenses are not covered by another source, such as private insurance or public funds. The program does not reimburse for property loss or damage. There are requirements that must be met in order to be eligible for the program. CVC may make payment awards even if no one is arrested or prosecuted.

If you want to learn more about eligibility requirements or to request an application, ask the VW Program or call the **Office of Crime Victim Services** toll-free at: 800-446-6564. Information is available online at: <http://www.doj.state.wi.us/ocvs>. You can also request information and application forms by writing to:

Office of Crime Victim Services
P.O. Box 7951
Madison, WI 53707-7951

What is restitution?

If found guilty, the court may order the offender to pay for financial losses you suffered as a result of the crime. During the sentencing hearing, the prosecutor should ask the judge to order restitution as part of the sentence.

How do I apply for restitution?

You will be asked to provide documentation about your out of pocket expenses. Contact the VW Program for further information and assistance.

How will I get paid restitution?

When restitution payments begin, the offender will give the money to their supervising agent. The agent forwards the money to the Wisconsin Department of Corrections, Cashier's Office, which then sends it to you. Offenders who are not supervised by DOC, but owe restitution, will make payments to the local Clerk of Courts or DA's Office. Either department will then forward the restitution payment to you. If you have questions about restitution, ask the VW Program. You can also call the agent that is supervising the offender.

Is there any other way to recover my losses?

Filing a lawsuit is another option for recovering losses. Civil recovery is an action that is separate from the criminal prosecution. Filing a civil action does not stop you from requesting restitution at the time of sentencing in the criminal case. If you are interested in filing a civil suit you may want to consult an attorney who has experience in civil law; however, you are not required to have an attorney in a civil action. You may want to contact your local clerk of courts and learn about filing instructions and fees, damage limits, and the time frame in which you have to file. *This does not constitute legal advice.*

Tips for Interacting with the Media

In high profile cases, dealing with the media can add stress to you and your family. Many victims and family members of victims have found it helpful to have one family member or a family friend assigned to handle all contacts with the media. No matter who responds to media requests, you should know that you can:

- Decline an interview (even if you have given other interviews).
- Agree to an interview, but refuse to answer certain questions.
- Select a time and place for interviews. You may protect the privacy of your home by giving interviews elsewhere or providing your point of view through a spokesperson and/or a written statement.
- Protect children from interviews. A child may be re-traumatized by having to talk to the media.
- Request offensive photos not be printed or aired.
- Grieve in private and ask reporters, photographers or others to respect your privacy.
- Demand a retraction or correction of inaccurate reporting.
- Request to be treated with dignity and respect at all times.

If you have questions or concerns about the media, call the VW Program for further assistance.

Subpoenas

If you receive a subpoena (notice to appear in court), you are required to serve as a witness in a criminal court hearing. A subpoena lists the date, time, place and proceeding in which your testimony is required. Do not ignore a subpoena. If you fail to appear, you could be charged with contempt of court. Attempts will be made to contact you if it is known that the hearing is cancelled.

What should I do with the subpoena?

Read the subpoena carefully. It may ask you to call the VW Program the day before the court appearance or it may provide other information or instructions.

Bring the subpoena with you to court.

Where do I go?

The subpoena will tell you where to report. You can call the VW Program for help; they may provide maps, directions, parking information, and arrange a waiting area for you.

What should I bring to court?

Unless your subpoena gives you specific instructions to bring records, books or other items to court, you do not need to bring anything. Be prepared to wait. Often there are a number of scheduled court events on any given date. You may want to bring a book or magazine and a snack.

How often will I be required to appear in court?

The only time you must go to court is when you receive a subpoena. You will be notified each time you are needed, and told, whenever possible, if the case has been delayed or cancelled. Therefore, it is very important that the VW Program have your current address, telephone number or contact number.

What if the court dates conflict with my job?

Wisconsin law forbids employers from firing employees because they have been called to testify in a criminal proceeding, even if the employee's testimony is against the employer or involves a work related incident. Employees are required to give their employers prompt notice of the subpoena. If you need assistance with an employer about being subpoenaed to court, contact the VW Program.

The Court Process

Why are there delays in holding the trial?

An attorney may ask for more time to prepare the case or to locate an important witness. Trials are sometimes also delayed, because the judge or one of the attorneys has a schedule conflict. Sometimes court must be cancelled at the last minute. Every effort is made to notify you in advance.

Who do I contact with questions about the case?

You can call your local VW Program. It is helpful to have the case number or the offender's name when calling about a specific case. This information will appear on your subpoena.

Will I be paid for my time spent as a witness?

You will receive a nominal witness fee for each day you are subpoenaed to appear in court. You may be entitled to a transportation allowance. The VW Program can provide assistance with applying for witness fees. If you do not receive your witness fee within two months after your appearance in court, contact the VW Program for further assistance.

Am I allowed to attend even if I'm not subpoenaed?

Victims have a right to attend court proceedings. This right is not related to whether the victim is subpoenaed or is appearing as a witness. Crime victims also have a right to receive notice of all hearings, *if requested*.

Testifying in Court

The judge or jury needs to know the facts about the crime. They will consider all of the evidence presented in court. Because you have seen, heard, or know something about the crime that has been committed, your testimony is one way they get this information. Testifying in court can be scary, but you can get assistance from your local VW Program.

Prior to testifying, the Judge's clerk will ask your name and ask you to take an oath. The oath is your promise that you will tell the truth when testifying. The following are helpful tips when preparing to testify in court:

- Refresh your memory. Think about what happened and when the events occurred. If you gave a written statement, ask to see it; this may help you remember things.
- Try to remain calm. Take a deep breath before speaking and take your time to answer.
- If you don't understand a question, ask for it to be repeated or explained. If you don't know the answer, or can't remember, it's okay to say so.
- Speak loudly and clearly. The court reporter needs to hear your answers to record them. Do not nod your head.
- Stop testifying if an attorney 'objects.' Either attorney can object to a question. Do not answer the question until the judge tells you what to do. If you are told to answer the question, you may ask the attorney to repeat it.
- Always tell the truth.
- Dress appropriately.

Sentencing and After Court

If the offender is found guilty or pleads guilty, the defendant will be sentenced. Prior to the sentencing of the defendant, you have a right to provide the judge with a written and/or oral victim impact statement. If the offender is found not guilty at the trial, this is the end of the court proceedings.

What is a victim impact statement?

A victim impact statement is a written and/or oral statement provided to the court. The statement may include information about how the crime affected you physically, financially and emotionally. The VW Program can assist you in preparing your statement.

How will I know what happens to the offender?

You have the right to be informed of the disposition (sentencing) information. If you requested disposition information, the DA's Office will provide that information to you after the sentencing.

If the offender was sentenced to prison you also have a right to receive information about his/her release from prison. In order to be contacted about an offender's release from prison, you must register for a program called VOICE. Victims can sign up for VOICE the following ways:

- Contact the VW Program
- Contact the Department of Corrections Office of Victim Services and Programs at 800-947-5777

Do offenders ever get released early?

There are circumstances under which an offender can be released from confinement earlier than stated in the original sentence. Please contact the Department of Corrections, Office of Victim Services and Programs to speak with a victim service professional with questions regarding the offender's custodial status at 800-947-5777.

For general information about probation, registration for notification of release or release of the offender, call the Department of Corrections Office of Victim Services and Programs.

Victim and Witness Rights Complaints

A crime victim or witness who has a question about their rights or wishes to complain about a possible rights violation can contact the *Wisconsin Department of Justice, Victim Resource Center at 800-446-6564.*

The Victim Resource Center engages in an informal process to address the problem and seek a resolution on behalf of the victim or witness in an effort to resolve the problem. The victim or witness will receive

information about what was done and that the informal action is completed. After this process is completed, the victim has the right to seek a review of the complaint by the Crime Victims Rights Board for formal action.

Victim Rights Enforcement

The Wisconsin Crime Victims Rights Board (CVRB) has the authority to review and take action on complaints relating to violations of the rights of crime victims. The board can review complaints and provide remedies in cases where violations of victims' rights have occurred. The CVRB cannot address or change the outcome of a case.

The CVRB has the statutory authority to offer certain remedies in cases brought before them. The Board may:

- Issue public or private reprimands of public officials, employees or agencies.
- Refer complaints against judges to the Judicial Commission.
- Seek equitable relief on behalf of the victim to protect the rights of victims.
- Bring civil actions to assess forfeitures (not to exceed \$1000) for intentional violations.
- Issue reports and recommendations.

The CVRB will only address complaints in which a violation of a victim's right may have occurred and only after the Victim Resource Center has completed its informal review of the complaint.

Appendix A

Crime Victims' Rights

** An asterisk (*) marks those rights which a victim must specifically request.*

Victims' rights that might apply throughout the investigation and prosecution:

- To be treated with fairness, dignity and respect for his or her privacy.
- To reasonable protection from the accused throughout the criminal justice process.
- To receive written information from law enforcement, within 24 hours of contact about rights, who to call for custody information regarding the offender and how to get more information about the case.
- To not have personal identifiers including email disclosed/used for a purpose unrelated to the official duties of an agency, employee or official.
- To contact the Department of Justice concerning a victim's treatment (1-800-446-6564) and to seek a review of a complaint by the Crime Victims Rights Board, as provided by law.
- To notice of a decision not to prosecute, if an arrest has been made.
- If a victim of an officer involved death, to receive information about the process by which he or she may do the following: file a complaint charging a person with a crime, if permitted by a judge; file a complaint under the John Doe investigation proceedings; and the process of an inquest.
- To a speedy disposition of the case.
- To not be compelled to submit to a pretrial interview or deposition by a defendant or his or her attorney.
- To information about the disposition of the case.*
- To attend court proceedings and to be accompanied by a service representative, as permitted by law.
- To not be the subject of an officer's or district attorney's order, request, or suggestion that the victim submit to a test using a lie detector if the victim reports having been the victim of a sexual assault.
- To the expeditious return of property when it is no longer needed as evidence.
- To file for Crime Victims Compensation, as provided by law.
- To request an order for an offender to submit to a test for sexually transmitted diseases, communicable disease, or HIV test (for certain offenses).
- To notice of a decision to close or dismiss a case or defer prosecution, if the offender is a juvenile.

Victims' rights that apply after an offender has been charged:

- To receive written information from the district attorney regarding the victim's rights and how to exercise them.
- Upon request, the opportunity to communicate with the prosecutor (or intake worker) about the possible outcome of the case, potential plea agreements and sentencing options.*
- To be notified of the time, date and place of court proceedings, if requested.*
- To be provided a waiting area separate from defense witnesses.
- To have the victim's interests considered when the court is deciding whether to grant a continuance or deciding whether to exclude persons from a preliminary hearing.
- To be contacted about the right to make a statement at disposition or sentencing.
- To assistance with an employer about the need to attend court appearances.

- To be notified if charges are dismissed.

Victims' rights related to the sentencing of the offender by the court:

- To provide a statement to the court, in person or in writing, about the economic, physical and psychological effects of the crime and to have that information considered by the court.
- To be contacted by the person preparing the pre-sentence report (or court report, if the offender is a juvenile) to have the impact on the victim included in the report.
- To restitution from a juvenile offender, as permitted by law.
- To recompense from forfeited bail, as determined by the court.
- To view certain portions of a pre-sentence investigation report.
- To restitution from an adult offender for any crime considered at sentencing.

Victims' rights that apply after sentencing:

- To be provided sentencing or dispositional information.*
- To attend parole interviews or hearings and make statements.
- To be notified of a conditional release.
- To be provided with notice of a petition for a sentence adjustment or reduction and applications for early release.
- To be notified by the Department of Corrections of certain releases, escapes, confinements, leave, release to extended supervision and participation in the intensive sanctions program. If you have questions about receiving notices from the Department of Corrections, call 1-800-947-5777.
- To attend a hearing on a petition for a modification of a sentence and to provide a statement.
- To notification from the Department of Health Services concerning discharge, home visits and supervised release of certain offenders.
- To be notified of applications for parole or release to extended supervision; to provide statements concerning parole.
- To have the clerk of court send: a copy of an inmate's petition for extended supervision and notice of the hearing on that petition; a copy of a motion for post-conviction DNA testing and notice of any related hearing.*
- To be notified by the governor of a pardon application and to make a written statement about that application.
- To a civil judgment for unpaid restitution.
- To be notified when an offender's release to parole or extended supervision is revoked for violating a condition of release.

Witnesses' Rights

Witnesses have the following rights:

- To request information from the district attorney about the final outcome of the case.
- To be notified of cancelled court proceedings to which a witness has been subpoenaed, in order to save an unnecessary trip to court.
- To receive protection from harm and threats of harm if it were to arise out of witness cooperation with law enforcement and prosecution efforts, and to be provided with information as to the level of protection available.
- To be informed of financial assistance and other social services available to witnesses of a crime, including information on how to apply for the assistance and services.
- To be informed of the procedure to be followed in order to apply for and receive any witness fee

to which a witness is entitled.

- To be provided with a waiting area separate from any used by the defendant, defendant's relatives and defense witnesses.
- To have property returned when it is no longer needed as evidence.
- To request help with talking to an employer about court appearances and meetings with the prosecutor (in an attempt to avoid work problems).
- To a speedy disposition of the criminal case.

Appendix B

Glossary

Accused - A person or persons formally charged but not yet tried for committing a crime.

Acquittal - A legal judgment, based on the decision of either a jury or a judge, that an accused is not guilty of the crime for which he/she has been charged or tried.

Adjudication - The judicial decision that ends a criminal proceeding by a judgment of acquittal, conviction, or dismissal of a case. This term is also used in juvenile proceedings.

Admissible Evidence - Evidence that is relevant and proper for consideration in reaching a decision.

Affidavit - A written, sworn statement in which the writer swears that the information stated therein is true.

Appeal - A request by either the defense or the prosecution parties to a case that the results of a decision on certain motions or of a completed trial be reviewed by a higher court for error.

A.F.I.S. / Automated Fingerprint Identification System - A highly specialized biometric system that compares a submitted fingerprint record to a database of records, to determine the identity of an individual.

Arraignment - A court appearance at which the defendant is formally charged and is asked to enter a plea of guilty, not guilty, or no contest. In felony cases, an arraignment follows a preliminary hearing.

Bail - The amount of money a judge determines sufficient to release an accused and assure his or her attendance at later hearings. The accused can lose the total amount of bail if he or she fails to appear for court.

Bail or Bond Review - The defense may ask for a hearing date for a bail or bond review. A bail or bond review is a request that a judge reviews the case and determines if bail or conditions of bond should be changed.

Bench Warrant - A court order which directs that an accused person who has been released before trial and fails to return when ordered to do so be brought to court.

Biological Evidence - Evidence commonly recovered from crime scenes in the form of hair, tissue, bones, teeth, blood or other bodily fluids.

Chain of Custody - A record of individuals who have had physical possession of the evidence and the process used to maintain and document the chronological history of the evidence.

Change of Venue - Transfer of a pending case in one county or district to another county or district; often sought because of claimed prejudicial publicity in the original county or district.

Charge - A formal accusation filed by the DA's Office that a specific person has committed a specific crime, also referred to as pressing charges and filing a criminal complaint.

CODIS - CODIS stands for Combined DNA Index System. It is a computer network that allows the comparison of DNA profiles of convicted offenders.

Continuance - A delay or postponement of a court hearing; the case is said to be "continued" when it has been delayed or postponed.

Conviction - A judgment of the court based either on the decision of a jury or a judge or on the guilty plea of the accused, that the defendant is guilty of the crime for which he/she has been tried.

Corroborating Witness - A person who is able to give information that supports the statements made by either the victim or the accused.

Count - Each separate offense listed in a complaint, information or indictment accusing a person of

committing a crime.

Complaint - The formal document prepared by the prosecutor based on police reports. It lists the charges and some of the evidence against the offender. The complaint is filed with the Clerk of Court.

Confer - To talk with the district attorney or designee about the criminal case. The discussions may include plea agreements, and possible outcomes.

Contempt of Court - Disobeying a court order which can result in a fine or incarceration.

Cross Contamination - The undesirable transfer of material between two or more sources of physical evidence.

Defendant - The person charged with a criminal offense. This is the person alleged to have committed a particular crime.

Defense Attorney - The defendant's attorney.

Deferred prosecution agreement – An agreement to suspend prosecution for a specific period of time if the offender complies with certain conditions. Prosecution may resume if the offender fails to comply with the conditions. Upon successful completion of the agreement, the court will dismiss the charges against the offender.

Discovery – The process by which the prosecutor and defense attorney exchange information.

Dismissal – The charge(s) against the offender are dropped.

Disposition – The final result of a criminal case is the disposition. This may be by a finding of guilty, not guilty, dismissal or a plea of no contest.

District Attorney - Under state law, the prosecuting officer who is an elected official and who represents the State in each of its prosecutorial units.

Due Process - The right of accused persons (defendants) to receive notice of the charges against them, be present at the trial, provide evidence to the court, and face a jury of their peers. Due process rights, guaranteed in the United States Constitution, can also be described as every person's right to a fair trial.

Exclusion - A DNA test result indicating that an individual is excluded as the source of the DNA evidence. In a criminal case, "exclusion" does not necessarily equate to "innocence." Exclusion occurs when one or more types from a specific location in the DNA of a known person are not present in the type(s) for that specific location in the DNA obtained from an evidence sample.

Exculpatory Evidence - Any evidence that supports the defendant's claim of innocence or may show he is guilty of a lesser crime than that with which he is charged.

Felony - A crime that may be punishable by confinement in a state prison, generally for a term exceeding one year.

Initial Appearance - A defendant's first appearance in court. A judge reads the charges, sets bail, and appoints an attorney if one is needed. In felony cases, a date is often set for arraignment or preliminary hearing. In misdemeanors, the initial appearance is also the arraignment and the defendant enters a plea.

Jury Instructions - An instruction given by the court to a jury at the conclusion of presentation of all evidence in a trial, and after the lawyers' closing arguments, to advise the jury of the law that applies to the facts of the case, and the manner in which they should conduct their deliberations.

Jury Trial - A panel of citizens who are selected to listen to the facts of the case and decide whether the State (represented by the District Attorney) has proven its charge beyond a reasonable doubt.

Known Samples - A DNA sample for which the source is known. These samples are generally obtained from the victim and/or suspected perpetrator of a crime, as well as from other persons whose DNA might be reflected when samples of the evidence are analyzed (could include a boyfriend, husband, or other third-party). These samples are also referred to as reference samples, since they serve as a reference to

which the unknown DNA samples are compared with the goal of identifying the source of the unknown DNA samples.

Major Contributor Profile - A DNA profile where multiple individuals have contributed biologic material and one individual's DNA profile is more apparent.

Match - Genetic profiles are said to "match" when they have the same allele designations at every loci.

Material - Relevant and significant in a lawsuit (i.e., material evidence), as distinguished from evidence that is totally irrelevant or of such minor importance that the court will ignore it, rule it immaterial if there are objections, or not allow lengthy testimony on such a matter.

Misdemeanor - A crime that may be punishable by confinement to a county jail, generally for one year or less.

Motions - An oral or written request about a legal question made by the prosecutor or the defense attorney before, during, or after a trial. Motions are filed to make a decision about some legal aspect of the case.

No Contest Plea - In general, this means that the defendant accepts the criminal charges, but does not admit guilt. In turn, the court usually finds the defendant guilty.

Non-match - An individual is eliminated as the source of a biological sample. This occurs when one or more types from a specific location in the DNA of a known individual are not present in the type(s) for that specific location in the DNA obtained from an evidence sample.

Plea Agreement - A proposed resolution to the case. A plea agreement is between the district attorney, the defense attorney and the offender and is done in an effort to resolve the case and hold the offender accountable.

Preliminary Hearing - A hearing in felony cases in which the prosecuting attorney attempts to establish that a crime was committed and the defendant committed that crime. If probable cause is established, the case will proceed. If not established, the case is dismissed.

Pre-sentence report - A document which details the past behavior, family circumstances, and personality of a convicted offender and gives information about the crime he or she committed. It is prepared by a probation agency to assist the court in determining the most appropriate sentence.

Pretrial - An opportunity for the attorneys to review the case, exchange discovery and discuss any possible offers and agreed upon dispositions.

Pretrial Motions - Motions that are made before the actual trial. After the preliminary hearing and before a trial, the prosecutor and the defense team appear before the criminal court judge and make pretrial motions. These motions can be for varied reasons like certain evidence should be kept out of the trial or that certain persons must or cannot testify, or that the case should be dismissed altogether etc.

Privilege - Those communications, written or verbal, between certain classes of persons which cannot be reached by the opposition in the dispute-resolution process.

Probability of Exclusion - The probability that a random individual would be excluded as the source of analyzed DNA evidence.

Probability of Inclusion - The probability that a random individual would be included as a potential source of analyzed DNA evidence.

Probable Cause - A determination by the court that more likely than not, a criminal act occurred and was committed by the defendant accused.

Probation - An alternative to serving time in prison, some individuals convicted of a crime are allowed to remain free in society, but have restrictions on their daily activities and are supervised. Violation of probation can result in a prison sentence, additional restrictions, or a change in conditions of supervision.

Pro se - When the defendant is representing him/herself in court and is not represented by an attorney, as when he/she has waived the right to counsel in a proceeding.

Prosecution - In criminal law, prosecution refers to the government attorney charging and trying the case against a person accused of a crime; a common term for the government's or state's side in a criminal case.

Prosecutor - The District Attorney, Deputy District Attorney, Assistant District Attorney or Special Prosecutor who has been asked or appointed to review and handle a specific case.

Restitution - An amount of money set by the court that the offender is ordered to pay the victim(s) of a crime.

Sentence - A sentence is what a judge or jury formally pronounces after a criminal defendant has been found guilty; the sentence is the legal consequence of the crime.

Sentence, Concurrent - Sentences that are served at the same time.

Sentence, Consecutive - Sentences that are served one after the other.

Sequestration - An order by the court that witnesses not speak to one another during the course of a court proceeding, and may include exclusion from the courtroom during other testimony.

Subpoena - A legal order requiring a person to appear in court to testify as a witness or to produce documents, data or other physical evidence created or in his or her possession.

Summons - The document by which a defendant is notified to appear in court, and answer charges or claims against him/her.

Trace evidence - Physical evidence that results from the transfer of small quantities of materials (e.g., hair, textile fibers, paint chips, glass fragments, gunshot residue particles).

Trial - An official hearing of the facts in court. With physical evidence and testimony, the prosecutor attempts to prove the defendant's guilt beyond a reasonable doubt.

Venue - The jurisdiction in which a prosecution or an action is brought to trial.

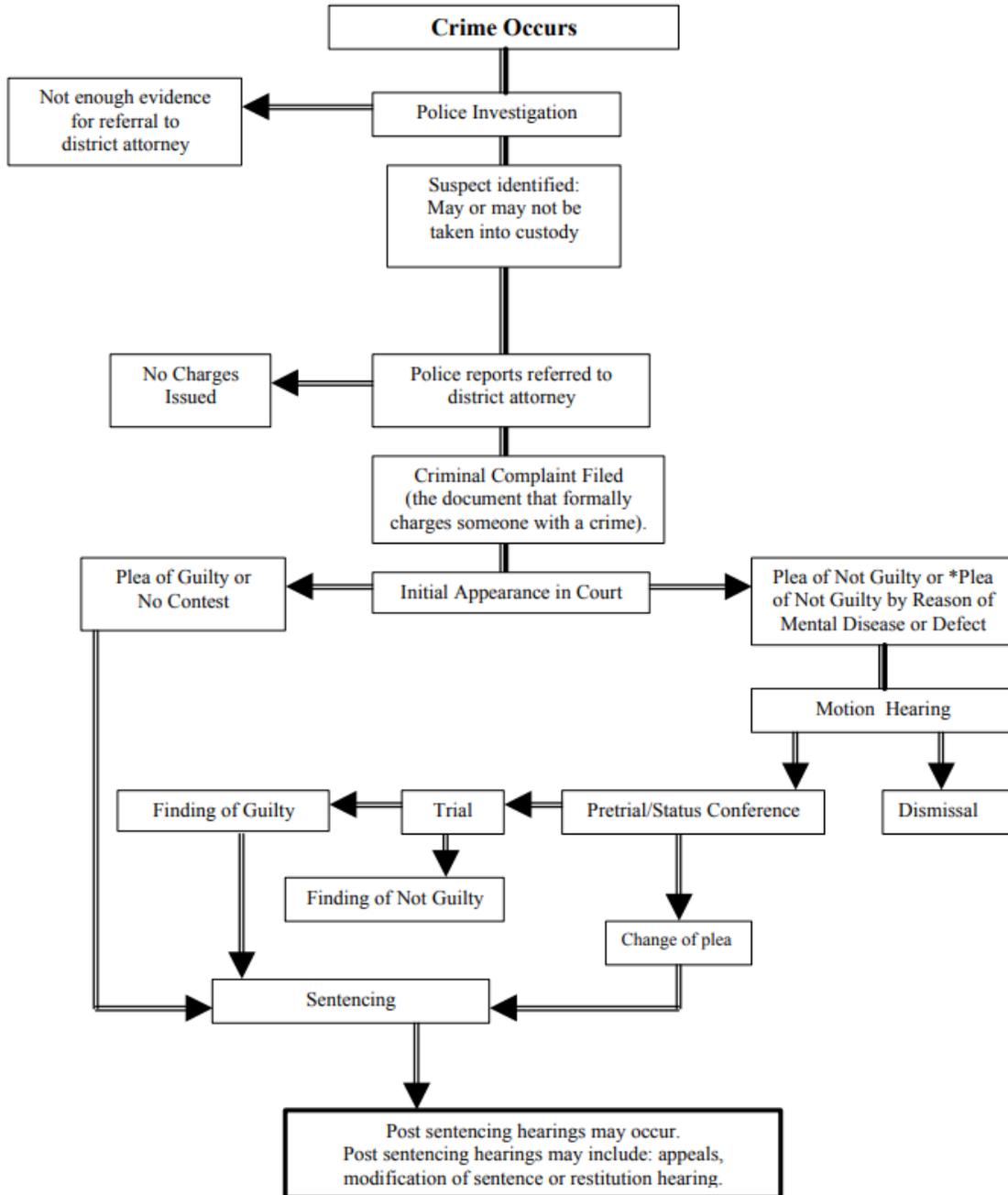
Victim Impact Statement - An oral and/or written statement that is presented to the court at the time of sentencing. A Victim Impact Statement is a victim's opportunity to tell the court how the crime affected them emotionally, financially and physically.

Waiver - Voluntary surrender of a right, claim or privilege.

Warrant - A legal order to a law enforcement agency to arrest the person named in the order. A warrant is usually issued for an offender who fails to appear in court.

Appendix C

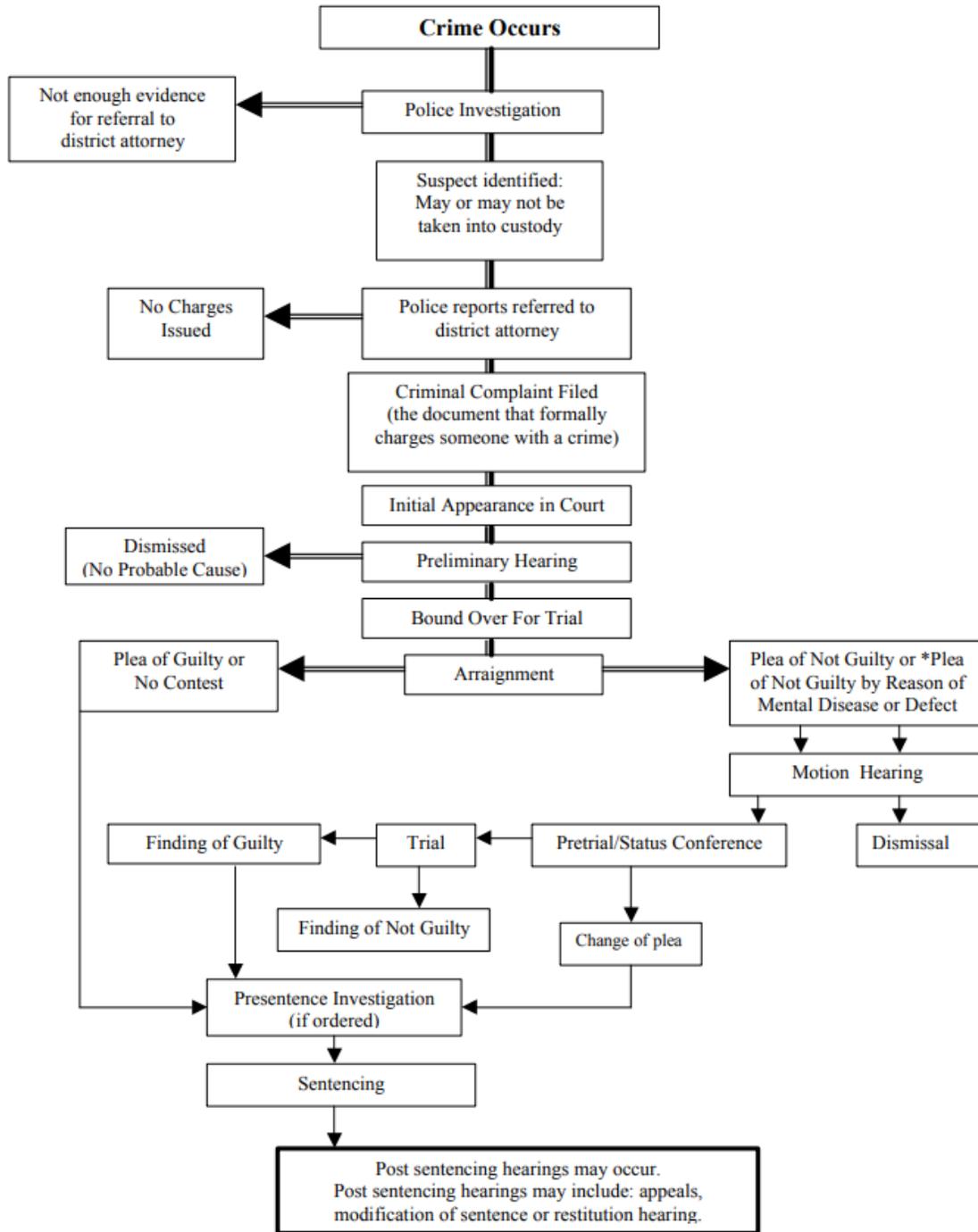
MISDEMEANOR PROCEDURE



*there are additional hearings to determine competency

Appendix D

FELONY PROCEDURE



*there are additional hearings to determine competency