

How a Felony Case Travels Through the Courts

1. Arraignment in District Court
 - ❖ The first court appearance, District Court has no jurisdiction over felony matters. Only bail will be addressed at this stage.
2. Information
 - ❖ The case is reviewed by a lawyer who decides if there is enough evidence to move onto the next phase.

Or Indictment
 - ❖ A secret proceeding in which the victim and witnesses testify in front of a Grand Jury who decides if there is enough evidence to move onto the next stage.
3. Arraignment in Superior Court
 - ❖ Bail is set again.
4. Pre-Trial Conference
 - ❖ Lawyers and judge try to negotiate a settlement known as a plea agreement.
5. Trial
 - ❖ When no negotiation can be reached both lawyers present their evidence for a jury to decide the matter of guilt.
6. Sentencing
 - ❖ If guilty the defendant is read his/her punishment. Each verdict will vary.
7. Probation/Parole
 - ❖ Early release of defendant from his/her prison sentence with conditions.

*Complied with the *Journey Toward Justice* booklet.

Resources

National Crime Victim Law Institute at Lewis and Clark School. Rhode Island Victims' Rights Law. Portland: 1998, NCVLI. Online.

Sexual Assault & Trauma Resource Center of RI. *Journey Toward Justice*. Providence: RI Bar Foundation, print.

For more in-depth information review the victims' rights laws also known as: Title 12, Criminal Procedure; Chapter 28, Victims' Right's

Introduction to the Legal Process and Victims' Rights



"A victim of crime shall, as a matter of right, be treated by agents of the state with dignity, respect, and sensitivity during all phases of the criminal justice process" (RI Victims' Rights law).

The General Rights of Victims' in RI

Victim: "One who has sustained personal injury or loss of property directly" related to the felony crime the defendant has been convicted of. In the case of a deceased victim the immediate family will act on the victim's behalf and is entitled to the same rights. A minor will also have a guardian act on their behalf. This includes people of all ages and includes many types of crimes (RI Victims' Rights Law).

Their right as summarized by the RI Victims' Rights Law:

- To be notified at least once within a 3 month period of the status of the case.
- The victim shall be notified of important court events such as defendants: arraignment, pre-trial conferences, trial, sentencing, disposition, parole hearing, and release from jail.
- Unless requested the victim **does not** have to attend the defendants court dates.
- The victim has a right to be heard through two different methods:
 - The victim can write a letter, known as a victim impact statement, which is utilized as a tool in assisting the judge at pre-trial conference for plea agreements.
 - The victim has the right to address the court in person at the time of sentencing.

This is known as **Victim Impact:**

- "A statement providing information about the financial, emotional, and physical effects of a crime on the victim and the victim's family, and specific information about the victim, the circumstances surrounding the crime, and the manner in which it was perpetrated."
- The right to obtain and apply for victim compensation
- The right to protection from the defendant.

Helpful Facts for Victims to Keep in Mind During This Process

- The legal system is a factual based process. Therefore it appears senseless.
- The average life of a criminal case is 1-2 years. At times the long process will be frustrating, but lawyers and victim's advocates are available for support and questioning.
- The job of the victim's advocate is to provide you with all of the essential legal and non-legal information enumerated in the "rights" section along with referrals to social services.
- The ultimate decisions are made by the judge who takes into consideration more than just victim impact. Other factors are:
 - Applicable laws and statues
 - Sentencing bench marks

- Prior records
- If during the pre-trial conference phase the defendant waived his/her rights a victim may not feel justice was served. However:
 - A plea bargain ensures that a defendant is punished. Whereas at a trial the defendant could walk away with nothing.
 - Also, the victim avoids having to give testimony at a trial.
- If a case reaches the trial stage the lawyer believes your story. However:
 - All cases unfortunately have gray matter. Thus, a prosecutor merely strategizes to obtain the best form of justice possible for the state and you. Also during this stage:
 - If a jury verdict is not guilty that does not mean the jury disbelieves you. Rather it means there was not enough evidence **beyond a reasonable doubt** for the jury to admit a crime occurred.
 - There are non-legal resources also available to you, such as counseling, which are important to your overall well being during this time.
 - Above all it is key to remember: You are not at fault. In no way did you bring on this crime nor should you feel ashamed about yourself.

