

In RI the victim's rights are second only to the defendant. Since the defendant has a right to a trial he/she can bring the victim to trial.

The **benefit to a trial** is that the defendant could be given a **harsher sentence** than if he/she plead out.

Events at a Trial (Journey Toward Justice):

Opening: The lawyers present what their argument will be.

Examination by the state: The prosecution will call their witnesses. The states lawyer will ask the questions first than the defendant's lawyer will cross-examine the witness. The state can re-direct which could cause the defendants lawyer to re-cross.

- As a victim you are a witness and you **must** testify since it is the defendants right to face his accuser.

It is natural to be nervous for trial. Keep in mind that:

- You will be prepared for questioning ahead of time by the prosecutor.
- A victim's advocate will be present to provide support and coping strategies.

Examination by the defense: Once the state has called all of their witnesses they will rest. It is now the defenses turn to present evidence and call witnesses. The defendant does not have to testify since it is his right not to. Also the defense does not have to have an examination since it is the burden of the state to prove **beyond a reasonable doubt** that the defendant is guilty.

Closing: The lawyers summarize their evidence for the jury and try to persuade the jury to believe their theory.

Deliberation: Following the instructions of the judge as to what laws to adhere by the jury must decide the matter of guilt.

- A guilty verdict will result in a punishment to be delivered at sentencing.
- A not guilty means the defendant receives no punishment.
 - A not guilty verdict **does not mean** the jury does not believe a crime happened.
 - Instead the jury does not believe there is enough evidence present to prove beyond a reasonable doubt that a crime occurred.

Resources

Rhode Island Parole Board. An Over View of the Parole Process for Victims. Cranston: RI Parole Board, print.

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

Feel free to contact the victim advocate with any questions you have about the process or the case

Explanation of Trial, Sentencing, and Parole



Sentencing

- Victims can give victim impact before the execution of sentencing, but they do **not** have to.

Types of Sentencing:

Probation: Must see a probation officer every day.

Suspended: A jail sentence is not given right away. Instead the defendant is sentenced a specific length in which he or she cannot misbehave. If the defendant violates this condition then the rest of his or her sentence will be served in jail.

Deferred: The defendant is left on their own to keep the peace and be of good behavior for **5 years**.

- If the defendant does this then the crime is expunged (erased) from their record and no other sentence is imposed.
- If the defendant does not a new sentence is imposed. Unlike a suspended sentence there is not already a specific sentence to get off of.

Filling: Exactly like a deferred sentence, but the defendant only has to behave well and keep the peace for **a year**.

Time: The defendant will be given a period of time to be served at the ACI or through home confinement.

How Multiple Sentences are Served:

- Concurrent: The sentences occur simultaneously.

I.e: 1 year probation + 2 years jail= 2 years total

- Consecutive: The sentences are stacked up one after the other.
I.e: 1 year probation + 2 years jail= 3 years total

Conditions:

- Restitution: In the criminal court it has nothing to do with pain, suffering, or missed work. Rather it will repay medical costs not already covered by insurance. This will be dealt with through a separate entity.
- No Contact Order
- Fines
- Counseling
- Community service

Parole

Early release from prison, the time at which an inmate is eligible for parole varies but it is generally anywhere from 1/3-1/2 the time served.

- Just because a prisoner is eligible for parole **does not** mean they will be granted parole.
 - The inmate has to be reviewed by a parole board before he/she is released
 - The prisoner must show a positive change in behavior and show that they are unlikely to commit another crime when they are released.
 - Typically inmates are **denied the first time** they are reviewed
 - The prisoner can be considered for parole

review again after 6,12,18, or 24 months.

- Again they are not guaranteed to be released.

Victims Role in the Process:

- If an inmate is released as a right the victim will be notified.
- The victim can address the parole board in order to give them their impact.
Benefits for the Victim:
- Going in front of a board allows a victim to ask the board questions in order to get a better understanding of what is occurring.
- A victim statement could sway the board to place special conditions on the parole or deny the request all together as the victim could provide information to the board that would not otherwise be known to them.

- The victim **does not** have to go in front of the board if they do not want to.
- The defendant and defendant's lawyer **will not** be present at these proceedings if one chooses to participate.

*Complied though *An Over View of the Parole Board* booklet.

