

Glossary of Terms

Warrant - A written order from a judge that a person be arrested. If you are a victim or a witness, the warrant is based on a written statement about the crime in which you were involved.

Bail - An amount paid or pledged by the defendant to make sure he or she will appear in court.

Preliminary Hearing - A hearing, usually in general sessions court, to determine if there is reason to believe that a crime has been committed and that the defendant committed it. If so, the case will be "bound over" to the grand jury. Victim's appearance required only if subpoenaed or requested.*

Grand Jury - An independent group of private citizens who listen to information about the crime in order to decide whether the case should go to trial. Victim's appearance required only if subpoenaed or requested.**

Indictment - If the grand jurors decide that a case should go to trial, they "return" an indictment or presentment charging the defendant with the crime(s) committed.

Arraignment - The first scheduled appearance by the defendant in Criminal or Circuit Court. The indictment returned by the grand jury is read and the defendant is given a copy. Arrangements are made for an attorney for the defendant and a trial date may be set. Victim's appearance is not necessary.**

Plea Agreement - This is sometimes inaccurately called "plea bargaining", which is a term used to describe a method of disposing of cases without a trial. Most defendants plead guilty. Once a defendant decides to plead guilty, it is up to the District Attorney's Office

and the defendant's attorney to work out an agreement to present to the judge. The defendant may agree to plead guilty to the crime(s) charged or to a lesser offense, and there may be an agreement that the District Attorney's Office will recommend a sentence to the judge. The judge may accept or reject the plea. Although you will not have the final say as to what sentence is given, the District Attorney's Office is interested in your viewpoint.

Trial - The court proceeding in which the District Attorney, or an Assistant District Attorney, presents the case for the State, attempting to prove beyond a reasonable doubt that the defendant committed the crime(s) as charged. The defendant may present proof to dispute the State's claim. Usually, the defendant chooses whether a judge or a twelve person petit jury will decide the case. You should be present at the trial. If you are needed as a witness, you will be notified.

Victim's Impact Statement - You will be given the opportunity to provide a written impact statement to be submitted by a probation officer as part of the pre-sentence report to be reviewed by the court prior to sentencing. If you wish to make an oral statement at the time of sentencing, please contact the District Attorney's Office prior to the hearing.

Sentencing Hearing - After a defendant's guilty plea is accepted or he/she is found guilty after a trial, the judge decides what happens. The defendant may be sent to prison or jail, or the sentence may be "suspended" and the defendant put on probation. Probation means the defendant is left free as long as he/she does what the judge has told him/her to do. He/she may also be placed in other programs, such as "Community Corrections".**

Appeal - Convicted defendants have a right to appeal their convictions and sentences to higher courts. These courts examine the record made of the trial proceedings to determine if reversible error has occurred. If a higher court finds that serious errors occurred in the trial proceedings, it may remand the case for a new trial or even dismiss the charges. Although most appeals are unsuccessful, the process is often very lengthy. Appeals are handled by the State Attorney General's Office.

Parole - "Parole" is the release of a person from prison before the end of his sentence, under certain conditions or restrictions which must be met or the person will be returned to prison. You may request to be notified by the Board of Parole of hearing dates and Board decisions prior to an individual's release.

Other Release Status - Contact the Department of Correction to request notification on other releases (escape, sentence expiration, work release, etc.)

Victim's Compensation - Tennessee law provides compensation for victims of violent crimes, or their dependents, who have suffered out-of-pocket losses due to physical injury, loss of income, or death. Contact a private attorney or the Victim Witness Coordinator in your District Attorney's Office for additional information.

* **Important Notice:** Even though you are not required to be present, you may come if you wish. Contact the General Sessions Clerk for times and dates.

**Contact the Criminal/Circuit Clerk for times and dates.

Overview of Tennessee Victims' Rights

The Victims' Bill of Rights, T.C.A., 40-38-101, grants certain rights:

Rights of Victims and Prosecution Witnesses

- ✓ Dignified and compassionate treatment
- ✓ Protection of intimidation/retaliation from defendant and/or defendant's family
- ✓ Separation from defendant and defendant's family at court (when possible)

Victims shall, upon request, have a right to:

- ✓ **Information** about:
 - Court processes
 - Continuances
 - Plea negotiations
 - Court times, dates, locations
 - Victim's role in each stage
 - Service agency referral
 - Victims' compensation
 - Voicing an opinion on a defendant's sentence or plea
- ✓ **Recovery** of property as soon as legally permissible
- ✓ **Restitution** (information on how to obtain restitution directly from defendant)
- ✓ **Priority** to victims of violent crime (due to legal requirements and limited resources)

Suggestions for Witnesses

- Have a neat appearance and proper dress.
- Don't worry if you are nervous; it's common.
- You will be asked to take an oath to tell the truth. Remember the seriousness of this oath the entire time.
- Tell the truth.** Even a minor fabrication can discredit a witness and weaken the case.
- Be serious. Avoid laughing or being "flip".
- Do not argue with the lawyer. Be courteous, even if he is not.
- If you do not understand a question, tell the attorney or judge and ask for an explanation. If you do not remember an answer, SAY that you cannot remember.
- Listen carefully to the questions. Take your time. Do not give a snap answer without thinking. Speak clearly so that you will be heard.
- Stay away from the jurors during recesses. Politely, but firmly, avoid letting jurors talk to you.
- Once you have been sworn, do not discuss your testimony with other witnesses.

Victim Witness Responsibilities What you can do to help.

You may sometimes feel frustrated and discouraged -- the process of justice does take time. To avoid the frustration of possible delays, contact the victim witness coordinator to confirm court dates. Some of the delays you encounter, however, are part of the system that also protects your rights.

Since it is not possible to give you all the information you may need in this brochure, please contact the Victim Witness Coordinator or the District Attorney for more information.

Following an indictment or presentment being returned by the Grand Jury, the District Attorney's office will notify the victim of the crime and, upon request, will advise you of your rights under Article 1, Section 35 of the Tennessee Constitution.

Most importantly, contact the District Attorney or Victim Witness Coordinator if you move or change your telephone number. We may not be able to get in touch with you otherwise. The District Attorney's office and Victim Witness Coordinator are concerned about you and your case.

Telephone Numbers

State Attorney
General..... 615-741-3491
Nashville, TN 37243-0494
Victim Liaison..... 615-741-2805

**Board of Probation
and Parole**..... 615-741-1150
Parkway Towers, Suite 1300
404 James Robertson Parkway
Nashville, TN 37243-0580
Victim Liaison..... 615-532-8116

**Division of Claims Administration
Criminal Injury
Compensation**..... 615-741-2734
502 Deaderick Street
Nashville, TN 37243-0202

**Department of
Correction**..... 615-741-1000
Rachael Jackson Building
320 6th Avenue, North
Nashville, TN 37243
Victim Liaison..... 615-741-1000
Ext. 8145

Sue Jones
**Tennessee District Attorneys
General Conference** 615-532-5591

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VICTIM / WITNESS SERVICES

Victims/ Witnesses of Crime

Your Rights and Duties



Facts about
the criminal
justice system

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Attorneys General
Conference