

RIGHT'S OF VICTIM'S OF DOMESTIC ABUSE

YOU HAVE THE FOLLOWING RIGHTS
IF YOU ARE THE VICTIM OF DOMESTIC
ABUSE:

1. You may file a criminal complaint with the district attorney general (D.A.)
2. You may request a protection order from the court system. A protection order may include:
 - (a) An order preventing the abuser from committing further domestic abuse against you;
 - (b) An order requiring the abuser to leave your household;
 - (c) An order preventing the abuser from harassing you or contacting you for any reason;
 - (d) An order giving you or the other parent custody of or visitation with your minor child or children;
 - (e) An order requiring the abuser to pay money to support you and the minor children if the abuser has a legal obligation to do so;
 - (f) An order preventing the abuser from stalking you.

If you seek process from the courts, please take this brochure to assist the clerk in the proper filing of the paperwork

DEFENDANT'S NAME

CASE NUMBER

COURT DATE

COURT LOCATION

AVAILABLE SHELTERS

Salvation Army of Johnson City, TN.
Domestic Violence Shelter
(423)926-2101

Safe Passage
Domestic Violence Shelter for
Woman & Children
Johnson City, TN.
(423)926-7233

CHIPS
Domestic Violence Shelter
Serving Unicoi & Washington Counties
(423)743-0022

Shepherd's Inn
Safe House
Serving Washington & Carter Counties
(423)542-0180

AREA CRISIS LINES

Comprehensive Community Services
(423)928-6581
(423)928-4357

National Hotline
1-800-799-7233

First Tennessee Human Resources
(services for victims of crimes)
(423)461-8200 or
1-800-528-7776

WASHINGTON COUNTY SHERIFF'S OFFICE



SHERIFF ED GRAYBEAL

**DOMESTIC VIOLENCE
VICTIM/WITNESS
INFORMATION**

101 EAST MARKET STREET
P.O. BOX 1217
JOHNSON CITY, TN 37605-1217
(423) 461-1414

STEPS IN A CASE

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.

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.

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 or crimes he may have 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.

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 the judge may accept or reject the plea. Although you will not have the final say as to what the 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, present 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.

STAND-BY or ON CALL - If the lawyers are unsure whether a case will be ready you may be told to come to court unless called at the last minute by the Victim-Witness Coordinator or someone else in the District Attorney’s Office. You will be asked to stay close to your telephone during court time so that you may be reached if needed. This often saves victims and witnesses unnecessary trips to court.

SENTENCING HEARING - After a defendant’s guilty plea is accepted or he or she is found guilty after a trial, the judge decides what happens. The defendant may be sent to prison or jail, or sentence may be “suspended” and the defendant put on probation. Probation means the defendant is left free as long as he or she does what the judge has told them to do. He or 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.

PAROLE - “Parole” is the release of a person from prison before the end of his/her sentence, under certain conditions or restrictions which must be met or the person will be returned to prison.

You have received this brochure because you have had the unfortunate experience of being victimized by crime, a victim of domestic violence, or because you may be called as a witness in a criminal case.

Please take a few minutes to read it. This information is to help you understand the process involved in a criminal case. Community-based programs available in our area are listed in this brochure.

Please call us at 461-1414 if:

- You have questions
- You receive new information regarding your case
- The suspect or those acting on his/her behalf threaten or intimidate you.

IN CASE OF EMERGENCY DIAL 9-1-1

SUGGESTIONS FOR WITNESSES

- ✓ Have a neat appearance and proper dress.
- ✓ Don’t worry if you are nervous, it’s common.
- ✓ TELL THE TRUTH. You will be asked to take an oath to tell the truth. Even a minor fabrication can discredit a witness and weaken the case. In court, as in most things, HONESTY IS THE BEST POLICY.
- ✓ Be serious. Avoid laughing or being “flip.” Do not argue with the lawyer. Be courteous, even if he is not.
- ✓ Listen carefully to the questions. Take your time. Do not give a snap answer without thinking. If you do not understand a question, tell the attorney or judge and ask him to explain. If you do not remember an answer, **SAY** that you cannot remember.
- ✓ Stay away from jurors during recess. Politely but firmly avoid letting jurors talk to you.
- ✓ Once you have been sworn, do not discuss your testimony with other witnesses.
- ✓ **ABOVE ALL, THINK BEFORE YOU SPEAK AND ALWAYS SPEAK THE TRUTH.**