
**COMMONWEALTH OF VIRGINIA
COUNTY OF SMYTH
VICTIM WITNESS PROGRAM**

**AN INFORMATION GUIDE FOR
CRIME VICTIMS
AND WITNESSES**



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**SMYTH COUNTY COURTHOUSE
OFFICE OF THE COMMONWEALTH'S ATTORNEY
109 WEST MAIN STREET, SUITE 2104
MARION, VIRGINIA 24354**

276.782.4061

KNOW YOUR VICTIM'S RIGHTS

As a victim or witness of crime, you have certain rights under Virginia's Crime Victim and Witness Rights Act (§ 19.2-11.01). These rights include:

- **Victim and Witness Protection**

Provides protection from harm and threats of harm arising out of your cooperation with law-enforcement or prosecution efforts.

- **Financial Assistance**

You may request assistance with community intervention/social services as needed. You may be eligible to file a claim for compensation from the Criminal Injuries Compensation Fund. You may also request restitution for theft or any damages resulting from the crime.

- **Notices**

You may request a written excuse for work or school. You may also request to be notified of the following: if there are any changes to your court date; if the defendant is transferred from one facility to another, escapes, changes his/her name, is released, discharged, or is placed on probation; or if your case is appealed or the defendant files a habeas corpus petition.

- **Victim Input**

In felony cases you are entitled to information regarding the disposition of the case, including any plea agreement. You may write a Victim Impact Statement, if applicable. You are also permitted to remain in the courtroom during the criminal trial as permitted by the court.

- **Courtroom Assistance**

You may request the following: a courtroom tour, escort to the courtroom, or moral support during the hearing; a closed preliminary hearing in specific situations; that your contact information remain confidential except when necessary for the criminal proceeding; and the services of an interpreter.

- **Post Trial Assistance**

Upon written request, you will be provided information pertaining to the case. You will also be notified if the defendant is released pending an appeal.

WHEN TO CONTACT THE VICTIM/WITNESS PROGRAM

- You have questions about your role as a victim or witness
- You would like an explanation of court procedures
- Your personal property is being held as evidence and you want to know if you can recover it
- You want assistance in filing for compensation under the Criminal Injuries Compensation Fund
- You have changed your home/work telephone numbers or address
- You need a referral to community service agencies for counseling or other assistance
- You are not receiving restitution payments that were ordered by the court
- You have received crime related threats or harassment
- You need information regarding the status of your case
- You just need someone to talk to



YOUR ROLE IN THE COURT PROCESS

SUBPEONA:

A subpoena is a court document that requires you to be present at the time and place stated. The name of the defendant and court case number will appear on the subpoena for your reference.

PRE-TRIAL PREPERATION:

The Office of the Commonwealth's Attorney is responsible for prosecuting the defendant. Our office will have any statements you gave to the police. If further information is needed, the prosecutor and/or Victim/Witness Program will contact you to discuss the facts of the case. You may, however, call the prosecutor and/or Victim/Witness Program at any time if you have questions.

TRIAL:

The defendant, represented by a defense attorney, stands trial and his/her guilt or innocence is determined by the judge or jury. At the beginning of the trial, all witnesses are sworn and may be required to remain outside of the courtroom until they testify. The amount of time it takes to try a case will vary; therefore, you may want to bring a book to read to pass the time. Please note: you will not be allowed to have a cell phone in the courtroom. If the cell phone contains evidence for your case, please let the Victim/Witness office know prior to your case.

When you are called to testify, the prosecutor will ask you some questions about the case. Afterwards, the defense attorney will have a chance to ask you questions.

RESTITUTION:

In cases where the victim has suffered a financial loss, the Court may order the defendant to pay restitution. If you desire restitution, itemize and document your losses and notify the Victim/Witness Program Director by calling (276) 782-4061.

CONTINUANCES:

Sometimes court proceedings cannot take place as scheduled. We will make every effort to notify you in advance, but may not be successful. By calling (276) 782-4042 the day before the hearing you can confirm whether or not you have to appear. You should notify us if your phone number or address changes.

VIRGINIA VICTIMS FUND:

If you have been a victim of a violent crime or are a surviving relative of a victim, you may be eligible for financial compensation to cover medical expenses, psychological counseling, lost wages, or funeral expenses incurred as a result of the crime. The Virginia Victims Fund was created to assist innocent victims in recovering these expenses. Please note that expenses covered by insurance and damage/loss of personal property are not covered by this fund.

For more information about the fund, visit: www.virginiavictimsfund.org or speak to the Victim/Witness Program Director.

THREATS/INTIMIDATION:

Threatening a witness is a crime in Virginia. If you receive a threat from a defendant or anyone else, contact your local police immediately and notify the prosecutor assigned to your case as soon as possible.

Location of Courtrooms

Smyth County Circuit Court

THE COURTROOM IS LOCATED ON THE FIRST FLOOR OF THE SMYTH COUNTY COURTHOUSE

Smyth County General District Court

THE COURTROOM IS LOCATED ON THE FIRST FLOOR OF THE SMYTH COUNTY COURTHOUSE

Smyth County Juvenile and Domestic Relations Court

THE COURTROOM IS LOCATED ON THE SECOND FLOOR OF THE SMYTH COUNTY COURTHOUSE

Parking is at the front and rear of the building.

You may also park in the parking garage across the street from the courthouse.

Please note that cellular phones, purses and weapons are prohibited and will not be allowed through security; please leave these items secured in your car.

THE CRIMINAL COURT PROCESS

FELONY CASES

A felony is a serious crime that may be punished with a minimum of one year in jail or prison.

STEPS	WHEN	WHERE	VICTIM/WITNESS MUST APPEAR?
1 Advisement of Rights	1-5 Days After Arrest	General District Court or Juvenile and Domestic Relations Court	No
2 Preliminary Hearing	30-60 Days After Arrest	General District Court or Juvenile and Domestic Relations Court	Yes, If Subpoenaed
3 Grand Jury	4th Tuesday, Quarterly	Circuit Court	Yes, If Subpoenaed
4 Trial	Within 90 Days of Step 3	Circuit Court	Yes, If Subpoenaed
5 Sentencing	30-45 Days After Guilty Verdict or Plea	Circuit Court	No, But You May Attend

MISDEMEANOR CASES

A misdemeanor is a less-serious crime, punishable by confinement in jail for a maximum of 1 year, a fine of not more than \$2,500, or both.

STEPS	WHEN	WHERE	VICTIM/WITNESS MUST APPEAR?
1 Advisement of Rights	1-5 Days After Arrest	General District Court or Juvenile and Domestic Relations Court	No
2 Trial	30-45 Days After Arrest	General District Court or Juvenile and Domestic Relations Court	Yes, If Subpoenaed

JUVENILE and FAMILY CASES

Juvenile and Domestic Relations District Court handles criminal and traffic violations by juveniles and crimes against family or household members or against minors.

It is helpful to understand that General District Court (GDC) and Juvenile and Domestic Relations District Court (J&DR) do not conduct jury trials. The judge listens to evidence during the trial and, if he or she finds the defendant guilty, will issue a sentence at the end of trial.

Please note that all timelines provided above are generalized. Not all court cases will conclude within the provided timelines.

OTHER THINGS THAT YOU SHOULD KNOW

GUILTY PLEAS:

In felony cases, if the defendant pleads guilty, a trial will not be required and you will not have to testify. In some cases, the Commonwealth's Attorney may agree to modify the charges or recommend that a defendant receive a certain sentence in return for a plea of guilty. If you are the victim of the crime, someone in the Commonwealth Attorney's Office will try to contact you before a plea is formalized. If you do not understand the agreement, or have questions about it, ask the attorney for a full explanation.

VICTIM IMPACT STATEMENT:

In felony cases, if a defendant is found guilty, the probation office completes a pre-sentence report. To assist in preparing this report, our office may contact you about writing a Victim Impact Statement, or testifying at the sentencing hearing.

Composing a Victim Impact Statement serves as an opportunity for you to tell the court and the offender, in your own words, how the crime has affected your life. In your statement, you may discuss any economic losses, physical or psychological injuries, and major life changes you have experienced as a result of the crime. This information will be included as part of the probation office's pre-sentence report and will be taken into consideration by the judge in determining an appropriate sentence for the defendant.

ASSISTANCE FOR HANDICAPPED OR DISABLED INDIVIDUALS:

If you need assistance in reaching the courtroom or any other type of assistance due to a handicap, please notify the Victim Witness Office.

TIPS ON TESTIFYING

- **Tell The Truth**
Nothing but the truth. Don't pause to try to figure out if your answer will hurt or help the case. Just answer truthfully, to the best of your memory.
- **Be Prepared**
Try to recall what happened and picture the scene and the objects there. Don't try to memorize your testimony; simply be prepared to tell what happened in your own words.
- **Clarify Questions If You Need To**
If you did not hear the question or did not understand it, ask the attorney to repeat it.
- **Answer Properly**
Do not volunteer information and remember to stop immediately if the judge interrupts or an attorney objects to a question. Do not guess or speculate. If you don't know the answer, say so. If you give an estimate of time or distance, be sure everyone knows you are estimating.
- **Relax**
What will happen in court is not like you see on television. Remain calm and remember that being polite makes a good impression.
- **Be Heard**
Your testimony is important to the case. Speaking clearly and loudly ensures the judge and members of the jury hear you.
- **Dress Neatly**
Try to have a clean, neat appearance in court.

THE SMYTH COUNTY VICTIM/WITNESS PROGRAM

OVERVIEW:

The Victim/Witness Program, part of the Office of the Commonwealth's attorney, helps ensure that crime victims and witnesses receive fair and compassionate treatment while participating in the criminal justice system.

Your role as a witness is an important one, but the responsibilities involved may be unfamiliar to you. This handbook acquaints you with the steps involved in bringing a case to trial and explains your role in this process. It also describes the services available to assist you.

The Victim/Witness Program is supported by funding through a grant administered by the Virginia Department of Criminal Justice Services.

CONTACT NUMBERS:

Phone: (276) 782-4061

Fax: (276) 782-4043

Email: victim.witness@smythcounty.org

ACCESS OUR WEBSITE:

By visiting www.smythcounty.org, you can find more in-depth information about the **following**:

- Helpful links to **community resources**;
- Answers to **frequently asked questions**;
- Downloadable **forms** to aid crime victims.

Smyth County Victim/Witness Office & Smyth County Commonwealth Attorney's office are both located on the second floor of the courthouse

MESSAGE FROM YOUR COMMONWEALTH'S ATTORNEY

If you are the victim of a crime or a witness to a crime, you have already been through a difficult experience. However, your participation in the criminal justice system is essential; there can be no justice without your help.

As Commonwealth's Attorney for the citizens of Smyth County, I want to do everything I can to make your experience with the courts as smooth and effective as possible.

The Commonwealth Attorney's Office has established a Victim/Witness Program to assist you as your case progresses through the system. The staff of this Program will help you understand your rights, keep you informed of the status of your case, and make you aware of resources available to you.

Please contact the Victim/Witness Program with any questions about your case.

Very truly yours,



Roy F. Evans, Jr.
Commonwealth's Attorney
Smyth County, Virginia

IMPORTANT TELEPHONE NUMBERS

Smyth County Sheriff's Office	782.4056 or 783.7204
Marion Police Department	783.8145
Chilhowie Police Department	646.3232
Saltville Police Department	496.4321
Virginia State Police	1.800.542.8716
Smyth County Commonwealth Attorney's Office	782.4042
Smyth County Victim Witness Program	782.4061
Circuit Court Smyth County	782.4044
General District Court Smyth County	782.4047
Juvenile and Domestic Relations Court Smyth County	782.4052
Magistrates Office	276.739.3521
Probation Office	
Adult	783.8596
Juvenile	782.4054
Community Corrections (Adult)	781.0660
Legal Aid	783.8300
Child Advocacy Center	1.276.645.5867
Family Resource Center	1.800.613.6145