

determining what physical, emotional, or economic injury has been placed on the victim or the family.

If you desire to fill one out, they may be obtained from the District Attorney's Office or in any of the offices of the Clerk of Court. When completed, the form should be forwarded to the Victim/Witness Coordinator. If the defendant is sentenced to the penitentiary, the victim impact statement is forwarded to the Pardon & Parole Board.

RESTITUTION TO THE VICTIM

A victim may claim restitution for any economic loss suffered as a result of the criminal act. A restitution sheet is sent to each victim at the time the case is received in the District Attorney's Office. Additional forms may be obtained from the Victim/Witness Coordinator. If the amount of restitution cannot be agreed upon by the victim and the defendant, the court will hold a hearing to determine the appropriate amount. If probation is made a part of the sentence the defendant receives and if the District Attorney has received a restitution request, the District Attorney's Office will request restitution as a condition of probation.

The trial court can order restitution as a condition of probation or suspension of the sentence. The Board of Pardons and Paroles may order restitution as a condition of parole.

VICTIM'S COMPENSATION

State law provides for monetary awards to victims or families of deceased victims who suffer financial hardship or physical injury as a direct result of a crime. The necessary forms are available in this office. A claim must be filed within 180 days after the date of the crime or the death of the victim. The claim is to be filed with the:

Criminal Justice Coordinating Council
Georgia Crime Victims Compensation Program
104 Marietta Street Suite 440
Atlanta, GA 30303-2743
Toll Free: 800-547-0600

DISMISSALS

If the person bringing the charges desires that they be dismissed, he/she should contact the District Attorney's Office. It will be necessary to complete an affidavit requesting the dismissal and this must be approved by the District Attorney and the Sheriff or Chief of Police. Court costs and any applicable jail costs must be paid before a warrant is dismissed.

While it is the goal of the District Attorney's Office to prosecute all criminal offenses, there are invariably instances where cases must be dismissed. The District Attorney may dismiss a case for lack of evidence at any time before indictment. After indictment, a case may be dismissed only upon a motion by the District Attorney and approval by a Superior Court Judge. This procedure is called a nolle prosequi. In all instances where a case is dismissed for legal reasons, a copy of the order citing the reasons is filed with the Clerk of Court and a copy is sent to the person signed the warrant.

Important Phone Numbers

District Attorney's Office
Hinesville, GA 876-4151

Georgia Bureau of Investigation
Statesboro, GA 871-1121

Georgia Bureau of Investigation
Kingsland, GA 729-6198
Probation Department 739-9612

Bryan County
Pembroke Sheriff's Office 653-3800
Richmond Hill Sheriff's Office 756-3101
Richmond Hill Police Dept. 756-5645
Pembroke Police Dept. 653-4409
Magistrate Court 653-4681
Georgia State Patrol
Rincon, GA 754-1180

Evans County
Sheriff's Office 739-1611
Claxton Police Dept. 739-2121
Magistrate Court 739-3745
Georgia State Patrol 557-7778

Liberty County
Sheriff's Office 876-2131
Hinesville Police Dept. 368-8211
Magistrate Court 876-2343
Georgia State Patrol 370-2600
Rape Crisis 888-241-7273

Long County
Sheriff's Dept. 545-2118
Magistrate Court 545-2315
Ludowici P.D. 545-2222

McIntosh County
Sheriff's Dept. 437-5870
Magistrate Court 437-4888

Tattnall County
Sheriff's Dept. 557-6777
Reidsville Police Dept. 557-4013
Glennville Police Dept. 654-2103
Georgia State Patrol 557-7778
Magistrate Court 557-4372

Area Victim Assistance Agencies

Bryan County
Bryan County DFCS 653-2805
Richmond Hill DFCS 756-2786
Helens Haven Children's Advocacy 369-2326

Evans County
Evans County DFCS 739-1222
Helens Haven Children's Advocacy 369-2326

Liberty County/Long County
Liberty County DFCS 370-2555
Tri-County Protective Shelter 368-9200
Social Services - Ft. Stewart 767-6779
Helens Haven Children's Advocacy 369-2326

McIntosh County
McIntosh County DFCS 437-4193
Golden Isles Children's Advocacy 554-0609

Tattnall County
Tattnall County DFCS 557-7721
Pineland Mental Health 557-6794
Glennville DFCS 654-5191
Sunshine House Children's Advocacy 478-237-7801



Informational Guide for Crime Victims/ Witnesses



Billy J. Nelson, Jr.
District Attorney
(912) 876-4151

OFFICE OF THE DISTRICT ATTORNEY
ATLANTIC JUDICIAL CIRCUIT

VICTIM/WITNESS
ASSISTANCE PROGRAM

945 E.G. Miles Pkwy. Hinesville, GA 31313

A Message From Your District Attorney

In an effort to be more sensitive to the needs of victims of crimes and witnesses in criminal cases, this office has created the position of Victim/Witness Advocate. The purpose of this position is to give victims and witnesses a central point of contact that they may call to obtain information in any area of concern to those that come in contact with our office. The coordinator will be responsible for subpoenas issued to witnesses, for making travel and lodging arrangements for those victims and witnesses that must travel long distances, for notifying them when cancellations occur and to be the person to contact in the District Attorney's Office to learn the current status of any case. If we can help, please do not hesitate to call.

This brochure has been prepared to inform you of your rights as a victim, to help you understand how the District Attorney's Office functions and the various steps the case will go through while in our hands. Other information that may be helpful to you is also included.

All of us in this office are committed to seeing that justice is done and to make your experience with our office as positive and painless as possible. We handle a great number of cases and the workload may at times make us seem impersonal. What we are doing here is a sincere effort to provide a more personal service to victims and witnesses.



Billy J. Nelson, Jr.
District Attorney

Steps In A Criminal Case From Arrest To Trial

WARRANT

After a crime has been committed, an arrest warrant for the defendant is issued by a Magistrate. In order for this to be accomplished, you may be asked to appear before the judge, or a law enforcement officer may appear for you. If you are asked to appear, just tell the Magistrate the events as you remember them. The defendant will not be present.

FIRST APPEARANCE AND BAIL

After the defendant is arrested, he will appear before a Magistrate or a Superior Court Judge for a First Appearance Hearing. In all misdemeanors cases, a defendant has a right to bail. In most felony cases, bail may be set by a magistrate. Certain cases require that bail may be set only by a superior court judge. As a general rule bail is given by a court unless the defendant is a repeat offender or the court finds the defendant is likely to commit other crimes, flee the jurisdiction or intimidate witnesses. It may be posted in cash, through a professional bondsman or someone may pledge real estate and sign the defendant's bond.

If, after pre-trial release, the defendant commits any acts or threats of physical violence or intimidation against the victim or the victim's immediate family, the local law enforcement agency should be notified immediately. The victim may also send written notification of this to the District Attorney and this office may then move to have the bond revoked and the defendant taken into custody.

PRELIMINARY HEARING

In some cases, a preliminary hearing will be held by a Superior Court Judge in order to determine whether or not there is enough evidence to send the case to a grand jury. You may or may not be required to testify at this hearing, but you may attend if you desire. The defendant will be present.

DISTRICT ATTORNEY'S OFFICE

When all the documents are received in the District Attorney's Office (warrant, arrest reports, scientific reports) the case will be given to an investigator to determine if all the information we need is in our hands. If further investigation is required, it will normally be accomplished by the investigator. If other statements and reports are needed from the investigating agency, this will be requested. When the file is complete, it will be given

to an attorney in the office. The attorney will review the case to determine if there is sufficient evidence to prosecute. This decision is made from the standpoint of whether there is legally admissible evidence to prove each element of the offense. The great majority of cases are approved for indictment but there are some in which we are faced with the fact that the evidence is lacking to prove, as we are required to do, each element of the crime beyond a reasonable doubt. If the case is approved, it will be prepared for indictment. If there is a lack of evidence as to certain elements, the case would be dismissed or reduced to a lesser charge.

GRAND JURY

When the case is approved, an indictment is prepared and the case presented to the next grand jury meeting in the county. A grand jury hears only the State's side of the case and determines if there is probable cause that the defendant committed the crime. If they find this, then the case would be indicted or "true billed." If the case is "no billed," that is, if they did not find probable cause, the case ends here. A "no billed" case may be presented to the next grand jury to be considered again. The District Attorney normally will only present a case a second time if additional evidence has surfaced that could make a difference in the grand jury's findings. You may or may not be subpoenaed to the grand jury. Many times, the officer's testimony is sufficient to place all the facts before the jury and obtain a "true bill."

ARRAIGNMENT

If the defendant is indicted, he will appear in the Superior Court on the date set for arraignment, usually two or three weeks after indictment. At this time, he would enter his plea and the case would be set down for trial. If the defendant wants to plead guilty, the judge could accept it at this time, but usually all guilty pleas are taken on a special day about two weeks before trials begin. In most cases of guilty pleas, the District Attorney will make a recommendation as to the sentence. This is based on the seriousness of the offense, the past record of the defendant, and any recommendation made by the victim.

TRIAL

If the case is to go on to trial, this will occur between three and five weeks after arraignment. There are only a certain number of trial days available in each county and the District Attorney is required to first try those cases in which the defendant is in jail. Generally, all cases are disposed of during the first trial term after grand jury but if there is a large number, it could go

over until the next term. In any event, a specific trial date will be set so that witnesses don't have to wait around for several days.

All witnesses called to testify will receive subpoenas in advance and the lawyer in the District Attorney's Office assigned the case will talk with each witness beforehand and go over their testimony. No witness has to go into the courtroom without the opportunity to know what questions we will ask them and to get the answers to any questions they might have.

General Information

VICTIM'S BILL OF RIGHTS

The State Legislature has enacted a statute known as the "Crime Victims' Bill of Rights." This statute provides for certain notification procedures. In the event of the death of a crime victim, the law gives these rights to the spouse, adult child, a parent, a minor child or grandparents in that order.

If the victim provides to the investigating agency, the agency having custody of the defendant and the prosecuting attorney, notification of a telephone number where they can be reached, then these agencies will notify the victim of the following:

1. The arrest of the defendant.
2. The defendant's release from jail.
3. Any hearing at which the issue of defendants release from custody will be considered. You have a right to advise us of any opinion you have concerning the release of the defendant on bond prior to trial.

If you request, in writing, to be notified of court procedures, this office will notify you of the following:

1. Scheduled court hearings and trials relating to the case and any changes in these dates.
2. If a motion for new trial or an appeal has been filed by the defendant, the location of these hearings and the results of such.
3. If the defendant has been released on an appeal bond following conviction.

This notice must include current address and telephone number and must be updated when necessary.

VICTIM IMPACT STATEMENT

The Georgia law provides that in all cases a *victim impact statement* may be filled out by the victim or a family member. These forms are utilized by the court in