

**COMMONWEALTH'S ATTORNEY
VICTIM WITNESS PROGRAM**



**HEATHER D. HOVERMALE
COMMONWEALTH'S ATTORNEY**

“Fighting for victims’ rights”

COURT ROOM LOCATIONS

General District Courtrooms	2 nd floor
Circuit Court Clerks Office	1 st floor
Circuit Courtroom	3 rd floor
Juvenile & Domestic Relations Court	2 nd floor
Commonwealth's Attorney's Office	See front
Victim Witness Office	See front



**VIRGINIA VICTIMS FUND*
(FORMALLY CRIME VICTIM'S
COMPENSATION FUND)**

The Commonwealth of Virginia recognizes the need to provide financial assistance to innocent victims of crime that suffer physical injury or death as a result of violent criminal acts. A victim who suffers this type of injury is able to file a claim. Virginia's Victim's Fund pays for losses not covered by other sources, such as health insurance, workman's compensation or social security. If you qualify you may be paid for loss of wages, unpaid medical expenses, funeral expenses and other costs resulting from your injury. There is a limit of the amount of compensation that is awarded to victims. If you think you are eligible, contact the Victim Witness Program for an application.

***You must cooperate with Law Enforcement authorities to be eligible to file for this compensation.**

POLICE PROCEDURE

When the Winchester Police Department receives a call for service, a Police Officer is dispatched to the scene as soon as possible. The officer usually writes a report about the incident, including the names and addresses of all persons involved. This report is filed permanently in the police department. You may be advised to obtain a warrant from the magistrate yourself by the Officer.

During the investigation, you may be asked to report to the Police Department to identify property, photographs, or suspects. Your willingness to cooperate with Law Enforcement agencies has a great impact on crime prevention, detection and prosecution.

**LEGAL STEPS IN THE
CRIMINAL JUSTICE PROCESS**

ARRAIGNMENT: This is the first step in the Criminal Justice process following a defendant's arrest. This is a hearing in which the defendant appears before a General District Court Judge and is formally advised of the charges against him, and a date for a preliminary hearing or trial is then set.

SUBPOENA: A subpoena is a court order directing you to be present in court at a particular time and place.

PRELIMINARY HEARING: This is a hearing in General District or Juvenile and Domestic Relations Court in which the victim may testify. The hearing is only to establish probable cause. The Commonwealth's Attorney may proceed directly to the Grand Jury. This is called a direct indictment.

GRAND JURY: Is a panel made up of 5 - 7 Winchester citizens who listen to evidence presented by the police officers on cases that were certified from the General District or Juvenile and Domestic Relations Court and Direct Indictments. The hearing is held in Circuit Court and is closed to the public. If the Grand Jurors consider the evidence presented by the police officer to be sufficient, they will return an Indictment and a trial will be set in Circuit Court. An indictment is a formal accusation of a crime.

TRIAL: A hearing held in Circuit Court before a Judge or jury in which the guilt or innocence of the defendant is decided. If the defendant is found guilty, he or she may be sentenced at the conclusion of the court hearing, or on a later date if pre-sentence report is requested. Unless the case is on a for a plea of guilty, it is necessary to have all witnesses appear at the trial.

SENTENCING: A hearing held in which the court imposes a final disposition of the case. Sometimes the victims are requested to attend the sentencing hearing and testify how the crime has affected you. A victim impact statement is used as a sentencing tool by the court.

TIPS ON TESTIFYING

RECALL THE INCIDENT. Try to recall what happened and picture the scene and the objects there. Do not try to memorize your testimony, simply be prepared to tell the Truth about what happened in your own words.

DRESS WELL AND BE COURTEOUS. The way you dress and present yourself is a direct reflection on you. It is to your advantage to dress neatly and conduct your self in a courteous manner.

BE ATTENTIVE. You should remain alert at all times so that you can hear, understand and give the proper response to each question. If the Judge or jury gets the impression that you are bored or indifferent, they may disregard your testimony.

THINK BEFORE YOU SPEAK. Make sure you understand each question then give an accurate answer to the best of your ability. If you do not know the answer to a question, say so. It is the attorney's responsibility to make each question understandable.

SPEAK CLEARLY. There is nothing more annoying to the court than a witness who will not speak clearly enough to be heard and understood. An inaudible voice detracts from your testimony and may make the Judge or jury think you are not certain of your testimony.

ANSWER QUESTIONS CLEARLY. Do not volunteer information. Only answer what has been asked. The attorney will ask questions that are relevant to the case and is concerned with specific answers. Answer in as few words as possible. Be sure to stop if the Judge interrupts or if there is an objection to the question. Do not begin speaking again until the Judge says it is okay.

NEVER LOSE YOUR TEMPER. When you lose your temper, you have placed yourself at the mercy of the cross-examiner. The defense attorney may make you feel uncomfortable, but he or she has an obligation to ask questions and determine the truth. Hold your temper and your testimony will be more valuable.

BE PREPARED TO WAIT. The Commonwealth's Attorney Office has limited time a witness must spend in Court. There may be times however that a witness may not be excused and will be asked to stay nearby. You may want to prepare for this by bringing a book to read or some handwork to pass the time.

CALL THE VICTIM WITNESS PROGRAM IF:

You have changed your home/work address or phone number

You have questions about your role as a witness

You would like an explanation of court procedures or a tour of the courtroom before you testify

You need someone to speak to your employer about your appearing as a witness

Your personal property is being held as evidence and you want to know if you can recover it

You want assistance in filing for victim’s compensation under the Virginia Victim’s Fund

You want assistance in preparing your **Victim Impact/Restitution Statement**

You need a referral to social service agencies that provide emergency financial, medical, or psychological assistance to crime victims

You would like someone to escort you to court, or have a problem with transportation

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

YOUR RIGHTS AS A VICTIM OR WITNESS

You have a right to be free from threats, harassment and intimidation. If as a result of your involvement in a criminal case, you or your family are threatened, harassed or intimidated in any way, immediately call your local police and our office for assistance.

You have the right to seek restitution. In appropriate cases, the Judge may order the defendant to reimburse you for your financial loss as part of sentence imposed. Information regarding your injuries or out-of-pocket losses resulting from the offense should be brought to the attention of this office as soon as possible.

****As a victim or witness, it is very important to keep the Police and the Victim Witness Office informed of your current address and telephone number (at home and work) so that we can contact you about your case. If you should change your address or telephone number, please be sure to let us know as soon as possible.**

IMPORTANT TELEPHONE NUMBERS

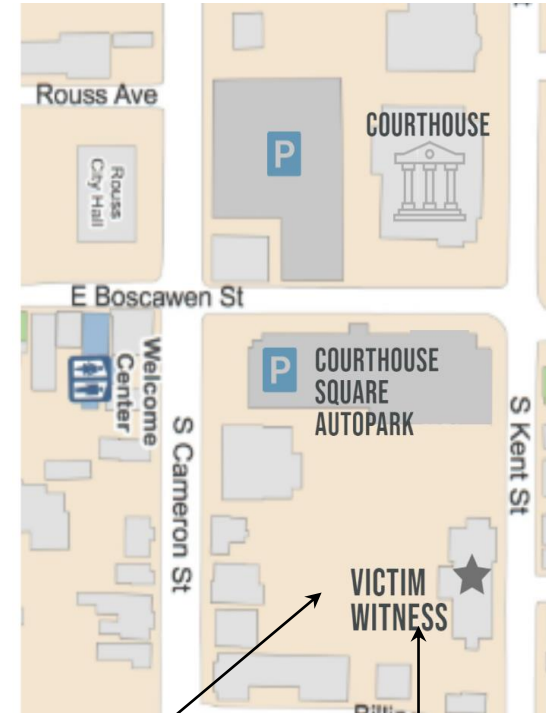
Winchester Police Department:
Emergency: 911
General Information: 540-662-4131
Commonwealth's Attorney: 540-722-7940

Victim Witness Program: 540-722-7940

General District Court: 540-722-7208
Juvenile & Domestic Court: 540-667-5770
Social Services:
Winchester: 540-662-3807
Frederick County: 540-665-5688
The Laurel Center: 540-667-6466

CASE INFORMATION

Sometimes court proceedings cannot take place as scheduled. **We will make every attempt to notify you in advance** but may not always be able to contact you. **Please call a few days prior to your court date to verify that you are still needed**. This will help to avoid anyone from having to come to court when they are not needed. Please call **540-722-7940** to check if your court appearance is necessary.



Park here (rear of building)
Entrance door is here

VICTIM WITNESS HANDBOOK

**WINCHESTER
COMMONWEALTH'S
ATTORNEY'S
VICTIM WITNESS
PROGRAM**



**Heather D. Hovermale
Winchester Commonwealth's
Attorney**

**Mandy Vecero - Program Director
Marissa Miller - Deputy Director
Destiny Twyman – VW Assistant**

**LOCATION
21 S. Kent Street, Suite 200
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(540) 722-7940**