

## FLOW CHART FOR CRIME VICTIM RIGHTS DURING COURT PROCEEDINGS

**BAIL HEARING** First Court Date if Defendant arrested; Charges and rights explained; Bail set, conditions of release imposed First Court Appearance is scheduled; *Probation agent/crime victim specialist/CADA Advocate will contact victim to gain input regarding release conditions; if appropriate develop a safety plan for victims of domestic assaults; Victim has right to appear at hearing*

**FIRST COURT APPEARANCE:** First court date if defendant was not arrested; Charges and rights explained; Omnibus Hearing date is scheduled; Release conditions imposed/reviewed; *Probation agent/crime victim specialist/CADA Advocate will contact victim to gain input regarding release conditions; Victim has right to appear at hearing; Right to be notified of decision not to prosecute a domestic assault or harassment case*

**OMNIBUS /PRE-TRIAL HEARING:** Defendant enters plea; Defense and prosecution try to resolve case; Evidentiary issues discussed if case not resolved; *Release conditions reviewed; Victim has right to appear at hearing; Right to know content of plea bargain agreements; right to object to a plea bargain; Right to a secure separate waiting area; Right to have input in pre-trial diversion program for crimes against persons*

If defendant pleads not guilty then a trial is scheduled; *if victims testimony is required at trial prosecution will contact victim; Victim has right to appear at hearing*

If Defendant found Not Guilty

Case is concluded

If defendant pleads guilty then a sentencing hearing is scheduled; *Probation agent/crime victim specialist/CADA Advocate will contact victim regarding victim impact statements and restitution certificates; Victim has right to appear at hearing and to address the Court. A crime victim specialist or the probation agent may read address the court on behalf of the victim; Right to give written objections to proposed disposition or final sentence*

If Defendant found guilty or pleads guilty; **Sentencing Hearing;** *Probation agent/crime victim specialist/CADA Advocate will contact victim regarding victim impact statements and restitution certificates; Victim has right to appear at hearing and to address the Court. A crime victim specialist or the probation agent may read address the court on behalf of the victim; Right to a secure/separate waiting area separate from the defendant and their family/friends; Right to be notified of the outcome of the case*

### Right to Protection from Harm:

- Tampering with a witness is a crime in Minnesota. If threatened, coerced, or pressured, call local law enforcement immediately and notify the prosecutor
- Victims/witnesses do not have to give their addresses in open court
- Employers may not discipline or discharge victims or witnesses who are called to testify in court
- Victims of Criminal Sexual Conduct may ask the prosecutor to request the court order a convicted offender to submit to testing for the virus, AIDS, if certain conditions occurred during the crime.