

The Constitution of the State of Colorado and the laws of this state guarantee certain rights to victims of violent crimes.

The purpose of this brochure is to explain your rights as a crime victim and to help you understand what will happen next.

If the victim is deceased or incapacitated, these rights are guaranteed to the victim's spouse, parent, child, sibling, grandparent, significant other or other lawful representative.

Violent Crimes which apply are:

- Murder - 1st and 2nd Degree
- Manslaughter
- Criminally negligent homicide and vehicular homicide
- Assault - 1st, 2nd, 3rd degree, vehicular, and on the elderly or handicapped
- Menacing
- Kidnapping - 1st and 2nd degree
- Sexual Assault - 1st, 2nd, 3rd degree and unlawful sexual contact, on an adult, on a child, on a child by one in position of trust, on a client by a psychotherapist.
- Robbery - Aggravated, aggravated of a controlled substance, and of the elderly and handicapped
- Incest
- Child Abuse
- Sexual Exploitation of children
- Crimes against at-risk adults
- Crimes of domestic violence
- Careless Driving that results in the death of another person
- Failure to stop at the scene of an accident that results in the death of another person
- Stalking
- Ethnic intimidation
- Any attempt, conspiracy, solicitation or accessory of the above listed crimes
- Retaliation against a witness or victim
- Tampering with a witness or victim

VICTIM'S BILL OF RIGHTS

- To be treated with fairness, respect and dignity
- To be informed of and present for all critical stages of the criminal justice process
- To talk with the Deputy District Attorney before the case is resolved or goes to trial and to be informed of how it is resolved
- To be present and heard in court regarding any bond reductions, continuances, acceptance of plea negotiations, case disposition or sentencing
- To have a safe place to wait before court
- To prepare a Victim Impact Statement and have restitution ordered
- Information on community resources and availability of financial assistance
- To pursue a civil judgment against anyone who has committed a crime against you
- To be informed of post-conviction release or modification hearings
- Release of property after the case is settled and it is no longer needed as evidence
- To be given appropriate employer intercession services regarding court appearances and meeting with criminal justice officials

For a complete listing of your rights, please refer to Colorado Revised Statutes, 24-4.1-101 through 24-4.1-304.

Depending upon the circumstances you may qualify for financial assistance from the **Victim Compensation Fund**.

Losses that may be reimbursed:

- Medical and dental expenses;
- Mental Health Therapy;
- Lost wages;
- Burial expenses;
- Replacement or repair of dentures, hearing aids, eye glasses, and other medically necessary devices;
- Homemaker and home health care services;
- Loss of Support;
- Property: replacement of windows, doors, and locks of **residential** home damaged **during the commission of the crime**.

Compensation does NOT cover:

- Loss of money or **any** personal property such as televisions, stereos, clothes, food or jewelry;
- Damaged or stolen vehicles;
- Pain and suffering;
- Non-residential doors, locks and windows.

Please Note:

- An arrest or conviction does not have to be made in order to be eligible for funding, however, a crime must have been reported to the police.
- Processing and presenting your claim to the Board may take up to 30 days.

For further information contact the District Attorney's Office at (970) 565-3788.

You have the right to be informed, to be heard when relevant, and to be present at critical stages during the criminal justice process.

Below are listed two hearings that may occur within a few days following the arrest of a defendant.

If the defendant has been arrested, he/she has the right to bond. If he/she does not bond by the next business day, he/she will appear before a judge for **Advisement**. Bond amount will be set at the hearing. **You have the right to be present and heard on the issue of bond amount.** For time and location contact the appropriate court:

Montezuma County Court 565-7580
Montezuma County District Court 565-1111
Dolores County Combined Courts 677-2258

If you would like to be present, please report to the District Court at the Courthouse or County Court at the Justice Building and let the District Attorney know you are there.

For felony cases the next step in the criminal justice process is the **Filing of Charges**. This usually takes place from two to five days after Advisement in the appropriate court. **You have the right to be present during the Filing of Charges and to give input on the issue of bond reduction or modification.**

The arrest of a person in this case does not necessarily mean he/she will remain in custody.

If you would like to be notified when the defendant is released and/or when the Filing of Charges will occur, contact the District Attorney's Victim Witness Office at (970) 565-1147 or Montezuma County Jail at (970) 565-8452.

After conviction of a defendant, and upon your written request, your state or local correctional authorities will notify you of:

- The institution where the person is incarcerated or otherwise being held
- The projected release date of the person
- Any release of the person, including furlough, work release or community correction in advance of release
- Scheduled parole hearing for the person and any changes in hearing schedules
- Any escape of the person from a correctional facility or program
- The death of the person while in a correctional facility or program

In addition, upon request of the victim, correctional officials will keep confidential the victim's or immediate family's address, phone numbers, places of employment or other personal information.

If the defendant in your case is sentenced to the Department of Corrections you have the right to get this information by requesting it in writing. Send a letter to:

**DOC Victim Notification Program
Denver Reception &
Diagnostic Center
P.O. Box 392004
Denver, CO 80239-8004
(303) 375-2003**

If you prefer, the District Attorney's Office has a Request Form that you may obtain and fill out.

It is your responsibility to keep DOC informed of your current address and phone number(s) at all times.

DEFINITIONS

Arraignment: Court hearing when a defendant pleads guilty or not guilty after a preliminary hearing. Witnesses do not testify at this hearing.

Bond: Money or property that is promised or given to the Court to make sure a defendant will come back to court after getting out of jail.

Compensation: A program to help pay for medical or funeral expenses, mental health therapy or lost wages for victims of violent crime. A police report must be made. You must apply for these funds. Please call (970) 565-1147.

Continuance: When a court hearing is delayed.

Defendant: A person who is accused of committing a crime.

Disposition: When a case is resolved without a trial.

Filing of Charges: Presentation of written charges to the Clerk of the Court. The document is called a complaint or an information.

No Contact: A condition of bond that means a defendant cannot have contact with a victim by phone, letter through a third person or in person.

Plea Negotiations: A defendant pleads guilty to a charge or a lesser charge in return for a sentence which may be less than if convicted of all charges at trial.

Preliminary Hearing: A hearing to determine if there is enough evidence to go to trial. This is the first hearing when witnesses may have to testify.

Pretrial Conference: A hearing where the defendant pleads guilty or not guilty (County Court).

Probation: The release, under conditions of good behavior, of a person convicted of a crime as an alternative to imprisonment.

Restitution: after conviction, a defendant can be ordered to pay the victim for "out-of-pocket" financial losses.

Sentence: The penalty which is given by a judge to a defendant upon conviction of a crime.

Subpoena: An order to come to court which is mailed to the witness or is personally delivered.

Trial: An examination of issues of fact and law before a judge or a jury. Evidence is presented to determine whether or not the defendant is guilty of committing a specific crime.

LAW ENFORCEMENT AGENCIES

Colorado State Patrol (970) 564-9556
Cortez Police Department (970) 565-8441
Victim Response
Dolores County Sheriff..... (970) 677-2257
Montezuma County Sheriff (970) 565-8452
Ute Mountain Police (970) 565-3706
Mancos Marshal (970) 533-1432

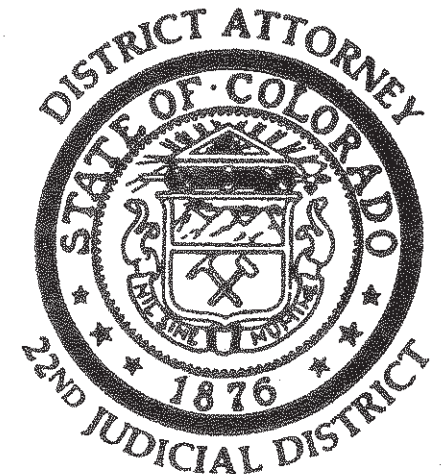
IMPORTANT RESOURCES

Department of Social Services (970) 565-3769
District Attorney's Office
Victim/Witness Assistance (970) 565-1147
Montezuma County District Court .. (970) 565-1111
Montezuma County County Court .. (970) 565-7580
Dolores County Combined Courts .. (970) 677-2258
Renew (Domestic Violence)..... (970) 565-2100
Volunteers of America
Southwest Safehouse (970) 259-5443

If charges were filed in County or District Court, please notify the DA's Victim Witness Office at 565-1147 of address and phone number changes.

If you believe you have not received all of your rights as a crime victim, you have the right to appeal by contacting Nancy Feldman at (303) 239-5714.

YOUR
CONSTITUTIONAL
RIGHTS
AS A
CRIME VICTIM



MONTEZUMA COUNTY

DOLORES COUNTY