

## VICTIMS' BILL OF RIGHTS

### ONONDAGA COUNTY DISTRICT ATTORNEY

#### Your Role in a Criminal Prosecution

In a criminal prosecution, only the District Attorney's Office can bring charges against a defendant. The District Attorney's Office represents **you, the victim**, and the people of the state of New York. You do not need to have an attorney unless you later choose to file civil actions against the defendant. The Assistant District Attorney (ADA) decides if enough evidence exists to charge anyone with a crime, and if so, what the appropriate charge should be. This decision process prevents unprovable or unfair charges from being brought against a defendant.

A criminal case involves a number of proceedings (see chart). The District Attorney's Office will call on you to help us prepare for or testify at these events.

#### Your right...

##### ...to information about the case

If you have any questions or comments, please contact the ADA assigned to your case. During the proceedings, the ADA will keep you informed of details surrounding your case.

The Assistant District Attorney must consult with you before disposing of a case or asking for a trial.

##### ...to be free from harassment and intimidation

You are not obligated to speak to anyone about this case. Including the District

Attorney's Office unless you are subpoenaed before a grand jury or court. If you desire to talk with others about your case, we would appreciate the opportunity to be present during such conversations. You have a right not to be threatened or intimidated – it is a crime. Anyone who attempts to stop you or any other witness from testifying through the use of physical force, threats of violence, or damage to property is guilty of a felony and will be prosecuted vigorously by my office.

If you must appear to testify before a grand jury or court, this Office will provide a secure waiting area for you so that you need not have any contact with the defendant and his/her family or friends, except in the courtroom.

##### ...to financial assistance or compensation

At your request, this Office will contact your employer and explain the need for you to miss work because of court appearances. If you have suffered a financial loss as a result of the crime, this Office can contact your creditors to explain that you are unable to work or to meet your financial obligations because you were victimized. It is against the law for an employer to fire or punish a person who could not be at work because he or she was subpoenaed to testify at a court proceeding.

The Crime Victim's Compensation Program is designed to help victims who suffer physical injury as a direct result of a crime. The program may assist in covering

medical expenses, counseling expenses, lost wages, and in some cases, property losses.

To request information or to file a claim, contact:

Victim Assistance Program (315) 435-2470.

##### ...to be heard concerning sentencing

A judge cannot sentence a defendant convicted of a felony or any other crime to probation until he or she has received a pre-sentence investigation report. This report will include a "victim impact statement" which contains information about any injury or economic loss suffered by the victim and the victim's views on an appropriated punishment. In a homicide case or a case in which the victim is unable to assist in preparing the victim impact statement, the required information will be obtained from the victim's family. At your request, a copy of this statement must be given to you by the ADA before the defendant is sentenced.

You also have a right to be present at the time of sentencing and to make a statement to the court. The ADA assigned to your case will notify you in advance of any scheduled court dates.

When a judge is deciding which sentence to impose on a convicted defendant, compensation for losses may be included as a part of the sentence. The judge can order the defendant to compensate you for any loss or damage suffered by you as a result of the

crime. The defendant makes payments to the Probation Department or the Parole Department, which will then transfer the money to you.

We will notify you by letter of the final disposition of your case. Should the defendant in your case be sentenced to state prison, you also have the right to submit a written victim impact statement to the State Division of Parole and request notice of the defendant's release from prison. This Office can provide you with the appropriate forms to file with the Parole Board.

**Remember: If you have any questions, the Assistant District Attorney assigned to your case can answer them no matter how trivial they may seem to you.**

**William J. Fitzpatrick**  
District Attorney

**IMPORTANT INFORMATION**

ADA handling case:

District Attorney's Office  
(315) 435-2470

Victim Assistance Program  
(315) 435-2470

Dates & Notes to keep track of:

---

---

---

---

---

---

---

---

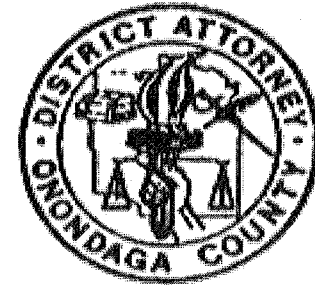
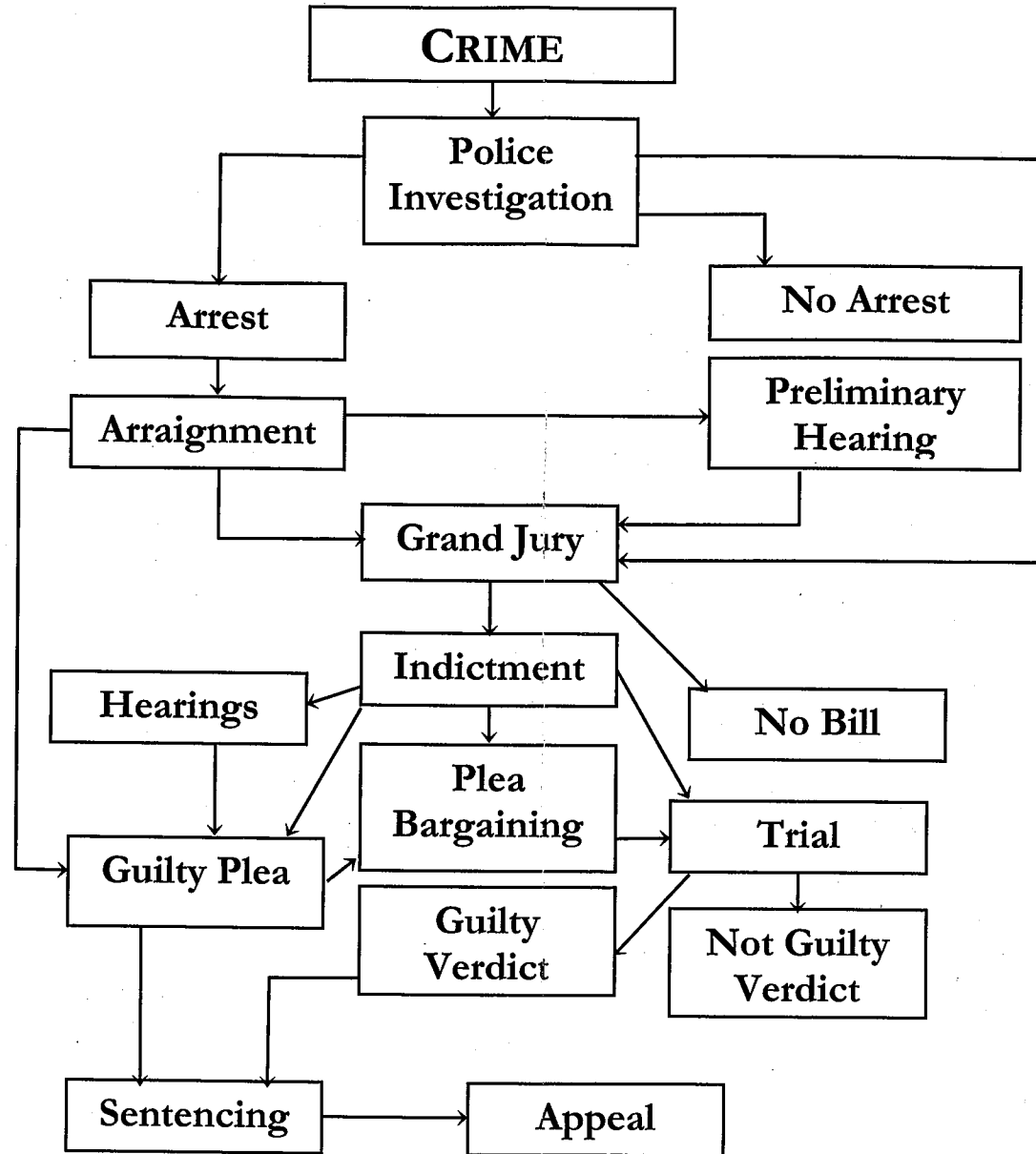
---

---

---

---

**FELONY CASE PATH**



Dear Fellow Citizen,

As your lawyer it is my duty to protect and defend you under the laws of the State of New York.

The aftermath of a crime can be a difficult experience for victims and their families.

As District Attorney, I am committed to making this experience as stress-free as possible. One way to do this is to provide you with this pamphlet which will give you a better idea about the process you are now involved in. And rest assured, we will do everything we can to protect and defend your rights as a victim.

Sincerely,

**William J. Fitzpatrick**  
District Attorney