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## COUNTY ATTORNEY'S VICTIM/WITNESS PROGRAM

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### Fear / Intimidation "What Happens If"?

On extremely rare occasions, a witness may receive a threat concerning his or her testimony in a case. If you believe you have received such a threat, contact your local law enforcement agency. Such threats are crimes in Iowa and you can be assured that the incident will be investigated.

If you have been the victim of a crime you may find it difficult to testify about it in court. If so, please talk to the Victim/Witness Coordinator or the Prosecuting Attorney assigned to your case.

The Victim/Witness Assistance Program also provides the following services:

- ❖ General information about the criminal justice system
- ❖ Specific information about your case and the status of the case
- ❖ Witness fee assistance
- ❖ Property return
- ❖ Employer intervention
- ❖ Referral to social service agencies
- ❖ Liaison between the victim and the Iowa Crime Victim Compensation Board
- ❖ Court accompaniment

Please do not hesitate to call us if you have questions or need assistance. Your help in making Des Moines County safer for yourself, your family, friends and neighbors is vital and thoroughly appreciated. (319-753-8209).

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## BEING A WITNESS

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### Staying in Contact

If you are the victim or witness of a crime, it is important that you keep in touch with the County Attorney's Office. If you move or change your phone number, please let us know. If we cannot locate you to testify, it may result in the charge being dismissed by a judge.

### Subpoenas

The subpoena is a Court Order directing you to appear as a witness at the time and place stated. When you come to the Courthouse to testify, you should bring your subpoena with you. Whenever possible, you will be notified in advance of changes in hearing dates. In the event staff are unable to reach you, and to avoid an unnecessary trip to court, you are encouraged to call the County Attorney's office the day before you are scheduled to appear, after 2:00 p.m. at (319)-753-8209 to confirm that your testimony is still needed.

### Giving Statements

You have the right to request identification from anyone attempting to speak with you about the case.

You are encouraged to call the County Attorney's Office if you are being questioned by anyone with whom you are unfamiliar.

You have the right to refuse to speak to the defense attorney, the defendant, or anyone else connected with the defense. You cannot be required to speak to anyone unless you have been subpoenaed to a proceeding at which the County Attorney is present.

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## THE COURT PROCESS

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The prosecution of a criminal case involves many procedural steps. The most typical are: initial appearance of the offender, preliminary hearing or filing of the trial information, depositions, arraignment, motion hearings, trial and sentencing. All hearings are public proceedings and you are welcome to attend if you wish, unless you are otherwise subpoenaed to be there.

### Initial Appearance

When the defendant appears in court for the first time, he/she receives a copy of the charge and bond is usually set.

### Preliminary Hearing

The purpose of the preliminary hearing is for the court to determine whether probable cause exists to hold the accused for trial. In almost all cases, the defendant will waive the preliminary hearing and/or County Attorney will file the trial information, making a preliminary hearing unnecessary. If you

are required to testify at this hearing, you will receive a subpoena, telling you when and where to appear.

### Trial Information

The trial information is the formal document setting forth the charge(s) against a defendant. It states the date, location and nature of the offense. It puts the defendant on notice the list of witnesses that will be used to prove the State's case. This is filed with the court and is a matter of public record. Attached to the trial information is a second document called the minutes of testimony. This outlines the testimony each witness is expected to give if there is a trial. The minutes of testimony are not a matter of public record. They are placed in a sealed envelope in the court's file.

### Arraignment

The arraignment is the proceeding where the defendant is given the opportunity to enter a formal plea to the criminal charge. Having been provided with a copy of the trial information personally or through counsel, the defendant informs the court he/she has received a copy of the trial information, is charged in his/her true and accurate name and understands the charges brought against him/her. At this time the defendant will enter a plea of guilty or not guilty and inform the court if he/she waives the right to a speedy trial or demands a speedy trial. If the right to speedy trial has been waived, a trial must be held within 1 year from the arraignment. If the defendant has demanded a speedy trial, a trial must be held within 90 days of the filing of the trial information. In most

cases, the arraignment is done in writing and no hearing is held.

### **Depositions**

A deposition is the taking of a formal sworn statement. This legal procedure involves giving sworn testimony outside of the court based upon a witness's knowledge of the events. Depositions allow both the prosecution and defense to ask questions of those persons under oath. The main purpose of a deposition is to gather information about a particular case. If your testimony is necessary at a deposition, you can expect to receive a subpoena, just as if you were giving court testimony.

### **Pre-Trial Motion Hearings**

An example of a pretrial motion hearing is a suppression hearing. This is a hearing in which a defendant seeks to prevent the introduction of evidence in the trial. The ruling of the Court then prevails at trial. If your testimony is needed, you can expect to receive a subpoena.

### **Trial**

If a trial is held, you will likely receive a subpoena. Some trials are decided by a jury, but sometimes that right is waived and a judge decides the case (a bench trial). If you have been subpoenaed to testify at trial, you should arrive early and be dressed and groomed appropriately.

### **Sentencing Hearing**

If a judge or jury determines that the defendant is guilty, then a sentencing hearing must be held. Prior to the sentencing hearing, the Court may order a

presentence investigation. This report is written by Correctional Services after it conducts a study of the Defendant's past criminal history, events surrounding his/her life, the effects of the crime on victims as well as community resources that might be available to assist in the defendant's rehabilitation. If you are a registered victim, you will be given the opportunity to make a statement about the impact of the crime upon you. There are a variety of ways a Victim Impact Statement can be given. Please contact the Victim/Witness Coordinator assigned to your case to discuss the options available.

### **Testimony Preparation**

If your testimony is needed at a trial, motion, hearing or deposition you can expect to be contacted by a Victim/Witness Coordinator assigned to your case. This will be a chance to meet the prosecutor if you haven't already done so. You can discuss the case and become familiar with what is expected of you.

## **A MESSAGE FROM THE COUNTY ATTORNEY**

If you have been the victim of or a witness to a crime, you may be unsure as to the steps involved in the criminal justice system. This brochure has been prepared to help familiarize you with that system.

As a witness, you are the most important person in the criminal prosecution. My entire staff appreciates your willingness to testify. Without your cooperation it would be impossible to prosecute those people who have committed crimes.

We strongly support the rights of victims and witnesses. My staff and I are committed to assisting you through the stages in the criminal justice system. We are here to serve you.

Sincerely,  
Lisa K. Schaefer  
Des Moines County Attorney

DES MOINES COUNTY  
ATTORNEY'S OFFICE

VICTIM – WITNESS  
ASSISTANCE PROGRAM

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**If you feel that your rights have been violated, please contact the County Attorney.**