

# Going To Court

*a guide for crime  
victims and witnesses*



**VICTIM-WITNESS SERVICES**



In 1979 the District Attorney's office created an office designed to help crime victims and witnesses. The Victim Witness Services unit is composed of staff trained to be understanding and supportive of the many problems and questions a victim of crime may have. Our goal is to treat all violent crime victims with compassion, dignity and understanding. This brochure is designed to answer some of the questions victims and witnesses may have.

Victor S. Johnson III  
District Attorney General

## Going to Court

One of the most terrifying things about going to court for the first time is not knowing what to expect. Victim Witness Services has developed a brochure to help explain the steps of the Criminal Justice System. Hopefully, some of your questions will be answered here and many more will be answered when you go to court and meet a member of the District Attorney's Staff.

If you are a victim of a crime, a lawyer from the District Attorney's Office will help you (**you do not need to hire a private attorney**). The State of Tennessee has provided lawyers responsible for the prosecution of those who violate the criminal laws of this state. We call them assistant D.A.'s or prosecutors. You will also meet a Victim Witness Coordinator who is available to answer questions and provide support.

## There are three main divisions of the Criminal Justice System:

1. General Sessions Court
2. The Grand Jury
3. Criminal Court

### 1. General Sessions Court

- In General Sessions Court, cases are either settled or sent (bound over) to the Grand Jury.
- A case can get to the Grand Jury (by being bound over) after a preliminary hearing. At a preliminary hearing, the Judge listens to witnesses and decides if the case should go to the Grand Jury. The Judge decides if a crime was probably committed in Davidson County by the person charged (the defendant).
- The defendant can send the case to the Grand Jury if he waives or gives up his right to a preliminary hearing.
- Sometimes a defendant agrees to plead guilty without the case going to the Grand Jury. The defendant can do this by agreeing to a Criminal Information.
- A Criminal Information bypasses the Grand Jury and sends the case directly to a Criminal Court where the defendant will plead guilty.

### 2. Grand Jury

- The Grand Jury is a panel of thirteen citizens who determine if there is enough evidence to show that the defendant committed a crime.
- If there is enough evidence, the case is sent to the Criminal Court for a trial or guilty plea.
- The Grand Jury does not decide if the defendant is guilty or not guilty.
- The Grand Jury hearing is secret, and the defendant and his lawyer are not present.
- If you have to come and testify, you will be notified.

Your case will probably be heard by the Grand Jury within 2 to 5 months of your General Sessions court date.

### 3. Criminal Court

- Criminal Court is where your case will finally be decided.



- Your case may be set in Court several times before it is over.
- These settings may include arraignment, motions, settlement or trial.
- The District Attorney's office will let you know when you need to be present.

## Arraignment

This is when the defendant finds out what crime he has been charged with by the Grand Jury. Your appearance is not necessary.

## Motions

Sometimes the District Attorney or the defense attorney needs to have the Judge decide a particular point of law or procedure. If you are needed, you will be notified.

## Discussion/Settlement

Cases are set in Court to give the District Attorney and defense attorney a chance to talk about the case and see if the defendant wants to plead guilty. Most defendants plead guilty to some crime. This is called a plea agreement.

- If the defendant does not agree to a settlement, there will be a trial.
- Your feelings about any plea agreement are important. Please let us know what you think.
- Cases are usually settled or set for trial within 6 to 12 months of your General Sessions court date.

## The Trial

- The District Attorney and the Victim Witness Coordinator will talk with you about the trial process and when you need to come to court.
- Most trials begin at the first of the week and can last for several days.
- There are 4 possible outcomes of the trial: Guilty, Not Guilty, Hung Jury or Mistrial.

## Guilty

The defendant is found guilty of the charge and will be sentenced at a later date.

## Not Guilty

The defendant is found not guilty of the charge and is free to go.

## Hung Jury

When the members of the jury cannot agree on a verdict. All jurors must agree on the same verdict. The case may go to trial again or be settled with a plea agreement.

## Mistrial

A trial that for some reason does not get to a verdict. The case may go to trial again or be settled with a plea agreement.

## Remember!

If you have a case pending in the District Attorney's office, please call us at once if your address or telephone number changes. You can leave a message anytime. It will be necessary for us to be able to reach you at any time. Your case is very important to us. Call (615) 862-5500 and ask for a Victim Witness Coordinator.

If you have been a victim or witness of a crime and someone threatens you, take the threat seriously. Always call 911 first if you are calling about an emergency. Then call your victim witness coordinator or detective. It is a crime to threaten or intimidate a witness or victim.

# Victims' Rights

If you have been a victim of crime, you have certain constitutional rights. These rights may help you better understand what will happen to your case.

1. The right to confer with the prosecutor about your case.
2. The right to be free from harassment, intimidation and abuse throughout the criminal justice system.
3. The right to be present at all proceedings where the defendant has the right to be present.
4. The right to be heard, when relevant, at all critical stages of the criminal justice process as defined by the General Assembly.
5. The right to be informed of all proceedings, and of the release, transfer or escape of the accused or convicted person.
6. The right to a speedy trial or disposition and a prompt and final conclusion of the case after the conviction or sentence.
7. The right to restitution from the offender.
8. The right to know about each of these rights established for victims.

*For more information about your rights as a victim of crime, call the District Attorney General's Office and ask for a Victim Witness Coordinator. 615-862-5500*

## Important information to keep:

Defendant's Name

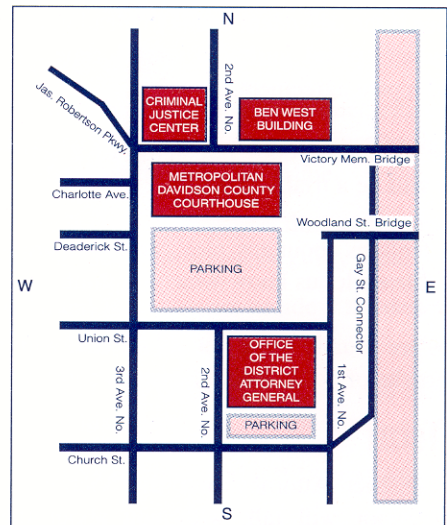
Warrant Number

Witness Coordinator's Name

# Criminal Injury Compensation (victims' compensation)

- The Victims' Compensation Program may give financial help to victims of violent crimes, or their dependents who have suffered out-of-pocket expenses due to physical injuries, loss of income or death.
- A claim must be filed within 1 year of the incident.
- This program will not pay you for personal property that was stolen or destroyed by a crime.
- You must cooperate with the prosecutor's office
- For information about filing for victims' compensation, contact: Victim Witness Services Division at (615) 862-5500 or the Division of Claims Administration at (615) 741-2734.

## Downtown Nashville



*If you are driving to the Metropolitan Courthouse on James Robertson Parkway, do not park right in front of the building with the fountains. It can cost as much as \$28.00 a day to park there. Park in the Criminal Justice Garage on 2nd Avenue behind the Ben West Building. Remember, you may be in court much of the day, so come with enough money for lunch or a snack. Parking in the garage will cost from \$4.00 up.*



# How to Get Assistance:

Call Victim-Witness Services at 615-862-5500. Ask the operator for a Victim-Witness Coordinator. We are available to:

- Help you know what to expect in court
- Make referrals to other social service organizations
- Provide crisis intervention
- Explain victim's compensation
- Provide court support
- Give information about the parole process
- Provide a court group for children who have to testify in court
- Help with travel and transportation



The office of the District Attorney does not discriminate on the basis of age, race, sex, color, national origin or disability in admission to, access to, or operations of its programs, services, or activities. The following person has been designated to handle questions, concerns, complaints, requests for additional information regarding the Americans with Disabilities Act:

James McDonnell  
(615) 862-5500 #147

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JODY FOLK, *DIRECTOR*

[www.nashville.org/da](http://www.nashville.org/da)

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