



# Scottsdale Victim Services Division

## General Descriptions Of Courtroom Procedures

The following are basic descriptions and proceedings that may occur during the course of a criminal prosecution.

### ARRAIGNMENT

The initial court appearance before a judge when the defendant is informed of the formal charges and is required to enter a plea of guilty or not guilty. If a not guilty plea is entered, a pre-trial conference or trial will be scheduled.

### PRE-TRIAL CONFERENCE

A court setting where the prosecutor and the defendant/defense attorney meet to discuss whether the case can be resolved by a plea agreement. There may be multiple pretrial conferences in a case before the matter is resolved through a plea agreement or set to trial.

### PLEA AGREEMENT

An agreement between the prosecutor and the defendant in which the defendant agrees to plead guilty.

### CONTINUANCE

Delays are common at all stages of the criminal justice process. Continuances are legal postponements of scheduled proceedings and may occur without warning.

### COMPETENCY/RULE 11

A mental competency hearing to determine whether the defendant is mentally competent to stand trial.

### RELEASE CONDITIONS

Set by the judge during the initial appearance or arraignment. These conditions establish a guideline that the defendant must abide by after his or her release from custody. Orders to not contact a victim or not return to the location of the crime are frequent guidelines.

### TRIAL

A court proceeding where testimony is presented to a judge or a jury to determine if the defendant is guilty of committing the crime. The victim and witnesses may be subpoenaed subpoenaed/summoned.

### SENTENCING

A sentencing may occur on the same day the defendant pleads guilty or is found guilty at trial. The court may also continue sentencing to a future date. The victim has the right to be heard regarding sentencing and to submit an impact statement at this time.

### RESTITUTION HEARING

The victim must be present and provide documentation of financial loss which is directly related to the charge. The victim may be asked to give testimony regarding restitution.

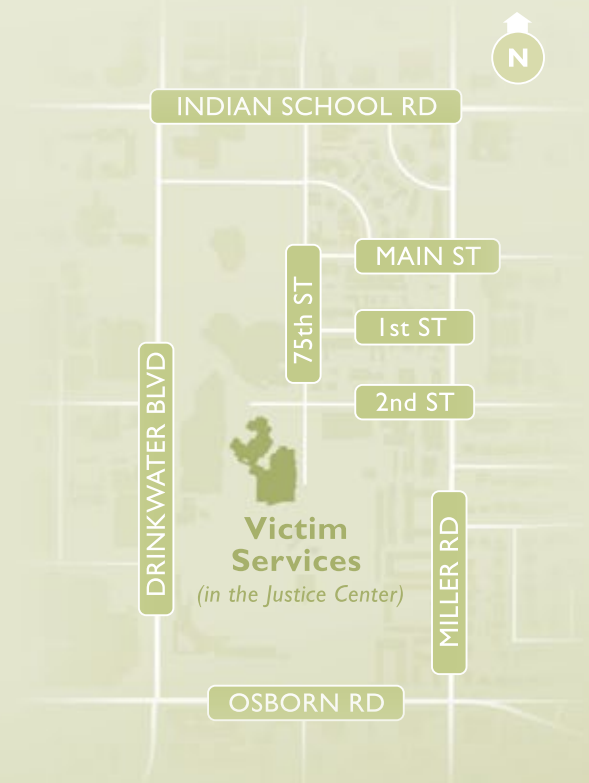
City of Scottsdale

## Victim Services

3700 N. 75th Street  
Scottsdale, AZ 85251

480-312-4226

[www.scottsdaleaz.gov/Victim-Services](http://www.scottsdaleaz.gov/Victim-Services)



## ***You Have Rights As a Crime Victim***

The goal of the Victim Services program is to provide court-related information, community referral, and assistance to empower victims to regain stability and fully invoke their rights during the criminal court process.

### ***Services Offered***

- Provide information to victims regarding rights and invocation procedures.
- Educate victims on the procedures of the criminal justice system.
- Update victims with timely case status information.
- Escort victims to court upon request.
- Act as a liaison between the victim and prosecutor.
- Assist victims in filing requests for Orders of Protection or Injunctions Against Harassment.
- Refer victims to community agencies for assistance.

## ***Arizona Constitutional Rights For Victims***

A crime victim has the right to:

1. Be treated with fairness, respect and dignity and be free of intimidation, harassment or abuse throughout the criminal justice process.
2. Be informed, upon request, when the accused or convicted person is released from custody or has escaped.
3. Be present at and, upon request, be informed of all criminal proceedings when the defendant may be present.
4. Be heard at any proceeding involving a post-arrest release decision, a negotiated plea and sentencing.
5. Refuse an interview, deposition or other discovery request by the defendant, the defendant's attorney, or someone acting for the defendant.
6. Confer with the prosecution, once charges are filed, before trial or before disposition of the case.
7. Receive prompt restitution from those convicted.
8. A speedy trial or disposition and prompt and final conclusion of the case after conviction and sentence.
9. Be informed of victims' constitutional rights.

## ***Arizona Statutory Rights For Victims***

Upon request, a crime victim has the right to:

- to be notified, on request, of the date, time and place of court hearings involving the defendant.
- to be notified, on request, of the defendant's release or escape.
- on request, to have any property taken in evidence returned, or to be given an explanation for any refusal to return such property.
- to be informed of victim assistance and other available resources.
- to be present at all criminal proceedings at which the defendant has the right to be present.
- to be heard at any proceeding involving the defendant's release from custody.
- to be heard through an oral, written, or video/audio taped impact statement.
- to be given a copy of the conditions of the defendant's release from custody.
- to ask the court to revoke bond or release if there have been threats or harassment by or on behalf of the defendant.
- to be protected from unnecessary contact with the defendant, defendant's immediate family and defense witnesses.
- to be told if a prosecutor decides not to proceed with a prosecution.
- to be told the name, address and phone number of the prosecutor's office handling the case.
- to have the defendant, or any agent of the defendant, make contact with you through the prosecutor's office.
- to refuse a defense interview, and to set reasonable conditions for any such interview you choose to grant.
- to talk with the prosecutor before a change of plea, and be heard at any proceeding involving a plea agreement.
- to contest a negotiated plea if reasonable efforts were not made to notify you.
- to have the court order the defendant to pay restitution for your economic losses directly related to the crime.
- to choose someone to exercise your rights if you are unable to do so.

## ***Protective Orders and Domestic Violence***

Victims may seek a Protective Order from any court. If you are in the process of a legal separation or dissolution of marriage, you must apply at Superior Court for an Order of Protection. A protective order can prohibit the abuser from contacting the victim and going to the victim's residence or workplace. There is no fee to apply for an Order of Protection and a law enforcement agency can serve the protective order at no cost.

The Victim Services Division has domestic violence resource information and can help develop a personal safety plan. Please call (480) 312-4226 for more information.

### ***Restitution***

If a defendant pleads guilty or is found guilty, the victim may be eligible for restitution ordered by the court for repayment of costs incurred as a result of the crime. Restitution may include property damage, lost wages, medical bills and other uninsured out-of-pocket expenses resulting from the crime. Pain and suffering cannot be considered for restitution purposes, but may be recovered through a civil court.

All payments will be made by the defendant through court and disbursed to you. For information on restitution that has already been granted, contact the City of Scottsdale Court at 480-312-2442.

### ***Victim Compensation***

Victims may apply for Victim Compensation through the Maricopa County Attorney's Office. Victim Compensation allows victims to be reimbursed for eligible out-of-pocket expenses that have not already been recovered through other sources.

You may be eligible for compensation if:

- The crime was reported within 72 hours;
- A claim is filed within two years of the crime's discovery;
- You cooperated with law enforcement agencies
- The crime resulted in physical injury, extreme mental distress, or economic loss

Victim Compensation may reimburse for medical expenses, funeral costs, lost wages or mental health counseling. For more information, contact Victim Services or call the Maricopa County Victim Compensation Program at 602-506-4955.

