

Victim-Witness Assistance Program



Office of the District Attorney
Stone Mountain Judicial Circuit
DeKalb County, Georgia

Gwendolyn Keyes Fleming

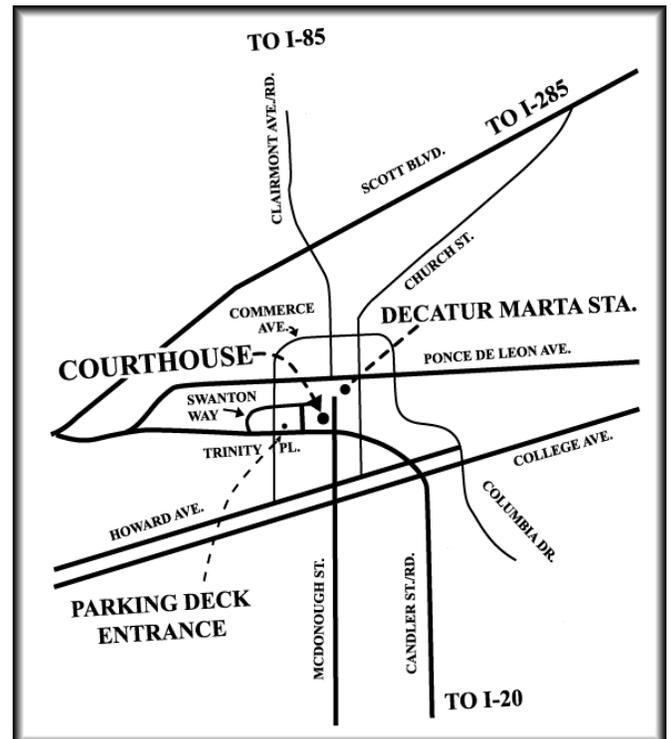
District Attorney

404-371-2561

www.dekalbda.org

Directions to Superior Court

All Superior Court proceedings are held in the DeKalb County Judicial Tower. The Judicial Tower is located directly next to the Courthouse at the intersection of Trinity Place and McDonough Street in downtown Decatur, Georgia. The Courthouse and Judicial Center are located next to the Decatur MARTA Station. Please enter the building through the main Courthouse entrance facing the Decatur Square.



Superior Court Judges

Judge Castellani, Room 7-C
Judge Hancock, Room 6-C
Judge Seeliger, Room 7-A
Judge Flake, Room 6-D
Judge Adams, Room 5-D
Judge Becker, Room 7-D
Judge Coursey, Room 7-B
Judge Hunter, Room 6-B
Judge Scott, Room 6-A
Judge Workman, Room 5-C



“We are committed to protecting DeKalb County's citizens and bringing to justice those who violate the laws of our state.”

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Dear Citizen:

The DeKalb County District Attorney’s Office has established a Victim-Witness Assistance Program to ensure that your rights as a victim of crime are protected. We understand the criminal justice system may seem confusing at times. As a result, victim advocates are available to answer your questions, offer support, and provide information about the court process.

Your participation is invaluable to us as we work to make DeKalb County a safer place. If you have any questions or if there is anything my office can do to help you, please contact the Victim-Witness Assistance Program at 404-371-6227.

Sincerely,

Gwendolyn Keyes Fleming

Gwendolyn Keyes Fleming
District Attorney

The Victim-Witness Assistance Program

The Program

In order to assist crime victims, the DeKalb County District Attorney's Office has established a Victim-Witness Assistance Program. The Victim-Witness Assistance Program is staffed by Victim Advocates that are your guide through, and your voice within, the Criminal Justice System. As part of the Victim-Witness Assistance Program, we can make the process easier for you in many ways by providing:

- 1) Referrals to social agencies in the community that you might need;
- 2) Orientation for your court appearances;
- 3) Escort and support during the process;
- 4) Case status and disposition information; and
- 5) Property return and information about possible restitution.

Crime Victims Bill Of Rights

During the 1995 session of the General Assembly, Governor Zell Miller called for the introduction and passage of the "Crime Victims' Bill of Rights", which mandated the criminal justice system to provide fundamental services of notification of case status to victims. The information on the next few pages contains a summary of those rights.

The victimization must be the result of at least one of the following types/categories of offenses:

Homicide,
Assault/Battery,
Kidnapping, False Imprisonment, and Related Offenses,
Reckless Conduct,
Cruelty to Children,
Feticide,
Stalking,
Sexual Offenses,
Burglary,
Arson,
Theft,
Armed Robbery,
Sexual Exploitation of a Child,
Homicide by Vehicle,
Feticide by Vehicle,
Serious Injury by Vehicle

The Victim

The victim must provide to law enforcement, prosecuting attorney, and custodial authority, a current phone number (other than one for a pager or cellular phone) and address in order to receive any notifications, including:

1. Certain scheduled court proceedings;
2. Whether the accused has filed a motion for new trial;
3. Whether the accused has filed an appeal;
4. Whether the accused has been released first on bail or their own recognizance, pending the disposition of the above described motion or appeal;
5. The time and place of any appellate court proceedings relating to this motion or appeal and any changes in the time and place of those proceedings.
6. When directed by the prosecuting attorney, the victim is required to provide the Georgia Department of Corrections, Sheriff, and/or the State Board of Pardons and Paroles with a current address and telephone number.

The Judicial System

In general, after victimization, and upon initial contact with a victim, all law enforcement and court personnel must advise him or her:

1. That it is possible that the accused may be released from custody prior to trial;
2. That he or she has certain rights;
3. That additional information about the Criminal Justice System may be obtained by contacting the District Attorney's Office;
4. Of the State's Crime Victim Compensation Fund for which a victim may be eligible; and
5. The arresting law enforcement agency must inform the investigating agency of an offender's arrest. Upon receipt of this information the investigating agency must then promptly notify the victim of such action.

During the prosecution phase of the case, the prosecuting attorney has many requirements to keep a victim informed. These include the following, provided the crime victim has supplied all appropriate information:

Overview of the Criminal Justice Process

Warrant

Usually, for the accused to be arrested, a warrant must be issued by a Magistrate Court Judge. A misdemeanor is a crime punishable by twelve months or less in jail. A felony is a crime punishable by one year or more in prison. Various fines may also be assessed upon conviction or guilty plea.

Arrest

An arrest is made when the police officially take a person into custody. Once the warrant is issued, the Police Department or Sheriff's Office will arrest the suspect.

Bond

After the arrest, the accused in certain crimes may be offered an opportunity to make bail (also called bond). By paying the amount specified by a Judge, the accused is allowed to be released from jail to await further legal proceedings. Some offenders are denied bail due to the nature of the crime or the danger the suspect poses.

Certain crimes require that bond be set by a Superior Court Judge. These crimes include:

- Murder
- Rape
- Aggravated Sodomy
- Armed Robbery
- Aggravated Child Molestation
- Aggravated Stalking
- Aggravated Sexual Battery
- Kidnapping, Arson, Aggravated Assault, or Burglary, if the person has a prior record of the above offenses.

For the individual suspected of committing one of these crimes, it is necessary for his or her attorney to petition the Superior Court for a bond hearing.

Preliminary Hearing

Several days after the arrest, a Magistrate Judge will hold a preliminary hearing to determine whether there is sufficient evidence to send the case over to a higher court (either State or Superior Courts). If you are a victim or witness to a crime, you may receive a subpoena to testify at the preliminary hearing.

- Explain the steps in processing a criminal case;
- Inform the victim of his or her rights;
- Suggest certain procedures a victim may utilize if subjected to threats or intimidation;
- Provide telephone numbers of contact persons at both the prosecutor's office & custodial authority;
- The court, under certain conditions, may order that the victim's current address, telephone number, or place of employment not be released to the defendant by anyone, including defense counsel;
- The prosecuting attorney must offer the victim the opportunity to express his or her opinion regarding the sentence of an offender's case if it is a product of a plea or it involves the offender's participation in a pretrial or post-trial diversion program; and
- The prosecuting attorney must direct the victim regarding which custodial authority he or she must provide a current telephone number and address.

Additional Judicial System Responsibilities

- Notify the victim prior to any proceeding in which the release of the accused will be considered;
- Offer the victim the opportunity to express his or her opinion on the release of the accused; and
- When possible, the prosecuting attorney shall provide a waiting area during judicial proceedings separate from the accused and his or her relatives, friends, and witnesses.

Once an accused is arrested, he or she may be released before trial. If this is not the case, the defendant remains in a detention facility while waiting and during trial. Upon conviction, the offender may be sentenced from a variety of alternatives that may require that he or she be incarcerated. Even if the offender is incarcerated, he or she may be paroled before the time period for confinement has lapsed. Throughout these stages a victim also has certain rights that can be invoked. These include:

- Notification to the number supplied by the victim informing any release of an accused; and
- The State Board of Pardons and Paroles must provide the victim advance notification whenever it considers making a decision to grant parole or any other clemency action of more than sixty (60) days and allow the victim to file a written objection to such action.

Misdemeanors are bound over to the DeKalb County Solicitor-General's Office for investigation and prosecution in State Court. Felonies are bound over to the DeKalb County District Attorney's Office for investigation and prosecution in Superior Court. However, before certain felony cases can be tried, the evidence must be presented to the grand jury.

Grand Jury Presentation

The Grand Jury consists of 23 DeKalb County citizens. One duty of the Grand Jury is to determine if there is sufficient evidence to cause the suspect to stand trial for the alleged crime. Neither the defendant nor his attorney is present at the Grand Jury hearing.

After hearing the evidence, the grand jurors evaluate the case in private and vote to return either a TRUE BILL of indictment or a NO BILL. If a TRUE BILL is returned, the defendant is indicted and the case proceeds to Arraignment. A NO BILL serves as a dismissal of the charges.

In most cases, only a police officer will testify before the Grand Jury. However, in some cases, victims and witnesses also may be needed to testify.

Arraignment

After a case is indicted, a proceeding is scheduled in which the accused answers the charges against him. At this point the defendant enters his/her official plea to the charges--GUILTY or NOT GUILTY. If the defendant pleads NOT GUILTY, the case is set for trial. If the defendant pleads GUILTY, he may be sentenced that day. Note: many defendants plead GUILTY after originally entering a NOT GUILTY plea at Arraignment.

It is not necessary for victims to be present at arraignment. Victims will receive notification by mail of the date of arraignment. Please contact the Assistant District Attorney prior to the date of the arraignment to discuss any particular concerns you have regarding restitution for stolen property, property damage, medical expenses, or other financial loss.

Motions

In many cases the attorneys may raise questions of law which must be decided by the court before the trial can proceed. The judge will conduct the necessary hearings and decide on the legal questions presented.

Usually, victims and witnesses are not required to attend such motions, but in the event your presence becomes necessary, you will be contacted.

Subpoena

When a person is required to testify in court, he or she will be notified by a subpoena. A subpoena is legal notification issued by the clerk of the court and will specify the date, time, and place of the hearings which the individual is required to attend.

Often there is no way of knowing which defendants will plead guilty to their cases and the order which the cases will be filed. Therefore, "on call" subpoenas are sent to victims and witnesses.

When you receive an "on call" subpoena, YOU MUST TELEPHONE the number on the subpoena IMMEDIATELY and let the Assistant District Attorney know how to contact you at all times during the week of the trial calendar. This is done for your convenience and usually will allow you to continue your daily routine.

If you receive a subpoena without the words "on call" typed on it, YOU MUST APPEAR in court on the date and time specified. You will probably be required to wait outside the courtroom until you are called to testify. Every effort will be made to avoid unnecessary delays and inconvenience.

Trial

The purpose of the trial is to determine the facts in the case. In a criminal trial, the District Attorney's Office represents the State of Georgia and a Defense Attorney represents the accused. Several cases are usually scheduled for trial during the same week. On the first day of the trial week, the Judge will decide which cases are ready to be tried and in what order. The court also will take guilty pleas from some defendants.

At the trial, the prosecution presents its evidence to the judge and jury first. When you are called into the courtroom, you will be sworn in as a witness, and the Assistant District Attorney will ask you questions about the case. When the Assistant District Attorney is finished, the defense will then have an opportunity to ask questions of you.

Upon completion of the closing arguments, the Judge delivers the "jury charge." The jury charge is the court's instruction to the jury as to the laws that should be applied to the evidence they heard during the trial.

Once the jury has been instructed as to the law, the jury retires to the jury room. Only the jury members are allowed into the room. There, the jury decides whether there is enough evidence to convict the defendant. Their final decision is called the verdict.

Sentencing

Sentencing may take place immediately upon a guilty plea or a guilty verdict. If the judge sentences the defendant on multiple charges, he may impose the sentences to run either concurrently (the time to serve runs together) or consecutively (the time to serve runs separately).

Probation

If the defendant is sentenced to serve a specified amount of time on probation, he is assigned to a particular probation officer. While serving probation, the defendant must report periodically to the probation officer and must fulfill all the conditions of probation imposed by the sentencing judge.

Prison Sentence

If the defendant is sentenced to prison, he will serve his sentence in one of the state institutions in Georgia. Offenders will be transported to a diagnostic facility within the Georgia Prison System. At the diagnostic facility, the inmate is subjected to a series of physical, educational, and psychological tests.

If you are interested in being notified of any changes in an inmate's status, including his release, you will need to request notification from the Georgia Corrections and Parole Board Office of Victim Services at (404) 651-6668, (800) 593-9474. You may also register with the VINE system at (800) 721-8057, or `via the web at www.pap.state.ga.us. If needed, the Advocates in our office can help you through the process.

Parole

Parole is the release of a criminal from an institution prior to completion of the full sentence. Before an inmate can be paroled from prison, a parole hearing is conducted. You may object to the inmate's early release by submitting letters of protest to the State Board of Pardons and Parole.

As a victim, you may also request to be informed of the inmate's parole status. To do so, you must complete the form provided by the Board. If you have any questions, please contact the Office of Victim Services with Georgia Corrections and Parole Board Office at (404) 651-6668 or (800) 593-9474. If needed, the Advocates in our Victim-Witness Assistance Program can help you through the process.

Victim Impact Statements

As a victim in a crime, you can send a written Victim Impact Statement, VIS, providing you the opportunity to inform the court of the impact the crime has had on your life. **This statement may become part of the public record.** Here are some questions to consider when completing a VIS:

1. Were you physically injured because of the crime? Tell us how serious and how long for recovery.
2. Was medical treatment needed for your physical injury? Tell us about the treatment.
3. Were you psychologically injured because of this crime? Tell us how this injury has affected you or your family. Psychological injury may include change in attitude or feelings, fear, change of lifestyle, emotional problems, etc.
4. Has anyone received counseling because of this crime? Tell us how long you/your family will receive counseling.
5. Has this crime affected your ability to earn a living?
6. Has this crime affected your family relationship?
7. Have you had any expense or economic loss because of this crime? If so, complete the Restitution Form and attach copies of bills, receipts, estimates, payments, and amount paid by insurance.
8. Tell about any changes in your personal welfare or other issues you and your family have experienced.
9. What do you suggest as a sentence in this case?
10. What conditions of probation would you be recommended?
11. Do you favor imprisonment?

Georgia Crime Victims' Compensation

The Crime Victim Compensation Fund reimburses victims for some expenses. The crime must be reported within 72 hours and application must be filed with the Criminal Justice Coordinating Council within 2 years. To find out if you are eligible, contact your Advocate or the CJCC directly at (404) 657-1956.

Victim Information and Notification Everyday (V.I.N.E.)

VINE is a free and anonymous telephone service that provides victims of crime two important features: 1) information and 2) notification. VINE will monitor the custody status of offenders in the DeKalb County Jail. Information is available 24-hours a day, 365 days a year. VINE is an automated system but it is supported by 24-hour operator assistance if you need additional help or speak a language other than English.

Information Retrieval

Anyone can call the DeKalb County VINE service to determine the custody status of an offender. Callers will need a touch-tone phone to use the service. To search for an offender through the VINE system, callers will need to provide the system with one or more of the following items:

1. Offender Name/Alias (Date of Birth, if there are multiple offenders with the same name); and/or
2. Offender Number.

Information obtained when calling the VINE system:

1. Current Offender Status;
2. Offender Number, if searched by name; and
3. Location of Offender.

Notification Registration

For custody status (i.e., released, transferred, escaped) or court event change notifications, crime victims may register directly with VINE by calling the toll-free number (800) 398-2916 using a touch-tone phone.

1. If the offender is in jail, you can leave your phone number to be called when they are released. Enter the phone number where you want to be reached, including area code, followed by the pound (#) key.
2. When VINE asks, make up and enter a four-digit Personal Identification Number (PIN) code that will be easy for you to remember. VINE will ask you for the PIN code when it calls you to verify within the system that the correct person received the notification and will stop the system from continuous calling over the next 24 to 48 hours.

VINE is also available on-line at: www.vinelink.com

VINE Facts

1. The offender will not know you are registered.
2. If you are not home, VINE will leave a message on your answering machine/voice mail. If there is no answer, VINE will keep calling back until you enter your PIN or until 24-48 hours have passed.
3. Since VINE calls automatically when an offender's custody status changes, a registered victim may get a call from VINE at any time.
4. Do not leave a phone number with VINE that rings to a switchboard.
5. The DeKalb County VINE service only includes offenders in the DeKalb County Jail.
6. Do not depend only on the VINE service, or any other single program, for your protection. Make VINE a part of your safety plan.
7. You can register up to two phone numbers (cell, pagers, etc.) with the VINE system. Simply call and register each number.
8. The VINE system can only confirm information and supply notification on offenders in custody. If there is a time lapse in the offender being booked into the jail, the VINE system can not verify custody. This is important when an offender has an opportunity to make a quick, pre-set bond.
9. A person must register for notification for each arrest and/or booking of an offender. For example, if the offender is arrested on subsequent charges or an offender is going back to jail to serve time on a sentence, you must re-register for notification.
10. Currently there are only 3 other counties in the state of Georgia (Gwinnett, Clarke, and Cherokee) that have their own VINE system. The Department of Corrections also has the VINE system for tracking those offenders serving time in the state prison system.

For more information on the VINE system, please contact your Advocate in the Victim-Witness Assistance Program or the Special Projects Coordinator for the Sheriff's Office directly at (404) 298-8183.

Directory

To further assist you, we have included a quick reference guide of information for those officials or agencies that you may need to contact.

DeKalb County District Attorney's Office

556 North McDonough Street; Suite 700
Decatur, Georgia 30030
Main number: (404) 371-2561
Victim-Witness Assistance Program: (404) 371-6227
Record Room: (404) 371-2575

Gwendolyn Keyes Fleming

District Attorney

Don Geary

Chief Assistant District Attorney, Trial Division

Javoyne Hicks White

Chief Assistant District Attorney, Special Units

John Richey

Chief Investigator

Jill Reich

Victim-Witness Program Director

Michelle Terrell

Office Manager

Magistrate Court – Warrants

4400 Memorial Drive
Decatur, Georgia 30032
(404) 294-2150

Magistrate Court – Court

556 North McDonough Street; Suite 1240
Decatur, Georgia 30030
(404) 371-4766

DeKalb County Sheriff's Office - Criminal Warrant

4415 Memorial Drive
Decatur, Georgia 30032
(404) 298-8200

DeKalb County Sheriff's Office - Jail

4415 Memorial Drive
Decatur, Georgia 30032
(404) 298-8500

Georgia Corrections and Parole Board Office of Victim Services

2 Martin Luther King, Jr. Drive, S.E.
Sixth Floor, East Tower
Atlanta, Georgia 30334
Local - (404) 651-6668

Crime Victims Compensation Program Criminal Justice Coordinating Council

Office of the Governor
104 Marietta Street, Suite 440
Atlanta, Georgia 30303
(404) 657-1956

Clerk of Superior Court

DeKalb County Judicial Tower; 2nd Floor
556 North McDonough Street
Decatur, Georgia 30030
(404) 687-3875 – Criminal Division
(404) 371-2836 – Civil Division

Probation - Felony

(404) 370-5113 – Felony
(404) 371-2822 - Misdemeanor

DeKalb Rape Crisis Center

24-Hour Hotline: (404) 377-1428

Women's Resource Center to End Domestic Violence, Inc.

24-Hour Hotline: (404) 688-9436

Georgia Center for Children

(404) 378-6100 – DeKalb
(404) 904-2880 – Fulton

Victim Information and Notification Everyday -VINE

DeKalb County: (800) 398-2916
Gwinnett County: (800) 467-4941
Cherokee County: (800) 501-0367
Clarke County: (800) 467-4975

Notes: