

Crime Victim FAQs

I am a victim and I have financial losses as a result of a crime. How can I get compensation?

The court can order a defendant to pay restitution to the victim for costs incurred as a result of the crime. Restitution may include medical expenses, property damage, lost wages and other out-of-pocket expenses. The court must find that the expenses are directly a result of the crime. The victim will be required to provide documentation of all expenses. Once a victim receives notification that a crime has been charged, the victim should provide documentation of all expenses to the Prosecutor Office. The Court will order restitution at the time the defendant pleads guilty or is found guilty at trial.

The court cannot order a defendant to pay restitution for pain and suffering. A victim may pursue a civil lawsuit and ask the court to award compensation for financial losses and pain and suffering. Contact an attorney who handles civil lawsuits for more information and advice.

What is restitution?

Restitution is compensation paid by the defendant to the victim for financial losses suffered as a result of the crime. For example, if a defendant is convicted of theft after he ordered a meal in a restaurant and then walked out without paying, the court could order him to pay restitution to the restaurant for the cost of the food he ordered. If a DUI driver causes injuries or damage in a collision, the court can order that person to pay restitution to cover the medical bills of other drivers and passengers injured in the collision as well as repair bills for the vehicles involved.

When will I receive my restitution money?

The court will order a defendant to pay restitution when the defendant pleads guilty or is found guilty at trial. It is impossible to predict how quickly a case will be resolved with a guilty plea or conviction. It can happen from a few days after the crime is charged up to a year or more after the crime in some cases. Once a defendant is ordered to pay restitution, the court may allow a defendant to set up a monthly payment plan depending on the defendant's ability to pay. In some instances, it can take a long time for a victim to receive full restitution from the defendant.

How do I drop criminal charges against the defendant?

In most cases, the police file criminal charges at the time they arrest the defendant. The victim cannot 'drop' the charges once they are filed by the police. The victim can request that the prosecutor agree to dismiss the charges against the defendant. Whether in-person or in writing, the victim should explain to the prosecutor all the reasons why he or she wants the charges dismissed.

Will the prosecutor dismiss the charges if the victim requests?

The prosecutor may not grant the request; he or she must take all the factors into account, including the police report details, the seriousness of the incident and the criminal history of the defendant. In most

cases, prosecutors will not take any action until the first pre-trial conference, after the prosecutor has had a chance to review all of the case information.

What is a pre-trial conference?

It is a meeting between the prosecutor and the defendant or the defendant's attorney to discuss whether they can come to an agreement to resolve the case or if the case should be set to trial. Often, the prosecutor or defense attorney will ask for a postponement for various reasons. City court cases are typically postponed ("continued") for a period 30 days.

There are several possible outcomes of a pre-trial conference. The defendant may plead guilty, may be assigned to a diversion program, or may request a trial date. Either side may request a postponement ("continuance") at a pre-trial conference, and must give a reason to the court and tell the court if the other side opposes the continuance or not. If the opposing parties disagree, then the court will decide whether or not to grant the continuance. Lastly, in some instances, the prosecutor may agree to dismiss the charges at a pre-trial conference.

How many times can a case be continued?

It is not unusual for a judge to grant a defendant several continuances to allow him or her (or the defense attorney) to prepare for a possible trial. If a case is several months old, a judge will be less likely to grant additional continuances. Keep in mind that the 'age' of a case is measured from the date charges were filed, which sometimes can be several months after the crime actually occurred.

Does the victim have to be present for all court dates?

No. The victim has the right to be present whenever the defendant has a court appearance, but the victim is not required to be present, except at trial. Victims should receive letters or e-mails notifying them of court dates, but those are different from trial subpoenas, which are actual orders to victims or witnesses to appear at court. If the victim comes to court, it is strongly recommended that the victim contact the prosecutor directly or notify the Prosecutor Office upon arrival.

Do I have to face the defendant at court?

In a trial situation, a victim will have to testify in court with the defendant present. Testimony must be given in-person at the time of trial and cannot be given in advance by writing, by phone or by any other means. If a victim is uncomfortable being in the courtroom with the defendant, he or she should contact Care 7 or the Prosecutor Office to in advance to arrange being present at the court building while avoiding contact with the defendant.

Why were charges filed in city court instead of Superior Court?

Misdemeanor crimes that occur in the Tempe city limits are normally charged in the Tempe Municipal Court. Misdemeanors that happen on the ASU campus will be charged in Justice court. If a felony crime

occurs in Tempe, the charges would be filed in Superior Court and would be prosecuted by the county attorney office.

Misdemeanor crimes are those that are less serious (examples: shoplifting, hit and run, DUI, assault with minor injuries) and carry a maximum penalty of six months in jail, a fine of \$2,500 and three years of supervised probation, depending on the class of the crime (1, 2 or 3). Felony crimes are more serious (examples: armed robbery, kidnapping, murder) than misdemeanors and have six class levels, with class one being the most serious and carrying the maximum possible punishment. In some instances, the prosecutor will decide that a crime that could be charged as a felony will actually be charged as a misdemeanor due to certain circumstances of the case.