



ASSISTANCE FOR CRIME VICTIMS

Being a crime victim can be a difficult experience for many people. This information has been prepared to introduce you to the services of our **Victim Services Division**.

District Attorney Sean Teare
Harris County, Texas

For further information, please call the Victim Services Division at (713) 274 - 0250, Monday-Friday, 8 am to 5 pm.

SERVICES

- Provide information concerning case status
- Explain the stages in the Criminal Justice System
- Refer victims to community resources and social service agencies
- Provide information and assistance with filing for Crime Victims' Compensation for victims of violent crime
- Accompany victims to court when requested
- Provide information and assistance in completing a Victim Impact Statement for victims of violent crimes
- Provide Victim Waiting Room in the Criminal Justice Center

STAGES IN A FELONY CASE

Once a crime is reported to the police, an INVESTIGATION is conducted by a law enforcement agency. Charges are filed at the INTAKE DIVISION of the District Attorney's Office. A suspect is ARRESTED, BOOKED and may be released on BOND.

BAIL/BOND

Unless a special circumstance exists, the defendant is entitled to bail under Texas law. Bail is a payment to the court given to ensure that the defendant will appear for all required court dates after being released from jail before their trial and the judge will impose case-specific conditions that the defendant must meet to remain on bail.

EXAMINING TRIAL

A "mini-trial" where the court hears enough evidence to determine if there is probable cause to believe that a criminal act has been committed by the accused. There is not always an examining trial; sometimes the case goes directly to the Grand Jury.

GRAND JURY

A group of twelve citizens, sitting for a three-month term, responsible for deciding probable cause in felony criminal cases. An Assistant District Attorney presents the outline of the case and leaves the room, giving the Grand Jury the complete case file. The Grand Jury votes in secret to return a TRUE BILL (INDICTMENT) or a NO BILL (the case is found to be lacking

sufficient cause and is dismissed). The Grand Jury can reconsider a no billed case if sufficient new evidence appears.

ARRAIGNMENT

A hearing in Court where the Grand Jury indictment is read to the defendant. The defendant is formally charged. At this hearing, a formal “Not Guilty” plea is routinely given.

PRE-TRIAL SETTINGS

Any of the following settings may be scheduled before a trial:

- **NON-TRIAL SETTING:** Any court setting that is not a trial setting.
- **MOTION SETTING:** A hearing requested by the defense attorney or the Assistant District
- **CONTINUANCES:** Rescheduled court dates that occur frequently.
- **JURY TRIAL:** The most effective method our society has devised to settle disputes among people. A trial is not a contest. It is a method of gathering facts and drawing conclusions from those facts, while operating under a procedural code. In a criminal trial, the jury must believe BEYOND A REASONABLE DOUBT that the defendant committed the crime. This means that a juror must have no reasonable doubts about a defendant’s guilt. If a juror has a reasonable doubt, that juror must vote “NOT GUILTY”.

TRIAL PROCESS

- The defendant is read the charge by the judge and pleads “not guilty”.
- **VOIR DIRE:** The defense attorney and the prosecutor question prospective jurors and select those who will serve on the jury.
- The prosecutor representing the State makes an **OPENING STATEMENT** to the jury outlining the case.
- The prosecutor calls witnesses and offers evidence.
- After the prosecutor has asked questions, called **DIRECT EXAMINATION**, the defense attorney may **CROSS EXAMINE** the prosecutor’s witnesses.
- When the prosecutor has concluded the case or **RESTED**, the defense then calls witnesses and offers evidence.
- The prosecutor and defense attorney then offer their **FINAL ARGUMENTS** to the jury.
- The jury then retires to **DELIBERATE** the guilt or innocence of the defendant.
- If the defendant is convicted by the jury, then both the defense and prosecution present evidence in the **PUNISHMENT PHASE**. The defendant may choose the judge or the jury to set the sentence.
- The jury must be **UNANIMOUS** in their decision. If the jury cannot reach a unanimous **VERDICT**, a **MISTRIAL** results in the form of a **HUNG JURY**.
- If the defendant is found **NOT GUILTY**, there will not be a re-trial. The rule of **DOUBLE JEOPARDY** prohibits the defendant from being tried twice for the same crime.
- The defendant may give up the right to jury trial and go to the judge in a court trial.
- If the defendant is found guilty, the judge may order a **PRE-SENTENCE INVESTIGATION** by the Probation Department before the judge rules on punishment.
- **SENTENCING:** The stage during which the court orders the punishment for a person convicted of a crime.

PLEA BARGAIN

The process in which the defense attorney and prosecutor negotiate a disposition of the case without going to trial. A Victim Impact Statement submitted by the victim or a close relative of a deceased victim will be considered by the attorney representing the State of Texas (prosecutor) before entering into a plea bargain. Before accepting a plea bargain agreement, the judge is required to ask if a Victim Impact Statement has been returned and to request a copy of the

statement. The judge is also required to ask if the prosecutor has given notice of the existence and terms of the plea bargain agreement.

RESTITUTION

As a condition of probation or parole, it is possible that the judge may order the defendant to pay restitution to the victim or close relative of a deceased victim for expenses incurred as a direct result of the crime.

APPEAL PROCESS

If the case ends in a conviction, the defendant may appeal the case to a court of higher jurisdiction. A prosecutor who specializes in Appellate work will represent the State. The defendant may have to wait in prison for the results of the appeal or the judge may grant an appeal bond. The victim or close relative of a deceased victim may obtain information about the progress of the appeal by contacting the Appellate Division of the Harris County District Attorney's Office at 713-274-5826.

For any further information, contact the Victim Services Division at (713) 274 - 0250.

REMEMBER: Please keep your Victim Assistance Coordinator informed of any changes in your contact information.

HARRIS COUNTY CRIMINAL JUSTICE CENTER

1201 Franklin Street
Houston, Texas 77002

HARRIS COUNTY DISTRICT ATTORNEY'S OFFICE

Victim Services Division, 12th Floor

CRIMINAL COURTS

District Felony Courts 14th – 19th Floors / County Courts 8th – 12th Floors