



Mission Statement: To Accomplish the Most Caring and Effective use of Finite Resources Upon an Infinite Problem.

VICTIM/WITNESS

**Your rights and duties
as a victim or witness of a crime.**

Helpful information for your day in court
from the office of:

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Prosecuting Attorney
Buchanan County, Missouri

Buchanan County Courthouse
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Ronald R. Holliday

Prosecuting Attorney, Buchanan County

Our pledge to you:

We are sorry this has happened. Please remember, being a victim of crime is not your fault.

Victims and witnesses have certain constitutional rights, and as representatives of the citizens of Buchanan County, it's our purpose to protect those rights.

To help you better understand your Criminal Justice System, we've prepared this brochure to answer the most often asked questions and concerns. If you have any questions, please feel free to call the attorney handling your case. If they are not available, ask for someone else to help you.

We have automated our phone system to assist you in reaching the person who can best assist you. If you know the person you are calling, hit # for an employee directory, or enter the person's extension number. Otherwise, select option 1, and you will be connected to an operator.

Very truly yours,

A handwritten signature in black ink, appearing to read "Ronald R. Holliday". The signature is stylized and cursive.

Ronald R. Holliday

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Victim/Witness Services

Buchanan County

Prosecuting Attorney's Office:

271-1480 or 1-800-809-6031 (option 1)

www.yourbcpa.org

Child Support Victim Services:

271-1492 ext. 1559

Family Support Payment Center:

1-800-225-0530

YWCA Shelter

for Abused Women & Children

Safe Shelter and Counseling Services

Hotline: 232-1225 or 1-800-653-1477

Main: 232-4481

YWCA Rape Crises

& Sexual Assault Services

Advocacy and Counseling Services

for adults and children

Hotline: 232-1225 or 1-800-653-1477

www.ywcasj.org

Division of Family Services

& Child Abuse

Hotline: 1-800-392-3738

Crime Victim

Compensation Program:

1-800-347-6881

www.dps.mo.gov/cvc

Victim/Witness Services

Senior Services & Disabilities Hotline:

1-800-392-0210

www.health.mo.gov

Mosaic Life Care Mental Health Services:

271-7273

www.mymosaiclifecare.org

Missouri Consumer Fraud Hotline:

1-800-392-8222

ago.mo.gov/divisions/consumer-protection.htm

Emergency Police, Fire or Ambulance:

911

Non-Emergency Number:

816-271-4777

MOVANS:

1-866-5-MOVANS (1-866-566-8267)

www.vinelink.com

Exparte/Orders of Protection filing locations:

YWCA

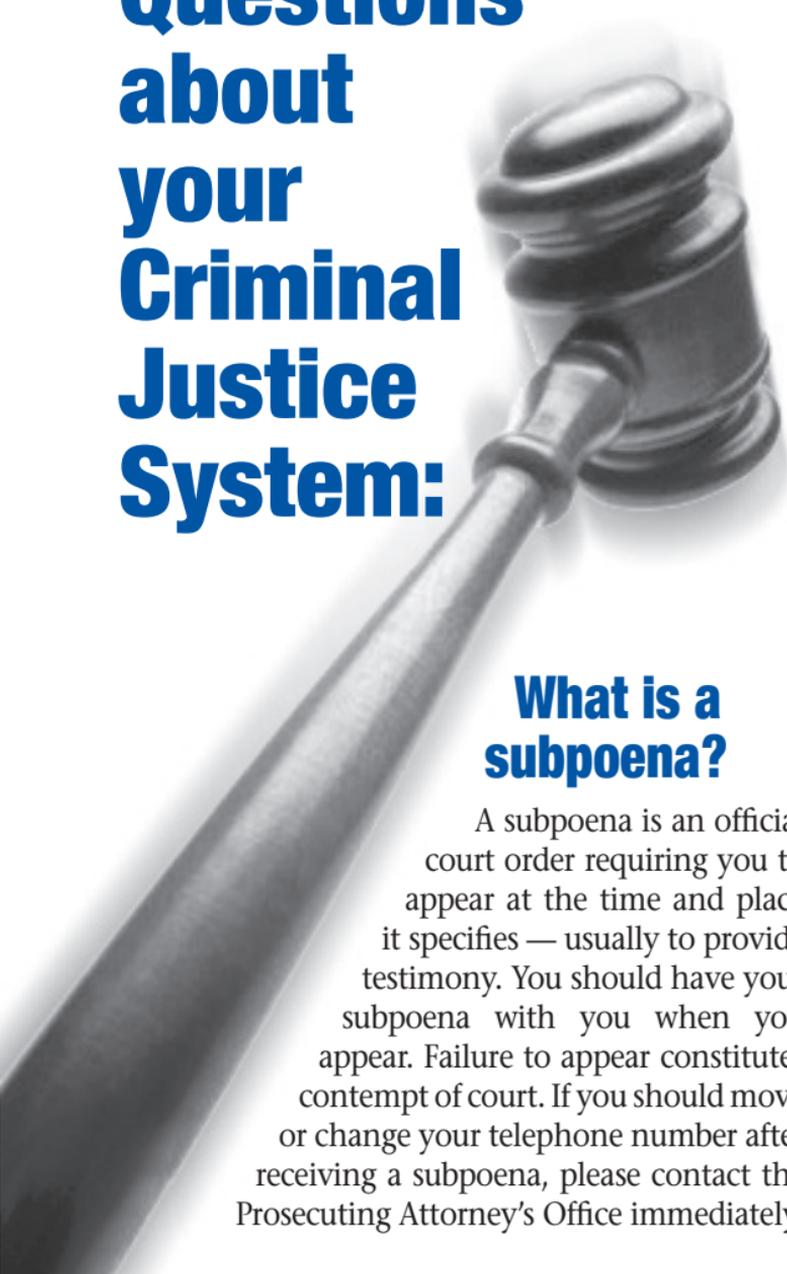
3rd Floor Circuit Clerk's Office

ACCESS TO INTERNET?

You can now review status of court cases online.

www.courts.mo.gov/casenet

Common Questions about your Criminal Justice System:



What is a subpoena?

A subpoena is an official court order requiring you to appear at the time and place it specifies — usually to provide testimony. You should have your subpoena with you when you appear. Failure to appear constitutes contempt of court. If you should move or change your telephone number after receiving a subpoena, please contact the Prosecuting Attorney's Office immediately.

What happens to the person accused of a crime?

After arrest, the defendant (accused) is arraigned in associate circuit court. The purpose of the arraignment is:

- 1 To review the amount of bail.
- 2 To furnish the defendant with a copy of the charge.
- 3 To see that legal counsel is provided either by the defendant or the court, and...
- 4 To set a date for the first hearing.

Under Missouri Court Rule, the preliminary hearing must be set within a reasonable time after the arraignment. At times during a proceeding, either the defendant, the Prosecuting Attorney's Office or the court, on its own motion, may seek a continuance (a delay) of the hearing for a number of reasons.

How are witnesses called?

The Prosecuting Attorney's Office will attempt to reach you by telephone. If you request, we will send you a subpoena to make your appearance easier. The subpoena will specify the time and place for you to appear and what, if anything, you should bring. Should any continuances (delays) of your case occur, you will be notified as soon as we become aware of the delay.

What is the purpose of bail?

Bail is cash or a security bond to assure the defendant appears in court at the next scheduled hearing. The dollar amount of bail is set by the court and may vary depending on a number of factors including the seriousness of the offense charged. There are two primary considerations in setting bond:

- 1 Safety of the crime victims, witnesses, and the community.
- 2 To insure the defendant appears in court when scheduled.

Can I change my mind about prosecuting or testifying?

A crime committed against any person is prosecuted as a crime against the state. For this reason, the court can compel testimony of a victim or witness to a crime. Should you have any reluctance about testifying in a case, please discuss your concerns with a Victim/Witness Advocate or the prosecutor handling the case. They will try to help with any problems, doubts or questions you may have.



What is an arrest warrant?

An arrest warrant is an order signed by a judge, authorizing the police to arrest a person believed to have committed a crime.

Can I be compensated for losses I suffered as a victim?

Your insurance may provide coverage for personal injury or property loss due to a crime. The court may order the offender to pay for the cost of your injuries, damages or loss. An order does not guarantee payment and many times, is not possible. However, this office will make every effort to see that payment is made when ordered.

The Victim Compensation Act may provide monetary compensation for some uninsured out-of-pocket losses as a result of personal injury.

If the offender is sentenced to jail, restitution can still be ordered to be paid, if they are released on probation or parole.

(See pages 21 and 22 for more information.)

What's in it for me?

First and foremost, you will have done what you can to hold a criminal offender accountable. You may, at times, feel frustrated or discouraged because the process of justice does take time. The system may seem slow to you, but some of the delays you may encounter are part of the system that protects your rights if someone accuses you of a crime.

To protect these rights, our system of criminal justice provides many steps.

What if someone threatens me to drop the charges?

Only on extremely rare occasions are witnesses threatened. If anyone has threatened you in connection with the case in which you are involved, either in or out of court, he/she may have committed a new crime. Immediately contact your local Police Department or Sheriff's Office and report the threat and then tell the Prosecuting Attorney handling the case.

What to do if contacted by the Defendant

Contact law enforcement immediately — the St. Joseph Police Department if you live in the city or Buchanan County Sheriff's Department if you live in the county. Inform the officer that you are a victim or witness in a pending case. Report to them that the defendant has contacted you. Then, notify our office at 271-1480 (option 1).

What if the defense attorney contacts me about the case?

Most frequently, victims and witnesses ask to have someone from the Prosecuting Attorney's Office be present when speaking with a defense attorney or their investigator.

You have the right to refuse to speak with them at all, if you so desire.

The Basic Rights of all victims and witnesses:

- 1 To be present and allowed in court at any hearing to which the defendant has a right to be present.
- 2 Upon request, to be notified of all hearings or court appearances on the case.
- 3 To appear at sentencing and make a statement.
- 4 To receive restitution when possible.
- 5 To be provided a secure waiting area for court.
- 6 To be informed of financial assistance and social services available.
- 7 To be informed if defendant is released or escapes.

FELONY AND MISDEMEANOR

A felony is a crime for which the penalty is either imprisonment. A misdemeanor is a crime punishable by a maximum of 90 days in jail. The following are the steps and timelines beginning after the arrest in a felony or misdemeanor case.

THE STEPS	WHEN
Arraignment	1 to 3 days after arrest
* Preliminary Hearing	20 to 30 days after arraignment
* Arraignment	Within 10 days after preliminary hearing
Docket Call	30 to 40 days after arraignment
Trial	30 to 60 days after arraignment on misdemeanors 6 to 8 months after arraignment on felonies
Sentencing	30 to 45 days after verdict or plea

* Pertains only to felony cases

TRIAL GUIDE

imprisonment in the county jail or confinement in the state prison, a term of county jail, a fine, or both. The following are procedures for each case:

WHERE	ARE YOU REQUIRED TO BE THERE?
Associate Court	No
Associate Court	No, unless subpoenaed or notified
Circuit Court	No
Associate Court or Circuit Court	No
Associate Court or Circuit Court	Yes
Same courtroom as trial	No, but you may attend and make a statement

What is a docket call?

A docket call is a short hearing held in a pending case. At this hearing, the prosecutor, the defendant's attorney and defendant are required to be present. The judge asks what the status of the case is and what remains to be done. If the case is ready for final disposition a plea or trial date will be set. If an additional docket call is needed, one will be scheduled.

What is a preliminary hearing?

A preliminary hearing applies only to felony cases. Testimony is taken under oath and the judge, defendant and defendant's attorney, the prosecutor and any victims or witnesses subpoenaed are present.

At the preliminary hearing, the Prosecuting Attorney has to establish a reasonable belief that:

- 1 A crime has been committed in Buchanan County and...
- 2 The defendant may have committed the crime.

During this proceeding, the defendant's attorney may cross-examine the state's witnesses and present evidence, if he/she wishes. Once probable cause is established, the judge will order the defendant to appear in Circuit Court. In most cases, the defendant will not demand the preliminary hearing and the case will then be sent directly to Circuit Court.

What does a victim or witness do in a preliminary hearing?

If you are called or subpoenaed to testify at a preliminary hearing, the prosecutor will ask that you take the witness chair and, under oath, answer questions. You will talk with the Prosecuting Attorney before the hearing about what type of questions will be asked.

Are witnesses permitted to be in the courtroom before and after testifying?

Victims have a constitutional right to be in court. As a witness, you may watch the proceedings unless excluded from the courtroom by the judge. In any event, witnesses should not discuss their testimony with each other.

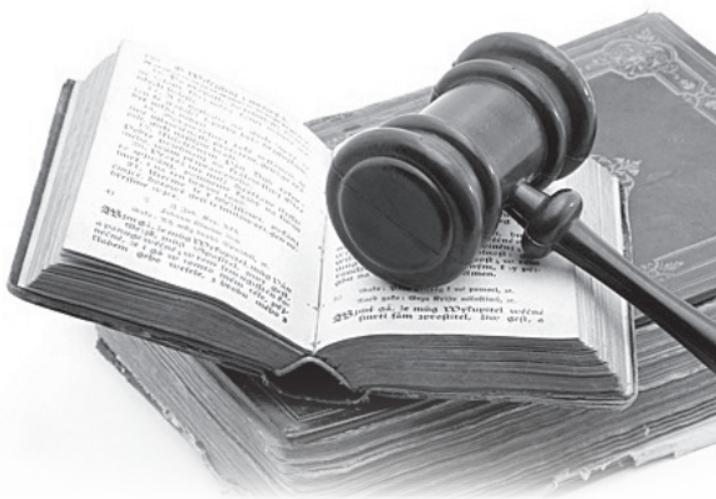


What is a deposition?

A deposition is the recorded testimony of a witness, given under oath in the presence of both the defense attorney and the prosecuting attorney. The purpose of taking a deposition is to determine and preserve the testimony of a witness, but does not mean you won't have to testify at trial.

What happens in a trial?

In a trial, the prosecutor presents the case for the state. The Prosecuting Attorney has the burden of proving beyond a reasonable doubt that the defendant did commit the alleged crime. The defendant may present evidence, although he has no obligation to do so. The trial may be either before a judge, or before a jury. The defendant makes that choice.



How and when is sentencing determined?

A defendant who has been found guilty or has pleaded guilty is sentenced by the judge. Using the state statutes as a guideline, (sentences are expressed in terms of minimums, maximums and other options), the judge sentences the defendant in a manner appropriate to the crime and other circumstances related to the case.

What should the Prosecuting Attorney do for you?

- 1 We work to minimize the inconvenience to you. In recent times, the defendant's rights have been emphasized while neglecting the rights of victims and witnesses. We want to help prevent that.
- 2 We work to help you get through a difficult time that is not your fault. Tell us how we can help you.

Coming to court

If you are called or subpoenaed by the Prosecuting Attorney's Office, please arrive at the Courthouse at least 30 minutes before the time of the scheduled case.

**Please park in the city parking lots and
bring your ticket to be validated.**

(see map on page 23)

As soon as you arrive, please report to the Prosecuting Attorney's Office — on the North side, first floor of the Buchanan County Courthouse. We will validate your parking permit at that time. In our office, we maintain a sitting room for your comfort.

Points to remember when testifying:



① **Prepare.**

Refresh your memory so you can avoid confusion. Before testifying, picture the scene, the objects there, the persons there, and what occurred. If you are asked a question pertaining to distance or time and your answer is an estimate, be sure to state that it is your estimate. You should never be asked to testify without first having had the opportunity to speak with the prosecutor.

② **Dress appropriately, act courteously.**

Dress comfortably, but conservatively and be courteous to both attorneys and the judge.

③ **Control your temper.**

Losing your temper reduces your credibility as a witness. Remember to stay calm. Stay in control, even if the attorney seems rude or makes you angry.

④ **Be attentive.**

If you appear bored or indifferent, the judge or jury may tend to disregard your testimony.

5 *Speak clearly and loudly.*

Everyone in the courtroom must be able to hear what you have to say. An inaudible voice or mumbling detracts from your testimony and may give the impression that you are not certain of what you are saying. Don't be afraid to speak — you are not on trial.

6 *Be fair.*

Don't exaggerate or try to slant your testimony. Justice will be served only if you make your testimony as objective as possible.

7 *Be helpful, not funny.*

A trial is a serious and important matter since someone's freedom may be at stake.

8 *Answer all questions directly.*

Follow this simple guide:

- Listen carefully to the question. Take your time and think about your answer.
- Answer the question asked — then stop.
- Speak distinctly and loudly enough for the judge or jury to hear.
- If you do not know the answer to a question, simply say so.
- Don't try to answer a question you do not understand. Ask that it be explained to you.
- Do not argue with the defense attorney.

9 *Above all, think before you speak and always speak the truth.*

10 *Also, if your address or phone number changes, please contact our office immediately.*

The Buchanan County Prosecuting Attorney's Office provides:

- Speedy return of recovered personal property when the case is finalized.
- Notification of dates and times of all court appearances and hearings of which you have asked to be notified.
- Notification of continuance of the case as soon as we become aware of them.
- Notification of the final disposition of the case.
- Free parking for court date.
- Transportation arrangements if unable to arrange your own.
- Personal escort service from the reception room directly to the court room.
- Referral to appropriate social services agencies if needed.
- Employer intervention, if necessary.
- Waiting room.
- Sentencing notification.
- Answers to any questions you may have regarding your case.

Victim's Compensation Fund

In Missouri, it is possible for persons who are victims of crime to be reimbursed for certain expenses they have had because of the crime. Your cooperation with law enforcement is essential in order to be eligible for filing a claim.

Who is Eligible for Benefits?

You may be eligible for benefits if:

- You sustained personal bodily injury as a victim of violent crime or as a result of helping another person or police officer, or while attempting to prevent a crime;

or

- You are the relative of a sexual assault victim who needs counseling in order to better assist the victim in recovery;

or

- In the event of a victim's death, you are the surviving spouse, child or other dependent of a deceased violent crime victim;

or

- You are a Missouri resident who suffers personal injury or death as a result of terrorism committed outside of the United States.

Some Eligibility Conditions

The application must be filed within two years of the crime date.

The victim must cooperate with law enforcement and prosecution.

How do I File a Claim?

If you want to file a claim, applications may be obtained by contacting the following offices, or visiting their corresponding websites:

Buchanan County Prosecuting Attorney

Victim/Witness Services
Buchanan County Courthouse
411 Jules Street, Room 132
St. Joseph, MO 64501
271-1480 (option 1)
www.yourbcpa.org

or

Crime Victim's Compensation Program

P.O. Box 749
Jefferson City, Missouri 65102-1589
573-526-6006
1-800-347-6881
www.dps.mo.gov/dir/programs/cvc



Proximity Parking Locator Map
Buchanan County Courthouse
411 Jules Street, St. Joseph, MO.

Please park in the city parking lots and bring your ticket to be validated.

For Information or assistance, call:
Victim/Witness Services
(816) 271-1480 (option 1)

If your address or phone number changes,
please contact our office immediately.

Victim/Witness Services - 2019