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A Message From The District Attorney

As Essex District Attorney, I am very aware that the criminal justice system can be confusing and frustrating. As such, I am pleased to provide this brochure to help you understand the court system. It contains information about court procedures and commonly used legal terms, and also informs you of the services available from the Victim Witness Services staff of my office. In addition, this brochure will help you understand your rights as provided by the Victim Rights Law, M.G.L. c. 258B, to prepare you for your court experience.

If you have any questions, I encourage you to contact a Victim Witness Advocate. Advocates are located in every court throughout the county. The telephone numbers and locations are listed on the back of this brochure.

I am sorry that you or someone you care about has suffered as a result of a crime. I hope this information will help you to understand your rights and the criminal justice process.

Sincerely,

Jonathan W. Blodgett
District Attorney

The Essex Victim Witness Services Program of District Attorney Jonathan W. Blodgett's Office provides information, services, and referrals to crime victims, their family members, and witnesses as mandated by Massachusetts General Law, Chapter 258B, the Victim Rights Law.

The Victim Bill of Rights (M.G.L. c. 258B) provides certain rights to victims, their family members and witnesses. To ensure that you receive your rights, including notification and information, please be sure to provide the Victim Witness Advocate or prosecutor with your current address and phone number. **The following rights may apply to you:**

- The right to be informed about the criminal case and how it progresses through the court; to know your role, what is expected of you, and why; to receive timely notice of court dates and continuances; and to know the services available to help you.

- The right to speak with the prosecutor before the case starts, before the case is dismissed, and before a sentence recommendation is made to the court; the right to be notified of the final disposition of the case with an explanation of the sentence imposed.

- The right to request confidentiality for yourself and family members including home, school, and work addresses and phone numbers. The confidentiality request must be made to the assistant district attorney as soon as possible, preferably before or during the arraignment.

- The right to be present at all court proceedings, unless you are required to testify and the judge determines that your testimony might be influenced by your presence in the court.

- The right to give a Victim Impact Statement at sentencing to inform the court about the physical, emotional and financial impact of the crime and to provide your opinion regarding sentencing of the defendant.

- The right to financial assistance: the right to apply for victim compensation to help pay for certain out-of-pocket expenses including medical, dental and mental health counseling expenses, lost wages, and funeral expenses up to $6500; the right to request restitution for a financial loss, property loss or physical injury; and the right to receive a witness fee if you are summoned to appear in court.

LEGAL TERMS

Arraignment:

The first time the defendant appears in court. The charges against the defendant are read in court and the defendant pleads guilty or not guilty to the charges. The judge determines bail and conditions of the defendant's release.

Bail:

An amount of money paid to the court to assure the defendant will return to court in the future. Risk of flight, danger to the community and danger to an individual may be considered.

Complaint:

A formal document issued by the court describing the criminal charges against the defendant.

Continuance:

The postponement of a court event to a future date. Please note: every effort is made to notify victims and witnesses in a timely manner when a court event is continued. A telephone check-in to a Victim Witness Advocate the day before the event may help to avoid an unnecessary trip to court.

Defendant:

A person against whom charges or an action is brought.

Felony:

A serious crime punishable by a stiffer penalty and imprisonment in a state prison.

Grand Jury:

A group of 23 citizens whose duty is to hear complaints and evidence from a prosecutor about criminal cases and decide if there is sufficient evidence to issue an indictment against an individual.

Misdemeanor:

A crime considered by law to be less serious than a felony and punishable by a sentence to a House of Correction and/or a fine.

Motion:

A request to the court for a certain action. Example: A request to provide a list of witnesses, reports or information. The judge determines if the requested information must be provided.

Pre-trial Conference:

A meeting between a prosecutor and the defense attorney to discuss the merits of the case, exchange information and possibly work out a plea agreement.

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LEGAL TERMS *continued*

Probable Cause Hearing:

A court proceeding held before a judge to determine whether the facts of a case are sufficient to transfer a case from district court to superior court.

Restitution:

An order made at sentencing by the judge requiring the defendant to pay the victim for financial losses suffered as a result of the crime. Financial loss may include medical expenses and replacement cost of damaged or stolen property. Documentation of out-of-pocket losses must be provided to support an order of restitution. If the defendant is ordered to pay restitution, victims have the right to obtain a copy of the schedule of payments and the name and telephone number of the probation officer assigned to the case. Restitution does not include costs for "pain and suffering."

Sentencing:

When a defendant is found guilty or enters a guilty plea, the judge imposes a judgment or punishment based on guidelines that consider the crime and the defendant's past criminal history. The sentence may include imprisonment, fines, probation, restitution and/or other special conditions ordered by the judge. If the defendant is found "not guilty" after trial, the defendant is free to go, receives no sentence, and cannot be tried again on that charge.

Subpoena:

An order issued by the court for an individual to appear on a certain date and time to testify in a criminal matter. Failure of the person to appear may result in the issuance of a warrant for arrest.

Trial:

A legal proceeding in court in which the issues of a case are presented and examined by a judge, possibly with a jury, for the purpose of reaching a decision of conviction or acquittal.

Victim Impact Statement:

A written or oral statement made by a victim or a family member to the court at sentencing that describes the physical, emotional and financial impact of the crime and may include a recommendation for sentencing the defendant.

Victim Compensation:

A fund established through the Office of the Attorney General to help victims and family members pay certain out-of-pocket, crime-related expenses including medical, dental and mental health counseling expenses, lost wages, loss of support and funeral expenses up to $6500 incurred as a direct result of a crime. Applications may be obtained from a victim witness advocate in the court and submitted to the Victim Compensation and Assistance Division in the Attorney General's Office, One Ashburton Place, Boston, MA 02108.

Victim Witness Advocates are located in the District Attorney's Office of each district court in Essex County and at the main office in Salem. The addresses and telephone numbers are on the back of this brochure. Please contact any Advocate with questions or concerns regarding a case.

Essex County Offices

District Attorney Jonathan W. Blodgett
Victim Witness Services

Main Office (978) 745-6610
TTY (978) 741-3163
mass.gov/da/essex

Gloucester District Court
197 Main Street
Gloucester, MA 01930
(978) 283-3701

Haverhill District Court
James P. Ginty Boulevard
Haverhill, MA 01830
(978) 374-0380

Ipswich District Court
188 State Street
Newburyport, MA 01950
(978) 462-3511

Lawrence District Court
Fenton Judicial Center
Two Appleton Street
Lawrence, MA 01840
(978) 683-4300

Lynn District Court
121 Central Avenue
Lynn, MA 01901
(781) 599-8094

Lynn Juvenile Court
139 Central Avenue
Lynn, MA 01901
(781) 599-3890

Newburyport District Court
188 State Street
Newburyport, MA 01950
(978) 462-3511

Peabody District Court
One Lowell Street
Peabody, MA 01960
(978) 532-4140

Salem District Court
The J. Michael Ruane Judicial Center
56 Federal Street
Salem, MA 01970
(978) 744-5681

Essex District Attorney
Jonathan W. Blodgett

VICTIM WITNESS SERVICES

YOUR RIGHTS AND THE COURT PROCESS