



VICTIMS' RIGHTS DIVISION

Being a crime victim can be a difficult experience for many people. The Victims' Rights Division is an effort to help crime victims return to a normal way of life. This information has been prepared to introduce you to the services of our Victims' Rights Division. Please do not hesitate to call the division if you need further information.

Patricia R. Lykos
District Attorney
Harris County, Texas

For further information, please call the Victims' Rights Division at (713) 755-6655, 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 filing for Crime Victims' Compensation for victims of violent crime
- Accompany victims to court when requested
- Answer questions concerning restitution
- Provide information and assistance in completing a Victim Impact Statement for victims of violent crimes
- Provide information and assistance in completing a Crime Loss Form For victims of a property crime
- Staff the Victim Waiting Room in the Criminal Justice Center

STAGES IN A FELONY CASE

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.

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, told he should have an attorney, and if he cannot afford one, one will be appointed at county expense. 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

- Attorney (prosecutor) asking the court to rule on a legal issue.
- **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 in which he is charged. 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 and the victim 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 his 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 his 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.
- PLEA BARGAIN: The process in which the defense attorney and prosecutor negotiate a disposition of the case without going to trial.
- SENTENCING: The stage during which the court orders the punishment for a person convicted of a crime.

APPEAL PROCESS

If the case ends in a guilty plea or 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 and the victim. The defendant may have to wait in prison for the results of the appeal or if the judge grants it, he may be out on an appeal bond. If the case has a final conviction the victim or their family may obtain information about the progress of the appeal by contacting the Appellate Division of the District Attorney's Office at (713) 755-5826. (Only call if the case has been tried and/or the defendant has been convicted).

HARRIS COUNTY CRIMINAL JUSTICE CENTER

1201 Franklin Street
Houston, Texas 77002

District Attorney's Office
Victims' Rights Division, 4th Floor
(713) 755-6655

CRIMINAL COURTS

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

HARRIS COUNTY JAILS

701 San Jacinto Street
1200 Baker Street
Houston, Texas 77002

FAMILY LAW CENTER

1115 Congress
Houston, Texas 77002



ASSISTANCE FOR CRIME VICTIMS

Patricia R. Lykos

For any further information, contact the Victims' Rights Division at (713) 755-6655.

REMEMBER: Keep your Victim Assistance Coordinator informed of any changes in your address or telephone number.

**DISTRICT ATTORNEY
HARRIS COUNTY, TEXAS**