

**CONTACTS:**

Nez Perce County  
Victim/Witness Advocate ..... (208) 799-3073

Nez Perce County  
Domestic Violence  
Victim Advocate ..... (208) 799-3073

YWCA 24 hour Crisis Line ..... (208) 746-9655  
(800) 669-3176

Idaho Crime Victims  
Compensation Program ..... (208) 334-6080

Lewiston Police Department ... (208) 746-0171

Clarkston Police Department .. (509) 758-2331

Emergency .....911

St. Joseph Regional Medical Center  
in Lewiston..... (208) 743-2511

Tri-State Hospital  
in Clarkston ..... (509) 758-5511

Asotin County  
Health District ..... (509) 758-3344

North Central District  
Health Department ..... (208) 799-3100

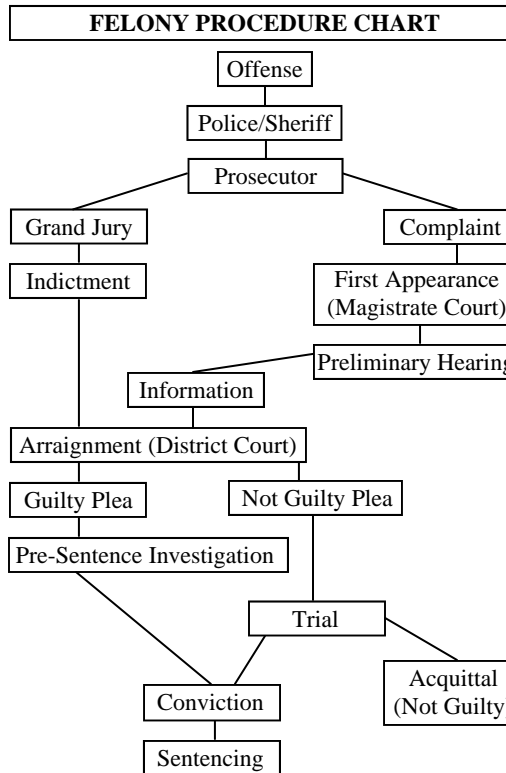
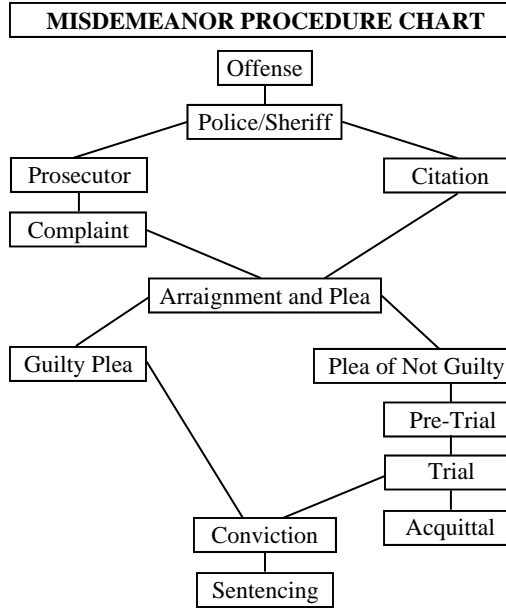
Garfield County  
Health District..... (509) 843-3412

Legal Aid Services  
(Idaho Only)..... (208) 743-1556

Columbia Legal Services  
(Washington Only)..... (800) 231-9527

Clear Line (Northwest Justice Project-  
Washington Only) ..... (888) 201-10 14

Child Abuse/Neglect:  
-Lewiston ..... (208) 799-4360  
-Clarkston..... (509) 758-5539  
-Nez Perce Tribal ..... (208) 843-5504  
-National ..... (800) 422-4453



**VICTIMS  
OF CRIME  
HAVE RIGHTS**

**DANIEL L. SPICKLER  
NEZ PERCE COUNTY  
PROSECUTING  
ATTORNEY**

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Lewiston, Idaho 83501  
(208) 799-3073  
(208) 799-3080



## **A MESSAGE FROM DAN SPICKLER, NEZ PERCE COUNTY PROSECUTOR:**

As Prosecuting Attorney I am aware of the impact that crime has on families, individuals, and our community as a whole. This pamphlet has been prepared with you in mind by our Victim/Witness Assistance Program. I hope that it better assists you in the criminal justice process. The Nez Perce County Victim-Witness Program provides support, information and referral services for victims and witnesses, and also for survivors of major Crimes.

### **WHO IS A VICTIM OF CRIME?**

A victim is any individual who suffers direct or threatened physical, financial or emotional harm as a result of a crime or juvenile offense, and the immediate families of the victims of major crimes.

When a criminal complaint or juvenile petition is filed by the prosecuting attorney your rights as a victim begin. This is when a case is filed with the court (charged), NOT when a statement is given to the officer. To exercise your rights as a victim, you need to make a written request to the Nez Perce County Prosecutor's Office on a form, which will be provided by the prosecuting attorney.

Victims are responsible for keeping the Prosecuting Attorney informed of their address for the purpose of notification. The Prosecutor's Office will require the names and phone numbers of at least two people who can always get in touch with you, such as a family member or good friend.

### **LEGAL TERMS THAT YOU WILL HEAR USED:**

**ARRAIGNMENT:** the first court appearance in which the defendant is formally notified of the charges and bond is argued.

**CONVICTION:** when the defendant is found guilty of a crime.

**DEFENDANT:** person accused of a crime.

**DISTRICT COURT ARRAIGNMENT:** hearing where a defendant enters a plea and a trial date or sentencing date is set.

**FELONY:** a criminal offense punishable by incarceration in the State Penitentiary.

**GUILTY PLEA:** admission of guilt by a defendant in court. This will alleviate the need for a trial.

**MISDEMEANOR:** a criminal offense punishable by incarceration in the county jail for up to one year.

**PRELIMINARY HEARING:** a hearing where a judge determines if there is enough evidence to proceed to trial.

**PRE-SENTENCE INVESTIGATION:** in felony cases, the judge orders an investigation into the defendant's background in order to determine what the sentence should be.

**SENTENCING HEARING:** a hearing at which the judge decides how to punish the defendant.

**SUBPOENA:** a court order directing someone to be present in court at the time and place stated.

**TRIAL:** an evidentiary hearing where a judge or jury hears testimony and the guilt or innocence of the defendant is decided.

### **VICTIM NOTIFICATION REGARDING INTERVIEW BY DEFENSE REPRESENTATIVE**

As a victim of a crime, you have the right to refuse an interview or other contact by the defendant or by a person acting on behalf of the defendant unless the Court orders otherwise. The defendant, through his attorney or investigator may want to speak to you about the case. If they already know your address, they may contact you directly or they may call the prosecutor's office and ask us to notify you that they wish to speak to you. We will inform you of any such request.

In either case, you have a constitutional right to choose whether you wish to speak to people representing the defendant. We do not take a position on that question. If you choose to speak to the defendant's representative, we will be happy to assist you by being present or allowing the meeting to take place at our office. If you choose not to speak to them, you do not have to.

### **TIPS FOR INTERVIEWS AND TESTIFYING**

1. Tell the truth. Never exaggerate your testimony. Tell the facts simply and concisely as you know them. Be honest if asked whether you have talked to an attorney or an investigator.
2. Listen carefully to the question asked of you and make sure you understand it before you answer. If you do not understand the question, say so. Ask them to repeat or restate the question if necessary.
3. Do not guess or assume. If you do not know the answer, say so. You do not have to be positive about the answer. It is OK to say, "I'm not sure, but I think ..."
4. Never volunteer information or explain answers unless asked. Answer the questions straight, to the point, and then stop.
5. If any attorney objects to a question, do not begin your answer until the judge instructs you to do so.
6. Be courteous and polite while answering questions. Do not lose your temper with the attorney questioning you. Never joke or be cute. You are sworn to tell the truth. The truth should be readily admitted even if it is not to the advantage of the prosecution.
7. Be serious in and around the courtroom. Jurors are aware that criminal prosecutions are and should be serious business.
8. Always answer out loud so that the court reporter can make an accurate record. Do not shake or nod your head for yes or no.
9. Be aware of questions involving distances and time. If you make an estimate, make sure that everyone understands that you are estimating.
10. Do not talk to jurors or talk about the case with other witnesses.
11. Remember, the court and jurors expect witnesses to dress in a manner that shows respect for the court process. Do not appear flashy, overdressed, or underdressed.
12. Generally, witnesses may not be in the courtroom unless they are testifying.
13. As a witness, by law, you may be compensated \$8.00 per day, plus mileage, one way. You must turn in your subpoena to the Clerk of the Court on the day that you are testifying.