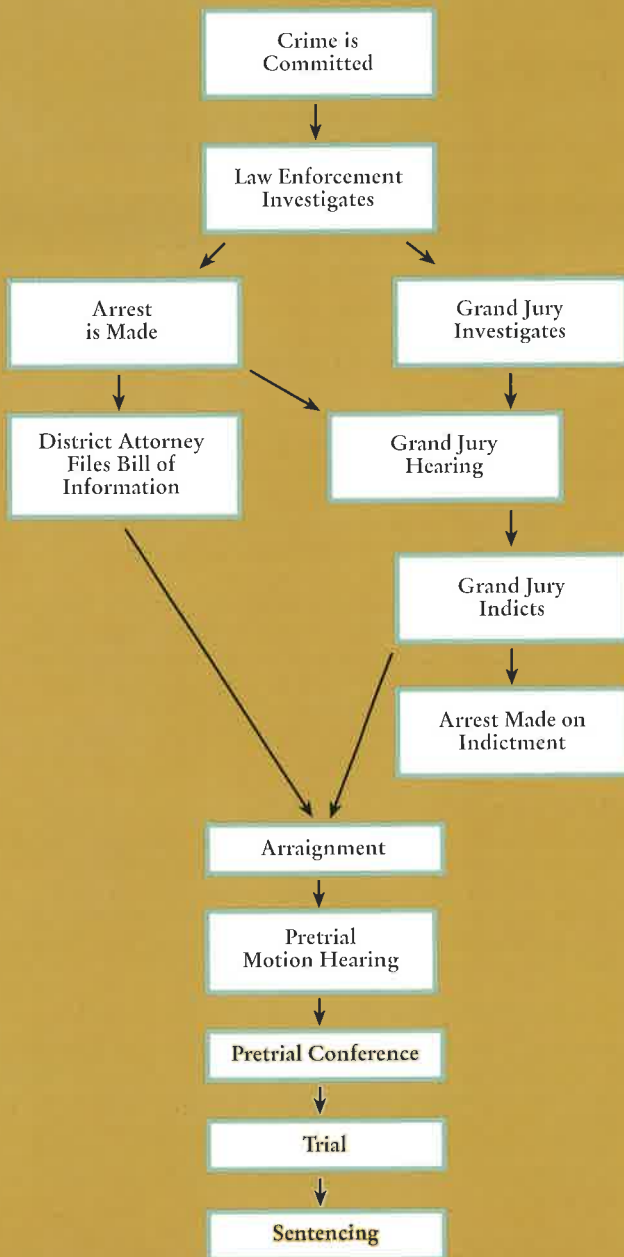


## Flow Chart of Criminal Proceedings



\*At any time during these proceedings, a defendant may plead guilty. In such a case the victim would not have to testify.

**Do I have to hire an attorney?** No. In criminal matters you are represented by the state of Louisiana. In other words, an Assistant District Attorney is assigned to your case. Civil matters are handled differently, and you would be required to hire an attorney on your behalf.

**If a defendant pleads guilty, and gets probation, does that mean he got away with it?** It is always important to remember when a defendant pleads guilty it is a good situation. When a defendant pleads guilty it shortens the amount of time it takes your case to be resolved. It will also relieve the victim and witnesses from having to testify at trial. A probated sentence is often misunderstood, and thought of as a "free ride" for the defendant. Probation requires the defendant's active participation in that he/she is required to report to a probation officer in court monthly. These monthly monitoring court dates can last from 6 months to 5 years depending on the duration of the probation that is set by the judge. The defendant will also be required to pay fines, court costs, monitoring fees, fees to the public defender, and restitution to the victim. If the defendant does not fulfill all of the special conditions of his/her probation, it is likely the defendant will have to serve jail time.

### Important Information

The Assistant District Attorney assigned to my case is...

and his/her secretary is \_\_\_\_\_

My victim assistance contact is \_\_\_\_\_

Upcoming court dates are...

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

#### District Attorney's Office

Tangipahoa Parish 985-748-7890  
Livingston Parish 225-686-3070  
St. Helena Parish 225-222-6492

#### Mothers Against Drunk Driving

(MADD)  
1-800-992-6233

#### Southeast Spouse Abuse Program/ 24-Hour Domestic Violence Hotline

1-888-411-1333  
985-542-8384

#### Sheriff's Office

Tangipahoa Parish 985-345-6150  
Livingston Parish 225-686-2241

#### Crime Victim Reparation Fund

Contact your local Sheriff's Office at the above listed numbers

#### 24-Hour Rape Crisis Hotline

1-877-748-6882

# Tri-Parish Victims Assistance Program



Office of the District Attorney  
Scott M. Perrilloux



*“If you are a victim of a crime, we believe that you have rights. Our Tri-Parish Victims Assistance Program is available to provide information and emotional support as your case proceeds through the criminal court system. It is important that the criminal justice system provide the same consideration to victims that is afforded to criminal defendants.”*



Scott M. Perrilloux  
District Attorney

## About Our Program

The District Attorney's Victim Assistance Program provides direct service to victims in the following ways:

### Advocacy

An advocate is assigned, by the District Attorney, to each case. This advocate is the intermediary between the victim and the criminal justice system. An advocate is always available, both inside and outside the courtroom, to answer questions about your case, and provide information about the court process.

### Notification

An advocate will keep you notified throughout the criminal court process. Written notification will inform you of upcoming court dates. This is an easy, convenient way to monitor your case. Most of the criminal court hearings do not require the presence of the victim.

### Support

An advocate is available to escort you into the courtroom, and provide emotional support throughout the court process. A waiting area outside the courtroom may also be arranged at your request.

### Education

Through our outreach program, advocates provide information to other agencies to coordinate all services available to victims. Advocates may also be available to provide information seminars to schools, churches, civic organizations, and health care agencies.

## Steps in Prosecution of a Criminal Case

### The Arrest

After an arrest, the police prepare a written report of the incident, collect evidence, take statements, etc. Once the investigation is completed, all of the information is forwarded to the District Attorney's office and assigned to an Assistant District Attorney.

### Screening

The Assistant District Attorney (ADA) will review all of the information. If it is determined that the evidence is sufficient on which to base a prosecution, formal charges will be filed against the defendant.

### Grand Jury

A Grand Jury is a closed hearing. In other words, the Grand Jury hearing is not open to the public. It is made up of normal citizens, like yourself, that hear testimony and decide what the defendant's formal charge, if any, will be.

### Arraignment

After formal charges are filed, the defendant will be arraigned. At an arraignment, the defendant pleads "guilty" or "not guilty." The defendant has the opportunity to hire an attorney or is appointed an attorney by the public defender's office. Most defendants plead "not guilty," and a pretrial motion hearing is scheduled. If the defendant pleads guilty, he will be sentenced by the judge at that time.

### Pretrial Motion

In a criminal case, one or more pretrial motion hearings may be scheduled. A motion is a written or verbal request by the defendant's attorney for the judge to issue a ruling or an order. A common motion in all criminal cases is a Preliminary Exam in which a judge determines whether or not probable cause exists. Usually an officer will testify as to why the defendant was arrested. If the judge does not find probable cause, the defendant will be released from his/her bond obligation.

### Pretrial Conference

Once all the pretrial motion hearings are completed, a pretrial conference will be scheduled. At this hearing, the ADA, the defendant's attorney, and the judge discuss the case in more detail. A guilty plea may be considered and in most cases sentencing will be discussed with the defendant. If the defendant maintains his "not guilty" plea, a trial date will be scheduled.

### Trial

There are usually several cases set for trial on the same day or in the same week. Subpoenas are issued for the witnesses, and in felony cases, a jury is selected. A felony criminal trial can last a week, and a misdemeanor trial will last about an hour. The trial consists of opening arguments, testimony, and closing arguments. In felony cases, the jury will decide if the defendant is guilty or not guilty. In misdemeanor cases, the Judge will decide.

### Sentencing

If a defendant is found guilty by a judge or jury, he/she may be sentenced that same day. A judge is responsible for sentencing the defendant. Some judges order a pre-sentence investigation in which the defendant's prior offenses, severity of the crime, and impact on the victim is examined. The judge will schedule sentencing at a later date once the pre-sentence investigation is complete.

### Victim Impact Statement

Victims are allowed to make a victim impact statement to help the court to better understand what impact the crime has on your life. This is presented in open court with the judge, ADA, and defendant present.

### Restitution

Judges will sometimes order restitution as a condition of probation or parole. This means that the defendant will have to repay you for losses incurred as a result of the crime. The probation or parole officer is responsible for collecting payments.

## Commonly Asked Questions

**How long will this take to go to trial?** The average length of time it takes for a case to go to trial varies. The more serious (rape, murder, etc.) cases take longer, averaging from 1 to 3 years. The average time for misdemeanor cases is about 6 months.

**How can the defendant plead "not guilty" when he/she confessed to the crime?** Even though the defendant has given a signed confession, he/she has a constitutional right to a trial. Often defendants are advised to plea "not guilty" at arraignment, so that their attorney will have an opportunity to file motions in order to receive information about the crime.

**How come my case keeps getting continued?** Many victims become annoyed because of continuations. Judges grant continuances for a variety of reasons. Unfortunately, a continuance often cannot be anticipated and a victim may wait all day in the court room to find out that their case will be continued. Continuances are frustrating, but very common in the criminal court process.

**Will I have to testify?** Victims often have a great fear of having to appear in a public court room and tell their story. A victim may have to testify at the Grand Jury hearing, and at trial. The victim's advocate, and the Assistant District Attorney will take a number of steps to alleviate this fear and make the experience less traumatic. After testifying, most victims feel stronger, and a sense of relief, since they were able to face their perpetrator.

**Can the perpetrator get out of jail once he is arrested?** After a perpetrator is arrested, a bond is set within 72 hours. The amount of the bond depends entirely on the judge. That perpetrator can bond out of jail at any time if his/her bond is paid. A defendant might be out of jail shortly after the crime is committed until trial. Defendants that cannot pay their bond may have a bond reduction hearing in which the judge has the opportunity to lower their bond.

**Where do I go for help to pay my medical bills?** The Crime Victim Reparation Fund can assist you with medical bills associated with injuries resulting from a crime. The victim assistance office can give you more information on how to apply for Crime Victim Reparation money.