



Frequently Asked Questions

- What if someone threatens me, as a witness?** Someone who unlawfully threatens witnesses is obstructing justice and committing a crime. If someone threatens you, call the investigating officer or the police immediately. In an emergency situation, call 911. Do so *as soon as possible* so that threats can be documented and appropriate action taken. After calling the police, please call the Victim Witness Assistant or Deputy District Attorney assigned to the case.
- What if the defense attorney or defense investigator contacts me?** It is always **your choice** who you speak with or whether you speak to anyone about the case. If you have any concerns about talking with anyone (lawyers, investigators, etc.), or concerns as to who someone is you should feel free to contact the Deputy District Attorney assigned to the case.
- Are there restitution laws in Colorado?** According to Colorado law, defendants may be ordered to pay restitution to the victim upon sentencing by the judge in the case. Victims can be reimbursed for damages or losses suffered as a result of a crime, provided the judge orders the defendant to pay restitution. To request restitution, a victim must furnish information about repair costs, medical bills, or the value of items that have been stolen and not recovered. The Deputy District Attorney gives this information to the judge who orders the defendant to pay restitution. You also have a right to pursue a civil case against the defendant.
- What is the difference between restitution and Crime Victim Compensation?**
Restitution is something the defendant is ordered to pay to the victim, upon sentencing by the judge in the case. As you may know, court cases may take quite some time to be resolved and for the defendant to be sentenced. In addition, the defendant may only pay very small amounts every month toward their restitution. For all of these reasons, it sometimes takes a while for you, the victim, to receive any restitution monies.

Crime Victim Compensation is a funding program that is available more quickly than restitution money. Its purpose is to help relieve the cost of the crime from the victim, as it can take such a long time to receive restitution payments. As a result, the victim is ultimately responsible for the bills, the costs of the crime, until they receive restitution money. Crime Victim Compensation is separate from restitution and victims must apply separately for victim compensation funds, which can pay more quickly. You must meet the eligibility criteria for Crime Victim Compensation and it is not awarded to everyone who applies. If a victim receives crime victim compensation, restitution monies, once

received, are simply put back into the crime victim compensation program to replace that money used.

- What is the purpose of bond?** Bond is allowed in most all criminal cases, including felonies. It is not a form of punishment, but rather, its legal purpose is to assure the defendant's appearance in court at the next court hearing and to assure public safety. The amount of bond is set by the Judge, not the Deputy District Attorney. In setting the amount of bond, the Judge is required to consider a number of factors, including the seriousness of the offense charged against the defendant, the defendant's prior criminal history, and the likelihood that the defendant will return to court to face the charges.
- **Do I need to come to every court hearing?** No, the only time you are required to appear for a court hearing is if you have received a subpoena to testify. You have the right to attend any court hearing you want, it is your choice.
 - What is a subpoena?** A subpoena is a court order directing you to appear in court at a particular time and place. It may be delivered by mail or in person. It does not mean that you are charged with an offense. Its purpose is to bring you to court to testify.

Usually you are notified well in advance of the court date. If you change your address or telephone number, immediately notify the Victim Witness Assistance Program of the District Attorney's Office at (970) 356-4010. We may need to contact you if there is a change in the date or time you are to appear. You may also contact us in the event that you have questions regarding your appearance.

Inform your employer that you have been called to testify and you may have to appear. Your employer cannot discharge, punish, or threaten you for attending a criminal proceeding when you have been subpoenaed. If you are experiencing difficulties with your employer regarding a court appearance, please contact the Victim Witness Assistance Program immediately.
- What is plea agreement?** A plea agreement is a way a case can be resolved instead of going to trial. The Deputy District Attorney makes a plea offer that takes the following factors into consideration: the crime, the defendant's criminal history, the victim's input, and how this type of case is normally resolved. The task of the criminal justice system is to secure justice and reduce crime in the community. Most cases must be evaluated to determine what results will best accomplish justice for the victim, the defendant, and the community.
- If needed as evidence, when will my property be returned?** The District Attorney's Office will assist you in getting your property back after it is no longer needed as evidence. Please talk to the Victim Witness Assistant if you have special concerns.
- Will I be compensated for my court appearance?** Colorado law only provides witness reimbursement for mileage. Witnesses traveling from another state also receive a daily witness allotment of twenty dollars a day to assist with food expenses. When you check in at the Victim Witness Assistance Program waiting room please bring your subpoena so the Victim Witness Assistant can verify the address from which you have traveled. The Clerk's Office can pay you cash up to twenty-five dollars. If the amount is more, a check will be mailed to you.

- **What do I need to know about testifying?**

Witnesses often feel apprehensive about their appearance in court because they don't know what to expect. The following suggestions should be helpful:

- Always** tell the truth.
- Listen** carefully to each question you are asked. If you do not understand a question, ask to have it repeated or clarified.
- Think** before you answer a question. Testify only to facts you observed or know. If you can only give estimates of times, distances, etc., be sure to say they are estimates.
- Answer** only the questions you are asked. Do not volunteer information, opinions or conclusions that were not asked for.
- Stop** if either attorney stands up and objects to a question. Do not answer the question until you are instructed to answer by the judge.
- Speak** clearly, slowly, and loudly when answering a question. Do not nod your head for a "yes" or "no" answer; answer out loud. Remember to not chew gum.
- Remain** calm. Do not argue or lose your temper with an attorney or the judge.
- Dress** professionally, neatly and comfortable. Acceptable clothing is similar to something you would wear a job interview.
- **Remember** to please turn off your cell phones.

You will take an oath to tell the truth. This is all that will be expected of you. Do not hedge or exaggerate your answers. Just be straightforward, honest and truthful. Remember, conviction or acquittal is not your responsibility; you are in court only to truthfully tell the judge and jury what you know.

What if the case is dismissed? There are a number of reasons why a case may be dismissed or dropped by the prosecution or the court before trial. None of the reasons means that you, the witness, are unimportant or that your willingness to testify is not appreciated.

Your presence and willingness to testify may be the deciding factor in determining what will be done in the case, particularly in obtaining a guilty plea from the defendant. The plea may come at the last moment because the defendant is hoping you, the witness, will not show up or that the case will be dropped for other reasons.

The case could be dismissed because of insufficient technical evidence, failure to locate essential witnesses or because the evidence, in its entirety, is not enough to support a guilty verdict.

What if the defendant is not convicted? You may feel that justice has failed if the defendant is acquitted. Our system of criminal justice calls for guilt beyond a reasonable doubt to convict someone. However strong the evidence seems to you, it may not be enough to remove the reasonable doubt from the minds of the judge or jury. Your help as a witness is very important, even if the defendant is acquitted.

- Can convicted defendants appeal even if they have pled guilty?** Yes. Defendants may waive or give up certain rights when they enter a guilty plea, but they can never waive all of their fundamental constitutional rights and may challenge the plea itself, the conviction, or the sentence under certain circumstances. It is possible that the case in which you testify will be appealed if the defendant is convicted. This is a right guaranteed to the defendant. An appeal is the process which a convicted defendant

requests review by a higher court of his or her conviction. They may appeal the conviction process itself, the sentence, or any post-conviction order by the district court in the case. The appeal process can take a long time and may be confusing. The Office of the Attorney General handles almost all of the criminal appeals in this state. You can receive information and other support services during the appeals from the **Victim Assistance Unit at the Attorney General's Office at (303) 866-4500.**