

**VITAL INFORMATION**

Name of Prosecutor Assigned to Case:

\_\_\_\_\_

Victim Advocate Assigned to Case:

\_\_\_\_\_

Telephone Number: 1-800-828-9745

Case Assigned to Court No.: \_\_\_\_\_

Defendants: \_\_\_\_\_

\_\_\_\_\_

Court Case Number: \_\_\_\_\_

\_\_\_\_\_

**DATES TO REMEMBER**

**Preliminary Hearing**

Date: \_\_\_\_\_ Time: \_\_\_\_\_

**Trial**

Date: \_\_\_\_\_ Time: \_\_\_\_\_

**Motion Hearing**

Date: \_\_\_\_\_ Time: \_\_\_\_\_

**Sentencing**

Date: \_\_\_\_\_ Time: \_\_\_\_\_

**Other**

Date: \_\_\_\_\_ Time: \_\_\_\_\_

**Your  
Criminal Justice  
System**

.....

**Helpful Information  
for the Victims  
and Witnesses  
of Crime**



**Provided by Kansas Attorney General  
Stephen N. Six**

**Crime Victims Services Division  
120 SW 10th Ave, 2nd Floor  
Topeka, KS 66612-1597  
1-800-828-9745**

Due to the complexity of the criminal proceedings, hearings are often continued. Our victim advocate will contact you if a criminal proceeding is changed.

PLEASE NOTIFY VICTIM ASSISTANCE IF YOU CHANGE YOUR ADDRESS OR PHONE NUMBER.

## Message from Attorney General Stephen Six:



Dear Kansans,

As a former judge, I have personally witnessed the tragic results of crime, and the difficulties faced by crime victims and their families.

My office is dedicated to achieving justice for every crime victim, in every corner of the state. As your Attorney General, I am committed to protecting the victims of crime and their families at every level in the criminal justice process.

This brochure will help you navigate and understand the criminal justice system. If you have any questions or concerns about your case please contact our Victim Services Division at 1-800-828-9745.

It is my honor to serve as your Attorney General.

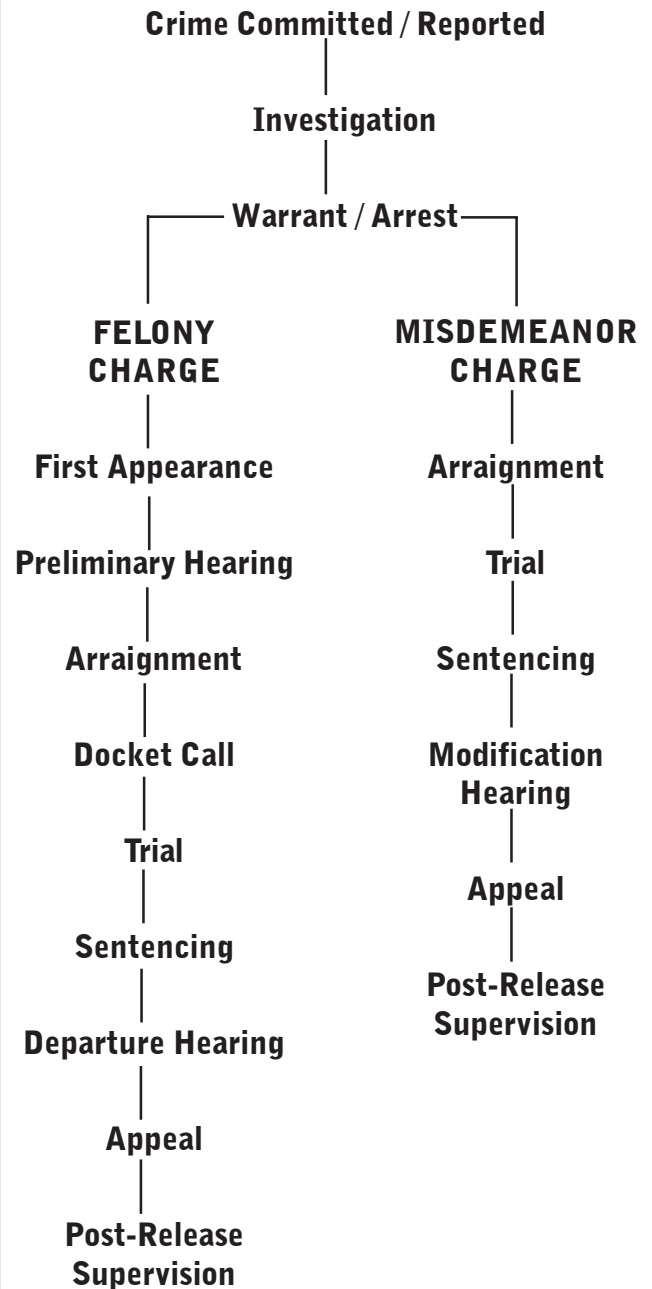
Sincerely,

A handwritten signature in cursive script that reads "Stephen N. Six".

Stephen N. Six



## STAGES OF A CRIMINAL CASE



## **Kansas Sentencing Guidelines, (Cont.)**

court must make a record of the aggravating or mitigating circumstances that led it to depart from the sentencing grid. Aggravating circumstances are factors which the judge may use to increase the defendant's sentence. Mitigating circumstances are factors which the judge may use to decrease the defendant's sentence.

### **WHAT IS PROBATION?**

Probation is a period of time that the defendant is placed under the supervision of adult probation and a probation officer. The defendant remains in the community and reports to his/her probation officer on a regular basis and must follow any conditions ordered by the court.

### **HOW LONG WILL THE DEFENDANT BE ON PROBATION?**

For all crimes committed on or after July 1, 1993, the recommended duration of probation in all felony cases is as follows:

- Thirty-six (36) months for severity level 1-5
- Twenty-four (24) months for severity level 6-10

Probation in misdemeanor cases is determined on a case by case basis.

### **WHAT IS POST-RELEASE SUPERVISION?**

Upon completion of the prison portion of the imposed sentence, the inmate will be released to serve a term of post-release supervision. The amount of good time earned and retained in prison will be added to the 12 to 36 months of post-release supervision.

## **The Kansas Attorney General's Crime Victims' Rights Unit**

The Kansas Attorney General's Crime Victims' Rights Unit was established in 1989. The unit works to ensure efficient and effective statewide coordination of local, crime victim and witness assistance programs and direct assistance to crime victims and their families. The program also educates and trains the public, professionals and victim advocates on crime victims' rights and administers numerous state grant funds to local crime victim assistance programs.

The Crime Victims' Rights Unit strives to lessen the impact of victimization for persons who have suffered as a result of a crime. Therefore, the Crime Victims' Rights Office offers the following services:

- Information regarding case status and legal process
- Notification of hearings
- Kansas Crime Victim Compensation Information
- Assistance with Victim Impact Statement and Restitution Forms
- Referrals to available resources in their community
- Liason between victim and prosecutor
- Sentencing, probation and parole information
- Accompanying victims and families to court proceedings

**FOR INFORMATION CALL 1-800-828-9745**

**Constitutional Amendment for Victims of Crime**  
Article 15, Section 15 reads as follows:

(a) Victims of crime, as defined by law, shall be entitled to certain basic rights, including the right to be informed of and to be present at public hearings, as defined by law, of the criminal justice process, and to be heard at sentencing or at any other time deemed appropriate by the court, to the extent that these rights do not interfere with the constitutional or statutory rights of the accused.

(b) Nothing in this section shall be construed as creating a cause of action for money damages against the state, a county, a municipality, or any of the agencies, instrumentalities, or employees thereof. The legislature may provide for other remedies to ensure adequate enforcement of this section.

(c) Nothing in this section shall be construed to authorize a court to set aside or to void a finding of guilty or not guilty or an acceptance of a plea of guilty or to set aside any sentence imposed or any other final disposition in any criminal case.

**Crime Victims Compensation Act**

The Kansas Crime Victims Compensation Law provides victims of violent crime with compensation for loss of earnings and out-of-pocket expenses for injuries sustained as a direct result of a crime against their person. Out-of-pocket means reasonable medical care or other services necessary as a result of the injury. Other services include mental health counseling and partial funeral, burial or cremation expenses. A dependent or legal representative of a victim who has met death as a result of a violent crime, may apply on behalf of the victim.

Victims, or their representatives, can apply for compensation by filling out an application and mailing it to:

**Crime Victims Compensation Board**  
120 SW 10<sup>th</sup> Ave., 2<sup>nd</sup> Floor  
Topeka, KS, 66612-1597  
(785) 296-2359

**Kansas Sentencing Guidelines,**  
Effective July 1, 1993

*A defendant who committed a felony on or after July 1, 1993, will be sentenced under the Kansas Sentencing Guidelines Act.*

**WHAT IS THE SENTENCING GUIDELINES ACT?**

It is a sentencing structure which is based on two controlling factors: crime severity and criminal history.

**WHAT IS CRIME SEVERITY?**

Crime severity refers to the seriousness of the offense and is designated by a severity level number. Severity levels range from a 1 through a 10, with 1 representing the most serious crimes.

**WHAT IS CRIMINAL HISTORY?**

Criminal history refers to a defendant's past criminal convictions. Prior convictions of a defendant will result in a harsher sentence if convicted of the current crime.

**HOW IS THE DEFENDANT SENTENCED?**

A grid is used to determine the defendant's sentence. Each grid block has three numbers. The numbers represent months of imprisonment. The three numbers provide the judge with a range of sentencing. The judge has discretion to sentence at any place within the range. The judge shall sentence the center number for typical cases. The upper and lower numbers should be used for circumstances having aggravating or mitigating factors.

**MAY THE JUDGE DEPART FROM THE SENTENCING GRID?**

Yes. The court has the authority to depart from the recommended sentence on the grid; however, the (Cont.)

**Q. AS THE VICTIM, WILL I BE NOTIFIED OF ALL THE DEFENDANT'S HEARINGS?**

**A.** You will receive a letter informing you of all the defendant's court appearances. You may attend any or all of the defendant's hearings, but when you are subpoenaed for a hearing you **must** appear.

**Q. WHAT IS A PRELIMINARY HEARING?**

**A.** A preliminary hearing (for felony cases only) is a probable cause hearing in the form of a "mini-trial." Testimony is taken under oath and the state must establish that: (1) a crime has been committed in the state of Kansas; and (2) probable cause exists to believe that the defendant committed the crime. If the state meets that burden, the judge will bind the defendant over for trial.

**Q. WHAT HAPPENS AT TRIAL?**

**A.** The trial of both felonies and misdemeanors may be before a jury or a judge. In a trial, the prosecutor from the Attorney General's Office presents the case for the state and has the burden of proving beyond a reasonable doubt that the defendant did commit the crime charged. If the defendant is found guilty in a felony case, the judge will defer sentencing pending completion of a pre-sentence investigation and may do so in a misdemeanor case. If the defendant is found not guilty, he/she is released.

**Q. WHAT IS A PRE-SENTENCE INVESTIGATION?**

**A.** After a guilty verdict or guilty plea in all felony and some misdemeanor cases, the judge will order a court services officer to prepare a pre-sentence investigation, often called a "PSI." The report consists of the defendant's version of the crime, prior criminal history, and a review of the facts of the crime. The victim's feelings regarding the crime and restitution information is also included. The pre-sentence investigation is open to the public except for the portion regarding the victim's feelings and proposed restitution amount.

**Frequently Asked Questions About the Criminal Justice System**

**Q. WHAT IS A COMPLAINT?**

**A.** A complaint is a statement of facts about an alleged crime, which is filed in court formally charging a person with that crime. Facts about the crime are submitted to the Attorney General's Office by a law enforcement officer on a police report. Upon review, if the evidence is deemed sufficient for prosecution, the complaint is filed, thereby initiating the prosecution of a criminal case.

**Q. WHAT IS AN ARREST WARRANT?**

**A.** An arrest warrant is an order signed by a judge authorizing the police to arrest a person believed to have committed a crime.

**Q. WHAT HAPPENS TO THE ACCUSED?**

**A.** The person accused of the crime is now called the defendant. The defendant will make his/her first appearance before a judge soon after their arrest. At first appearance, the defendant receives a copy of the complaint, the charge(s) are read, a bond is set and the judge sees that the defendant is represented by legal counsel.

**Q. WHAT IS THE PURPOSE OF BAIL?**

**A.** Bail is cash or surety bond, which is set by the court to ensure the defendant's appearance in court at the next scheduled hearing(s). The amount of the bond/bail may vary depending upon a number of facts including the seriousness of the offense and the prior record of the defendant.

**Q. WHAT IS A NO CONTACT ORDER?**

**A.** A no contact order is a condition of a defendant's bond, which may be issued by the judge in a criminal case. The defendant has been instructed by the judge, at first appearance, not to contact or cause another person to contact the victim or any endorsed witnesses (Cont.)

on the defendant's behalf. If a no contact order is issued and the defendant contacts you, call the police and the Crime Victims' Rights Unit.

**Q. WHAT IF I CHANGE MY MIND AND DO NOT WANT TO TESTIFY?**

**A.** A crime committed against any person is a crime against the State of Kansas. Once a complaint is filed, it becomes the state's case. It is ultimately the decision of the prosecutor as to the disposition of a case. If you have any reluctance about testifying in a case, please discuss your concerns with our Victim Advocate or the prosecutor handling the case. We will try to help with any problems, doubts, or questions you may have.

**Q. WHAT IF I AM THREATENED AS A VICTIM/WITNESS?**

**A.** Any attempt to prevent or influence a witness from testifying is a violation of the law. Report any such incident immediately to the police, the Crime Victims' Rights Unit and your prosecuting attorney.

**Q. SHOULD I TALK TO THE DEFENSE ATTORNEY?**

**A.** That is strictly your decision. You have no legal obligation to talk to the defense attorney. If you have any concern about talking to the defense attorney, do not hesitate to discuss it with the Victim Advocate.

**Q. MAY I WATCH THE TRIAL?**

**A.** Unless the court orders that witnesses may not attend, you may watch the trial; however, you should not discuss your testimony with other witnesses.

**Q. IF I RECEIVE A SUBPOENA, WILL THE CASE DEFINITELY GO TO COURT ON THAT DATE?**

**A.** You are required to appear unless you are notified that the case will not proceed on that day. It is a good idea to call the prosecutor's office and verify that the case is still scheduled.

**Q. WILL I BE COMPENSATED FOR APPEARING AS A WITNESS?**

**A.** Yes. The law provides that you may receive a witness fee of ten dollars for each day you are required to appear at a hearing or trial, whether or not you actually testify. In addition, you may receive mileage reimbursement for a round trip to and from the courthouse. To collect this fee, ask the attorney assigned to the case or present your subpoena to your county clerk's office. The unit will make every effort to assure that you spend no more time than absolutely necessary at the courthouse.

**Q. CAN I RECEIVE COMPENSATION FOR LOSSES I SUFFERED AS A RESULT OF THE CRIME?**

**A.** Various means are available to assist you depending on the type of loss. Discuss this with the Victim Advocate or the prosecutor assigned to the case.

**Q. WHEN CAN I GET MY PROPERTY BACK?**

**A.** All property will be released as soon as possible; however, under usual circumstances, it cannot be released until it is no longer needed as evidence. The property may be kept with the police department until the disposition of the case.

**Q. WHAT IF I MOVE OR CHANGE JOBS DURING THE PROCEEDINGS?**

**A.** Immediately notify the prosecutor's office and Victim Advocate of any change in address or employment should they need to contact you.

**Q. HOW DOES A CASE GET DISMISSED?**

**A.** If the judge decides probable cause has not been established, the court dismisses the case. This means that all legal action has come to an end, and the defendant is released.