



Barbara LaWall · Pima County Attorney

Pima County Attorney's Office
Victim Services Division

Victims' Rights Guide



*Victims' Rights Guide:
An Overview of the Criminal Justice System for Victims and Witnesses*

A message from the Pima County Attorney

To Witnesses and Victims of Crime:

As your County Attorney, I am committed to holding criminals accountable. And I am equally committed to ensuring that crime victims are remembered, respected, and included in the criminal justice system.

Without the willingness of victims and witnesses to report and testify about crime, criminals could not be prosecuted. Because your participation is absolutely vital to the functioning of the criminal justice system, it is my goal to make your experience with that system as easy and as positive as possible.

To anyone unfamiliar with courts and legal proceedings, the criminal justice process can seem complex and daunting. It can be even more challenging for someone recently traumatized by crime. The Victim Services Division of the Pima County Attorney's Office understands the problems faced by victims and witnesses. Our trained, experienced advocates are here to help and support you, accompany you to court, and address your specific concerns.

This booklet is intended to help explain criminal proceedings and the legal rights of victims. I encourage you to read, retain, and use it as your case proceeds and to contact the Victim Services Division in my Office with any specific questions or concerns you may have. You can reach Victim Services at (520) 740-5525. You will also find detailed information available on our website: www.pcao.pima.gov/victimservicesdivision.aspx.

We are pleased to be able to assist you, help represent your interests, and help you to assert your rights. Working together, we can hold criminals accountable, help victims heal, and make this community a safer place for ourselves and our families.



Barbara LaWall
Pima County Attorney

TABLE OF CONTENTS

Introduction

Victims' Rights in Arizona

Victims' Bill of Rights 4

Automatic Rights 5

Rights upon Request 5

Rights of Businesses and Legal Entities 6

Rights of Neighborhood Associations 6

Prohibition Against Discrimination 6

Common Concerns

Emotional Effects 6

Harassment or Threats 7

Restraining Orders 7

Financial Issues: 7

 Crime Victim Compensation 8

 Restitution 8

 Civil Remedies 8

Property Return 8

Receiving Case Information 8

Delays 9

Transportation and Parking 9

Work-Related Issues 9

Subpoena Information 9

Pretrial Interviews 10

Attending and Testifying at Trial

 Tips for Testifying in Court 10

 Tips for Victims, Relatives, and Friends Attending Court Proceedings 11

 When Children Must Testify 11

Criminal Justice System Overview

Overview of Felony Prosecutions 11

Investigation 11

Arrest and Initial Appearance 11

Issuing Charges 11

Preliminary Hearing or Grand Jury 11

Flow Chart for Felony Prosecutions 12

Arraignment 13

Disclosure 13

Adult Diversion 13

Case Management Conference 13

Plea Agreements 13

Pretrial Motions and Hearings 13

Trial 13

Motions for New Trial 14

Presentence Investigation and Sentencing 14

Motions to Vacate Judgment 14

Appeals and Post-Conviction Proceedings 14

Overview of Misdemeanor Prosecutions 14

Flow Chart for Misdemeanor Prosecutions 15

Overview of the Juvenile Justice System 16

Frequently Asked Questions

As a crime victim, do I need my own attorney? 16

Where can I get a copy of the police report? 16

I am having difficulty enrolling in VINE. What can I do? 17

Can I drop the charges against the person who is being prosecuted? 17

How do I find out when the next court date is in my case? ... 17

I received notice from the Pima County Attorney's Office about a court hearing. As a victim, am I required to attend? ... 17

Will I have to testify? 17

I want to give input on a case. How do I do that? 17

If I disagree with the decision to plea bargain (or with the plea offered to the defendant), what can I do? ... 17

What number do I call to report a case to Child Protective Services? 17

How do I press charges if someone in my home is being physically or sexually abused? 17

How do I get a "restraining order"? Where do I get one? 17

What's the difference between an Order of Protection and an Injunction Against Harassment? 18

What's the difference between restitution and Victim Compensation? 18

Can I get restitution for my economic loss? 18

The court ordered that I be paid restitution. When will I get my money? 18

How does Victim Compensation work? 18

I want to get into the Witness Protection Program. Can you help with that? 18

Glossary 19

Important Telephone Numbers 22

Case Notes 23

Introduction

The effects of crime can be devastating. Crime victims and witnesses often feel traumatized by their experiences. For some, participating in the criminal justice system may seem only to compound the trauma. The better informed you are about the court system, your rights as a victim, and the ongoing status of your case, the more comfortable you may feel as the case proceeds.

The Victim Services Division of the Pima County Attorney's Office is available to help crime victims and witnesses through this process. Our mission is to support, educate, and empower victims to seek justice in order to strengthen and rebuild their lives.

The services we provide include:

- Crisis intervention
- Referrals for counseling and other resources
- Assistance, information, and support throughout the criminal justice process, including accompanying you to court
- Help in filing claims for restitution and victim compensation and in preparing a victim impact statement

A victim advocate is your link to the prosecution team, to investigating law enforcement officers, and to community agencies. An advocate can inform you of your rights, provide emotional support, explain the criminal justice system, keep you informed about the status of your case, accompany you during court proceedings, assist you in applying for restitution and victim compensation, and help connect you to community resources. By statutes ([A.R.S. § 13-4430](#), [A.R.S. § 8-409](#)), with some exceptions, your communications with a victim advocate are confidential and privileged from disclosure.

We hope this booklet will provide useful information about the criminal justice process and help answer some of the questions that arise as your case proceeds. We encourage you to call the Victim Services Division at any time for further information, assistance, and support. The telephone number is (520) 740-5525. Additional information is also available on our website: www.pcao.pima.gov/victimservicesdivision.aspx.

Victims' Rights in Arizona

In 1990, Arizona voters approved an initiative measure amending our state constitution to add the Crime Victims' Bill of Rights as [Section 2.1 of Article 2 of the Arizona Constitution](#). Related statutes, enacted to implement the constitutional provision, can be found in [Chapter 40 of Title 13 of Arizona Revised Statutes](#), sections [13-4401](#) through [13-4441](#).

Victims' rights apply whether the criminal conduct was committed by an adult or by a juvenile. The statutes providing rights to victims of juvenile offenses appear in [Article 7, Chapter 3 of Title 8 of the Arizona Revised Statutes](#), sections 8-381 through 8-421.

Crime victims are now constitutionally entitled to receive

information about criminal proceedings, to attend and participate in those proceedings, to confer with the prosecutor, to refuse to be interviewed by the defense, to be informed of the offender's release from custody, and—if the defendant is convicted—to receive monetary reimbursement from the defendant for losses resulting from the crime.

Your rights as a crime victim begin when a crime is reported and continue throughout the criminal justice process, including any appeal or post-conviction proceedings.

Some of these rights are automatic, but others must be requested. The latter rights can be waived or lost if you do not "opt in" by requesting notice or if you later change your address or telephone number without informing the agency responsible for providing you with notice. Forms for "opting in" are provided to victims at various stages, or you may request notice by calling the Victim Services Division at (520) 740-5525.

Victims' Bill of Rights

Article 2, Section 2.1 of the Arizona Constitution

(A) To preserve and protect victims' rights to justice and due process, a victim of crime has a right:

1. To be treated with fairness, respect, and dignity, and to be free from intimidation, harassment, or abuse, throughout the criminal justice process.
2. To be informed, upon request, when the accused or convicted person is released from custody or has escaped.
3. To be present at and, upon request, to be informed of all criminal proceedings where the defendant has the right to be present.
4. To be heard at any proceeding involving a post-arrest release decision, a negotiated plea, and sentencing.
5. To refuse an interview, deposition, or other discovery request by the defendant, the defendant's attorney, or other person acting on behalf of the defendant.
6. To confer with the prosecution after the crime against the victim has been charged, before trial or before any disposition of the case and to be informed of the disposition.
7. To read pre-sentence reports relating to the crime against the victim when they are available to the defendant.
8. To receive prompt restitution from the person or persons convicted of the criminal conduct that caused the victim's loss or injury.
9. To be heard at any proceeding when any post-conviction release from confinement is being considered.
10. To a speedy trial or disposition and prompt and final conclusion of the case after the conviction and sentence.
11. To have all rules governing criminal procedure and the admissibility of evidence in all criminal proceedings protect victims' rights and to have these rules be subject to amendment or repeal by the legislature to ensure the protection of these rights.

12. To be informed of victims' constitutional rights.

(B) A victim's exercise of any right granted by this section shall not be grounds for dismissing any criminal proceeding or setting aside any conviction or sentence.

(C) "Victim" means a person against whom the criminal offense has been committed or, if the person is killed or incapacitated, the person's spouse, parent, child or other lawful representative, except if the person is in custody for an offense or is the accused.

(D) The legislature or the people by initiative or referendum have the authority to enact substantive and procedural laws to define, implement, preserve and protect the rights guaranteed to victims by this section, including the authority to extend any of these rights to juvenile proceedings.

(E) The enumeration in the constitution of certain rights for victims shall not be construed to deny or disparage others granted by the legislature or retained by victims.

Automatic Rights

Many of the rights afforded victims through legislation and rules of court are automatic. If you are a victim, these include the right:

1. To be advised of all of a victim's legal rights and how to assert them.
2. To information about the availability of crisis intervention, medical, and emergency services and about victim assistance programs and domestic violence resources.
3. To be advised of the date, time, and location of the suspect's initial appearance or arraignment if a suspect is arrested or cited.
4. To be provided the police report number, if available, and, if the case has been referred to a prosecutor's office, information about how to contact that office.
5. To be notified if the prosecutor declines to file charges or to receive notice of what charges are filed.
6. To have your identifying and locating information, including your date of birth, social security and driver license numbers, address, phone number, email and place of employment, be withheld from the defendant and the defendant's representatives.
7. To refuse an interview with the defendant and anyone working on the defendant's behalf.
8. To be present at any court proceeding at which the defendant has the right to be present.
9. To name an appropriate support person, who is not a witness, to accompany you to any interview, deposition, or court proceeding.
10. To have the court provide appropriate safeguards to minimize contact between you and the defendant during court proceedings.
11. To be heard at any proceedings that concern the release of the accused person, a plea agreement, or sentencing (with some limitations if the defendant is facing the death penalty).

12. To speak with the presentence investigator before the sentencing, to give a sentencing recommendation, and to read the presentence report when it is available to the defendant.

13. To have the court order the defendant to pay restitution.

14. To be notified of the escape and re-arrest of the accused or convicted person, including one placed by court order in a mental health treatment facility.

Rights Upon Request

If you are a victim, you also have the right, upon request:

1. To leave work to attend proceedings or obtain a restraining order, using your own vacation or sick leave, if you work for an employer with 50 or more employees, provided it does not create an undue hardship on the employer.
2. To confer with the prosecutor about a decision not to proceed with a prosecution, dismissal of the charges, pretrial diversion programs, and any plea or sentencing negotiations. Your right to confer with the prosecutor before trial does not include the right to direct the prosecution of the case.
3. To request that the prosecutor assert on your behalf any right to which you are entitled.
4. To receive notice of the suspect's release from custody.
5. To receive a copy of the conditions of the suspect's release from custody.
6. To receive notice of all court proceedings at which the defendant has the right to be present.
7. To the return of any of your personal property taken during the investigation, or, if the property cannot be returned, to an explanation of the reasons.
8. To notice of the defendant's conviction or acquittal or the dismissal of charges.
9. To be informed of the sentence imposed on the defendant.
10. To be notified of any appeal or proceedings for post-conviction relief.
11. To receive notice of any hearing in which the defendant's release from prison is being considered and notice of your right to attend and be heard at that hearing; and to be informed of the result.
12. To be informed of the earliest possible release date of a prisoner sentenced to the Department of Corrections (if the sentence exceeds six months); to notice in advance of the prisoner's release or, if the prisoner has died, to notice of the death.
13. To notice of any probation-revocation disposition hearing or any proceeding to terminate probation. You also have the right to notice of any proceeding to modify probation conditions if the proposed modification would substantially affect your safety or the probationer's contact with you or would affect restitution or the probationer's incarceration status.

If there is any conflict of interest or disagreement between you and the prosecutor, you have the right to:

1. Be directed to appropriate sources for legal assistance.
2. Be represented by your own attorney at your own expense.

Rights of Businesses and Legal Entities

If your business has been victimized, your rights are more limited. As provided in [A.R.S. § 13-4404](#) and [A.R.S. § 8-385](#), when a corporation, partnership, association, or other legal entity is the victim, its lawful representative has the right:

1. Upon request, to be notified of the date and time of any proceeding relating to restitution or sentencing of the person convicted of committing the crime against the business.
2. To appear and be heard at any proceeding relating to restitution or sentencing of the person convicted of committing the crime against the business.
3. To submit a written statement to the court containing information and opinions concerning restitution and sentencing in the case.

Rights of Neighborhood Associations

Neighborhood Associations may register with the city, town, or county where they are located in order to assert certain enumerated victims' rights (to be notified, to attend criminal proceedings, and to provide a victim impact statement at sentencing) when certain crimes—such as drug offenses, prostitution, and chop shops, for example—occur within their boundaries. The statutes identifying those crimes and governing victims' rights for neighborhood associations are [A.R.S. § 13-4401.01](#) and [A.R.S. § 8-385.01](#).

The neighborhood association must designate one person who will act on behalf of the association and must provide that person's name and telephone number to the appropriate law enforcement agency. When an arrest is made, that person may contact the law enforcement agency to assert victims' rights for that crime.

Prohibition Against Discrimination

The Pima County Attorney's Office provides victim services regardless of race, color, national origin including persons with limited English proficiency, sex, religion, disability, age, and genetic information.

You may file a discrimination complaint if you believe that the Pima County Attorney's Office has discriminated against you for any of the reasons listed above. Your complaint must be in writing and filed within 180 days of the alleged discriminatory act. You may file your complaint with any of the following entities:

Office for Civil Rights
Office of Justice Programs
U.S. Department of Justice
810 7th Street, NW
Washington, DC 20531
<http://ojp.gov/>

In order to file with the federal Office for Civil Rights (OCR), you must download two forms from the internet and submit them in writing to OCR. You may download the forms at www.ojp.gov/about/ocr/complaint.htm.

Arizona Department of Public Safety
VOCA Administration
Civil Rights Coordinator
P.O. Box 6638 – MD 1320
Phoenix, AZ 85005-6638
(602) 223-2491
http://www.azdps.gov/Services/Crime_Victims/victimRights/

Office of the Arizona Attorney General
Civil Rights Division
1275 W Washington Street
Phoenix, AZ 85007
(602) 542-5263
www.azag.gov/civil-rights

You may also file a written complaint directly with the Pima County Attorney's Office:

Pima County Attorney's Office
Victim Services Division
32 North Stone Avenue
Tucson, AZ 85701
(520) 740-5525

The Pima County Attorney's Office will then forward the complaint to OCR, the Arizona Department of Public Safety or the Attorney General's Office.

Your written discrimination complaint should include the following information:

- Your name and contact information, including your mailing address, telephone number, and e-mail address.
- The name(s) of the person(s) who committed the allegedly discriminatory act, if known.
- A description and date(s) of the alleged discriminatory act(s).
- You must sign or affirm your complaint.

Common Concerns

Emotional Effects

If you are a victim or witness to a crime, you may experience a wide variety of emotions. Feelings of anger, fear, guilt, shame, vulnerability, and depression are all normal reactions. You might have trouble sleeping, find it hard to concentrate, or fear being alone. Family members of victims and witnesses are also affected and may experience similar emotions.

There are some things you can do to help you deal with the feelings you may experience as a victim or witness. Drinking water, eating properly, and exercising all help to reduce stress. Maintaining a regular sleep schedule is important. Talking with a friend, family member, minister, or counselor can be very helpful. We also encourage you to speak with a victim advocate in our office.

Harassment or Threats

Some victims and witnesses may worry about possible retaliation. Although this is a common concern, experience shows that most victims and witnesses do not face retaliation. Most defendants are aware that, if they engage in harassment, they could face additional felony charges.

In domestic violence cases, however, it is more common for a defendant to try to contact the victim and attempt to persuade the victim not to testify. This contact is usually prohibited by the defendant's court-ordered conditions of release. Thus, you should immediately report any contact or attempted contact to the prosecutor or advocate assigned to your case.

If you are threatened or harassed, report the event to law enforcement by calling 9-1-1 immediately. Any threats, harassment, or intimidation should also be documented, and the Victim Services Division should be notified by calling (520) 740-5525. Our advocates will discuss with you the various options available to assure your safety.

Again, except in domestic violence cases, most worries about the possibility of being threatened are unfounded. But if you have any problems or concerns, please do not hesitate to call the Victim Services Division.

Restraining Orders

There are two types of restraining orders—an Order of Protection (issued against a family member or a current or former spouse, roommate, girlfriend, boyfriend, or intimate partner to prevent acts of domestic violence) and an Injunction Against Harassment (issued to prevent continued harassment by a stranger, neighbor, coworker, or acquaintance).

You can apply for either type of order at the Clerk's Office of any of the following courts:

- [Tucson City Court](#), 103 E. Alameda St., Room 403, Tucson, (520) 791-4971

[Orders of Protection](#)
[Injunctions Against Harassment](#)

Note: Anyone living in Pima County can seek a restraining order at City Court. You need not reside within Tucson city limits.

- [Pima County Consolidated Justice Court](#), 115 N. Church Ave., 2nd Floor, Tucson, (520) 724-3171

[Orders of Protection](#)
[Injunctions Against Harassment](#)

- [Pima County Juvenile Court](#), 2225 E. Ajo Way, Tucson, (520) 740-2000

- [Ajo Justice Court](#), 111 Mina Ave., Ajo, 1-520-387-7684

- [Green Valley Justice Court](#), 601 N. La Cañada, Green Valley, (520) 648-0658

- [Marana Municipal Court](#), 11555 W. Civic Center Drive, Marana, (520) 382-2700

[Orders of Protection](#)
[Injunctions Against Harassment](#)

- [Oro Valley Magistrate Court](#), 11000 N. La Cañada, Oro Valley, (520) 229-4780

[Orders of Protection](#)

- [Sahuarita Municipal Court](#), 360 W. Sahuarita Center Way, Sahuarita, (520) 344-7150

[Civil Protective Orders](#)

- [South Tucson Municipal Court](#), 1601 S. Sixth Ave., Tucson, (520) 792-2424 or (520) 917-1568

[Orders of Protection](#)
[Injunctions Against Harassment](#)

- [Pima County Superior Court](#), 110 W. Congress, 1st Floor, Tucson, (520) 724-3200.

[Orders of Protection](#)
[Injunctions Against Harassment](#)

Note: Often Superior Court is not the most convenient place to apply for a restraining order. But if you are also involved in a pending divorce or legal separation proceeding, a paternity action, or a dispute over child custody or visitation, Superior Court is where you should seek an Order of Protection.

You may also apply for a restraining order at [Emergel Center Against Domestic Abuse](#). Call (520) 881-7201 for the locations of the Emergel Center's outreach offices that have a web camera that can be used to obtain an Order of Protection from Tucson City Court remotely.

When you apply for a restraining order, you may ask that your current address be kept confidential.

If you work for an employer with more than 50 employees, you have the right to leave work, using your own sick or vacation leave, in order to obtain an Order of Protection or Injunction Against Harassment, as long as it doesn't place an undue burden on your employer.

There is no fee to apply for either kind of restraining order and no cost to have an Order of Protection served. There is normally a fee to have an Injunction Against Harassment served on the person named. The amount of the fee varies, depending on the circumstances. A person who cannot afford the fee may request a deferral or a waiver.

Financial Issues

Besides experiencing the emotional trauma of a crime, victims may also face unexpected financial expenses for such things as medical care, counseling, and repairing or replacing damaged or stolen property. Although a victim may be able to recover some of these costs from the defendant or other sources, unfortunately not all victims will receive full or timely reimbursement for all of their losses.

If you are the victim of a sexual assault or a "dangerous crime against children" and you cooperate in the prosecution of the offender, you will not have to pay for the forensic medical examination performed to collect physical evidence, but you are responsible for any expenses incurred in visiting an emergency room or seeking medical treatment for injuries.

Crime Victim Compensation

You may request assistance with medical expenses, counseling bills, loss of wages, and – in the case of homicides – with funeral expenses and crime scene cleanup costs from the Arizona Crime Victim Compensation Fund. The Fund is a payer of last resort after other resources have been exhausted. Payment is not guaranteed, and certain restrictions do apply. The crime must have been reported within 72 hours of its discovery, and you must cooperate willingly with law enforcement and file an application for compensation within two years of the crime. The Fund cannot help with property loss or damage (but see the section below on Restitution). More information about the Crime Victim Compensation Fund is available on our website, at <http://www.pcao.pima.gov/victimcompensation.aspx>, where you will also find an application form and a helpful brochure. For further information about your eligibility, contact the Crime Victim Compensation Fund at (520) 740-5525.

Restitution

By law, the court is required to order a defendant who has pled or been found guilty to pay restitution to the victim of the crime for any economic losses the victim suffered. Restitution can be awarded for financial losses directly related to the crime, such as stolen or damaged property, lost wages, medical or counseling expenses, or funeral costs, but not for pain and suffering. If you have sustained a monetary loss, it is important that you keep receipts and other documentation establishing the amount of your losses. The documentation you provide will assist the judge in determining the amount of restitution to order at sentencing.

The judge will also specify when payments are to begin. Restitution is usually paid in installments to the Clerk of the Court and then mailed to you by the Clerk. You will need to keep the Clerk informed of any changes in your address or telephone number. The telephone number for the Restitution Desk in the Pima County Superior Court Clerk's Office is (520) 740-3263. Telephone numbers for the Clerk's Offices of other courts may be found in the directory at the end of this Guide.

Defendants placed on probation are often required to pay restitution as a condition of their probation. Defendants sentenced to prison may be ordered to pay a percentage of any prison wages they earn as restitution, or they may have no source of income. If the defendant owns real property, a motor vehicle, or other valuable personal property, you may file a restitution lien when the restitution is ordered. The statute providing for restitution liens is [A.R.S. § 13-806](#).

At the time the defendant is ordered to pay restitution, the court may enter a "Criminal Restitution Order" for the unpaid balance of any restitution ordered ([ARS 13-805](#)). The Clerk of the Court will prepare an order for a judge to sign and will have the signed order recorded at the Pima County Recorder's Office. The Criminal Restitution Order can then be enforced as any civil judgment and does not expire until paid in full. You may contact a Victim Advocate or the Clerk of the Court if you need help in obtaining a copy of this order when the defendant's prison sentence or term of probation ends or if the defendant escapes from prison or absconds from probation.

Civil Remedies

In addition to court-ordered restitution and crime victim compensation as possible avenues for recovering financial losses resulting from a crime, sometimes there may be grounds to file a civil suit against the defendant. In a civil lawsuit you can request compensation for pain and suffering as well as for economic loss. Under some circumstances you may also seek punitive damages. A civil action is completely independent of the criminal prosecution, and this Office cannot assist you with a civil suit nor advise you whether to pursue one. There are many variables to consider, and the decision whether to sue someone civilly can be complicated.

Although you may file a civil suit yourself, you will likely find it advantageous to seek the assistance of a lawyer. Be aware that there are statutory time limits for filing a civil suit, after which the right to sue will be lost.

If you would like to consult a private lawyer but do not know how to find one, you may wish to call the Pima County Bar Association's Lawyer Referral Service at (520) 623-4625. The hours are 9:00 a.m. to 4:30 p.m., Monday through Friday.

If you have access to the Internet, you may also find helpful general information on the website of the National Crime Victim Bar Association, <http://www.victimbar.org>.

Property Return

When a crime has occurred, the investigating law enforcement agency (such as the Tucson Police Department or Pima County Sheriff's Department) will often take and retain personal property with evidentiary value to assist in proving the case. The items may need to be entered in evidence during a trial and used to prove certain aspects of the crime. Some property held for this reason must be kept throughout the criminal justice process, including appeals. In other cases, personal property can be photographed and returned to you upon request. If you have questions about your property, please contact the victim advocate, deputy county attorney, or detective assigned to your case.

Receiving Case Information

Before a defendant's arraignment hearing, a packet of information will be mailed to you at the address you provided to law enforcement when the crime occurred. The packet will include an introductory letter with the case number and the defendant's name; a copy of the charging document; and information about your rights as a victim, the criminal justice system, and how the Victim Services Division can assist you. Keep this information handy, as you will need it in the future when you want to get information about the case. If you call us for such information, you will need to provide the defendant's name and/or the court case number.

The initial packet will also contain a form for you to complete and return to us in the postage-paid envelope that will be enclosed. This form is very important if you wish to be informed of future proceedings in the case. **To receive notice of upcoming court dates and other events, a victim must "opt in" by requesting notice, either by mailing the form back to us or by calling the Victim Services Division at (520) 740-5525.**

If you should later move or change your telephone number, please promptly call to inform our office so we can continue

to provide you with the information you will need. Failure to supply a current address and telephone number is treated as a withdrawal of your request for notice about proceedings in the case. You may, however, file a new request for notice with updated contact information and thus "opt in" at any time.

If the defendant is convicted and sentenced, a victim must once again "opt in" in order to receive notice of subsequent appellate and post-conviction proceedings in the case. If we have your current contact information, the Pima County Attorney's Office will send you a "post-conviction notification request form" you may use for that purpose. After sentencing, a number of different agencies become responsible for giving you notice of post-conviction events, and a victim must request notice from each such agency. The "post-conviction notification request form" you receive from this Office will explain how you may do that.

Delays

In the weeks or months following the defendant's arraignment, there will be a series of court hearings. Due to crowded court calendars and the many activities involved in preparing a case for trial, the scheduled dates for hearings and trials often change. Regrettably, delays are an unavoidable part of the process. However, the court must also consider the victim's right to a prompt resolution of the case and must give reasons on the record for ordering any trial continuance.

The most common hearings that may occur between arraignment and trial are discussed elsewhere in this booklet and on our website, at <http://www.pcao.pima.gov/criminaljusticeprocess.aspx>.

Transportation and Parking

Our Offices, Superior Court, and Justice Court

The Criminal Division of the Pima County Attorney's Office and the Victim Services Division are located in the Legal Services Building at [32 N. Stone Avenue](#) in Tucson. Reception for the Victim Services Division is on the 14th floor.

The Pima County Superior Courts building is located at [110 W. Congress Street](#) (at Congress and Church). The consolidated Justice Courts are located at [115 N. Church Avenue](#), between Alameda and Pennington Streets.

Parking is available in the El Presidio Garage, the Public Works Garage, and in a few other locations downtown ([map](#)). El Presidio Garage is located at [165 W. Alameda Street](#), between Granada and Church Avenues. There are two entrances, one on Alameda Street and one on Pennington Street. Pedestrians enter and exit via one of four elevators or stairwells located in El Presidio Park. The Public Works Garage is located at [50 W. Alameda Street](#), between Stone and Church Avenues. Entry and exit are on Alameda Street, westbound from Stone.

If you are required to come to our office for interviews or are subpoenaed by us to testify at a court date, the Pima County Attorney's Office can validate your parking ticket from either El Presidio Garage or the Public Works Garage. Please bring your parking ticket with you and remind us that it needs to be validated to cover parking cost. The Pima County Attorney's Office cannot validate parking for

attendance at court hearings unless you are required to be present, nor can it pay for parking violations.

You may wish to take a bus to the downtown area, as the majority of bus routes stop within two blocks of the courts building. You can obtain route, schedule, and fare information online at www.suntran.com or by calling Sun Tran at (520) 792-9222.

Juvenile Court

The Pima County Juvenile Court Center is located at [2225 E. Ajo Way](#), where there is ample free parking. The Juvenile Court Center is also accessible by bus, on Sun Tran Route 11. The main telephone number for the Juvenile Court Center is (520) 740-2000.

The Juvenile Division of the Pima County Attorney's Office and the victim advocate assigned to juvenile court cases are located next door to the Juvenile Court Center, at 2235 E. Ajo Way. Parking there is also free. The telephone number for both is (520) 740-2991.

Work-Related Issues

The Pima County Attorney's Office will make every effort to minimize the time you must spend in court as a witness. If you should have any work or school-related problems concerning your need to appear or testify in court, tell a victim services advocate or the deputy county attorney. We are available to contact your employer or school to explain your legal obligation to appear as a witness.

Crime victims whose employers have fifty or more employees have a statutory right to leave work to attend court proceedings or to obtain an Order of Protection or Injunction Against Harassment. The leave is not necessarily paid leave, and an employer may require the employee to use sick leave or vacation time. The statute governing the right to leave work is [Arizona Revised Statutes § 13-4439](#) and [§ 8-420](#). If you would like further information about your rights and obligations under § 13-4439, please speak with a victim advocate or with the prosecutor handling the criminal case.

Subpoena Information

If you are needed to testify in court, you will receive a subpoena before the court date. To many victims, a subpoena seems unnecessary, and some may feel distressed at being served. Although most citizens would testify willingly without being subpoenaed, the Pima County Attorney's Office is required to subpoena all witnesses to ensure their appearance in court. Do not be alarmed by the wording of the subpoena; the law requires all subpoenas to contain language stating that you must appear at the time and place indicated or, if you fail to appear, a warrant will be issued for your arrest.

On most subpoenas there will be a notation asking you to call the deputy county attorney or the legal assistant assigned to the case. It is important that you call so we know you have in fact received the subpoena. This also allows us to make arrangements for your court appearance and to reduce the time you spend waiting to testify. If the court date is postponed, we will contact you as soon as possible to let you know you do not need to appear on that date. You will either receive a new subpoena or be notified of the new

court date by phone or mail. Such notification has the same effect as a subpoena, and the court would treat a failure to appear in the same way. It is important that you keep the subpoena so you will have the case number, the defendant's name, where to appear, and other information you will need.

Pretrial Interviews

Within a few weeks after a crime occurs, a police or sheriff's detective usually interviews the victim and other key witnesses. These interviews are recorded and then transcribed. The transcripts are provided to the prosecutor and later disclosed to the defense attorney, who will be allowed to question you at trial about your statements.

The defense has a right to conduct its own investigation. This may include further interviews with witnesses who have already given statements to law enforcement and interviews of anyone else believed to have information about the case, except the victim. A witness has the right to determine reasonable conditions under which the interview may be conducted, such as the time and place of the interview, and may ask that a representative of the Pima County Attorney's Office be present.

If the defense wants to interview the victim(s) of the crime before trial, the request must be made only through the prosecutor's office. As the victim, you have the constitutional right to refuse to be interviewed by the defense attorney or anyone else working on behalf of the defendant. Please inform your victim advocate or prosecutor if you are asserting your right not to be interviewed by the defense. If you agree to be interviewed, you may terminate the interview at any time, and you may refuse to answer any question asked. If you request, the prosecutor can assist you in asserting your rights during the interview.

The following interview guidelines may be helpful:

1. *Always tell the truth.*
2. *Listen carefully to the question and be sure you understand it. Ask to have the question clarified or rephrased if necessary. Answer all questions truthfully.*
3. *If you do not know the answer to a question or do not remember, say so. Do not guess or say "I think" or "I believe" if you do not know.*
4. *The interviewer wants to know what you personally saw, heard, or experienced, not what someone else may have told you.*
5. *Do not be afraid to say you have discussed the facts of the case with other people.*
6. *If you are asked a question about time or distance and you can only estimate, be sure to say that your answer is only an estimate.*
7. *Refrain from giving an opinion unless asked.*
8. *When asked a "yes or no" question, respond aloud with the word "yes" or "no." The device recording the interview cannot record a nod or shake of your head.*
9. *Before the interview begins, ask to receive a copy of the transcript or recording before trial.*

Attending and Testifying at Trial

If the case in which you are a victim or a witness is brought to trial, the Victim Services Division of the Pima County Attorney's Office is available to provide support and information before and during the trial. Witnesses may be excluded from the courtroom except when they are testifying. But crime victims have the right to be present in the courtroom throughout a trial, even if not required to testify.

If the lawyers determine that your testimony is necessary, you will be notified by the prosecutor or your advocate, who will keep you informed about the progress of the case toward trial. You will also routinely be served with a subpoena requiring your attendance.

It is normal to feel apprehensive about testifying. But we have found that the more you know about what to expect, the less stressful your court appearance will be. If you request, a victim advocate will show you an empty courtroom before your scheduled appearance and explain general court procedures and will accompany you to court on the day you testify.

When you arrive at the courthouse for trial, you may not talk about your testimony with anyone other than the attorneys. The jurors are not allowed to hear any information about the case except the sworn testimony in the courtroom, and witnesses are not permitted to hear anyone's testimony except their own. A violation of this rule could result in a mistrial, so please be very careful not to discuss the case in public until after the jury has returned a verdict.

Unless you are a victim and already in the courtroom, you will be called in by the bailiff when it is your turn to testify. Be sure to turn off your cell phone and all other electronic devices before you enter the courtroom. You will first be required to take an oath or promise to answer questions truthfully. You will then take the witness stand and be asked specific questions by the attorneys for the state and for the defendant.

Tips for Testifying in Court:

1. *Dress comfortably but neatly, as you would for any other important business. Please do not wear clothing with printed slogans or statements.*
2. *Bring something, perhaps a book or magazine, to keep you occupied while you wait during delays or breaks in the proceedings.*
3. *Do not chew gum while testifying.*
4. *If you need a glass of water while you are testifying, you may ask for one.*
5. *Speak clearly, so the judge, court reporter, jurors, and attorneys can hear you.*
6. *Be careful to answer only the specific question asked. Do not offer additional information.*
7. *If an attorney objects to a question, pause and wait for the judge to rule on the objection. Do not answer until the judge directs you further.*
8. *Remember that it is the attorneys' job to prove or disprove the case. Your job as a witness is simply to tell the truth.*

Tips for Victims, Relatives, and Friends Attending Court Proceedings:

1. *Dress neatly. Do not wear clothing with printed slogans or statements. Remove hats and dark glasses.*
2. *Turn off telephones, pagers, and any other electronic devices.*
3. *Leave drinks and food outside the courtroom.*
4. *Be respectful and discreet. Do not speak loudly or for a prolonged period of time; save conversations for breaks. Avoid making gestures or facial expressions, rolling your eyes, or nodding or shaking your head.*
5. *Do not discuss the case in public or on any social media (e.g., Facebook, Twitter, etc.) until a verdict has been announced.*
6. *Do not bring children to the courthouse unless they are victims or witnesses whose attendance is required.*

When Children Must Testify

For children, testifying in court can be frightening and sometimes overwhelming. The Pima County Attorney's Office developed its free Kids in Court program to help support and empower child victims and witnesses. The program is designed to reduce a child's fears and anxieties and to make the experience of testifying less stressful.

Children who participate will visit a courtroom and become familiar with court personnel and procedures in a fun and relaxed atmosphere. They will learn about the role of a witness, get to ask questions, and be taught simple coping techniques to help them manage stress and anxiety. As a result, they will feel more comfortable testifying and have an easier time expressing their needs in the courtroom. The Kids in Court program also provides helpful information and advice to the children's parents and caregivers.

If your child is either a victim or a witness in a case that is being prosecuted through the Pima County Attorney's Office and you would like him or her to participate in the Kids in Court program, please call the Victim Services Division at (520) 740-5525.

Criminal Justice System Overview

Overview of Felony Prosecutions

Most victims and witnesses have questions about what happens after a crime has occurred. What follows is a general description of the criminal justice process in felony cases, illustrated in the flow chart on the next page. Specific questions about your particular case should be directed to the deputy county attorney or victim advocate assigned to the case.

Investigation

After a crime is reported, law enforcement officers will conduct a preliminary investigation. For crimes requiring additional investigation, a detective will be assigned to the case. The detective will take statements from witnesses, collect additional evidence, request scientific testing when

necessary, and possibly show the victims and witnesses photographic "line-ups," which may or may not include a photograph of the suspect.

The primary function of law enforcement officers is to investigate crimes, to gather and protect evidence, and to identify and apprehend suspects.

Arrest and Initial Appearance

Once a suspect is arrested, he or she has the right to an Initial Appearance before a judge or magistrate within 24 hours after arrest. The main purpose of the Initial Appearance is to determine the conditions for the arrestee's release. As the victim, you have the right to attend the Initial Appearance, tell the judge or magistrate about any safety concerns you may have, and state your wishes regarding the amount of bail and the suspect's conditions of release. The final decision rests with the judge or magistrate, who may order the suspect held on bond, released on recognizance, or released to a third party such as a family member or the court's Pretrial Services agency. The judge or magistrate will also determine if the suspect is eligible to have an attorney appointed and will set another court date.

Issuing Charges

When the investigating detective believes there is sufficient evidence to identify and charge a suspect, the detective will bring the information to the County Attorney's Office. A deputy county attorney will review the evidence and decide whether to issue formal criminal charges and, if so, what the charges will be.

The deputy county attorney could also decide to dismiss or not file the case. This could be because the evidence is legally insufficient to charge the suspect, because the prosecutor wants additional information before making the decision, or because the case may be more appropriately brought in another court. If the prosecutor decides not to proceed with a case, the victim is entitled, upon request, to confer with the prosecutor before the decision becomes final and to learn the reasons for the decision.

It is the prosecutor's duty to uphold the laws of the State of Arizona on behalf of all the citizens of Pima County, including the victim. A victim may have reported the crime, but the State is responsible for its prosecution. Determining whether there is enough admissible evidence to prosecute a suspect is a legal decision, and deciding whether to proceed with prosecution is the prosecutor's responsibility. Although the victim is entitled to confer with the prosecutor, the victim cannot direct the filing or the dismissal of criminal charges.

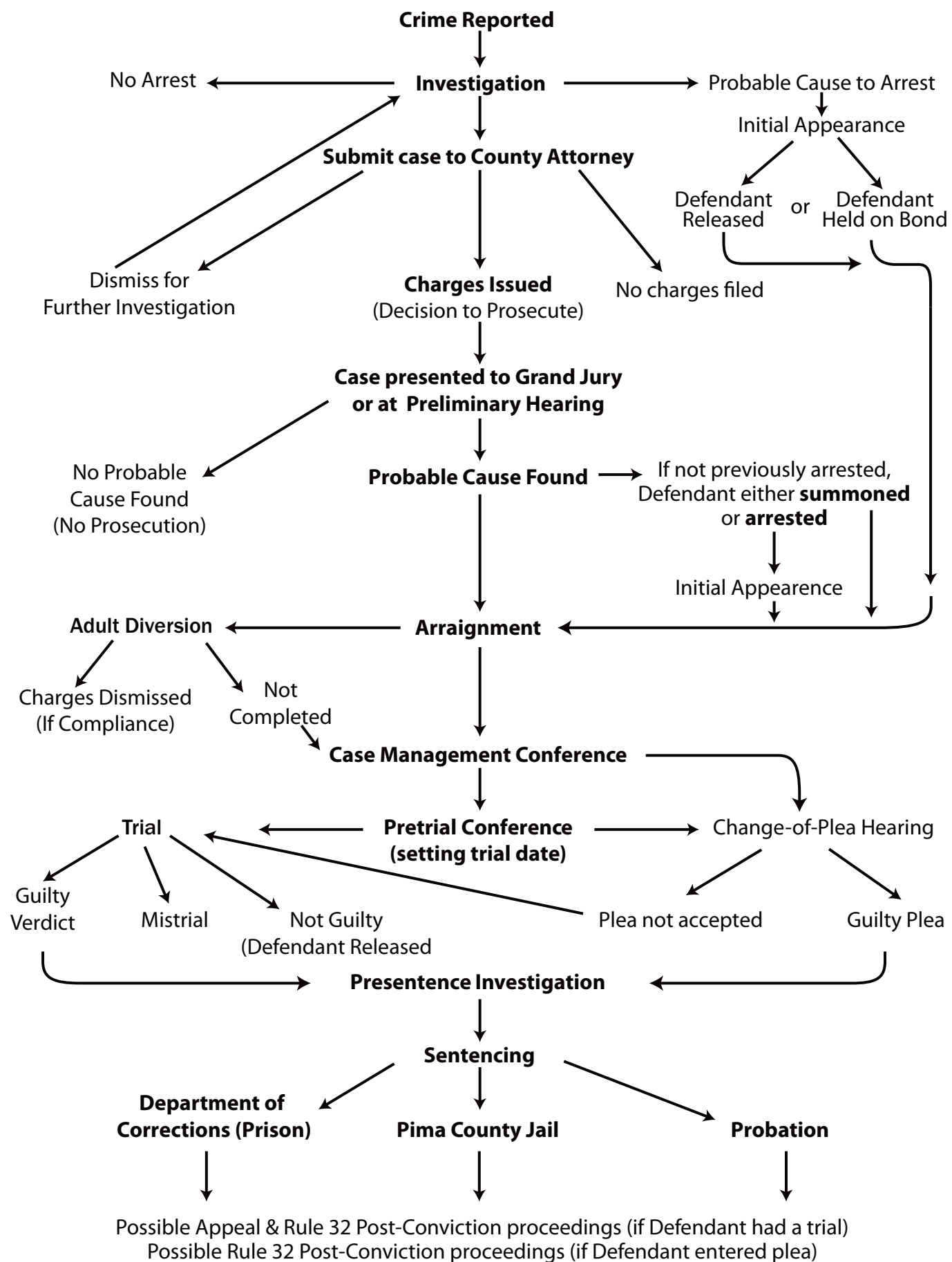
Note that if a case is dismissed after an arrest has been made, the suspect's conditions of release will no longer apply.

Preliminary Hearing or Grand Jury

After a prosecutor decides to file formal felony charges, a Grand Jury or a judge must independently determine if there is sufficient evidence ("probable cause") for the criminal case to proceed. This must occur within 10 days of the Initial Appearance if the defendant is in custody or within 20 days if the defendant is out of custody.

A Grand Jury is a group of citizen jurors who meet in a closed session to hear and evaluate evidence of criminal behavior. A Preliminary Hearing is a public proceeding held in a courtroom before a judge, at which the detective, the victim, and other witnesses may be called to testify. The

The Criminal Justice System: Felony Prosecutions



defendant may be present and may testify at a Preliminary Hearing.

If the judge or the Grand Jury determines that probable cause exists, the defendant is formally charged and the case is "bound over" to Superior Court for further proceedings. If probable cause is not found to exist, the case is dismissed.

Arraignment

An Arraignment is a defendant's first appearance in Superior Court after being formally charged. If the defendant does not already have an attorney, the court will either appoint one or instruct the defendant to retain one. The judge will verify the defendant's true name, inform the defendant of the offenses charged in the Indictment or Information and, in felony cases, will routinely enter the defendant's plea of not guilty to the charges. The court also schedules the next hearing in the case, which is usually a case management conference.

Disclosure

Following the Arraignment, the parties will engage in pretrial disclosure. This is the legally required exchange of information between the prosecution and the defense. The process of disclosure does not require a court hearing unless one party fails to comply, in which case the opposing party may file a motion with the court and request a hearing.

Adult Diversion

If the offense was nonviolent and the defendant does not have a previous criminal record, the defendant may be eligible for the Pima County Attorney's Adult Diversion Program. The victim(s) must consent before a defendant can be accepted into the program. Defendants accepted for diversion must take responsibility for their actions, make full restitution to their victims, and complete counseling and/or community service work. If the defendant successfully completes all requirements of the program, the charges will be dismissed. If the defendant fails to complete the program, the criminal prosecution will resume.

For domestic violence cases, there is a separate Domestic Violence Diversion Program, with different requirements. If the offense and the offender meet certain criteria, diversion is available for both felony and misdemeanor offenses.

Case Management Conference

At this hearing, usually held within 30 days after arraignment, the parties inform the court whether the case will be handled through a plea agreement or will go to trial. A defendant who intends to plead guilty may enter a change of plea at this time, or the court may set a change-of-plea hearing for a later date. If the case is going to trial, the court will set a date for a Pretrial Conference.

Plea Agreements

Sometimes the defendant will plead guilty instead of proceeding to trial. A plea agreement ensures a conviction and spares victims and witnesses the need to testify at a trial. The plea agreement may provide that the defendant pleads guilty to the original charges or different charges, and it may include various conditions that the parties have agreed upon, such as a sentencing range and an agreement to pay restitution. The prosecutor is required to confer with the victim regarding a proposed plea agreement, and the judge will consider the victim's opinion in deciding whether to accept the plea agreement.

If an agreement is reached, the defendant will appear in court and enter a plea of guilty to the agreed charges. The judge will advise the defendant of the legal rights he or she is giving up by pleading guilty and will make sure the defendant understands the plea agreement. If the defendant enters a guilty plea, the court sets a date for sentencing.

Pretrial Motions and Hearings

Between arraignment and trial, many activities occur as attorneys for both the prosecution and defense prepare their cases for trial. Each side reviews police reports, interviews witnesses (although victims of crime may refuse to be interviewed by the defense), examines the evidence, and conducts any additional investigation needed. A number of court proceedings may also occur, including status conferences and hearings on various motions. Such motions typically present legal issues regarding the admissibility of evidence, disclosure issues, proposed modifications of the defendant's release conditions or bail, and other matters, including the scheduling or rescheduling of the trial date.

Trial

When a case is set for trial, all witnesses for the prosecution and the defense will be subpoenaed in advance to testify. In most cases, witnesses must remain outside the courtroom until they are called in to testify. This rule does not apply to the victim, who has the right to be in the courtroom whenever the defendant has the right to be present.

Unless the parties have waived a jury in favor of a "bench trial" before the judge alone, a jury will be selected before the lawyers make opening statements and before any witnesses testify. After the opening statements have concluded, the prosecutor calls witnesses to testify on behalf of the State. The State has the burden of proving beyond a reasonable doubt that the defendant committed the crime or crimes charged.

All witnesses take an oath or vow to tell the truth in court. Both the prosecutor and defense counsel are allowed to question all witnesses who testify. The trial judge decides what testimony and other evidence is legally admissible according to the Arizona Rules of Evidence.

After the prosecutor has presented all of the State's evidence, the defense is allowed to present evidence. However, criminal defendants are not required to prove their innocence or to put on a defense. They are presumed innocent unless the State can prove otherwise beyond a reasonable doubt, and a defendant may choose not to testify or to present any evidence at all.

Once all the evidence has been presented, the attorneys will give closing arguments, and the judge will instruct the jury on the law applicable to the case. The jurors then deliberate in private. A jury's verdict of guilty or not guilty must be unanimous. If all members of the jury cannot agree on a verdict, the judge will declare a mistrial based on the "hung jury." The case will then be scheduled for a new trial before a different jury.

If the jury unanimously finds a defendant not guilty (an "acquittal"), the charges are dismissed. A defendant acquitted by a jury cannot be charged or tried again for the same offense. If the jury finds the defendant guilty of one or more charges, the court will set a date for sentencing.

Motions for New Trial

A defendant found guilty at trial may, within ten days after the verdict is returned, file a motion for new trial. The legal grounds for granting such a motion include such things as juror misconduct, prosecutorial misconduct, denial of a fair trial, or other substantial legal error. Although motions for new trial are frequently filed, they are rarely granted. If the court does grant the defendant's motion, another trial will be scheduled and a new jury will be selected.

Presentence Investigation and Sentencing

After a defendant is found guilty, a sentencing date is set within 30 to 60 days. Before the sentencing, an investigator from the Adult Probation Department will prepare a presentence report. The report helps the judge decide what sentence to impose by providing information about the defendant's personal, social, educational, employment, and criminal history and physical and mental health. The author of the report will also contact you to obtain a statement about the crime's emotional, physical, and financial effects on you and to verify the amount of any restitution you may be requesting.

In some cases, the court may schedule one or more hearings before sentencing to consider such issues as restitution or aggravating and mitigating circumstances that might affect the sentence. The purpose of a restitution hearing is to determine the amount the defendant should be ordered to pay the victim for any financial losses the victim sustained as a direct result of the crime. At an aggravation/mitigation hearing, the court considers the circumstances of the crime, the defendant's criminal history and personal circumstances, and any other factors that might call for either a longer or shorter sentence. Testimony and other evidence may be presented at any presentence hearing.

At the sentencing hearing, both the victim and the defendant are allowed to speak before sentence is imposed. Victims or next of kin may choose to submit a written statement instead of speaking or to present an audio or video recording. The judge will also hear the arguments of counsel and will sometimes receive additional evidence from both the prosecution and defense concerning appropriate punishment.

A court's sentencing options may include placing the defendant on probation, ordering the defendant to serve time in jail or in prison, or imposing a combination of those and other consequences, including fines. The judge is also required by statute to order any restitution to which a victim is legally entitled.

In determining the length of prison sentence to impose, the court has some discretion, but only within certain limits. The Arizona legislature has established sentencing ranges for all crimes, and a judge may not sentence a defendant to a term that is longer or shorter than the range set by statute.

If the defendant is placed on probation, it means the defendant will remain in the community under the jurisdiction of the court instead of being sent to prison. Defendants on probation are supervised by probation officers and required to abide by numerous conditions. The conditions can include restrictions on the defendant's conduct, travel, and living arrangements and can require submitting to urinalysis, breathalyzer, or other chemical testing when directed by the probation officer. Individuals

requiring a higher level of supervision may be placed on intensive probation supervision, which is even more restrictive. A defendant could also be assigned to one of several specialized probation caseloads. These provide still greater levels of supervision and address the specific needs of sex offenders, drug and DUI offenders, the seriously mentally ill, and defendants with special learning needs.

If the judge imposes a prison sentence, any time the defendant spent in jail awaiting trial or sentencing will count toward the total sentence imposed. Most sentences include a period of community supervision following the defendant's release from prison.

Motions to Vacate Judgment

Within 60 days after sentencing, a defendant may file a motion to vacate the judgment of conviction or sentence. By court rule, there are only three possible grounds for such a motion: that the court lacked jurisdiction over the prosecution, that important new evidence has recently been discovered, or that the conviction was obtained unconstitutionally. Like motions for new trial, motions to vacate judgment are rarely granted.

Appeals and Post-Conviction Proceedings

Defendants who were convicted at trial may appeal their convictions and sentences to the Arizona Court of Appeals within 20 days after sentencing. An appeal provides a means for correcting legal errors that may have occurred at trial. An appellate court will not overturn a conviction or sentence unless an error of law was so significant that it clearly affected the eventual verdict or sentence.

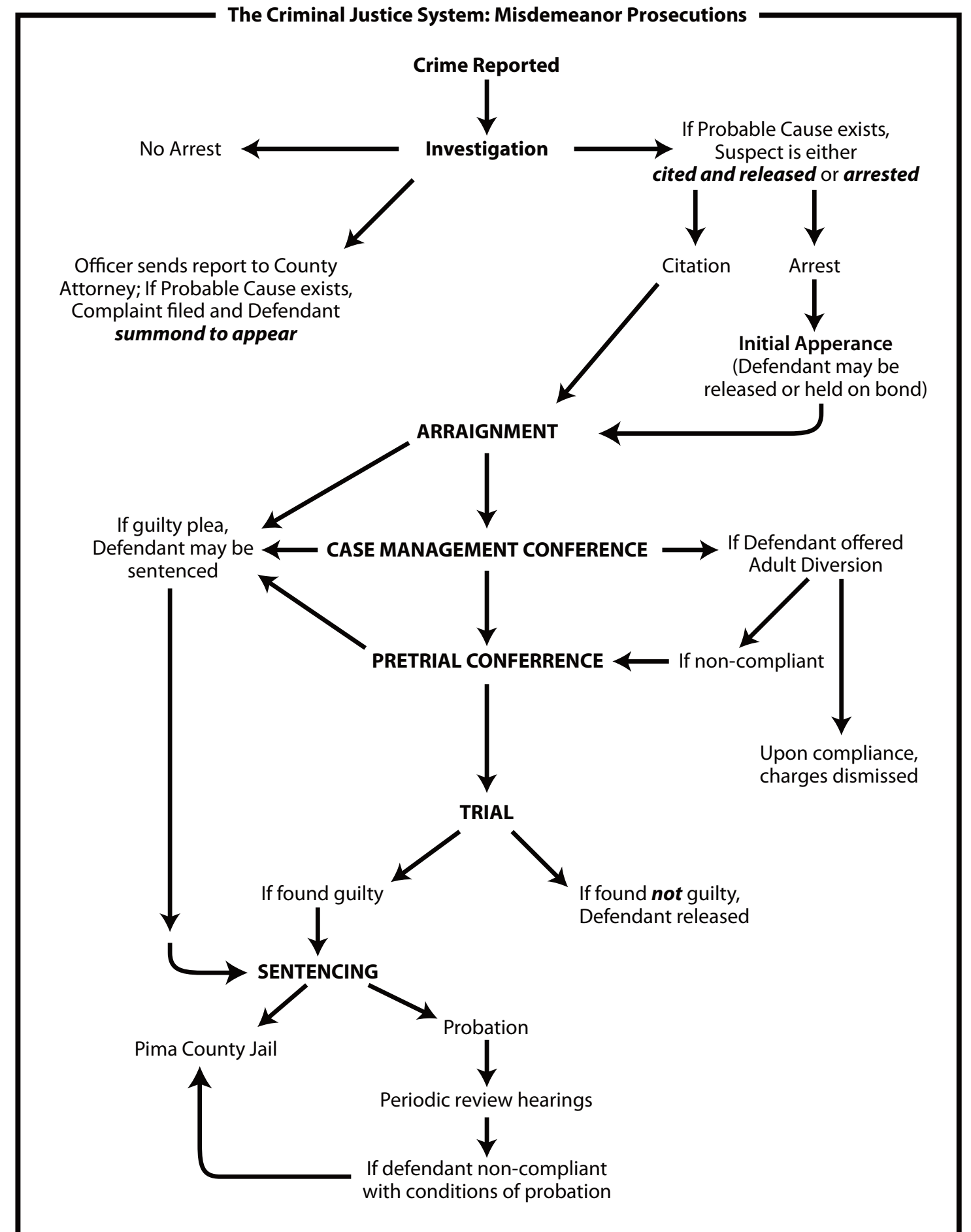
Defendants who plead guilty are not entitled to appeal, nor can the prosecution appeal from a not-guilty verdict. Although pleading defendants cannot appeal, they may file a Petition for Post-Conviction Relief (a "Rule 32 proceeding") in the trial court. Among the limited issues that can be raised in a Rule 32 petition are ineffective assistance of defense counsel, sentencing error, and newly discovered evidence. If the trial court denies post-conviction relief, the defendant may seek review in the Court of Appeals.

Defendants convicted at trial may file both an appeal and a Rule 32 proceeding. Most often, the Rule 32 proceeding (if any) is filed after the appeal has concluded. After exhausting all available appellate and post-conviction remedies in state court, defendants can sometimes still raise federal constitutional claims in a habeas corpus action in federal court.

The Arizona Attorney General represents the State in felony appeals and habeas corpus proceedings, while the original prosecutor normally represents the State in Rule 32 post-conviction proceedings. If you request notice, the Attorney General's Office has appellate victim advocates who can inform you when an appeal is filed, if oral arguments or evidentiary hearings are scheduled, and when decisions are issued. The telephone number for the Tucson office of the Arizona Attorney General is (520) 628-6456, and more information is available on the Attorney General's website, http://www.azag.gov/victims_rights/.

Overview of Misdemeanor Prosecutions

As the flow chart on the next page illustrates, misdemeanor prosecutions are generally similar to felony prosecutions,



with these exceptions:

1. *Misdemeanor cases proceed more quickly than felony prosecutions.*
2. *There are no grand jury or preliminary hearing proceedings in misdemeanor cases.*
3. *A defendant may enter a guilty plea to a misdemeanor at the initial appearance or at the arraignment.*
4. *If no plea is entered at the initial appearance or arraignment, a pretrial conference is scheduled.*
5. *A diversion program is available for misdemeanors other than traffic or DUI offenses. A specialized diversion program exists for misdemeanor domestic violence offenses.*
6. *In most cases, a presentence report is not prepared.*
7. *A person convicted of a misdemeanor may be sent to jail but not to prison. The maximum jail term a court may impose for a misdemeanor is six months.*

Overview of the Juvenile Justice System

If you are the victim of a criminal act committed by a minor, you have the same rights as if the offense had been committed by an adult. Unless the minor is transferred to Superior Court for prosecution as an adult, he or she will typically face proceedings in juvenile court. The juvenile justice system differs considerably—in its objectives, procedures, terminology, and speed—from adult criminal proceedings. The Victim Services Division has a victim advocate assigned specifically to juvenile court who can assist you throughout the proceedings.

A delinquency proceeding begins with a referral, a written complaint by a law enforcement officer stating what offense(s) the minor allegedly committed. The referral can be physical, if the minor is taken into custody and detained, or it can be a paper referral, if the minor is not arrested but released to the custody of an adult. A juvenile who is detained is entitled to a hearing within 24 hours. This detention hearing is like an initial appearance for an adult, and the victim has the right to attend the detention hearing and address the court.

Depending on the minor's history with juvenile court and the seriousness of the offense, a minor may be given an opportunity to resolve the referral through a diversion program. Juvenile defendants referred for a first or second-time misdemeanor offense are eligible for diversion. The goal of all juvenile diversion programs is to hold juvenile offenders accountable for their criminal conduct. To be eligible for diversion, juveniles must admit responsibility and, in turn, receive meaningful consequences. If the juvenile completes all the assigned consequences, the referral is "adjusted" and no formal petition is filed.

If a juvenile is not eligible for diversion or does not successfully complete a diversion program, he or she will be formally charged in a delinquency petition filed with juvenile court. After a delinquency petition is filed, the next step in the process is a trial review hearing. The purpose of the trial review hearing is to determine if the minor will admit responsibility for his or her offenses.

If the minor does not admit responsibility, the case will be set for an adjudication hearing, the juvenile-court equivalent of an adult criminal trial. If the minor admits the allegations at the trial review hearing or if the State proves the charges against the minor at an adjudication hearing, the court will enter an order adjudicating the minor delinquent. Once a minor has been adjudicated delinquent, a disposition hearing is set.

The disposition hearing for a delinquent juvenile is similar to a sentencing hearing for an adult. The Juvenile Probation Department will prepare a written pre-disposition report to assist the court in determining the appropriate disposition to order. A victim has the right to contribute information to the report about the impact of the crime on the victim. The victim also has the right to speak at the disposition hearing.

At disposition, the juvenile court may place a delinquent minor on probation or on juvenile intensive probation (JIPS). It may assign other consequences in lieu of any type of probation, or it may order the minor committed to the Arizona Department of Juvenile Corrections for a period not to exceed the child's 18th birthday. Upon turning 18, a minor is legally an adult, and the juvenile court loses all jurisdiction over him or her.

Frequently Asked Questions

Q. As a crime victim, do I have to get my own attorney?

You do not need to hire an attorney to bring criminal charges against the defendant. That is the job of the prosecutor, a public attorney who represents the State of Arizona in criminal cases.

The defendant will have an attorney, either privately retained or court-appointed. And you have the right to hire an attorney to represent your interests. However, if you request, the prosecutor is required to keep you informed about the progress of the case, to confer with you about any proposed plea agreement that may be offered, and to inform the court of your wishes concerning the release of the defendant, the sentence to be imposed, and your need for restitution. In addition, the Victim Services Division is committed to assisting crime victims, and most victims rely on a victim advocate to keep them informed about the criminal case and their rights as victims as the case proceeds through the criminal justice system. Victim advocates are knowledgeable professionals who are available to answer questions and help address a victim's needs and concerns during the prosecution of the criminal case.

Q. Where can I get a copy of a police report?

As a victim of certain types of crimes (Part I crimes), you are entitled to one free copy of each police report for which you are listed as a victim. You can obtain a police report from the law enforcement agency that took the report or investigated the crime. Police reports are considered Public Records, although some information, such as addresses or phone numbers, may be redacted from the report. Depending on the age of the report or the status of an investigation, some or all of the report may be unavailable.

To request a copy of a report, you must be able to give either the law enforcement agency's case number or an approximate date and location, the name of the involved person(s), and/or the type of incident reported. You may request a report either in person, by mail, or in some cases online.

For cases that were reported to the Tucson Police Department:

The address for TPD is:

Tucson Police Department
Records Section
270 S. Stone Ave.
Tucson, AZ 85701

The telephone number is (520) 791-4484. Or you can visit TPD's website, <http://police.tucsonaz.gov/police/report-retrieval>. You may also e-mail questions to PDRecords@tucsonaz.gov.

For cases that were reported to the Pima County Sheriff's Department:

The address for the Sheriff's Department's records section is:

Pima County Sheriff's Department
Attention: Records Maintenance
1650 E. Benson Highway, Suite C
Tucson, AZ 85714-1758

The telephone number is (520) 351-4650. Or you may request a report online through the Sheriff's Department's website, <http://www.pimasheriff.org/departmentservices/online-services/request-for-incident-report/>.

Once formal charges have been filed, a victim may also obtain a copy of the report from the Pima County Attorney's Office.

Q. I am having difficulty enrolling in VINE. What can I do?

The Tucson VINE (Victim Information and Notification Everyday) program is an automated notification service provided by the Tucson Police Department. It is not affiliated with the Pima County Attorney's Office or the Victim Services Division. For crimes investigated by the Tucson Police Department, VINE will let you register a phone number where you can be notified if the offender in your case is arrested. VINE will also inform you of the time and place of the suspect's initial appearance. TPD can be reached at (520) 791-4444 or online at <http://cms3.tucsonaz.gov/police/victim-rights>.

Q. Can I drop the charges against the person who is being prosecuted?

In criminal cases the defendant is charged by the State of Arizona, not by the victim. Although a victim may have made the report, it is the State that is responsible for the prosecution of a crime. Crime victims in Arizona have a number of legal rights, such as the right to confer with a prosecutor, but the victim can neither file nor dismiss criminal charges.

Q. How do I find out when the next court date is in my case?

If you are identified as the victim in a case, you have a right, upon request, to be notified of upcoming court dates. If you are not receiving notice and would like to be notified, please contact the Victim Services Division of the Pima County Attorney's Office, Monday through Friday, 8:00 a.m. to 5:00 p.m. at (520) 740-5525. Ask to speak with a Victim Advocate, and tell the Advocate you wish to "opt-in" and request notice. If you are already signed up for notification but have moved or changed your telephone number, please call to provide up-to-date contact information so that we can keep you informed. Crime victims' addresses and telephone numbers are kept confidential.

Court dates are a matter of public record. If you have access to the Internet, you may also be able to find hearing dates in your case by visiting the website of the court in which your case is being prosecuted.

Q. I received a notice from the Pima County Attorney's Office about a court hearing. As a victim, am I required to attend?

Victims are entitled to be present at court proceedings related to the case in which they are the victim. But unless you receive a subpoena or summons compelling your attendance at a hearing or trial, you are not required to attend.

Q. Will I have to testify?

As the victim of a crime, you may also be a witness, and as a witness you may be called to testify if the case proceeds to trial. Either the prosecutor or the defense attorney may subpoena you to testify. The attorneys will decide whether your testimony will be necessary after they have evaluated all relevant facts and evidence. The prosecutor or another member of the County Attorney's staff will notify you if your testimony will be needed and will keep you informed as the case proceeds toward trial. Even when the defense is seeking your testimony, all arrangements should be coordinated through the County Attorney's Office. Thus, if you are contacted directly by a representative for the defense, please notify your prosecutor or victim advocate.

Q. I want to give input on a case. How can I do that?

Victims of crime in Arizona have certain rights, including the right to confer with the prosecutor upon request. You also have the right to voice your opinion on decisions concerning the prosecution of your case. To provide input or to "opt in" for your rights, contact a victim advocate at the Victim Services Division of the Pima County Attorney's Office by calling (520) 740-5525 between 8:00 a.m. and 5:00 p.m., Monday through Friday.

Q. If I disagree with the decision to plea bargain (or with the plea offered to the defendant), what can I do?

A crime victim has the right, upon request, to confer with the prosecutor about any plea negotiation and the right to be present and heard at any plea hearing. But a victim does not have the right to direct prosecution of the case. If you disagree with a proposed plea agreement, you are encouraged to exercise your rights to talk to the prosecutor and to attend the plea hearing and voice your position to the judge.

Q. What number do I call to report a case to Child Protective Services?

That number is 1-888-SOS-CHILD (1-888-767-2445).

Q. How do I press charges if someone in my home is being physically or sexually abused?

In an emergency, call 9-1-1. Otherwise, if the incident occurred within city limits, call the Tucson Police Department at (520) 791-4444 or call your local town or city law enforcement agency. If the incident occurred in an unincorporated area of Pima County, call the Sheriff's Department at (520) 741-4600. The County Attorney's Office receives cases only through law enforcement agencies.

Q. How do I get a "restraining order"? Where do I get one?

There are two different types of restraining orders: Orders of Protection and Injunctions Against Harassment. A petition for either kind of order may be filed in any court between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. A comprehensive list of the courts where you can apply for a restraining order appears in the Common Concerns section of this booklet. Note that when you apply for either order, you may ask that your address be kept confidential. If you work for an employer with 50 or more employees, you have the right to leave work using your own sick or vacation leave, to obtain a restraining order as long as it does not create an undue burden on your employer.

Q. What is the difference between an Order of Protection and an Injunction Against Harassment?

An **Order of Protection** is a court order intended to prevent acts of domestic violence. It can be filed against:

- a current or former spouse or partner
- a person you live with or formerly lived with
- someone with whom you have a child in common, or
- a person with whom you have or had a dating relationship.

The person you seek the order against must have committed or threatened to commit an act of domestic violence within the last year.

A child may not be included in an Order of Protection if the person against whom you are seeking the order is the child's parent, unless that person has committed domestic violence against the child. In cases involving children, you must seek custody orders in a separate action in Superior Court.

An **Injunction Against Harassment** is the type of order that can be sought against (for example) neighbors, acquaintances, coworkers, or strangers, to prohibit one person from harassing, annoying, or alarming another.

A person who believes he or she is in danger or is being harassed may file a petition in any court, asking the court to issue an Injunction Against Harassment.

Q. What is the difference between Restitution and Victim Compensation?

Restitution is money a convicted defendant is ordered to pay to his or her victim to compensate the victim for any financial losses caused by the defendant's crime. Restitution can only be awarded for monetary losses, not for a victim's pain and suffering.

Victim Compensation is a state program, administered separately in each county, that allows victims of serious crimes to apply for financial help with certain expenses resulting from the crime, regardless of whether the person who committed the crime is ever found or prosecuted.

Q. Can I get restitution for my economic loss?

- If you incurred expenses or sustained property damage or other financial loss as the direct result of a crime, and
- if you make a timely request for restitution and show the fact and amount of your loss, and
- if the person who committed the crime is convicted (after pleading guilty or being found guilty by a jury),

then the court is required by statute to order restitution. Normally restitution is awarded at the time of sentencing, and the defendant will be ordered to pay restitution as part of his or her sentence. Paying restitution to the victim may also be a condition of any plea agreement offered to the defendant, so it is important that the prosecutor knows if you intend to seek restitution and that you submit your application and supporting documentation as early in the case as possible.

If charges are filed in your case and you would like to request restitution for economic losses resulting from the crime, contact a Victim Advocate at the Victim Services Division of the Pima County Attorney's Office at (520) 740-5525, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

Q. The court ordered that I be paid restitution. When will I get my money?

Restitution payments are usually ordered to begin two to four months after sentencing or after the defendant's release from jail or prison. Unless the court directs otherwise, a defendant makes restitution payments to the Clerk of the Superior Court, who in turn sends the payments to the victim. The Clerk's Office is required to process restitution monies within fifteen days of receipt, unless the amount of any single payment to a victim would be less than \$10. In that case, the Clerk's Office may withhold payment until at least \$10 is collected. In Pima County, restitution payments to victims are processed by the Finance Unit of the Clerk's Office, which is located on the 1st Floor of the Superior Court building at 110 W. Congress. The telephone number for the Restitution Desk in the Finance Unit is (520) 740-3263.

Q. How does Victim Compensation work?

The State of Arizona's Crime Victim Compensation program is funded by fines and fees assessed against all convicted defendants statewide. The fund provides financial assistance to victims of crime in some circumstances. A victim may apply in the county where the crime occurred for help with out-of-pocket costs. Claims are reviewed and funds awarded by a local Crime Victim Compensation Board in each county. This fund of last resort can cover:

- Medical or dental expenses
- Mental health counseling
- Lost wages
- In homicide cases:
 - Funeral and burial costs
 - Crime scene cleanup

The Fund cannot compensate for property loss or damage.

Payment is not guaranteed, and the victim must meet certain requirements. The crime must have been reported within 72 hours of its discovery, and the victim must cooperate fully with law enforcement and must apply for compensation within two years of the crime. To obtain an application form or to receive more information about Crime Victim Compensation in Pima County, call (520) 740-5525, or visit our website at <http://www.pcao.pima.gov/victimcompensation.aspx>.

Q. I want to get into the Witness Protection Program. Can you help with that?

The Pima County Attorney's Office Victim Services Division and the federal Witness Protection Program are two separate programs run by different government entities. They have very different roles.

The Witness Protection Program is a federal program sponsored by the U.S. Marshals Service. It provides for the security, health, and safety of government witnesses and their immediate dependents who are living in danger as a result of their testimony against drug traffickers, terrorists, organized crime members, and other major criminals.

The United States Attorney General determines whether a witness qualifies for the Witness Protection Program. The decision is based on recommendations by U.S. Attorneys assigned to major federal cases throughout the nation.

More information about the Witness Protection Program is available on the U.S. Marshals website, www.usmarshals.gov/, or by calling the Arizona office of the U.S. Marshal at (602) 382-8767.

Glossary

Accused: A person who has been cited or arrested on suspicion of committing a criminal offense.

Acquittal: A final determination by a judge or by a jury's verdict of not guilty that the prosecution has failed to prove a criminal defendant's guilt beyond a reasonable doubt. An acquittal is final. The state cannot appeal from an acquittal nor try the defendant again on the same charge.

Adjudication: A court's decision, decree, ruling, or judgment.

Aggravating Factors: Facts about the defendant or the crime that the court may consider at sentencing to justify a sentence longer than the "presumptive" sentence.

Allegation: A charge or claim that the prosecutor expects to prove in court.

Appeal: The process by which the trial court's decisions, rulings, judgment, or sentence may be reviewed for legal error.

Appellant: The party who initiates an appeal from the ruling of a lower court.

Appellee: The party on appeal who prevailed in the lower court.

Arraignment: The Arraignment is a defendant's first appearance in court after being formally charged. The judge will verify the defendant's true name and inform the defendant of the charges. In felony cases, the court will routinely enter a not-guilty plea on the defendant's behalf and will also schedule the next hearing in the case, which is usually a case management conference.

Bail or Bond: Money or other property that is deposited with the court to guarantee a defendant's appearance at hearings or trial after the defendant is released from custody. If the defendant appears in court as required, the bond will be returned at the end of the case, even if the defendant is convicted. If the defendant does not come to court when required or violates any conditions of the bond, the bond will be forfeited to the court and not returned to the person who paid it.

A cash bond requires the defendant to post the full amount of the bond in cash. A secured bond usually requires the defendant to post 10% of the bond amount and secure the remainder by giving a bail bondsman some form of property as collateral.

Bench Trial: A trial conducted before a judge alone without a jury.

Capital Case: A criminal case in which the death penalty may be imposed as punishment.

Case Management Conference: Typically, the next pretrial hearing after Arraignment, at which the parties inform the court whether the case may be resolved by a plea agreement or will instead proceed to trial.

Community Supervision (parole): The formal supervision of a convicted offender by a state parole agent for a period of time after the offender is released from a state correctional institution back into the community.

Commutation: A change, modification, or reduction of a sentence.

Complaint: A document stating initial criminal charges against a defendant.

Concurrent sentences: Running together in time, simultaneously.

Consecutive sentences: Running successively, one following the other. May also be called "stacked" sentences.

Courts: In reading the following descriptions, it may be helpful to note that misdemeanor offenses and traffic citations may both be handled either in a city court (municipal court) or in Pima County Justice Court. The determining factor is where in Pima County the misdemeanor offense or traffic violation occurred. Because both courts handle both kinds of matters, parties can easily be confused about where to appear.

In general, if the Tucson Police Department made the arrest or issued the citation because the conduct occurred within Tucson city limits, the case will likely be handled in Tucson City Court. The municipal courts of other towns (Marana, Oro Valley, and Sahuarita) generally handle misdemeanors that occur within their geographical boundaries. And misdemeanors committed in the unincorporated areas of Pima County—including the unincorporated towns of Green Valley, Ajo, and Vail—will be prosecuted in Justice Court.

City or Town Court (Municipal Court): A court of limited jurisdiction, City court handles civil and criminal traffic offenses, including some DUIs; criminal misdemeanors and petty offenses; parking tickets; and other civil violations of the City Code and City ordinances. City court judges can also issue orders of protection and injunctions against harassment. The municipal courts in Pima County are:

Tucson City Court
103 E. Alameda Street, Tucson
Telephone: (520) 791-4216
Website: <http://cms3.tucsonaz.gov/courts>

Marana Municipal Court
11555 W. Civic Center Drive, Marana
Telephone: (520) 382-2700
Website: <http://www.marana.com/index.aspx?NID=17>

Oro Valley Magistrate Court
11000 N. La Cañada, Oro Valley
Telephone: (520) 229-4780
<http://www.orovalleyaz.gov/town/departments/magistrate-court>

Sahuarita Municipal Court
360 W. Sahuarita Center Way, Sahuarita
Telephone: (520) 344-7150
<http://sahuaritaaz.gov/Index.aspx?NID=185>

Justice Court: A limited-jurisdiction court where an elected justice of the peace presides over both civil and criminal matters. Justices of the peace can issue protective orders and injunctions against harassment. They hear civil lawsuits involving claims of \$10,000 or less and informally resolve "small claims" between parties when there is no more than \$2,500 in dispute. In addition, justice courts can handle all criminal misdemeanors and all civil and criminal traffic violations. Some justice courts also conduct preliminary hearings in felony criminal cases.

The Pima County Consolidated Justice Court is located at 115 N. Church Avenue. The justice court has a satellite location in La Placita Village at 110 S. Church Avenue, Building 8. The main telephone number for the justice court is (520) 740-3171, and more information is available on its website, <http://www.jp.pima.gov/>.

Superior Court: Arizona's trial court of "general jurisdiction" with authority to hear all legal actions not exclusively assigned to another court. Felony cases and civil cases involving disputes worth more than \$10,000 are tried in Superior Court, which also hears appeals from the city court and justice court. In Pima County, the Superior Court is located at 110 W. Congress Street. The main telephone number is (520) 740-4200. Extensive information, including the court calendar, is available on the Superior Court's website at <http://www.sc.pima.gov/>.

Juvenile Court: The division of the Superior Court that handles delinquency, dependency, or incorrigibility proceedings involving minors under the age of 18. The juvenile court is located in the Pima County Juvenile Court Center at 2225 E. Ajo Way. The main telephone number is (520) 740-2000. More information about juvenile court is available online at <http://www.pjcc.pima.gov/>.

Court of Appeals: The intermediate state appellate court. Except for death penalty cases, appeals from Superior Court are decided by the Court of Appeals. More information is available at <http://azcourts.gov/AZCourts/CourtOfAppeals.aspx> and at <http://www.apitwo.ct.state.az.us/>. On the latter website is a link that allows victims to request notice of the court's decision in the case in which they are the victim.

Supreme Court of Arizona: The state's highest court. In most cases, the Supreme Court's review is discretionary. It may either agree or refuse to review decisions issued by the Court of Appeals. The Supreme Court must review all death penalty cases, which receive an automatic appeal directly from Superior Court to the Supreme Court. For more information, visit the Supreme Court's website: <http://www.azcourts.gov/azsupremecourt.aspx>.

Defendant: A person or entity formally charged by complaint, indictment, or information with having committed a criminal offense.

Disclosure or discovery: The required pretrial exchange of evidence and information between prosecution and defense.

Dismissal: A court's order, or a prosecutor's decision, to terminate a case without an adjudication.

Dismissal with prejudice: Charges dismissed "with prejudice" cannot be refiled against a defendant.

Dismissal without prejudice: Charges dismissed "without prejudice" can be refiled against the defendant.

Disposition hearing: Equivalent to a sentencing hearing for an adult defendant who was placed on probation but then violated its conditions. Typically, a petition to revoke probation is filed, alleging the violation of one or more probation conditions. If a violation is admitted or proven at a hearing, a disposition hearing follows. At the disposition hearing, the court may either continue the defendant on probation or revoke probation and impose sentence for the original offense. In juvenile delinquency proceedings, a disposition hearing is also equivalent to a sentencing hearing for a minor who has been adjudicated delinquent.

Donald hearing: Named for a court decision, it is the hearing held when a defendant rejects a favorable plea agreement. The court questions the defendant to be sure he or she understands the details of the plea offer and its potential benefits. The purpose of a Donald hearing is to avoid a later claim by a defendant that he or she would have accepted the favorable plea offer instead of

proceeding to trial if the defendant had known about the offer or had fully understood its terms.

Felony: The most serious classification of crime, punishable by incarceration in state prison.

Grand Jury: A group of sixteen citizen jurors who meet in closed session to review evidence presented to them and determine if the evidence is sufficient to charge a specific defendant with a particular crime. If the grand jury finds "probable cause" exists, the defendant will be charged by Indictment and held to answer in Superior Court.

Hung jury: A "hung jury" occurs when jurors cannot reach unanimous agreement on a verdict of guilty or not guilty. Normally the court will declare a mistrial in the event of a hung jury. A new trial may or may not be scheduled, at the prosecutor's discretion.

Incompetence: A defendant is legally incompetent if, as the result of a mental illness or disability, the person cannot understand the criminal proceedings against him or her or cannot assist in his or her own defense. By law, a defendant may not be tried, convicted, sentenced, or punished while incompetent.

Indictment: The formal charging document that results if a grand jury determines there is probable cause to charge a suspect with a crime or crimes.

Information: The formal charging document that results if a judge or magistrate determines after a preliminary hearing that there is probable cause to charge a suspect with a crime or crimes.

Initial Appearance: A hearing before a judge or magistrate within 24 hours after a person's arrest. The main purpose of the Initial Appearance is for the judge to set conditions for the defendant's release from custody. The judge also will inform the defendant of the pending charges, will appoint counsel if the defendant cannot afford to hire an attorney, and will schedule a date for the next court proceeding.

Some defendants are formally charged before they are arrested. Once they have been indicted, those defendants will either be arrested or summoned into court, and their Initial Appearance will be combined with their Arraignment.

Injunction: A court order that directs a person to take, or to refrain from taking, some specified action.

Injunction Against Harassment: A court order that prohibits a person from harassing, annoying, or alarming another. As opposed to an Order of Protection, an Injunction Against Harassment can be filed against neighbors, acquaintances, coworkers, or strangers, for example. For more information, refer to one of the following websites: <http://www.cosc.pima.gov/> or <http://www.jp.pima.gov/>.

Misdemeanor: A crime punishable by imprisonment in the county jail for up to six months, by a fine of up to \$2,500, or both.

Mistrial: When a trial is ended prematurely for any reason or when jurors cannot reach a unanimous verdict. The case may be retried, in the prosecutor's discretion.

Mitigating factors: Facts about the defendant or the crime that the court may consider at sentencing to justify a sentence shorter than the "presumptive" sentence.

Motion: A formal request for a judge to hear and decide a disputed issue or to make a requested ruling.

Motion to Modify Release Conditions: A written request, by

the defendant or the state, to change the existing court-ordered conditions of a defendant's release.

No Bill / No True Bill: A finding by a grand jury that there is insufficient evidence to charge a suspect with a particular crime.

Order of Protection: A type of restraining order intended to prevent acts of domestic violence between family members or intimate partners. Detailed information is available online, both here, <http://www.cosc.pima.gov/>, and here, <http://www.jp.pima.gov/>.

Overruled: A judge's ruling that an attorney's objection lacks merit. If the court overrules the objection, the witness may answer the question.

Parole: See "community supervision."

Preliminary Hearing: A pretrial hearing at which witnesses testify in court before a justice of the peace or a magistrate, who determines whether there is probable cause to believe the defendant committed the crime alleged. If the court finds probable cause exists, the defendant is formally charged in a document called an "Information" and is "bound over" to Superior Court for further proceedings. If probable cause is not found to exist, the case will be dismissed.

Presumptive sentence: The normal, mid-range length of sentence established by statute for a particular crime. If a trial court finds no aggravating or mitigating sentencing factors are present, it will impose the presumptive sentence.

Pretrial Conference: In cases in which no plea agreement is offered or no agreement is reached, a pretrial conference is generally held approximately 30 days after the Case Management Conference. The chief purpose of the Pretrial Conference is to schedule a trial date.

Pretrial Services: A department of the Pima County Superior Court that is responsible for screening arrested adults to determine their suitability for release from custody. Pretrial Services may also be assigned to supervise defendants who have been released from custody while awaiting trial.

Probable cause: Evidence sufficient to create a reasonable belief that a suspect has committed a particular crime. Probable cause can be necessary to justify either further police action (such as arrest or a search and seizure) or formal prosecution (charging the suspect by indictment or information).

Probation: A defendant placed on probation at the time of sentencing will be monitored and supervised by an assigned probation officer and must comply with numerous conditions. Common conditions are reporting to the probation officer in person as directed, filing monthly written reports, making regular payments of fines and fees, participating in counseling as directed, maintaining employment, and not violating any laws. Additional conditions of probation may include a period of incarceration and/or requirements for such things as community service, educational programs, mental health counseling, abstaining from alcohol, electronic monitoring, and other conditions deemed appropriate. Persons requiring a higher level of supervision may be placed on Intensive Probation Supervision, which is even more restrictive.

Prosecutor: The lawyer for the state in a criminal proceeding.

On Recognizance: Release based only on a defendant's promise to appear at future court proceedings. A defendant released on recognizance is not required to post a monetary bond.

Remand: To send back for further proceedings.

Restitution: Monetary compensation a court orders a criminal defendant to pay to a crime victim for the victim's losses or injuries resulting from the crime. Financial losses may include lost wages, medical and counseling expenses, funeral costs, and property damage or loss.

Restraining Order: The general term for a court order intended to prevent harassment, abuse, or violence. There are two types of restraining orders: Orders of Protection and Injunctions Against Harassment. An **Order of Protection** is the appropriate order if the parties are related; if they are or were married, living together, or dating; or if they have a child or are expecting a child together. An **Injunction Against Harassment** is the appropriate order if the parties are neighbors, acquaintances, coworkers, or strangers.

Rule 11: The Arizona rule of criminal procedure that governs proceedings to determine if a defendant is mentally competent to stand trial.

Rule 20: The procedural rule that allows a court to enter a judgment of acquittal in favor of the defendant, either before or after the jury deliberates, if the court finds there is "no substantial evidence to warrant a conviction."

Rule 32: The Arizona rule of criminal procedure governing post-conviction proceedings.

Settlement Conference: In some cases, the judge may meet with the parties and counsel in an attempt to resolve the case by way of a plea agreement. The victim has the right to attend and be heard at a settlement conference.

Subpoena: A legal writ or order requiring a person to appear in court at a specific time.

Summons: A legal notice requiring a person to appear in court for an Initial Appearance or Arraignment.

Sustained: A judge's ruling that an objection has merit. A witness should not answer a question to which the court has sustained an objection.

True Bill: When at least nine grand jurors vote to return an indictment, the grand jury foreperson is directed by statute to endorse the indictment a "true bill" and sign it.

Verdict: The formal decision of a trial jury.

Voir Dire: The questioning of a potential juror or a witness to explore the person's competency, qualifications, or knowledge.

Warrant: A legal order to a law enforcement agency to arrest the person named in an arrest warrant, or to search the premises described in a search warrant.

IMPORTANT TELEPHONE NUMBERS

VICTIM SERVICES

Pima County Victim Services 740-5525
Pima County Victim Compensation 740-5525
Tucson City Court Victim Services 791-5483
Arizona Attorney General Victim Services 628-6456
Ajo Victim Services 520-387-3664 or 520-940-8289
Emerge! Center against DV 795-4266 or 1-888-428-0101
Emerge! Linea de Crisis 1-877-472-1717
Emerge! TTY 795-3177
Green Valley / Sahuarita Victim Services 631-2835
Wingspan LGBT Hotline 624-0348 or 1-800-553-9387
National DV Hotline 1-800-799-7233
VINE (City of Tucson Victim Notification) 1-800-721-7937

PROSECUTION

Pima County Attorney's Office – Tucson 740-5600
Pima County Attorney's Juvenile Division 740-2991
Pima County Attorney's Office – Ajo 520-387-6112
Pima County Attorney's Office – Green Valley 648-2808
Marana Prosecutor's Office 382-1942
Oro Valley Prosecutor's Office 229-4760
Sahuarita Prosecutor's Office 882-8830
South Tucson Prosecutor's Office 320-9000
Tucson City Prosecutor's Office 791-4104

PIMA COUNTY COURTS

Marana Municipal Court 382-2700
Oro Valley Magistrate Court 229-4780
Pima County Justice Court – Tucson 724-3171
Pima County Justice Court – Ajo 520-387-7684
Pima County Justice Court – Calendar 724-3505
Pima County Justice Court – Green Valley 648-0658
Pima County Juvenile Court 740-2000
Pima County Superior Court Clerk 724-3200
Pima County Superior Court – Calendar 740-4240
Sahuarita Municipal Court 344-7150
South Tucson Magistrate Court 917-1568
Tucson City Court 791-4216

LAW ENFORCEMENT

AZ Department of Public Safety 1-602-223-2000
Marana Police 382-2000
Oro Valley Police 229-4900
Pascua Yaqui Police 879-5600
Pima College Police Department 206-2700
Pima County Sheriff's Department 351-4900
Sahuarita Police Department 344-7000
South Tucson Police 622-3307
Tohono O'odham Police 383-3276
Tucson Airport Authority 573-8182
Tucson Police – Non-Emergency 791-4444
Tucson Police Records 791-4484
University of Arizona Police 621-8273

JAIL

Pima County Jail – Main 351-8111
Pima County Jail – Inmate Records 351-8200
Pima County Juvenile Detention 740-5005
Pima County Ajo Detention Center – Ajo 520-387-8535
Pretrial Services (Pre-Initial Appearance) 351-8282
Pretrial Services (Post-Initial Appearance) 724-3310

PROBATION

Pima County Adult Probation
Downtown Office 724-3800
Eastside Office 290-1535
Southside Office 740-4800
Westside Office 243-6440
Pima County Juvenile Probation – Tucson 740-5040
Pima County Juvenile Probation – Ajo 520-387-7512

CASE NOTES

Court Case No. _____

Law Enforcement Case/Report No. _____

Defendant(s) _____

Detective _____ Phone: _____

Deputy County Attorney _____ Phone: (520) 740-5600 _____

Legal Secretary / Paralegal _____ Phone: _____

Victim Advocate _____ Phone: (520) 740-5525 _____

Judge _____ Division: _____

Presentence Investigator _____

_____ Phone: (520) 724-3800 _____

Probation Officer _____

_____ Phone: (520) 724-3800 _____

Hearings and Motions: _____

Trial Dates: _____

Sentencing Date: _____

Other Names/Numbers: _____



**Pima County Attorney
Barbara LaWall**

32 North Stone Avenue
Tucson, AZ 85701

Victim Services 520-7405525
Main Line 520-740-5600