

GREENBELT POLICE DEPARTMENT



Victims' Legal Rights in the Criminal Justice System

Your Rights As A Victim in District Court

The [District Court](#) handles the following types of cases:

- Traffic cases
- Minor criminal cases
- Small claims
- Non-jury matters

If your offender is being prosecuted in the District Court of your county (or Baltimore City), the following are your rights as a victim of crime:

Your Right to Be Treated with Dignity, Respect, and Sensitivity

Article 47 of the Maryland Declaration of Rights guarantees you, as the victim of crime, the right to be treated with dignity, respect, and sensitivity during all phases of the criminal justice process and by all agents of the criminal justice system.

Your Right to Be Notified of Court Events Related to Your Case

Maryland does not provide for mandatory notification of court events in District Court cases. However, you should **always** inform the State's Attorney's Office if you wish to be notified. You can do this by writing a letter to the State's Attorney handling your case, sending a copy to the Clerk of the District Court, and a copy to the defense attorney. Be sure to include the defendant's name and case number. You are also eligible to receive notification through the VINE system, an automatic notification system. [VINE fact sheet](#)

Your Right to Be Present at the Court Events Related to Your Case

You have the right to attend any court event that the Defendant has a right to attend. You *must* notify the State's Attorney prosecuting the case, and the District Court Clerk, that you wish to be present at the proceedings. It is important that both the State's Attorney and the District Court Clerk have your most recent address. If you are a witness to the crime, you may need to testify for the State. You may not be able to sit in the courtroom until after you testify. After you testify, you have the right to be present in

the courtroom unless the Court determines otherwise. Please arrive at the courthouse early on the day of the court event and remember to check in with the State's Attorney prosecuting the case when you arrive.

Your Rights to Be Heard Before Sentencing is Imposed

You have the right to give written and oral victim impact statements to the Court before sentencing. You may do this by obtaining a form from the prosecuting State's Attorney or by writing your own statement detailing how the crime has impacted you and your family. As soon as you have completed your victim impact statement, send a copy to the State's Attorney's Office, the Clerk of the District Court, and the defense attorney. You also may have the right to speak at the sentencing. If you wish to do this, please notify the prosecuting State's Attorney in writing as soon as possible asking the prosecutor to request this right for you at Court. Be sure to include the case number and the Defendant's name on all correspondence.

Your Right to Restitution from Your Offender

You have the right to request from your offender for out-of-pocket costs incurred as a direct result of the crime. To request this restitution, you should file a *Request for Restitution* with the State's Attorney prosecuting the case, the Clerk of the District Court Clerk, and the defense attorney. Your Request should detail all expenses and should include receipts and bills, if they are available. You also have the right to collect on a judgment of restitution.

Your Rights As A Victim in Circuit Court

The [Circuit Courts](#) in Maryland are general jurisdiction trial courts handling all trials including:

- More serious criminal cases
- Major civil cases
- Family matters (including divorce, child custody, child support)
- Appeals from District Court, Orphan's Court, and administrative agencies

Your Rights As A Victim in Circuit Court

The [Circuit Court](#) hears all jury trials, and oversees grand jury proceedings.

If your offender is being prosecuted in the Circuit Court of your county (or Baltimore City), the following are your rights as a victim of crime:

- o Your Right to Be Treated with Dignity, Respect, and Sensitivity

Article 47 of the Maryland Declaration of Rights guarantees you, as the victim of crime, the right to be treated with dignity, respect, and sensitivity during all phases of the criminal justice process and by all agents of the criminal justice system.

- o Your Right to Be Notified of Court Events Related to Your Case

Within 10 days of the filing of a petition to the Court, the State's Attorney's Office should send you a Crime Victim Notification and Demand for Rights form. You should complete this form and send it back to the State's Attorney's Office in the city or county where the crime occurred as soon as possible. When you file this form, the State's Attorney's Office is required by law to notify you of all events related to your case. You are also eligible to receive notification through the VINE system, an automatic notification system. [VINE Fact Sheet](#)

- o Your Right to Be Present at the Court Events Related to Your Case

You have the right to attend any court event that the Defendant has a right to attend. When you file the Crime Victim Notification and Demand for Rights form, you are notifying the State's Attorney's Office that you want to attend all court events. Arrive early on the day of the court event and notify the State's Attorney that you are there. If you are a witness to the crime, you may need to testify for the State. You may not be able to sit in the courtroom until after you testify. After you testify, you have the right to be present in the courtroom unless the Court determines otherwise.

- o Your Rights to Be Heard Before Sentencing is Imposed

You have the right to give written and oral victim impact statements to the Court before

sentencing. You may do this by obtaining a form from the prosecuting State's Attorney or by writing your own statement detailing how the crime has impacted you and your family. As soon as you have completed your victim impact statement, send a copy to the State's Attorney's Office, the Clerk of the Circuit Court, and the defense attorney.

- Your Right to Restitution from Your Offender

You have the right to request from your offender out-of-pocket costs incurred as a direct result of the crime. To request this restitution, you should file a Request for Restitution with the State's Attorney prosecuting the case, the Clerk of the Circuit Court Clerk, and the defense attorney. Your Request should detail all expenses and should include receipts and bills, if they are available. You also have the right to collect on a judgment of restitution.

- Your Right to Be Informed of a Plea Agreement

You have the right to be informed of the terms and conditions of a plea agreement. Although you have the right to be notified of a plea agreement, you do not have the right to decide whether the plea is accepted by the Court. Only the judge has that right. You do, however, have the right to express your opinion about the plea agreement through your victim impact statement. If you do not agree with the plea, you should tell the Court and the State's Attorney.

Your Rights As A Victim in Juvenile Court

Your Rights as a Victim in the Juvenile Justice System

The crime that has been committed against you may be handled in the Department of Juvenile Services. This means that the person charged with the crime is under the age of 18. Although many procedures are different between juvenile court and criminal court, you still have rights as the victim of the crime. The Maryland Constitution guarantees every victim of crime the right to be treated with dignity, respect, and sensitivity during all phases of the criminal justice system.

Your Right to Be Notified of Court Events Related to Your Case

Within 10 days of the filing of a petition to the Court, the State's Attorney's Office should send you a Crime Victim Notification and Demand for Rights form. You should complete this form and send it back to the State's Attorney's Office in the city or county of the crime as soon as possible. When you file this form, the State's Attorney's Office is required by law to notify you of all events related to your case. Because your case is in juvenile court, there may be a "waiver hearing." A waiver hearing is a hearing to determine if the case against the juvenile should be handled in criminal court instead of juvenile court. If your case is initially charged in criminal court, you may also have a "reverse waiver hearing." In that hearing, the court decides whether the case should be moved back to juvenile court. You have a right to be notified of both these hearings. If you do not agree with the decision of the intake officer, you have a right to appeal the decision.

Your Right to Be Present at the Court Events Related to Your Case

You have the right to attend any court event at which the Respondent has a right to attend. When you file the Crime Victim Notification and Demand for Rights form, you are notifying the State's Attorney's Office that you want to attend all court events, including a waiver or reverse waiver hearing as described above. Arrive early on the day of the court event and notify the State's Attorney that you are there. If you are a witness to the crime, you may need to testify. You may not be able to sit in the courtroom until after you testify. After you testify, you have the right to be present in the courtroom unless the Court determines otherwise.

Your Right to Be Heard Before Sentencing is Imposed

You have the right to give written and oral victim impact statements to the Court before sentencing. You may do this by obtaining a form from the prosecuting State's Attorney or by writing your own statement detailing how the crime has impacted you and your family. As soon as you have completed your victim impact statement, send a copy to the State's Attorney's Office, the Clerk of the Juvenile Court, and the defense attorney. You also have the right to give a victim impact statement at a reverse waiver hearing if there is one in your case. You may do this by completing the victim impact statement as described above.

Your Right to Restitution from Your Offender

You have the right to request from your offender for out-of-pocket costs incurred as a direct result of the crime. Because the offender is a juvenile, there is a \$10,000 limit on the amount of restitution that can be ordered. However, the Court can also order the juvenile's parents to pay the restitution, as well as the juvenile. To request this restitution, you should file a Request for Restitution with the State's Attorney prosecuting the case, the Juvenile Court Clerk, and the defense attorney. Your Request should detail all expenses and should include receipts and bills, if they are available. You also have the right to collect on a judgment of restitution.

Your Right to Be Informed of a Plea Agreement

You have the right to be informed of the terms and conditions of a plea agreement. Although you have the right to be notified of a plea agreement, you do not have the right to decide whether the plea is accepted by the Court. Only the judge has that right. You do, however, have the right to express your opinion about the plea agreement through your victim impact statement. If you do not agree with the plea, you should tell the Court and the State's Attorney.

The Maryland Crime Victims' Resource Center can provide assistance with the victim impact statement, requesting restitution, and additional court procedures that may arise.