

The Impact of the Crime

The impact of a crime is different for every victim. How it affects you and those around you is also unique. Your concerns about how the case proceeds and about the custodial status of the defendant are also going to vary depending on the circumstances surrounding your victimization.

Your Right To Be Heard

Under the Crime Victims' Rights Act, you have the right to be reasonably heard at any public proceedings involving release, plea or sentencing. You may speak at the hearing, submit a written statement, or have someone speak on your behalf. It is helpful to let us know if you decide to speak at the hearing so that we can inform the Court.

Addressing the Court

When you are exercising your right to be heard, you are addressing the judge. The following information is to help you formulate your thoughts prior to addressing the judge.

1. Let someone in the prosecuting office know of your desire to be heard. They can potentially be available to assist you with this process and can make sure that the Court knows of your desire to speak.

2. Consider what you want to say in advance. You can write your statement out ahead of time and read it or make notes on points you want to cover. Do what makes you most comfortable.
3. Speak clearly into the microphone. Statements made to the judge are recorded. There might be a court reporter typing what you say.
4. Speak in your own words.
5. You are addressing the judge, not the defendant.
6. At court hearings, judges expect all attendees to be respectful and professional.
7. You may want to bring a friend or family member for support.
8. Bring one form of identification for entry into the courthouse.
9. It is important that you are comfortable in your choice of clothing but dress in a way that is appropriate and shows respect for the courtroom proceedings.
10. Please be mindful of courtroom rules concerning cell phones, chewing gum, talking during proceedings, and other potential distractions.
11. Court proceedings are generally open to the public.

Statements Made at Sentencing Proceedings

When speaking at sentencing, often referred to as a Victim Impact Statement, the Court is interested in hearing how the crime has affected you. The following questions may be helpful in gathering your thoughts.

- What are the emotional impact and physical affects of the crime?
- Has it affected your ability to work or to do other normal daily activities?
- How has the criminal act impacted your future, your dreams and your relationships?
- What do you want the judge to know about your view on the defendant's punishment?
- If you are speaking on behalf of a child, how has this crime changed the child's relationship with family and friends? How has it affected school performance?
- Are you or your loved ones experiencing emotional distress?
- Have you experienced any financial losses as a result of the crime?
- Do you have any concerns about your safety?

Types of Proceedings in Which You Can be Heard

Release

The Court decides whether the defendant will be held in custody or released. The Court may consider statements from the prosecutor, defense attorney, and/or subpoenaed witnesses and exhibits.

Plea

The defendant may enter a plea of guilty at any time, often as a result of plea negotiations with the Government.

Sentencing

Defendants have a right to make any statements they deem appropriate to the Judge prior to the imposition of the sentence. This may include a plea for leniency, an explanation as to what led to their actions or how they have changed since the crime. The defendant's attorney may also make persuasive remarks regarding sentencing.

Interpreter Services

Speak in the language that you are most comfortable with. Please let us know as soon as possible before the hearing so that we can coordinate any interpretation services that may be needed.

Written Statements

Some people may prefer to provide a written statement. Travel and time restraints may also make it difficult for you to attend in person. In most circumstances, written statements are provided to the judge and counsel for the defendant. If you have questions or need assistance, please reach out to our office.

Write your statement in the language you are most comfortable with. Our office can facilitate translation that may be needed.

Need Help?

The Victim Witness Staff can assist you during this process. For example, they can facilitate a courtroom tour and orient you to the surroundings. The Staff can also answer your questions or address any other assistance to make your appearance possible.

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EXERCISING YOUR RIGHT TO BE HEARD



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