

## WILL I BE ABLE TO MAKE A STATEMENT AT SENTENCING?

While all victims have the right to attend sentencings, under federal law, **all victims of federal crime cases** also have the right to make a statement at sentencing. If you would like to speak to the Judge at sentencing, please contact the USAO and the US Probation Department as soon as possible.



## WHAT IS RESTITUTION?

Restitution is part of a sentence which requires offenders to “make amends” to their victims(s) for loss, damage, or injury resulting from the crime. Some examples of expenses you may have paid or owe include medical bills or supplies; eyeglasses or hearing aid replacement or repair; counseling costs; lost wages or support; funeral expenses; lost, stolen or damaged property which may include crime scene cleanup; and the repair or replacement of door locks and security devices. It is important to attach copies of any bills or other proof of money you have spent or expect to spend in the future.

In addition to medical or counseling bills, you can also include any loss of

wages that you were not paid for as a result of this crime. For example, if you took time off from work to go to the doctor or courthouse, and your employer did not pay you for this time, you can include this financial loss on your financial impact statement.

## WILL I BE NOTIFIED OF THE SENTENCE AND RESTITUTION?

Yes. You will receive notice from the US Attorney’s Office advising you of the sentence imposed and the amount of restitution ordered payable to you, if any. In the event enough restitution is collected by the U.S. District Clerk’s Office to make a payment, a payment will be sent to you in the form of a U.S. Treasury check. It is important that if restitution is ordered on your behalf that you keep our office updated of your contact information in the event a payment is ready to be made. You will also be automatically enrolled in the Bureau of Prisons Victim Notification program which enables victims to receive notice of a prisoner’s escape, release, furlough, death, etc.

## CRIME VICTIM COMPENSATION

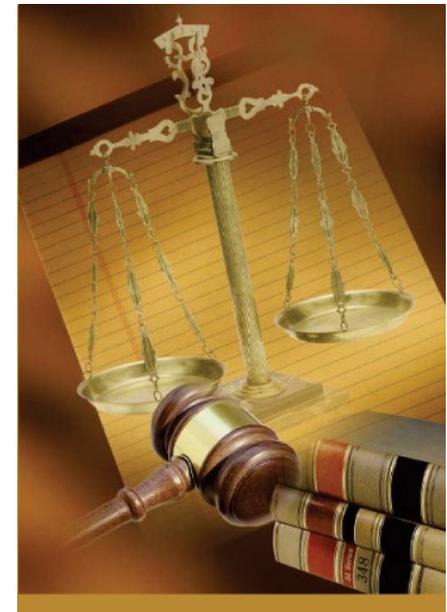
Did you know that you may be able to receive financial help from the Crime Victim Compensation Program? This program can pay victims back for certain types of out-of-pocket expenses for physical or emotional injuries received as a direct result of the crime. These expenses include medical bills, counseling costs, funeral bills, and lost wages. This is not the same as restitution. You can file for benefits immediately following the crime, even if no arrest has been made. You may be able to receive money to help you with some of your medical bills even before you go to court. If you would like more information on the benefits available, or how to apply for compensation, please contact our office for assistance or contact the WV Crime Victims Compensation Fund at 1-877-562-6878.

# VICTIM IMPACT STATEMENTS: KNOW YOUR RIGHTS



UNITED STATES  
ATTORNEY'S OFFICE

*Southern District of West Virginia*



DEPARTMENT OF JUSTICE

# The Impact of The Crime

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## WHAT IS A VICTIM IMPACT STATEMENT?

This is a victim's written statement which is submitted to the United States Attorney's Office and forwarded to Probation who then submits it to the Judge to review before sentencing the defendant. It personalizes to the Judge the emotional, physical, and financial impact you and others have suffered as a direct result of this crime. Since some victims are uncomfortable with completing a formal statement for review, the Judge will also consider a personal letter. **Victim Impact Statements may be seen by the defendant and the defense attorney.**

This statement differs from an oral victim impact statement. You are afforded the right, under the Justice For All Act, to be heard at the sentencing. If you would like to speak at this hearing, it is important to contact the US Attorney's Office's Victim Witness Coordinator as soon as possible and prior to the hearing. This allows us to provide notice to the court to allow the appropriate amount of time for the hearing to include any victims wishing to be heard.

## WHAT IS THE PURPOSE OF THE VICTIM IMPACT STATEMENT?

- 1) It gives you an opportunity to express in your own words what you, your family, and others close to you have experienced as a result of this crime. Many victims also find it helps them provide some closure to the ordeal the crime has caused.
- 2) Sometime after the defendant has pled guilty, the US Probation Office will contact you, either by phone or letter, to inquire about the impact the crime has had on you. The probation officer may either paraphrase or write verbatim the oral statement you give and will include it in the pre-sentence report.
- 3) The victim impact statement is helpful to the judge when he or she decides what sentence the defendant should receive. Although the Judge will decide the defendant's sentence based upon the pre-sentence report and certain sentencing guidelines, the Judge may consider your opinion before making a decision.

- 4) Finally, it includes a financial loss statement which is used to verify and assess the financial impact of the crime upon you. This information is used by the Judge to determine any money the defendant may have to pay you for expenses you have paid or owe because of this crime. When the judge makes the defendant pay the victim it is called "restitution." If the judge orders the defendant to pay you restitution, there is no guarantee that the defendant will be able to pay you the entire amount.

## WHAT IS A PRE-SENTENCE REPORT?

The Victim Impact Statement is an important part of the pre-sentence report which is prepared by the US Probation Office. A pre-sentence report includes, among other things, the defendant's criminal history, the details of the crime, the defendant's plea of guilty and the impact of the crime on the victims, including victim impact statements. The report is prepared by a US Probation Officer for the Judge prior to sentencing. The pre-sentence report helps the Judge determine the proper sentence to impose.