

## Frequently asked questions

What is expected of me as a victim or witness of a crime?

You are expected to report the crime to your local police department and to testify as to what happened. The police will take your statement and file a complaint. A COMPLAINT is a statement of facts about an alleged crime which, when filed in court, formally charges a person. An ARREST WARRANT or a SUMMONS to appear is then issued by the District Justice. An arrest warrant is an order signed by a judge authorizing the police to arrest a person believed to have committed a crime. A summons is mailed to the accused and directs him to appear for a Preliminary Hearing.

What happens after the suspect is arrested?

The person accused of the crime is now called the DEFENDANT. The Defendant will make his/her first appearance before the local District Justice soon after the arrest at the PRELIMINARY ARRAIGNMENT. This appearance is for the purpose of setting bail, furnishing the defendant with a copy of the complaint, advising him of his right to legal counsel, and setting the date for the Preliminary Hearing. Your appearance is not required at the Preliminary Arraignment.

What is the purpose of bail?

Bail is used to insure the defendant's appearance in court. All defendants, except those charged with an offence punishable by death, are entitled by law to reasonable bail prior to trial. The seriousness of the crime charged is only one of the factors the judge considers in setting bail. He must also consider the status of the defendant: employment, family, age, residence, and any other factors relevant to whether the defendant is likely to flee the jurisdiction. The defendant will be released when he, or someone on his behalf, posts money, property or bond for bail. If the defendant later fails to appear at a scheduled court proceeding, a BENCH WARRANT will be issued for his arrest, and he will be brought before a judge.

What is a Preliminary Hearing?

It is a scheduled court proceeding with testimony under oath, where the District Justice, the defendant, the defendant's attorney, the prosecutor from the District Attorney's office, the police officer in charge of the case, and you-the victim- are present. The hearing is held at the District Justice's office. The purpose of a Preliminary Hearing is to establish that there is enough evidence to hold the case for trial. The burden of proof lies with the prosecution to show that a crime has been committed, and that there is a reason to believe the defendant committed the crime. If you are called to testify, the District Attorney will want you to sit in the witness chair and answer the questions about who you are and what you know about the case. Usually, the defendant offers no defense at this time. However, you will be cross-examined by the defendant's attorney. If there is enough evidence in the case shown, the District Justice will rule that the defendant shall go to trial in the Courthouse. The defendant can waive (not demand) the Preliminary Hearing and proceed immediately to the trial, in which case you will not have to testify at the Preliminary Hearing. You will receive notice when the case is scheduled to trial.

What happens if I change my mind and don't wish to prosecute?

The whole community has a stake in the prosecuting wrongdoers. The complaint is now the Commonwealth's case, and it is not in your power to "drop charges." If you are experiencing anxiety about testifying, please discuss your concerns with the Victim/Witness Coordinator (570-837-4232), who will try to help with problems, doubts or questions you may be having. If you have received a subpoena, you must appear in court. Failure to do so could result in being held in contempt of court.

Do I need to get an attorney to represent me?

No, the OFFICE OF THE DISTRICT ATTORNEY will be the prosecution of your case. He/She is an attorney who represents the interests of the people of Snyder County. He/She will work with you, the police, and the other witnesses to prepare and prosecute your case. The District Attorney is paid by the County, so you are not required to pay legal fees.

What if I move before the trial?

Please notify the Victim/Witness Coordinator immediately and provide your new address and telephone number.

How do I get my property returned?

If you are the victim of a crime, the police department may be holding your property as evidence. In some cases, it can be photographed and returned to you by the police. The District Attorney may ask you to bring the property to court with you later for the use in the trial. Some items must be held as evidence for the trial and it may take some time before they can be returned. Contact the Victim/Witness Coordinator if you have any questions.

What if the defense attorney contacts me about the case?

Before speaking to anyone about the case, you should ask to see the person's identification. You are under no obligation to talk to anyone. You have the right to refuse to discuss the case with the defense attorney; you may speak with him or you may agree to speak with him only in the presence of the District Attorney. You should report all contacts to the District Attorney's office.

What if I am threatened by the Defendant or his friends?

Most witnesses never have this problem, however, if the defendant or anyone else attempts to intimidate you, notify your local police departments immediately and call the Victim/Witness Coordination in the District attorney's office. Criminal charges may be brought against the person making the treat, and if the defendant threatens you, his bail may be revoked.