

Victim's Rights Information Sheet

This information must be provided to all victims of crimes as defined in S.C. Code Ann. § 16-3-1510(1).

Victim's Rights

As a victim of a crime, you have the right to:

- 1. Be present and participate in all hearings;**
- 2. Be represented by counsel;**
- 3. Pursue civil remedies; and**
- 4. Provide a Victim Impact Statement to the court for the judge to consider at the sentencing hearing. If you wish to orally present your statement at the hearing, you must notify the court beforehand.**

Notices

During the course of the case, you will be notified of court dates. To ensure you receive notice, please make sure the court has your current address and phone number. If your contact information changes, make sure to update the court.

Delays

Sometimes court proceedings and hearings may be continued or rescheduled to a later date. There are a number of reasons why this could happen, and sometimes these delays may result in unnecessary trips to court. Every effort will be made to keep you informed in advance of all proceedings and delays.

Subpoena

A subpoena is a court order requiring a person to appear at a specific time and place to give testimony. If you receive a subpoena for a hearing or trial, you must come to court.

Return of Property

If any of your property was recovered or taken as evidence, it will be returned to you as quickly as possible.

Pleas

Instead of proceeding to trial, the defendant may decide to plead guilty or no contest (nolo contendere). The prosecuting agency is required to consult with each victim regarding the resolution of the case. This includes information about diversion programs and plea negotiations. However, the judge has the final decision to accept or reject a plea.

Trial

If the defendant pleads not guilty, the case will proceed to trial. There are two types of trials – bench trials and jury trials. A jury trial involves a panel of impartial individuals who determine the verdict, while a bench trial is heard by and decided by a judge alone.

Sentencing

After the defendant has entered a guilty plea or been found guilty, the judge will issue the sentence. The focus of this stage of the court process shifts from determining guilt to deciding the appropriate punishment or penalties the defendant will face. In determining what sentence to impose, several factors are considered, such as the severity of the crime, the defendant's criminal history, aggravating or mitigating circumstances, and the impact on the victim. If you provided a written Victim Impact Statement, the judge will already have it. If you notified the court of your desire to present your statement orally, you will have the opportunity to do so at this time.

The sentencing phase is a critical stage of the legal process that seeks to provide a fair and just resolution to the case. As a victim, your input through a Victim Impact Statement can help the judge understand the personal impact of the crime.

Sentencing Options

There are various sentencing options that the judge may impose. The judge can impose one type of sentence or a combination of several. Some of the sentencing options include: incarceration, probation, community service, and/or fines. Please note that not every option is available in every case.

Restitution

In addition to the sentence, the judge may also order the defendant to pay restitution to (reimburse) the victim for any loss or damage that resulted from the crime. After hearing evidence of the damage or loss, the judge will decide whether restitution is appropriate and issue an order stating the amount owed. Information about the damage or loss sustained must be included in your Victim Impact Statement. The court may also require you to provide documentation.