

# ***Resource Center for Victims of Violent Death***



## **STEPPING STONES**



**NEWSLETTER - APRIL 2014**

### ***NATIONAL VICTIMS' RIGHTS WEEK***



Since 1981, National Crime Victims' Rights Week (NCVRW) has challenged the nation to confront and remove barriers to full justice for victims of crime. Each year, communities across the country revisit the history of the victims' rights movement and recommit themselves to advancing the progress already achieved.

*For Crime Victim's Week, our Resource Center will represent all of our families along with other victim support agencies, at the "Silence the Violence" program at Civic Plaza, in downtown Albuquerque, on April 10<sup>th</sup> from 10Am-2pm. There will be information tables set up presenting information about your needs and concerns to all who attend. Our goals are to:*

- ✓ *Provide information about issues affecting victims and families*
- ✓ *Educate the community with the goal of stopping Violence*
- ✓ *Educate law makers with facts to use as they make new /better laws that affect victim*

*Our Victim Advocate, Joan Shirley, will also be doing a victim information table on 4/12/14 at Haynes Park in Rio Rancho from 9am – 3pm.*

***Read on.....and call us with any questions –  505-243-2222***

Victim Rights Week Continued...

**Our rights as citizens of the United States originated with the first ten amendments to the US Constitution – called the Bill of Rights. They are present here to remind you:**

**UNITED STATES CONSTITUTION BILL OF RIGHTS**

**Amendment I** Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

**Amendment II** A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.

**Amendment III** No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

**Amendment IV** The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

**Amendment V** No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

**Amendment VI** In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

**Amendment VII** In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any court of the United States, than according to the rules of the common law.

**Amendment VIII** Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

**Amendment IX** The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

**Amendment X** The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

Victim Rights Week Continued...

## **Your rights as a victim of crime in New Mexico, upon the arrest of a perpetrator, are presented here:**

### NEW MEXICO VICTIMS' RIGHTS LAWS

#### **Article II, § 24 – Rights of Crime Victims**

A. A victim of arson resulting in bodily injury, aggravated arson, aggravated assault, aggravated battery, dangerous use of explosives, negligent use of a deadly weapon, murder, voluntary manslaughter, involuntary manslaughter, kidnapping, criminal sexual penetration, criminal sexual contact of a minor, homicide by vehicle, great bodily injury by vehicle or abandonment or abuse of a child or that victim's representative shall have the following rights as provided by law:

- (1) the right to be treated with fairness and respect for the victim's dignity and privacy throughout the criminal justice process;
- (2) the right to timely disposition of the case;
- (3) the right to be reasonably protected from the accused throughout the criminal justice process;
- (4) the right to notification of court proceedings;
- (5) the right to attend all public court proceedings the accused has the right to attend;
- (6) the right to confer with the prosecution;
- (7) the right to make a statement to the court at sentencing and at any post-sentencing hearings for the accused;
- (8) the right to restitution from the person convicted of the criminal conduct that caused the victim's loss or injury;
- (9) the right to information about the conviction, sentencing, imprisonment, escape or release of the accused;
- (10) the right to have the prosecuting attorney notify the victim's employer, if requested by the victim, of the necessity of the victim's cooperation and testimony in a court proceeding that may necessitate the absence of the victim from work for good cause; and

#### **§ 31-26-2 – Purpose of act**

Recognizing the state's concern for victims of crime, it is the purpose of the Victims of Crime Act to assure that:

- A. the full impact of a crime is brought to the attention of a court;
- B. victims of violent crimes are treated with dignity, respect and sensitivity at all stages of the criminal justice process;
- C. victims' rights are protected by law enforcement agencies, prosecutors and judges as vigorously as are the rights of criminal defendants; and
- D. the provisions of Article 2, Section 24 of the constitution of New Mexico are implemented in statute.

#### **§ 31-26-4 – Victim's rights**

A victim shall have the right to:

- A. be treated with fairness and respect for the victim's dignity and privacy throughout the criminal justice process;
- B. timely disposition of the case;
- C. be reasonably protected from the accused throughout the criminal justice process;
- D. notification of court proceedings;
- E. attend all public court proceedings the accused has the right to attend;
- F. confer with the prosecution;
- G. make a statement to the court at sentencing and at any post-sentencing hearings for the accused;
- H. restitution from the person convicted of the criminal offense that caused the victim's loss or injury;

**Article II, § 24 – Rights of Crime Victims...continued:**

- I. information about the conviction, sentencing, imprisonment, escape or release of the accused;
- J. have the prosecuting attorney notify the victim's employer, if requested by the victim, of the necessity of the victim's cooperation and testimony in a court proceeding that may necessitate the absence of the victim from work for good cause;
- K. promptly receive any property belonging to the victim that is being held for evidentiary purposes by a law enforcement agency or the prosecuting attorney, unless there are compelling evidentiary reasons for retention of the victim's property; and
- L. be informed by the court at a sentencing proceeding that the offender is eligible to earn meritorious deductions from the offender's sentence and the amount of meritorious deductions that may be earned by the offender.

**Until there is an arrest in your case, your general victim rights are:**

- **To be treated with dignity and respect**
- **To be able to apply for possible financial help with medical, death-related, or counseling costs through the NM Crime Victims Reparation Commission.**
- **To be notified if an arrest has been made**
- **That your immigration status should not affect your access to the criminal or juvenile justice systems.**

**If you have questions about or have been denied your victim rights, give us a call so that we can explain or try to help you obtain your rights.**



**The Resource Center goes out into the community**

**Visit our information table at the South Valley Pride Day on May 4<sup>th</sup> from 12-4pm; come by and see us!**

<p><b>Office The Atrium Building</b></p> <p>10701 Lomas NE Suite 115 Albuquerque, NM 87112 (just east of Eubank on Lomas)</p> <p>And group meetings in Los Lunas and Rio Rancho *</p>	<p><b>Call: 505-243-2222 &amp; 855-430-2232 – toll free</b></p> <p><b>After hours contacts:</b></p> <p><b>Pat Caristo – 505-299-8712</b> Project Coordinator / Intake</p> <p><b>Joan Shirley 505-238-1663</b> Victim Advocate</p> <p><i>* We can set up a conference call so you can join in if you can't get into Albuquerque.</i></p>	<p><b>On line: E-mail: <a href="mailto:pacnia@usa.net">pacnia@usa.net</a></b></p> <p><b>Website:</b> <a href="http://www.bridgesforvictimsofviolentdeath.org">www.bridgesforvictimsofviolentdeath.org</a></p> <p><b>FYI</b></p> <p><b>We are a 501 © (3) organization. Your donations are tax-deductible. Thank you, in advance.</b></p> <p><i>The Resource Center for Victims of Violent Death receives funding support from NMCVRC (2014-VA-236)</i></p>
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