

Office of Middlesex District Attorney

Gerard T. Leone, Jr.

Victim Witness Services Bureau
15 Commonwealth Avenue
Woburn, MA 01801
(781) 897-8490

The Middlesex Victim Witness Services Bureau has advocates assigned in the courts and specialty units listed below. If you need assistance or have questions, please call the office where your case is being heard.

- Ayer (781) 897-8750
- Cambridge (781) 897-8550
- Concord (781) 897-8775
- Framingham (781) 897-8800
- Lowell (781) 897-8900
- Malden (781) 897-8675
- Marlborough (781) 897-6775
- Natick (508) 651-1614
- Newton (781) 897-8625
- Somerville (781) 897-8575
- Waltham (781) 897-8650
- Woburn (781) 897-8725
- Superior Court (781) 897-8490
- Post-Conviction (781) 897-8532
- * Family Protection Bureau (781) 897-8400

* The Family Protection Bureau includes the Child Abuse Unit, Domestic Violence Unit and the Elder/Disabled Unit.



**As a victim or witness of a crime,
you have the right**

***To Be Informed
To Be Present
To Be Heard***



***A Guide for Victims and
Witnesses in Middlesex County***

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The Court System: How it Works

Criminal cases are heard by one of two courts in the Commonwealth of Massachusetts -- the District Court and the Superior Court. Almost all cases begin in District Court. The vast majority of cases remain in District Court. A small percentage of cases proceed to the Superior Court.

The Middlesex District Courts

Middlesex County has twelve District Courts. A case begins in the District Court when the Clerk Magistrate issues a criminal complaint in response to an application for a complaint filed by a police officer or private citizen, or when a police officer makes an arrest. The defendant may choose to have the case heard either by a judge or a jury of six people.

The Middlesex Superior Court

Middlesex County has two Superior Courts located in Lowell and Woburn. The Superior Court has authority over all crimes and most often handles major felony cases. A case begins in the Superior Court after the Grand Jury has returned an indictment. If the case goes to trial, the defendant may choose to have the case heard either by a judge or a jury of twelve people.

Grand Jury

Before a case can enter the Superior Court, the Grand Jury must hear evidence of the crime and vote to issue an indictment against the defendant. The Grand Jury is made up of twenty-three citizens, randomly selected by computer to serve jury duty.

Probable Cause Hearing

Most Superior Court cases proceed directly to the Grand Jury and then to the Superior Court without victims or witnesses having to testify at the District Court level. In some Superior Court cases, however, a preliminary hearing known as a Probable Cause Hearing is held in the local District Court. A judge presides over the hearing and decides whether there is probable cause to believe that a crime was committed and that the defendant committed the crime. If probable cause is found, the case is then presented to the Grand Jury, and if indicted, proceeds to Superior Court.

Appellate Courts

A defendant may appeal to the Massachusetts Appeals Court for review of the procedures or interpretations of law by a trial judge. Some cases are appealed directly to the Supreme Judicial Court. These appeals are not new trials. No witnesses testify and no new evidence is presented. Only issues of law are reviewed at this level.

Juvenile Courts

If a person under the age of 17 is charged with a crime, he or she is a juvenile and is prosecuted in the juvenile session in the District Court. Depending on the seriousness of the crime, a juvenile may be treated as an adult, and or tried as a "Youthful Offender" and be subject to an adult sentence.



The Middlesex District Attorney's Office has a proud tradition of protecting and serving the people of this county through tough, fair prosecutions and proactive, progressive prevention and intervention efforts.

Our office implements a dual approach to protecting the people of Middlesex County. We are professional prosecutors and progressive-minded public servants who work to effectively and fairly prosecute cases while implementing community and school based prevention and intervention programs.

The true essence of what we do is to protect and serve the public, fight for victims, and speak for those who otherwise would have no voice. It is a mission we pursue with focus, with passion, and with the utmost dedication.

It is a true honor to serve as your District Attorney.

Gerry Leone
Middlesex District Attorney

In the Aftermath of Crime — Your Rights as a Victim or Witness

Protecting your rights as a victim or witness of a crime is the most important job we do. Our team of experienced prosecutors, state police investigators, and victim witness advocates are dedicated to fighting on behalf of victims and their families.

The following information is provided to help you and your families during a difficult time in your lives. Please contact this office if you have questions or concerns -- we are here for just that reason.

The Middlesex Victim Witness Services Bureau

We understand that this may be your first experience with the criminal justice system. The Middlesex District Attorney's Victim Witness Services Bureau is available to help you every step of the way, explaining your rights under Massachusetts General Laws c. 258B, the Victim Bill of Rights. Mass. G.L. c. 258B ensures that a victim or witness of crime have the right to: (1) *be informed*, (2) *be present*, and (3) *be heard*.

Some of your rights as a crime victim are listed below. Your Victim Witness Advocate can provide you with a complete copy of your rights under Mass. G.L. c. 258B.

- ◆ You have the right to an explanation about the court system, what your role is in the process and what will be expected of you, as a victim or witness of crime.
- ◆ You and your family members have the right to be present at all court proceedings unless you are required to testify and the judge determines that your testimony may be influenced by your presence.

- ◆ The right to receive specific information about the criminal case involving you. You have the right to be updated on significant developments in the case. You have the right to be notified in a timely manner of any changes in schedule of the court proceedings that you are expected to be present.
- ◆ You have the right to confer with the prosecutor before the start of the case, before a case is dismissed, and before a sentence recommendation is made.
- ◆ You have the right to be informed of available assistance for social services, financial assistance and C.O.R.I. certification to receive information about an offender.
- ◆ You have the right to request confidentiality during the court proceedings for yourself and family members. You have the right to certain protections by law enforcement from harm or threats of harm caused by your cooperation with the court process.
- ◆ You have the right to be provided with a safe and secure waiting area, which is separate from the defendants.
- ◆ You have the right to refuse or agree to participate in interviews with the defense team before trial, or to set reasonable conditions on the conduct of any such interview if you choose to be interviewed.
- ◆ If eligible, you have the right to apply for Victim Compensation for certain out-of-pocket expenses, such as medical, counseling or funeral costs, or lost wages incurred as a direct result of the crime.
- ◆ You have the right to request that the judge order the offender to pay restitution for your crime-related financial losses, and to receive a copy of the offender's schedule of restitution

payments from the offender's supervising probation officer.

- ◆ If applicable, you have the right to consult a private attorney to initiate a civil lawsuit on your own for damages resulting from the crime.
- ◆ Upon request, you have the right to advance notification from the institution whenever the offender receives a temporary, provisional or final release from custody.
- ◆ You have the right to present a Victim Impact Statement to the court at sentencing about the physical, emotional, and financial effects of the crime on you and about your opinion regarding the sentence to be imposed.

Our victim witness advocates are highly trained professionals who are committed to ensuring that these rights are protected.

If You are Called to Testify

It is understandable and normal to be nervous if you are called as a witness. The prosecution team will do their best to prepare you and ease your concerns.



Providing a Victim Impact Statement

In all cases where there is a guilty finding, the Assistant District Attorney and Advocate will consider the victim's views and impact of the crime in the sentence recommendation. An impact statement describes the physical, emotional, and financial impact of the crime and the victim's input on sentencing. You will be allowed to present it to the Court prior to sentencing the defendant. Your statement may be presented verbally or in writing, whichever is more comfortable for you.