

The Rights and Roles of Victims of Crime: The Roles of Victims in Criminal Cases – Part 1

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Introduction

Welcome. If you or your loved one is a victim of crime, this video will help you better understand where you can get help. But first, let's clarify how Maryland law defines a victim of crime. A victim is someone who suffers physical, emotional, or financial harm as a result of a crime.

If you are the victim of a crime, you can apply for criminal charges. I am going to walk you through the process, so let's get started.

Filing Criminal Charges

If you believe you have been a victim of a crime, it is important to report the incident to the police, as they can provide important information that you may need. The police may investigate, make an arrest, or apply for charges. Frequently, however, the police will refer you to the District Court Commissioner to apply for charges on your own.

Whether it's you or the police who apply for charges, this is done through a District Court Commissioner. A Commissioner is a judicial officer who has the legal authority to issue charging documents.

If you are the one applying for charges, your first step is to file what is called an Application for Statement of Charges. You, or someone else who has personal knowledge of the incident, may file. The person who files should appear in person before a District Court Commissioner. This is done in the county in which the incident occurred. If it took place in Baltimore City, file with a Baltimore City Commissioner. A Commissioner is available 24 hours a day, seven days a week, including holidays.

The Application for Statement of charges must be sworn and signed before a District Court Commissioner. The application should provide the following details:

- A statement that describes the incident in detail.
- Where and when the incident occurred.
- A list of any injuries, damages, or losses.
- And an explanation of why you believe a person or group of people are responsible for the crime.

The Commissioner will review your statement and determine if there is probable cause to issue charges. If the Commissioner does find probable cause, they will decide what charges will be issued and will file a charging document.

Let's pause here. You may be wondering what probable cause is. Probable cause refers to having a reasonable basis to suspect someone of a crime. Suspicion is not enough. If the Commissioner finds that no probable cause exists to issue charges, the Application for Statement of Charges will be denied.

You will receive notice in the mail of the Commissioner's decision. The Commissioner cannot provide any specific reason for a denial because they are restricted from giving legal advice.

If the Commissioner issues charges, the person you believe is responsible for the crime may receive a summons, giving them notice of their criminal case. Or they may be arrested after a warrant is issued. You cannot request a summons or an arrest. The Commissioner's decision is guided by Maryland law.

In most cases, the Commissioner cannot issue a charging document against a juvenile. If the alleged perpetrator is a minor, you should contact the police.

Let's talk about your role in the case.

Your Role in the Case

After the commissioner issues a charging document, the case may go to trial. When charging documents are issued on behalf of a victim, there are two parties to the court case: the State and the defendant. The defendant is the person accused of a crime.

The State's Attorney is the lawyer who represents the State of Maryland. They will review the case before moving forward. They can decide whether to pursue the case or not. If the State's Attorney decides not to pursue the case, they may enter a nolle prosequi. This means they will not prosecute the charges and the case is dismissed.

As the victim, you are not a party to the case. It is the State not you, that prosecutes charges against the defendant. You do, however, still have rights as well as obligations. Let's talk about your responsibilities as a victim.

Your Responsibilities as Victim

If you have information about the case or the act that was committed, you may be called to appear at trial as a witness. The State's Attorney's Office may issue a subpoena requiring you to appear in court to testify. The subpoena may also require you to bring specific documents to court. If you receive a subpoena, do not ignore it. The court can impose penalties against you if you do not obey a subpoena.

We have covered a lot of material. Let's take a minute to review.

Review

Talk to your local police department or commissioner to apply for charges. If charges are issued, the State's Attorney will determine whether or not to prosecute the case. As a victim, you are not a party to the case but have certain responsibilities and rights. You may be required to appear as a witness. Remember, if you receive a subpoena and do not follow it, you can face penalties.

Watch the next video in this two-part series for information on your rights as a victim.

Thank you for watching. I hope this information has been helpful.