

# **A TEENS GUIDE**

*through  
the*  
**N.H.  
Criminal  
Court System**



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Task Force On  
Child Abuse And Neglect**

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The contents of this publication should not be construed as the official policy of the New Hampshire Department of Justice or the New Hampshire Attorney General's Task Force on Child Abuse and Neglect.

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## WHAT YOU NEED TO KNOW...

This information has been given to you because you are the victim or a witness of a crime. The following pages will explain your role in the criminal justice process and why your role is an important one. You are the most important person in this case and we want to hear from you. Use this information to build questions to get the answers you need.

# ARE MY FEELINGS NORMAL?

Being victimized may leave you feeling confused, frightened or angry. These feelings will be upsetting, but they are normal. Here are some common feelings that victims of crime experience:

**FEAR** - You may be afraid that you will be a victim again or that something bad will happen to you. You may be afraid that people will find out what happened. You may be afraid of testifying or seeing the defendant in court. You may be fearful and not know exactly why. All these feelings are normal.

**GUILT** - Some victims feel responsible for getting someone else in trouble or for the punishment that person might receive. Remember, the only person responsible for what happens to the defendant is the defendant. The abuser chose the behavior, not you.

**MIXED FEELINGS** - Often, a victim will know her/his offender and feel unsure of what she/he would like to see happen. Many victims will still have fond feelings for the defendant. Nobody will tell you how to feel for the defendant. However, you will be asked to tell the truth no matter how you feel about the defendant.

**EMBARRASSMENT** - You may feel ashamed that this has happened to you. You may also feel embarrassed to discuss the details when asked by the prosecutor. You did nothing to make this happen and the prosecutor deals with this type of case often. The prosecutor will want all the details from you. Take your time and let him or her know you are feeling embarrassed.

**PRIDE** - By telling the truth about what happened you have begun to heal. You have done the right thing, though it may take time for you to realize this. In the end, you should feel proud of yourself.

## **AT SCHOOL AND WITH FRIENDS – WHAT DO I SAY?**

It is okay to discuss your feelings with friends and family, but avoid talking about the facts of the case. Never compare your testimony with that of another witness.

People may ask you why you are “pressing charges.” You should understand that it is the State of NH that brought the charge(s) and it is only the State that can bring charges. You are a witness in the case. If anyone should suggest to you or pressure you to “drop the charges” you should tell someone at the county attorney’s office right away.

It is likely your teacher at school may become aware of your need to be in court sometime in the future. This does not mean your teacher will be provided with the details of the case. You will be excused from school for any court date for which you are required to attend.

## **DO I HAVE ANY RIGHTS?**

Being a teenager, it may seem as though you are denied some of the rights to which you feel entitled. By law, victims of crime no matter what age, have several rights. The following is part of the NH Victims’ Bill of Rights:

- To be treated with fairness and respect.
- To be informed about the criminal justice process and how it works.
- To attend trial and all other court proceedings.
- To be consulted about any plea bargain.

- To have as few inconveniences as possible.
- To be informed about available resources.
- To be provided a secure, but not necessarily separate, waiting area.
- To be advised of case progress and final disposition.
- To make a written or oral statement at sentencing.

## QUESTIONS AND ANSWERS

**Q** Will I definitely have to testify?

**A** If the defendant pleads not guilty and the case goes to trial, yes, you will have to testify. If this happens, you will have the opportunity to have a tour of the courtroom prior to trial and your victim advocate will explain what happens at trial. However, if the defendant pleads guilty, there would not be a trial and your testimony would not be required.

**Q** Who will be in the courtroom when I testify?

**A** It depends. The defendant will be in the courtroom, not just for your testimony, but for the whole trial. As a general rule, if somebody is a witness in a trial, he or she will be ordered to be out of the courtroom at all times except the time during which he/she testifies. This rule is to make sure that a witness testifies from his or her own memory, and not what they heard other people say. It is important that one person's testimony is not influenced by another's. So, if a parent or friend happens to be a witness, it is unlikely he/she will be able to be in the courtroom with you. You may bring a support person with you (relative, friend or counselor who is not a witness) to be present when you testify. (It is your right as a victim to sit through the trial if you wish - you will not be sequestered).

**Q** What if I don't understand the charges?

**A** Talk to your Victim Advocate or county attorney and the charges will be explained to you.

**Q** What if I cry in court?

**A** No one will think less of you. If you need a break, it is okay to ask the judge for one.

**Q** What if I feel worried about punishing the offender by testifying?

**A** You are only asked to tell the truth about what happened. The decision about what happens to the offender is not yours. The judge and the jury decide after much thought.

**Q** When someone is charged with a crime will they definitely go to jail?

**A** Every case is different and there are no "absolutes" in the criminal justice system. Some people are found guilty and are punished; others are found not guilty and go without punishment.

**Q** What if other people don't understand the way I feel?

**A** It's difficult when other people don't seem to understand what you're feeling. They may say things like:

"I wouldn't let it happen to me."

"Tell me the details."

"Why did you drink?"

"Why don't you seem upset?"

Being the victim of a crime may cause some stress. Try not to let other people add to it. There are unique feelings that accompany being a victim or witness. Don't expect everyone to understand or know what you're going through. You don't need

to justify how you feel. Talk about your feelings with those people who accept how you feel and lend support. If you feel you need to see a counselor, you can talk to your Victim Advocate about how to get started with a professional.

**Q** What if things go wrong?

**A** A prosecutor knows to expect the unexpected because he/she is in court every day. You should know that sometimes getting ready for trial or during trial, problems arise. If these problems cannot be solved, the trial might be delayed, postponed or canceled. Someone will let you know if any problems arise in your case and how they will be handled. Try to relax.

## THE COURT PROCESS

This section describes the typical sequence of events as a felony case progresses through the criminal justice system. There may be additional court dates that do not involve witnesses. If at any stage the defendant enters a plea of guilty, the case will proceed to sentencing without a trial.

- **Crime Occurs**
- **Notify Police** - A report will be taken by a police officer.
- **Police Investigation** - This is usually done by a detective. An arrest of the accused may occur at this point. If arrested...
- **Arraignment in District Court** - The defendant is charged with a crime, a guilty/not guilty plea is entered, and bail is set.
- **Probable Cause Hearing in District Court** - At this time, a judge will determine if there is enough evidence to bind the defendant over to superior court.



- **Grand Jury** - A case sent to Superior Court is first presented to the Grand Jury, a group of 12-23 citizens. The County Attorney’s office presents the evidence in closed session. The defendant is not usually present. If twelve or more members of the Grand Jury believe that the crime may have been committed by the defendant, the defendant will be formally charged. This formal charge is called an “indictment.”
- **Arraignment in Superior Court** - The defendant is charged with a specific crime, a plea is entered again and bail is reset.
- **Trial** - All evidence, information and witness testimony is presented during the trial. In a court trial, a Judge determines whether the defendant is guilty or not guilty. In a jury trial, all twelve jurors must agree on a verdict of guilty or not guilty. If the verdict is not guilty, the defendant has been acquitted and is released. If the verdict is guilty, the defendant will be sentenced at a later date. When jurors cannot agree on a verdict it is called a “hung jury.” The case is deadlocked and may result in a new trial.
- **Pre-sentence Investigation** - Before sentencing, the judge will refer the case to the Department of Corrections. A corrections officer will conduct an investigation of the defendant’s background and also consider the impact of the crime on the victim’s life and property. This information is used by the judge to help determine the sentence.
- **Sentencing Hearing** - At the sentencing, the judge considers the pre-sentence investigation, testimony from witnesses, and statements by the attorneys. Victims of crime have the right to address the court regarding the effects that the crime has had on their lives. Based on all this information, the judge imposes a sentence.

The criminal justice system often involves delays and postponements. Because of the seriousness of the charges, great time and care is devoted to each case. As a result, the duration between the initial investigation and its conclusion in court may be lengthy. This process will require your patience. Working together, we will try to make your involvement with the criminal justice system as easy as possible.

## TESTIFYING

When it is your turn to testify, someone will show you to the witness box. You will be asked to take an oath of truth and be seated on the witness chair.

### **SUGGESTIONS:**

- You are sworn to tell the truth - tell it, by answering accurately what you know.
- Do not try to memorize your testimony; simply be prepared to tell what happened.
- Listen carefully to the questions asked and think before speaking. If you do not understand the question, ask that it be repeated or explained.
- Do not guess. If you do not know the answer, be sure to say so. If you give an estimate, make sure everyone understands you are estimating.
- Speak clearly and loudly. Do not nod your head for a “yes” or “no” answer. Speak so the jury can hear your answer.
- Answer only the questions asked.
- If your answer was not correctly stated, correct it immediately. If you do not realize your error until after leaving the witness stand, advise the County Attorney as soon as possible.
- Stop speaking instantly when a judge interrupts or an attorney objects to a question.

- If asked whether or not you have talked to anyone about the case, admit freely that you have, if you have. There is nothing improper about discussing the facts of a case with attorneys, police officers or investigators prior to trial.
- Be courteous, even if the attorney questioning you appears discourteous or offensive. In the court- room, everybody is expected to be polite.
- A neat appearance and proper attire in court are important.
- STAY CALM. Do not lose your temper. Never argue with the defense attorney. “KEEP YOUR COOL.”
- You may want to go back and re-read these suggestions, so that you will have them firmly in your mind. We hope they will help.

## PERSONAL ACCOUNTS

Now, take time to read one teen’s account of her experience with the criminal justice system. Sometimes, we learn the most from those having gone through similar situations.

When I was 13 years old, I was raped by a friend of the family. I had never dealt with any kind of administration at a courthouse. I guess I was frightened.

From the first time I had introduced myself to the County Attorney and the Victim Advocate they gave me hope. Over and over again they stressed to me that I need to remain open minded, but also that the outcome could go either way. Then there was the prosecutor’s assistant who always made sure I had a smile. Together, they were really fantastic people through the whole trial.

Of course, facing the perpetrator is the hardest thing to do. But don’t allow him to intimidate you. Just tell what happened. It’s okay to cry and feel shaky. Just do your best.

- Ethel, age 15.

One other young woman had the following to say about her experience:

I came into the court system when I was 11 years old due to family abuse. The first trial was scary, but from the support of people who cared, it was easier. Then, he had to have another trial, but I was more prepared because of counseling and my foster parents. They helped me a great deal through this whole thing.

After the second trial, my mother went into denial and was very angry with me because my father went to prison. It's been 6 years and she still blames me. What really helped was everyone who told me that it wasn't my fault and that he knew right from wrong. I have been through a lot but I have my life on track. I am healthier and stronger than I ever was before I came into the court system.

- Sherrie, Age 16

## CASE CLASSIFICATION

As you might guess, every case is different. The following sections include several different situations we see. See if your special circumstance is listed and read on.

### 1. **STATUTORY RAPE**

*(Age Difference)*

In New Hampshire, the proper wording for statutory rape (or a charge due to age differences) is Felonious Sexual Assault. This is slightly different from other assaults because it is based on the ages of those involved. If you are the victim of "statutory rape," here are some things you should know:

You may not consider yourself a victim.

The age of consent in NH is sixteen. If someone aged 18 or older has engaged in sexual conduct with you and you are under 16, it is a crime.

It is a crime even if you wanted it to happen.

This law exists to protect young people. You may feel it is unfair and that you should be allowed to make your own decisions about sexual matters. Some young people may make uninformed decisions they will later regret. Whether this applies to you or not, the legislature in NH has decided you are unable to consent to sexual relations until you reach age 16.

You do not have to agree with the County Attorney's Office and their view of the case. However, you do still have to tell the truth and continue to tell the truth.

You still have rights. You may let the County Attorney and the judge know your feelings. Your Victim Advocate will make sure you have the opportunity to exercise these rights. Being involved in a criminal matter can be made much easier by relying on Victim/Witness Assistance for information.

## 2. **ACQUAINTANCE ASSAULT**

*(Someone you know)*

In New Hampshire, the fact that you may have known or met your attacker before the assault doesn't change the law or the charge. Depending on the circumstances, the proper wording of the charge would be Felonious Sexual Assault or Aggravated Felonious Sexual Assault. You can ask your Victim Advocate or County Attorney the difference and find out which applies to your case.

Often times, when someone is assaulted by a person he/she knows, they may experience feelings such as:

- "This was someone I trusted, how could this happen?"
- "I really liked him/her, what did I do to make this happen?"
- "I probably should have known better than to be in that situation."
- "He/she was always so nice to me, I didn't know what he/she did was wrong."

These feelings are common and arise from feeling as though you could have prevented the assault. You are not responsible for the behavior of the defendant- no matter what. If you trusted someone and that person violated your trust, it is not your fault.

You may be wondering, “But if I knew the person, could it still be called rape?”. The answer is yes. And you are not alone - about 80-90% of sexual assaults involve people who somehow knew each other.

You have not betrayed anyone by telling - you made the responsible and correct decision when you told. Just because someone knows you, it doesn't give them the right to touch you in a way you don't want to be touched.

### **3. STRANGER ASSAULT**

If you were assaulted by a stranger, you were probably coerced or forced to submit to the assault. However you reacted, you did the right thing because you are here to tell about it. You are a survivor.

After an assault by a stranger, you may find you experience a lot of fear. Sometimes this is called Post Traumatic Stress Syndrome and is common among people who have suffered a trauma. Victims of all types of trauma experience these feelings: constant fear, irrational fear, distrust, feeling unsafe, and re-experiencing the assault in one's mind. If this has or is happening to you, you are not crazy. With time and support or counseling you will feel like yourself again. Ask for help if you need it.

You may be afraid that your attacker will retaliate because you went to the police. Remember, if after an investigation the defendant was identified, that person won't want more trouble. Case by case, we find retaliation rarely occurs. However, there may be measures you or the County Attorney can take to help ensure your safety. Ask

your Victim Advocate about bail conditions and restrictions placed on the defendant. It is a further crime for someone to retaliate or try to get you to withhold testimony. Ask what services are available to help restore your feelings of safety.

Also, you or your family should never “take matters into your own hands” by confronting the defendant. Let the criminal justice process run its course.

The following space is for you. Write down your questions and concerns so you won't forget to bring them up.

#### **4. FAMILY MEMBERS**

If you are involved in the criminal justice system because you were touched or assaulted by a family member, the process may seem especially difficult.

Family members are supposed to love and protect us. If your father, uncle, brother or other family member touched you in a sexual way, he/she violated that family trust. This doesn't mean you shouldn't trust your family members, it means the defendant has a problem and used your trust to act on that problem. It is never your fault. Even people close to you should be held accountable for their actions.

If there are other family members who don't support you, confide in those who do support you and who know you did the right thing. When sexual assault occurs within the family it sometimes splits the family into “sides.” Your only responsibility is to tell the truth. If you have special concerns about how your family is dealing with the truth, talk to your Victim Advocate. There may be services or support available for you and them to help them better understand.

## SUGGESTED READING

***How Long Does It Hurt?*** Cynthia L. Mather with Kristina E. Debye. Jossey-Bass Publishers, 1994.

***No is not enough.*** Caren Adams, Jennifer Fay and Jan Loreen-Martin. Impact Publishers, 1984.

***Teenagers Talk About Suicide.*** Margo Crook. NC Press Limited, 1989.

***What's A Kid To Do About Child Abuse?*** Margo Hittlemen. Cornell University, Family Life Development Center, 1986.

***STEP BY STEP: Preparing for Court - A Guide for Teen Sexual Assault Victims.*** Judy Lee, Carol J. Williams-Uchwat, Katie McNamara. H.A.V.E.N. - STEP BY STEP Series, 1988.



# CASE INFORMATION

STATE V. \_\_\_\_\_

## County Attorney's Office

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_

Victim/Witness Advocate:

\_\_\_\_\_

Prosecuting Attorney:

\_\_\_\_\_

Police Department:

\_\_\_\_\_

Phone: \_\_\_\_\_

Investigating Officer:

\_\_\_\_\_

Appointments:

\_\_\_\_\_

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Court Dates:

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Court House: \_\_\_\_\_

Address: \_\_\_\_\_

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# NOTES