Victim Impact Statement

Your Voice, Your Right!

ATENCIÓN: Si Ud. requiere asistencia en español o tiene preguntas sobre este documento, favor de llamar al # _____

VICTIM IMPACT STATEMENT PURPOSE AND IMPORTANCE

This Victim Impact Statement (VIS) will be used throughout the criminal justice system (by the prosecutor, the judge, and the parole board) to better understand the emotional/psychological, physical, and financial impact of the crime.

The contact information you provide in this Victim Impact Statement is important and will be used to contact you if you wish to receive case information from:

- Community Supervision and Corrections Department (probation);
- Texas Department of Criminal Justice (prison); and
- Texas Board of Pardons and Paroles.

Please return the Confidential Victim Contact Information page and the Victim Impact Statement to the Victim Assistance Coordinator at the agency assisting you.

Keep this page for your records.

TO BE COMPLETED BY VICTIM ASSISTANCE COORDINATOR			
Victim Assistance Coordinator:	DARCI ROBERTSON		
Agency:	SCURRY COUNTY ATTORNEY		
Mailing Address:	1806 25TH STREET, SUITE 201		
City:	SNYDER	ZIP:	79549
Work Phone:	(325)573-7440	Fax:	
Email:		Date Received:	

Defendant(s) Name (Last, First MI)	Case/Cause No.	TDCJ/SID No.

DETAILED DESCRIPTION OF HOW THE VICTIM IMPACT STATEMENT IS USED THROUGHOUT THE CRIMINAL JUSTICE PROCESS

1. **CRIME VICTIMS' RIGHTS:** You have crime victim rights if you are a:
   - Victim,
   - Parent/Guardian of a minor victim, or
   - Close relative of a deceased victim.
2. **CONFIDENTIAL VICTIM CONTACT INFORMATION PAGE IS USED:**
   - By criminal justice professionals to contact you throughout the process.
   - To elect and exercise your right to be notified of court proceedings, probation, parole, release, and/or discharge.
   - By the Texas Department of Criminal Justice (TDCJ) to register adults who request notification from the TDCJ Victim Services Division, Integrated Victim Services System (IVSS), regarding the status of the offender while he/she is incarcerated in the TDCJ Correctional Institutions Division (prison) or on parole supervision.
   - By law, the Confidential Victim Contact Information page cannot be seen by the defendant or the defense attorney.

   To make sure you are kept informed, you **must** notify the following departments, as applicable, if any of your contact information changes:
   - Victim Assistance Coordinator (see previous page for contact information) during the trial/prosecution phase;
   - Adult Probation: The county's community supervision and corrections department. Contact information for all CSCDs are located here: https://www.tdcj.texas.gov/documents/CSCD_directory.pdf if defendant is sentenced to community supervision
   - TDCJ Victim Services Division 800-848-4284 or victim.svc@tdcj.texas.gov if defendant is convicted and sentenced to prison.
3. **VICTIM IMPACT STATEMENT FORM:** Victims have the right to submit a Victim Impact Statement. The Victim Impact Statement is a written, detailed account of the emotional/psychological, physical, and financial impact of the crime on the victim(s) and/or family members. This document can be used to explain your feelings such as loss, frustration, fear, and/or anger, as well as any physical or monetary damages due to the crime. ***Only you can provide this vital information.***

KNOW HOW YOUR VICTIM IMPACT STATEMENT IS USED

Prosecutor:
- Considers your Victim Impact Statement before entering into a plea bargain agreement.
- Considers your Victim Impact Statement to assist with determining the restitution amount to request (if applicable).

Judge:
- Considers your Victim Impact Statement before imposing a sentence; the Victim Impact Statement is not considered by a jury.
- Considers your Victim Impact Statement before a plea bargain agreement is accepted.
- Considers your Victim Impact Statement to determine the restitution amount (if applicable).

Defense:
- May request to review your Victim Impact Statement, excluding the Confidential Victim Contact Information page
- In certain circumstances, the defense attorney, with court approval, can introduce testimony or other information alleging a factual inaccuracy in the statement.

Community Supervision (Probation):
- Considers your Victim Impact Statement for notification purposes.

Texas Department of Criminal Justice:
- Uses your Victim Impact Statement to provide notification and information regarding the defendant, if he or she is sentenced to prison.
- Adults can register for this service by completing the Confidential Victim Contact Information page, which is a part of the attached Victim Impact Statement.
- Victims can also use the form to indicate their preference for the TDCJ to prohibit the defendant from contacting them.

Texas Board of Pardons and Paroles:
- A parole panel will consider your Victim Impact Statement prior to voting whether or not to release the inmate to parole supervision.
- Considers the Victim Impact Statement when executive clemency petitions are received, including pardon request and death penalty cases.

Victim Impact Statement

★★★CONFIDENTIAL ★★★

ONLY the information on this page is CONFIDENTIAL and will be used by criminal justice professionals to contact you throughout the process. This includes notifying you about court proceedings, community supervision (probation), and parole, release or discharge if the defendant is sent to prison.

You may choose to complete only this page for notification purposes.

ATENCIÓN: Si Ud. requiere asistencia en español o tiene preguntas sobre este documento, favor de llamar al #

TO BE COMPLETED BY THE VICTIM ASSISTANCE COORDINATOR

Victim Name:						
Date of Birth:			Male		Female	Other
Victim Pseudonym (if applicable):						

Defendant(s) Name: (Last, First MI)	DPS State ID (SID)	DOB	Cause No.	TDCJ No.	Court No.

Offense:	Offense Date:
Offense:	Offense Date:

SECTIONS 1 & 2 TO BE COMPLETED BY VICTIM, PARENT/GUARDIAN, OR CLOSE RELATIVE (Please use dark ink.)

SECTION 1. NOTIFICATION/NO CONTACT If you are an adult (18 years of age or over):

DO YOU WANT TO BE NOTIFIED ABOUT THE FOLLOWING:

Relevant court proceedings?		**YES**		**NO**
The defendant's status if the defendant is placed on community supervision (probation)?		**YES**		**NO**
The defendant's status if the defendant is sentenced to prison (Texas Department of Criminal Justice, Correctional Institutions Division) or is considered for parole or release?		**YES**		**NO**
If the defendant is sent to prison, do you want the defendant to be prohibited from contacting you?		**YES**		**NO**
Do you have a protective order against the defendant? If yes, provide issuing county, protective order (PO) number, and expiration date.		**YES**		**NO**

Issuing County: **PO No.:** **Exp. Date:**

★★★ IMPORTANT! ★★★

BE SURE TO CHECK YOUR PREFERENCES IN SECTION 1 AND SIGN FORM. IF YOUR CONTACT INFORMATION CHANGES PLEASE NOTIFY YOUR VICTIM ASSISTANCE COORDINATOR, THE COMMUNITY SUPERVISION AND CORRECTIONS DEPARTMENT (PROBATION), OR THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE VICTIM SERVICES DIVISION.

SECTION 2. CONFIDENTIAL VICTIM CONTACT INFORMATION (Please use dark ink and print clearly.)

Name of Person Submitting this Statement:					
Mailing Address:				Date of Birth:	
City:		State:		ZIP:	
Home/Cell Phone:		Work Phone:		Alternate Phone:	
Email Address:					
Relationship to Victim:					

Please provide the contact information of someone who will know how to contact you.

Full Name:					
Mailing Address:					
City:		State:		ZIP:	
Home/Cell Phone:		Work Phone:		Alternate Phone:	
Email Address:			Relationship to Victim:		

RETURN TO YOUR

★★★ VICTIM ASSISTANCE COORDINATOR ★★★

CONFIDENTIAL VICTIM CONTACT INFORMATION

DO NOT WRITE ON THIS PAGE

Victim Impact Statement

TO BE COMPLETED BY THE VICTIM ASSISTANCE COORDINATOR

Victim Name/Pseudonym (If Applicable):

Defendant(s) Name (Last, First MI)	DPS State ID (SID)	DOB	Case/Cause No.	Court No.

Offense	Offense Date:

Answer only as many questions as you wish.

If you need more space, attach additional page(s) to the Victim Impact Statement.

Please do not relate any information about the crime itself; these facts are available in other reports.

TO BE COMPLETED BY THE VICTIM, PARENT/GUARDIAN OR CLOSE RELATIVE OF THE VICTIM

EMOTIONAL/PSYCHOLOGICAL IMPACT. Use this section to discuss your feelings about what has happened to you as a result of the crime and how it has affected your general well-being. Please check all the reactions you have experienced.

	Changes in sleep pattern		Lack of concentration		Fear of strangers		Loss of security/control
	Nightmares		Fear of being alone		Anger		Feelings of helplessness
	Difficulty trusting others		Anxiety		Cry more easily		Fear of leaving home
	Change in appetite		Job stress		Family not as close		Other
	Depression		Want to be alone		School stress		
	Marital/Relationship Problems						

Has the victim or victim's family sought counseling as a result of the crime? ☐ Yes ☐ No

PERSONAL IMPACT: In this section, please explain the impact of the crime on you, your family, or those close to you. Do not include details of the crime itself. If you do, law requires this information to be turned over to the defense attorney. (Attach additional pages if necessary.)

RETURN TO YOUR
★★★ **VICTIM ASSISTANCE COORDINATOR** ★★★

Victim Impact Statement

PHYSICAL INJURY. Use this section to discuss any physical injuries suffered as a result of the crime. You may want to write about the extent of the injuries and how long the injuries lasted. (Attach additional pages if necessary.)

Treated at:		(medical centers/clinics/physicians' offices)
Hospitalized at:		for ____ days

FINANCIAL LOSS. Losses you have incurred as a result of the crime may include medical and dental care, emergency transportation, property loss or damages, loss of income from work, counseling, crime scene cleanup, moving or changing residence, funeral costs, and other costs of this nature.

You may want to begin keeping a log of your financial loss as soon as possible after the crime occurred to include any receipts and records you have. In the event of a conviction, the prosecutor or judge **may** use this information to determine if any restitution – funds paid by the offender and owed to the victim – may be ordered or you may be contacted for more up-to-date information. PLEASE KEEP COPIES FOR YOUR OWN RECORDS.

Please provide the best estimate of your financial loss to date:	$	

Do you anticipate any future costs resulting from the crime?		Yes		No
Were any expenses covered by insurance or other sources?		Yes		No
Have you applied for Crime Victims' Compensation through the Attorney General's Office?		Yes		No

If you have not, call 800-983-9933 or apply at https://www.texasattorneygeneral.gov/crime-victims/crime-victims-compensation-program/apply-crime-victims-compensation

The information in this Victim Impact Statement is true and correct to the best of my knowledge.

Print Name

X

Signature

Date

Information submitted by: ☐ Victim ☐ Other

Relationship: _____

RETURN TO YOUR
★★★ **VICTIM ASSISTANCE COORDINATOR** ★★★

Additional Page:

Victim Impact Statement
CRIME VICTIMS' RIGHTS

Texas Code of Criminal Procedure
Chapter 56A. Rights of Crime Victims

Subchapter A. GENERAL PROVISION
Art. 56A.001. DEFINITIONS.

(1) "Board" means the Board of Pardons and Paroles.

(2) "Clearinghouse" means the Texas Crime Victim Clearinghouse.

(3) "Close relative of a deceased victim" means a person who: (A) was the spouse of a deceased victim at the time of the victim's death; or (B) is a parent or adult brother, sister, or child of a deceased victim.

(4) "Department" means the Texas Department of Criminal Justice.

(5) "Guardian of a victim" means a person who is the legal guardian of the victim, regardless of whether the legal relationship between the guardian and victim exists because of the age of the victim or the physical or mental incompetency of the victim.

(6) "Sexual assault" means an offense under the following provisions of the Penal Code: (A) Section 21.02; (B) Section 21.11(a)(1); (C) Section 22.011; or (D) Section 22.021.

(6-a) "Sexual assault examiner" and "sexual assault nurse examiner" have the meanings assigned by Section 420.003, Government Code.

(7) "Victim" means a person who: (A) is the victim of the offense of: (i) sexual assault; (ii) kidnapping; (iii) aggravated robbery; (iv) trafficking of persons; or (v) injury to a child, elderly individual, or disabled individual; or (B) has suffered personal injury or death as a result of the criminal conduct of another.

Subchapter B. CRIME VICTIMS' RIGHTS
Art. 56A.051. GENERAL RIGHTS

(a) A victim, guardian of a victim, or close relative of a deceased victim is entitled to the following rights within the criminal justice system:

(1) the right to receive from a law enforcement agency adequate protection from harm and threats of harm arising from cooperation with prosecution efforts;

(2) the right to have the magistrate consider the safety of the victim or the victim's family in setting the amount of bail for the defendant;

(3) if requested, the right to be informed: (A) by the attorney representing the state of relevant court proceedings, including appellate proceedings, and to be informed if those proceedings have been canceled or rescheduled before the event; and (B) by an appellate court of the court's decisions, after the decisions are entered but before the decisions are made public;

(4) when requested, the right to be informed: (A) by a peace officer concerning the defendant's right to bail and the procedures in criminal investigations; and (B) by the office of the attorney representing the state concerning the general procedures in the criminal justice system, including general procedures in guilty plea negotiations and arrangements, restitution, and the appeals and parole process;

(5) the right to provide pertinent information to a community supervision and corrections department conducting a presentencing investigation concerning the impact of the offense on the victim and the victim's family by testimony, written statement, or any other manner before any sentencing of the defendant;

(6) the right to receive information regarding compensation to victims of crime as provided by Chapter 56B, including information related to the costs that may be compensated under that chapter and the amount of compensation, eligibility for compensation, and procedures for application for compensation under that chapter, the payment for a forensic medical examination under Article 56A.252 for a victim of an alleged sexual assault, and when requested, to referral to available social service agencies that may offer additional assistance;

(7) the right to: (A) be informed, on request, of parole procedures; (B) participate in the parole process; (C) provide to the board for inclusion in the defendant's file information to be considered by the board before the parole of any defendant convicted of any offense subject to this chapter; and (D) be notified, if requested, of parole proceedings concerning a defendant in the victim's case and of the defendant's release;

(8) the right to be provided with a waiting area, separate or secure from other witnesses, including the defendant and relatives of the defendant, before testifying in any proceeding concerning the defendant; if a separate

waiting area is not available, other safeguards should be taken to minimize the victim's contact with the defendant and the defendant's relatives and witnesses, before and during court proceedings;

(9) the right to the prompt return of any of the victim's property that is held by a law enforcement agency or the attorney representing the state as evidence when the property is no longer required for that purpose;

(10) the right to have the attorney representing the state notify the victim's employer, if requested, that the victim's cooperation and testimony is necessary in a proceeding that may require the victim to be absent from work for good cause;

(11) the right to request victim-offender mediation coordinated by the victim services division of the department;

(12) the right to be informed of the uses of a victim impact statement and the statement's purpose in the criminal justice system as described by Subchapter D, to complete the victim impact statement, and to have the victim impact statement considered: (A) by the attorney representing the state and the judge before sentencing or before a plea bargain agreement is accepted; and (B) by the board before a defendant is released on parole;

(13) for a victim of an assault or sexual assault who is younger than 17 years of age or whose case involves family violence, as defined by Section 71.004, Family Code, the right to have the court consider the impact on the victim of a continuance requested by the defendant; if requested by the attorney representing the state or by the defendant's attorney, the court shall state on the record the reason for granting or denying the continuance; and

(14) if the offense is a capital felony, the right to: (A) receive by mail from the court a written explanation of defense-initiated victim outreach if the court has authorized expenditures for a defense-initiated victim outreach specialist; (B) not be contacted by the victim outreach specialist unless the victim, guardian, or relative has consented to the contact by providing a written notice to the court; and (C) designate a victim service provider to receive all communications from a victim outreach specialist acting on behalf of any person.

(b) A victim, guardian of a victim, or close relative of a deceased victim is entitled to the right to be present at all public court proceedings related to the offense, subject to the approval of the judge in the case.

(c) The office of the attorney representing the state and the sheriff, police, and other law enforcement agencies shall ensure to the extent practicable that a victim, guardian of a victim, or close relative of a deceased victim is provided the rights granted by this subchapter and, on request, an explanation of those rights.

Art. 56A.052. ADDITIONAL RIGHTS OF VICTIM OF SEXUAL ASSAULT, INDECENT ASSAULT, STALKING, OR TRAFFICKING

(a) If the offense is a sexual assault, a victim, guardian of a victim, or close relative of a deceased victim is entitled to the following rights within the criminal justice system:

(1) if requested, the right to a disclosure of information regarding: (A) any evidence that was collected during the investigation of the offense, unless disclosing the information would interfere with the investigation or prosecution of the offense, in which event the victim, guardian, or relative shall be informed of the estimated date on which that information is expected to be disclosed; and (B) the status of any analysis being performed of any evidence described by Paragraph (A);

(2) if requested, the right to be notified: (A) at the time a request is submitted to a crime laboratory to process and analyze any evidence that was collected during the investigation of the offense; (B) at the time of the submission of a request to compare any biological evidence collected during the investigation of the offense with DNA profiles maintained in a state or federal DNA database; and (C) of the results of the comparison described by Paragraph (B), unless disclosing the results would interfere with the investigation or prosecution of the offense, in which event the victim, guardian, or relative shall be informed of the estimated date on which those results are expected to be disclosed;

(3) if requested, the right to counseling regarding acquired immune deficiency syndrome (AIDS) and human immunodeficiency virus (HIV) infection; and

(4) for the victim, the right to: (A) testing for acquired immune deficiency syndrome (AIDS), human immunodeficiency virus (HIV) infection, antibodies to HIV, or infection with any other probable causative agent of AIDS; and (B) a forensic medical examination to the extent provided by Subchapters F and G if, within 120 hours of the offense: (i) the offense is reported to a law enforcement agency; or (ii) a forensic medical examination is otherwise conducted at a health care provider.

(b) A victim, guardian of a victim, or close relative of a deceased victim who requests to be notified under Subsection (a)(2) must provide a current address and

phone number to the attorney representing the state and the law enforcement agency that is investigating the offense. The victim, guardian, or relative must inform the attorney representing the state and the law enforcement agency of any change in the address or phone number.

(c) A victim, guardian of a victim, or close relative of a deceased victim may designate a person, including an entity that provides services to victims of sexual assault, to receive any notice requested under Subsection (a)(2).

(d) This subsection applies only to a victim of an offense under Section 20A.02, 20A.03, 21.02, 21.11, 22.011, 22.012, 22.021, 42.072, or 43.05, Penal Code. A victim described by this subsection or a parent or guardian of the victim, if the victim is younger than 18 years of age or an adult ward is entitled to the following rights within the criminal justice system:

(1) the right to be informed: (A) that the victim is younger than 18 years of age or an adult ward, the victim's parent or guardian or another adult acting on the victim's behalf may file an application for a protective order under Article 7B.001; (B) of the court in which the application for a protective order may be filed; (C) that, on request of the victim or of the victim's parent or guardian, or another adult acting on the victim's behalf, the attorney representing the state may, subject to the Texas Disciplinary Rules of Professional Conduct, file the application for a protective order on behalf of the requestor (D) that subject to the Texas Disciplinary Rules of Professional Conduct, the attorney representing the state generally is required to file the application for the protective order with respect to the victim if the defendant is convicted of or placed on deferred adjudication community supervision for the offense;

(2) the right to: (A) request that the attorney representing the state, subject to the Texas Disciplinary Rules of Professional Conduct, file an application for a protective order described by Subdivision (1); and (B) be notified when the attorney representing the state files an application for a protective order under Article 7B.001;

(3) if the victim or the victim's parent or guardian, as applicable, is present when the defendant is convicted or placed on deferred adjudication community supervision, the right to: (A) be given by the court the information described by Subdivision (1); and (B) file an application for a protective order under Article 7B.001 immediately following the defendant's conviction or placement on deferred adjudication community supervision if the court has jurisdiction over the application; and

(4) if the victim or the victim's parent or guardian, as applicable, is not present when the defendant is convicted or placed on deferred adjudication community supervision, the right to be given by the attorney representing the state the information described by Subdivision (1).

(e) A victim of an offense under Section 20A.02, 20A.03, or 43.05, Penal Code, is entitled to be informed that the victim may petition for an order of nondisclosure of criminal history record information under Section 411.0728, Government Code, if the victim:

(1) has been convicted of or placed on deferred adjudication community supervision for an offense described by Subsection (a)(1) of that section; and

(2) committed that offense solely as a victim of an offense under Section 20A.02, 20A.03, or 43.05, Penal Code.

Art. 56A.053. FAILURE TO PROVIDE RIGHT OR SERVICE.

(a) A judge, attorney representing the state, peace officer, or law enforcement agency is not liable for a failure or inability to provide a right granted by this subchapter.

(b) The failure or inability of any person to provide a right or service granted by this subchapter may not be used by a defendant in a criminal case as a ground for appeal, a ground to set aside the conviction or sentence, or a ground in a habeas corpus petition.

Art. 56A.054. STANDING.

A victim, guardian of a victim, or close relative of a deceased victim does not have standing to: (1) participate as a party in a criminal proceeding; or (2) contest.

Subchapter C. ADDITIONAL PROTECTIONS FOR VICTIMS AND WITNESSES

Art. 56A.101. VICTIM PRIVACY.

(a) As far as reasonably practical, the address of the victim may not be a part of the court file except as necessary to identify the place of the offense.

(b) The phone number of the victim may not be a part of the court file.

Art. 56A.102. VICTIM OR WITNESS DISCOVERY ATTENDANCE. Unless absolutely necessary, a victim or witness who is not confined may not be required to attend a deposition in a correctional facility.