

# THE UTAH CONSTITUTION PROTECTS VICTIMS' RIGHTS

- Guarantees victims of crime the right to be treated with fairness, respect, and dignity, and to be free from harassment and abuse throughout the criminal justice process.
- Guarantees victims of crime the right upon request, to be informed of, be present at, and to be heard at important criminal justice proceedings related to the victim.
- Provides crime victims with a constitutional right to prompt and final conclusion of their case.
- Ensures the court has all relevant information when sentencing a defendant.
- Eliminates the constitutional requirement that crime victims testify at preliminary hearings, especially when there is no good reason for doing so and when testifying may be traumatic.

Child victims additionally have:

- The right to have the process conducted in the most effective and least traumatic, intrusive, and intimidating manner
- The right to have interviews related to criminal prosecution kept to a minimum and conducted in an age-appropriate way

## RESOURCES

### Emergency Numbers:

Emergency- Police : 911  
Child Protective Services: 1-855-323-3237

### 24-Hour Crisis Lines:

U.S National Suicide Prevention Lifeline: 1-800-273-8255  
SafeUT Crisis Chat and Tip Line: 1-833-372-3388  
Rape Crisis Line: 1-801-467-7273  
Domestic Violence LINK: 1-800-897-5464  
U.S National Sexual Assault Line: 1-800-656-4673  
U.S National Human Trafficking Line: 1-888-373-7888

### Legal Assistance:

UT Crime Victims Legal Clinic: 1-801-467-7282 (ext. 22)  
Utah State Bar Association: 1-801-531-9077  
Utah Legal Services: 1-801-238-8891  
Legal Aid Society of SLC: 1-801-328-8849

### Additional Numbers:

UT Office for Victims of Crime (UOVC): 1-801-238-2360  
Internet Crimes Against Children (ICAC): 1-801-281-1211  
Adult Protective Services: 1-800-371-7897  
Victim Info./Notifications (VINE): 1-877-884-8463

# The Court Process



OFFICE OF THE  
ATTORNEY GENERAL  
STATE OF UTAH

Victim Services Program  
5272 South College Drive, Suite 200  
Murray, Utah 84123  
1-801-281-1206

# THE COURT PROCESS

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AS A VICTIM OR WITNESS TO A CRIME, YOUR ASSISTANCE IS VITAL TO THE CRIMINAL JUSTICE SYSTEM.

THE FOLLOWING INFORMATION EXPLAINS WHAT HAPPENS AS A CASE PROCEEDS THROUGH THE CRIMINAL JUSTICE SYSTEM.

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Prosecution of a crime involves several steps, the most typical are:

- FIRST APPEARANCE
- PRELIMINARY HEARING
- ARRAIGNMENT
- MOTION HEARING
- TRIAL
- SENTENCING

You may be asked to testify at a preliminary hearing or at the trial.

## FIRST APPEARANCE

The first step in the court process is a first appearance. At this hearing a defendant is appointed an attorney if the defendant cannot afford one. A preliminary hearing date is set.

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## PRELIMINARY HEARING

In felony cases, the prosecution must present evidence to show probable cause that a crime has been committed and that the defendant committed the crime. If the judge finds there is probable cause, the defendant is "bound over" to District Court for arraignment and trial. If probable cause is not found, the case will be dismissed.

## ARRAIGNMENT

The defendant appears before a judge and the defendant is advised of the right to have a trial by a judge or a jury. A plea to the charges is entered. Incarceration of the defendant is also considered. Witnesses are normally not required at the arraignment.

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## MOTION HEARING

A "motion" is a procedure whereby the prosecutor or defense attorney asks the judge to rule on some aspect of the case. At a motion hearing, the defense and prosecution can present arguments, for or against the motion, and the judge will rule for one side or the other.

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## TRIAL

The trial is the point at which the defendant is found guilty or not guilty by either a judge or a jury. Trials can last part of a day, or over several days, depending on the amount of evidence and number of witnesses required to present the case.

## SENTENCING

At sentencing, the judge tells a defendant who has been convicted, or who has pled guilty, what the punishment will be. The judge can impose prison, probation, treatment, and/or restitution.

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## RESTITUTION

The court has the discretion to order the defendant to pay the victims for their losses. This restitution may be ordered for property damage, loss of property, medical or psychological expenses and burial expenses.

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The Utah Office for Victims of Crime (UOVC) has programs to assist victims in some types of restitution.

350 East 500 South Suite 200  
Salt Lake City, Utah 84111  
1-801-238-2360  
1-800-621-7444

<https://crimevictim.utah.gov>

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