Victim's Rights Information Sheet

This information is required to be provided to all victims of criminal offenses as defined in S.C. Code Ann. §16-3-1510(3).

Victim's Rights

As a victim of a crime, you have the right to:

(1) Be present and participate in all hearings;

(2) Be represented by counsel;

(3) Pursue civil remedies; and

(4) Submit an oral or written victim impact statement, or both, for consideration by the summary court judge at the disposition hearing. If you wish to make an oral impact statement, you must notify the court prior to sentencing.

Notices

You will be notified of various hearings held during the course of the case. Please make sure the court has your current address and a telephone number where you can be reached so that you receive notice of all hearings.

Delays

Court proceedings may be continued (postponed) for various reasons. Sometimes these delays may even mean an unnecessary trips to court for you. Every effort will be made to keep you informed in advance of all proceedings and all delays.

Subpoena

A subpoena is a court order requiring a person to appear at the time and place indicated on the subpoena. If you receive a subpoena for certain hearings and trial, you must attend the hearing.

Return of property

Your property will be returned to you as promptly as possible.

Pleas

Instead of going to trial, the defendant may decide to enter a guilty plea or a plea of no contest (nolo contendere) to the charges. The prosecuting agency must discuss a case with the victim. The agency must confer with each victim about the disposition of the case including, but not limited to, diversions and plea negotiations. The final decision as to whether the plea is accepted is for the judge.

Trial

If the defendant pleads not guilty, the case will proceed to trial.

Sentencing

Following the entry of a guilty plea or a guilty verdict at trial, the defendant will be sentenced. The judge may sentence the defendant immediately, or may do so at a later date. You will receive notice of the time and place of the sentencing. If you have submitted a written Victim Impact Statement, it will be considered by the judge prior to the imposition of the sentence. If you have notified the court or the prosecutor of your desire to make an oral statement, you may do so before the judge announces the sentence.

Restitution

In addition to imprisonment and/or probation, the judge may order the defendant to pay you for any damage or loss directly or indirectly caused by the crime. The judge will hear evidence concerning your losses before deciding whether, and in what amount, to order restitution. For this reason, you must include all information concerning your injuries and financial losses in your Victim Impact Statement. In addition, you may be required to provide documentation to substantiate your loss.