

Critical Stage Hearings –

- Arraignment
- Release hearings
- Hearings to modify conditions of release
- Preliminary hearings or pre-trial hearings
- Hearings related to re-scheduling of the trial
- Hearings on motions to amend or dismiss charges or set aside the conviction, order or judgment.
- Entry of guilty or no contest pleas
- Trial
- Restitution hearings
- Sentencing
- Hearings on any motions to reconsider the sentence
- Hearings related to a deferred sentencing agreement
- Probation violation or revocation hearings
- Any Post-Sentencing hearings related to release of the offender including the Parole Board

“The criminal justice system has long functioned on the assumption that crime victims should behave like good Victorian children – seen, but not heard. The Crime Victims’ Rights Act sought to change this by making victims independent participants in the criminal justice process.”

*Kenna v. U.S. District Court
435 F.3rd 1011, 1013
(9th Circuit, 2006)*

NEW MEXICO VICTIMS’ RIGHTS PROJECT

Protecting and Enforcing Victims’ Rights

The New Mexico Victims’ Rights Legal Assistance Project (Victims’ Rights Project) is dedicated to providing pro bono (free) legal representation to victims of violent crime statewide. The Project also provides education and training to victim advocates, law enforcement agencies, and criminal justice practitioners. The Project works with many victims’ assistance organizations throughout the state to facilitate the protection and enforcement of victims’ rights in the criminal justice system.

How can you help Victims?

Contribute financially to the New Mexico Victims’ Rights Project. Your support means more victims will have access to expert legal advice, more courts will learn about victims’ rights and more criminal justice practitioners will be trained on rights enforcement.

Become a better advocate for victims by asking the Victims’ Rights Project for training. Call the Project to find out when training is scheduled in your area. The Project’s team will partner with you every step of the way to advance victims’ rights.



*Funding by the New Mexico Crime Victims
Reparation Commission with funds from the
Office of Victims of Crime, US Department of Justice.*

NEW MEXICO

VICTIM’S RIGHTS GUIDE



**Every Victim Every Right
Every Time**

New Mexico Victims’ Rights Project
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Toll-free: 1-888-410-1084

E-mail: info@nm-victimrights.org
Website: www.nm-victimrights.org



General Rights

- Your rights include the right to a meaningful role in the criminal or juvenile justice process, to be treated with dignity and respect, and to be reasonably protected from the accused.
- Your immigration status should not affect your access to the criminal or juvenile justice systems.
- If your case involved physical harm or death, you may be able to get financial help for counseling, medical or death-related costs. **Call: *Crime Victims Reparations at 1-800-306-6262.***
- You are to be notified if an arrest has been made.
- If you request, you can get notice of any and all court hearings.
- You can attend any court hearings the accused can attend.
- You can speak at certain hearings regarding your safety concerns, entry of a plea agreement, or change of a plea, at sentencing and at all post-sentencing hearings.

Following an arrest

- You can ask for a letter to be written (by the prosecutor) to your employer to enable you to take time off to attend the criminal proceedings.
- If you request you can be notified about any release hearings.
- You have the right to address the judge about your safety concerns at any pre-trial release hearing.
- The defendant can be ordered not to have any contact with you.
- You have the right to be reasonably protected from the accused throughout the criminal process.
- You can request to participate in the New Mexico Confidential Address Program (CAP). You may apply through a domestic violence, sexual assault program, or the Secretary of State's office.
- You have the right to be consulted about the plea.
- You have the right to timely disposition of the case.
- You have the right to be treated with fairness and respect for your dignity and privacy throughout the criminal justice process.

If your case goes to trial or sentencing

- The court should give at least seven working days notice to the prosecutor's office in order to give you timely notice of scheduled hearings.
- Your past sexual behavior is usually not discussed in court.
- You may ask that there be no media coverage of sex offense proceedings.
- You have the right to express your views at sentencing, in person or in writing. If a pre-sentence report is ordered, you can have a statement included in it. Anything written you provide to the pre-sentence author will be given to the prosecutor as well as the defense attorney.
- You have the right to request restitution for your out-of-pocket expenses resulting from the crime. Always save your receipts and tell the prosecutor and the judge you want restitution.
- You have the right to be informed about the 'meritorious' deductions an offender may be eligible to earn while incarcerated – which will effect how much time the offender actually serves.
- You have the right to information about the sentencing, imprisonment, escape or release of the offender.

After Sentencing

- You have the right to be notified of any motions to reconsider the sentence, appeals, escape or release.
- You have the right to have your property returned, unless there are compelling reasons for retaining it.
- You may be able to have your restitution order turned into a civil order.
- You have the right to request a restitution hearing (if restitution was ordered).
- You may want to utilize the Victims' Rights Project attorney to help you assert and protect your Constitutional Rights. Our services are free and limited to the criminal and juvenile justice system.

The Victims' Rights Project

does not assist with divorce, custody, or orders of protection. For that assistance contact one of these organizations:

Legal FACS 505-256-0417
(Albuquerque Area only)

New Mexico Legal Aid 505-243-7871

Domestic Violence Resource Center
1-877-974-3400 or
505-243-4300

Law Access New Mexico 1-800-340-9771

Bridge to Justice 505-797-6067

You can let the court know you wish to assert your rights as a victim of any of the crimes listed below:

- Abandonment or Abuse of a Child
- Aggravated Assault
- Aggravated Battery
- Assault or Agg. Assault on Household Member
- Battery or Agg. Battery on a Household Member
- Aggravated Arson
- Negligent arson resulting in death or bodily injury
- Armed Robbery
- Criminal Sexual Contact of a Minor
- Criminal Sexual Penetration (Rape)
- Dangerous use of explosives
- Negligent Use of a Firearm
- Stalking or Aggravated Stalking
- Kidnapping
- Great Bodily injury by Vehicle
- Vehicular Homicide
- Murder
- Involuntary Manslaughter
- Voluntary Manslaughter

You can choose to represent yourself (pro se) to assert your rights – go to the Victims' Rights Project website (www.nm-victimsrights.org) and click on the Download the Questionnaire and Pro Se Court form link.