



VICTIM RESOURCES

A GUIDE TO HEALING AND UNDERSTANDING

The Calcasieu Parish District Attorney's Office
901 Lakeshore Drive | Lake Charles, LA 70601
Victim Services (337) 437-3105

LETTER FROM THE DISTRICT ATTORNEY

Being involved in the criminal justice system can be overwhelming in all aspects: emotionally, mentally, and financially. Our office cares deeply about the hardships you have faced as a victim of crime.

As your District Attorney, my job is to ensure public safety and protect the citizens of Calcasieu Parish. Victim collaboration is crucial for our office to have an effective and successful prosecution of criminal cases.

Victim's Assistance Coordinators (VAC) are available to victim families and witnesses who will be with you every step to provide support, and resources while ensuring that your rights as a victim are being met under the law.

It is my hope that our office will help make your involvement in the criminal justice system less difficult. I promise that our office will always represent you in a courteous, respectful, and professional manner.

Together, we can help make our Parish safer.

STEPHEN C. DWIGHT
Calcasieu Parish District Attorney



WHAT ARE MY RIGHTS AS A VICTIM?

La. R.S 46:1844

If you have been a victim or are the designated family member of a victim of certain crimes, you may be entitled to certain rights under Louisiana's Crime Victim Bill of Rights. That includes, but is not limited to:

- The right to receive emergency or social or medical services as soon as possible;
- The right to be notified of a defendant's arrest, release on recognizance, posting of bond, release pending charges being filed, release due to rejection of charges by the district attorney, escape or re-apprehension;
- The right to be interviewed in a private setting and to a secure area during criminal proceedings;
- The right to requests for assistance by judicial and law enforcement agencies in informing employers that the need for cooperation in the prosecution of the case may necessitate absence from work;
- The right to reasonable notice and to be present and heard during all critical stations of pre-conviction and post-conviction proceedings, and the right to be notified of scheduling changes of criminal justice proceedings;
- The right to consult with the prosecution prior to the trial and final disposition of the case;
- The right to refuse to be interviewed by the accused or a representative of the accused;
- The right to review and comment upon the pre-sentence report prior to imposition of sentencing and the right to be notified of the minimum and maximum sentence allowed by law;
- The right to be present at all phases of the court proceedings, including the sentencing hearing;
- The right to make a written or oral impact statement;
- The right to seek restitution; and,
- The right to a reasonably prompt conclusion to the case.

WHAT IS THE PROCESS?

OUR MISSION:

It is the mission of the Calcasieu Parish District Attorney's Office to support and guide victims of crime through the criminal justice system while advocating for their rights. It is our goal to comfort them as they navigate their emotions due to the aftermath of victimization, and it is our hope that we make the victim's participation in the system less difficult.

1. THE ARREST

After an arrest, the law enforcement officer prepares a written report of the incident, collects evidence, takes statements, etc. Once the investigation is completed, all of the information is forwarded to the District Attorney's Office and assigned to an Assistant District Attorney (ADA).

2. SCREENING

The ADA will review all of the information. If it is determined that the evidence is sufficient on which to base prosecution, formal charges will be filed against the defendant.

3. GRAND JURY

A Grand Jury is a closed hearing not open to the public. The Grand Jury is made up of normal citizens that hear testimony and decide what the defendant's formal charge, if any, will be.

4. ARRAIGNMENT

After formal charges are filed, the defendant will be arraigned. At an arraignment, the defendant pleads "guilty" or "not guilty" and a pretrial motion hearing is scheduled. If the defendant pleads guilty, he will be sentenced by a judge at that time. If he pleads not guilty, a trial date will be set.

5. PRE-TRIAL MOTIONS

In a criminal case, one or more pretrial motion hearings may be scheduled. A motion is a written or verbal request by the defendant's attorney for the judge to issue a ruling or an order. A common motion in criminal cases is a preliminary exam in which a judge determines whether or not probable cause exists. Usually an officer will testify as to why the defendant was arrested. If the judge does not find probable cause, the defendant will be released from his bond obligation or from jail.

6. TRIAL

There are usually several cases set for trial on the same day or in the same week. Subpoenas are issued for the witnesses, and in felony cases, a jury is selected. A felony criminal trial can last up to a week, and a misdemeanor trial will last about an hour or more. All trials consist of opening arguments, testimony and closing arguments. In most felony trials, the jury will decide if the defendant is guilty or not guilty. In misdemeanor trials, the judge will decide.

7. SENTENCING

If a defendant is found guilty by a judge or jury, he may be sentenced that day. A judge is responsible for sentencing the defendant. Some judges order a presentence investigation in which the defendant's prior offenses, severity of the crime and impact on the victim are examined. The judge will schedule sentencing at a later date once the presentence investigation is complete.

COURT ETIQUETTE

No matter your role in a court case, making a good impression on the presiding Judge is of utmost importance. Here are the basics of courtroom etiquette.

- Respect the court's time. Always arrive on time.
- Choose clothing that would be appropriate for a casual business setting. No jeans, pajamas, hats, hoodies, etc.
- Remove hats before entering the courtroom.
- Turn off cellphones before entering the courtroom. Please be prepared to have your cell phone placed in a security pouch.
- Be courteous and act in a professional manner to all those involved in the court proceedings. This includes the Judge, court staff, defendant and attorneys.
- Do not interrupt others while they are talking.
- Refer to the Judge as "Your Honor"
- Stand up when the Judge and jury enter and leave the courtroom.
- Stand when speaking to the Judge.
- Do not make inappropriate facial expressions when defendant and/or witnesses are testifying.
- Do not make disruptive comments/remarks.
- Children are not allowed in the courtroom unless directed by the Judge.

DEFENDANT'S RIGHTS

You know your rights as a victim, but what about the defendant? Here are some frequently asked questions in regards to the rights of the defendant.

WHAT DOES IT MEAN IF SOMEONE IS REFERRED TO AS THE DEFENDANT?

The defendant is the person accused of the crime.

WHAT RIGHTS IS A DEFENDANT ENTITLED TO?

The Fifth Amendment:

The burden of proof lies with the prosecution. Therefore, the defendant is innocent until proven guilty and has the right to remain silent.

The Sixth Amendment:

The defendant has a right to a public trial without unnecessary delay.

The defendant has a right to an attorney. If the defendant cannot afford legal assistance, then the government must provide legal assistance.

The defendant has a right to an impartial jury.

The defendant has a right to know who the accuser(s) are and the nature of the charge and evidence against that person.

The Eighth Amendment:

This amendment protects against imposing excessive bond amounts, fines, and unusual punishments. This prevents a judge from setting bonds based off personal feelings or prejudices.

HOW DOES A BAIL BOND WORK IN LOUISIANA?

The defendant will contact a bonds agency that will pay the entire bail upfront on behalf of the defendant. In exchange, the bail bond company will charge the defendant a non-refundable fee of about 12 percent.

DO I HAVE TO TALK TO THE DEFENDANT?

No, normally the defendant does not ask questions. Only if the defendant is representing himself/herself as their own attorney would be the only way questions by the defendant to the victim are allowed. Victims are never required to talk with the defendant or defense lawyer outside of court. The only time a victim would be required to talk would be to answer questions if subpoenaed and called to the witness stand to testify.

WILL I SEE THE DEFENDANT IN PERSON?

If you attend the trial and/or hearings, yes, you will see the defendant in court. ^ Generally the defendant is allowed to speak with the victim unless the judge makes no contact with the victim a requirement of bond. If they are in custody they are allowed to speak with the victim if there's not a protective order in place. However, court security generally does not allow inmates to speak with audience to avoid coordinating an escape or other security risks.

WHAT ARE CONDITIONS OF A BOND THAT A JUDGE MIGHT SET?

No contact whatsoever with the victim and/or victim's family without Court approval.

No purchase of any firearms or other dangerous weapons.

No contact with drug users and/or convicted felons.

No contact with co-defendants in relation to the case.

No other criminal activity and/or new activity.

Subject to random drug screens at the discretion of the Court.

ONCE CONVICTED, HOW MUCH TIME WILL THE DEFENDANT SERVE AND WHERE WILL THEY BE?

The Department of Corrections calculates all DOC time for the defendant. They also decide which facility the defendant will serve his/her sentence.

HOW IS A BOND DETERMINED?

The Judge will listen to the facts of the case and set a bond amount. The Judge determines the bond amount based on the severity of the crime, criminal history, and threat to public safety.

WHAT IS AN APPEAL?

After a defendant is convicted and sentenced, he is constitutionally guaranteed the right to appeal that conviction and sentence. Sometimes a defendant will give up that right by pleading guilty, but often even then he is allowed to make an appeal of his sentence.

Normally, the Appeal has to be filed within 30 days of the Defendant being sentenced, but that law does have exceptions and it could take as long as two years for the Defendant to file an appeal.

Once the Defendant files for an appeal, the record of the entire case is assembled by the Clerk of Court and sent to the Court of Appeal (or Supreme Court if it is a death penalty case). That process can take a matter of weeks or months, depending on how complicated the record is. (Cases that go to trial take longer to assemble and file than cases which plea early on).

Once the Record arrives at the Court of Appeal, that Court sets a deadline for each side to file briefs setting forth the basis for the appeal and what mistakes they believe were (or were not) made by the Trial Court.

After each side has filed their briefs, the case may be set for oral argument before the Court of Appeal. Not every case is scheduled for oral argument and whether or not arguments are held usually has little to do with what happens to the case on appeal. (For instance, a rock-solid case may have arguments set, while a case certain for reversal may not, or vice versa). Generally speaking, oral arguments are held with the lawyers and the three-judge panel of the Court of Appeal. It is rare that victims are present and virtually unheard of that defendants would be there in person).

The Court of Appeal will issue an opinion either affirming the outcome of the case, reversing the outcome of the case, or remanding the case back to the trial court for further proceedings (or some combination of the three). There is no timeline on how long this process takes, though I would not expect to see an opinion for 6–9 months from the lodging the record and filing of briefs.

Once the Court of Appeal issues its ruling, either side has 30 days to ask the Supreme Court to review the Court of Appeals' decision. The Supreme Court does not have to do so, and will generally act on the writ application within 6–9 months.

Rarely, a Defendant will seek review of the Louisiana Supreme Court's decision by seeking review with the United States Supreme Court. We have a Defendant do this about once every 18 months.

This process (Appeal) challenges decisions made by the Trial Court leading up to or during the trial as well as the quantity and quality of the evidence adduced by the State at trial. Once that process is over, however, the Defendant can still challenge that, for whatever reason, his constitutional rights were violated (and his trial was therefore unfair) via an application for post-conviction relief. That pleading usually must be filed within 2 years of the conviction becoming "final" which generally means 2 years from when the prior (Appeal) process ended.

The post-conviction relief process is another round of hearings in the Trial Court, the Court of Appeal, and the Supreme Court and will also sometimes lead into Federal Court with hearings at the Federal District Court, the U.S. 5th Circuit Court of Appeals in New Orleans, and the United States Supreme Court in Washington.

WHY DOES A TRIAL GET DELAYED?

Criminal cases are often delayed for a host of reasons, but generally those can be broken down into three broad categories: Issues with Cases, Issues with Attorneys, and Issues with Courts.

Issues with Cases

-It is not uncommon for a case to be delayed while forensic or scientific testing is carried out on evidence. Contrary to what you see on television, it may take months for some scientific test results to come in. This is especially true in cases involving DNA evidence, but also routinely happens in drug cases or computer related crimes. Even in cases where an individual test may only take a day, in a lab which services a large portion of the State or even the country, there may be hundred or thousands of cases waiting in a queue to be worked on.

-Similarly, it is also not uncommon for cases to be delayed while records are gathered and analyzed. White-collar crimes, contractor fraud cases, or issues involving financial records often involve mountains of records which have to be collected, collated, and gone through to fully investigate a case.

-Work on a case does not end with an arrest, or even with the filing of charges. Often police will act swiftly to arrest a dangerous suspect understanding that additional investigation will be needed to follow up on every lead after the warrant is executed. That investigation may need to be completed before charges are filed and will need to be completed before a trial can be held.

-Sometimes resolution of a case in one jurisdiction is dependent upon cases pending in other parishes or states. While a defendant may be willing to resolve his local charges, he may be forced to wait while proceedings play out in other courts before he can be appropriately sentenced for his crimes here.

WHY DOES A TRIAL GET DELAYED?

Issues with Attorneys or Witnesses

-Cases are sometimes delayed for scheduling reasons. While an Assistant District Attorney may only practice in a single courthouse where he or she can be found most days, it is not uncommon for defense attorneys to represent clients across the region. Scheduling conflicts can often arise where an attorney is expected to be in two places at once.

-Similarly, cases are sometimes delayed because of other matters on the docket taking priority. Generally speaking, a court can only do one case at a time, and if an older or more serious matter is scheduled (or carries over from the day before) other matters on the docket may have to be rescheduled.

-Another reason for delay in a case is when a lawyer for one side or the other is simply not ready to proceed. Lawyers have an ethical obligation to represent their clients diligently and if a lawyer is not prepared to proceed on a case, he or she can get into serious trouble beyond simply the consequences to their client in losing a trial.

Issues with Courts

-Sometimes a case is delayed because the trial court is waiting for some other court to act. In any given case, dozens of rulings are made by the Trial Judge which can be challenged in the Court of Appeal. While some of those challenges are made after trial and sentencing, it is not uncommon for either the State or the Defendant to seek review of a specific ruling with the Court of Appeal before trial. While this process can take months or even years to work itself out, the hope is that an unnecessary or pointless trial can be prevented if an incorrect ruling by a Trial Judge can be corrected ahead of time.

-In addition to criminal matters, our judges are called upon to preside over all manner of other proceedings. Civil law suits, adoptions, custody hearings, even marriages all take up the limited time of the judiciary. This limits the number of cases which can be tried in a given period and forces the State to prioritize which cases can be tried and which, unfortunately, must wait.

WHY DOES A TRIAL GET DELAYED?

Issues with Defendants

-Sometimes a defense attorney will argue that his client is too mentally ill to stand trial, either because he does not understand what's happening to him or cannot assist in his own defense. When that happens, the Court is required to appoint doctors to examine the Defendant and, if he is found to have a mental illness that prevents him from going to trial, he is sent to a State-run mental hospital for treatment. Only after he recovers (which can take months, years, or sometimes never happens) is the case allowed to resume.

-Sometimes a fair trial requires that the Defendant have the assistance of expert witnesses or scientific testing of pieces of evidence. If a Defendant is indigent or does not have the money to pay for this, a case can be delayed while the Court determines exactly how much money is needed and who will be required to put up the funds for the Defendant's case. If no source of funding is available, a case may get placed on hold until the money can be found to pay for the Defense.

-The law requires that a defendant be present for all essential stages of a criminal case. If a defendant is on bond and fails to appear for court, the case will be placed on hold until the Defendant is arrested and brought back to court. Depending on where that defendant is caught, there may be delays bringing him back, especially if the defendant is facing additional charges in that jurisdiction.

COUNSELING SERVICES:

FAMILY & YOUTH:

220 Louie St.
Lake Charles, LA 70601
(337) 436-9533

Provides victim counseling at no charge.

FAMILIES HELPING FAMILIES:

2927 Hodges St.
Lake Charles, LA 70601
(337) 436-2570

Provide referrals and offers a listening ear.

IMPERIAL CALCASIEU HUMAN SERVICES AUTHORITIES:

4105 Kirkman St.
Lake Charles, LA 70607
(337) 475-8022

Provides counseling services.

ARCHER INSTITUTE OF MEMORIAL

(833) 282-7792
6713 Nelson Rd.
Lake Charles, LA 70607

SHELTER:

THE POTTER'S HOUSE:

(337) 477-1116
3233 Kirkman St.
Lake Charles, LA 70601

Offers housing for women and children.

UNITED WAY:

815 Ryan St.
Lake Charles, LA 70601

Call 211.

OASIS A SAFE HAVEN

601 W. 18th St.
Lake Charles, LA 70601
(337) 436-4552

SALVATION ARMY

3020 Legion St.
Lake Charles, LA 70615
(337) 721-8068

RECOVERY:

WATERS EDGE:

2760 Power Centre Pkwy
Lake Charles, LA 70607

NEW BEGINNINGS LAKE CHARLES:

(877) 855-9773
145 Victoria Dr.
Lake Charles, LA 70611

PROJECT TREY RECOVERY CAFE:

3902 Common St.
Lake Charles, LA 70607
(337) 476-8613

FINANCIAL:

THE SALVATION ARMY:

(337) 721-8068
3020 Legion St.
Lake Charles, LA 70601

CATHOLIC CHARITIES:

(337) 439-7436
1225 2nd St.
Lake Charles, LA 70601

RENTAL ASSISTANCE:

(337) 721-4030
Marina Ardoin

LIHEAP ENTERGY ASSISTANCE:

(337) 721-4030
Courtney Jacobs

UNITED WAY:

815 Ryan St.
Lake Charles, LA 70601

Call 211

SWLA LAW CENTER:

(337) 436-3308
1011 Lakeshore Dr #402
Lake Charles, LA 70601

Offers reduced legal fees

TRANSPORTATION:

UNITED WAY:

815 Ryan St.
Lake Charles, LA 70601

Call 211

CALCASIEU COUNCIL ON AGING:

(337) 439-7436
1225 2nd St.
Lake Charles, LA 70601

Offers assistance to senior citizens.

FOOD:

OPEN DOOR BIKER CHURCH:

(337) 888-3126
423 West Burton St.
Sulphur, LA 70633

Lunch Served M-F 11:45 am
Food Boxes Distributed M-F 1 pm

FREE LITTLE PANTRY:

St. Michaels & All the Angels
123 W. Sale Rd

Episcopal Day School
803 Division St.

Zion Tabernacle Baptist Church
910 N. Shattuck

PAULINE HURST MERCY CENTER:

1401 Moeling St.
Lake Charles, LA 70601

Monday - Friday 10:00 am - 2:00 pm

CATHOLIC CHARITIES:

(337) 439-7436
1225 2nd St.
Lake Charles, LA 70601

WATERS EDGE:

2760 Power Centre Pkwy
Lake Charles, LA 70607

CALCASIEU COUNCIL ON AGING:

(337) 439-7436
1225 2nd St.
Lake Charles, LA 70601

Offers assistance to senior citizens.

ABRAHAM'S TENT:

(337) 721-7211
2424 Fruge St.
Lake Charles, LA 70601

Meal distribution Monday - Saturday 11:00-12:30

MEDICAL SERVICES:

B3 COMMUNITY ALLIANCE
(337) 304-1719
16027 Candance Ln.
Lake Charles, LA 70615

FAMILIES HELPING FAMILIES
(337) 436-2570
324 W Hale St.
Lake Charles, LA 70601

*Provides resources to families
with disabilities.*

SWLA MEDICAL SERVICES
2000 Opelousas St.
(337) 439-9983

CLOTHING:

**PAULINE HURST MERCY
CENTER:**
1401 Moeling St.

M-F: 10:00 am - 2:00 pm

UNITED WAY:
815 Ryan St.
Lake Charles, LA 70601
Call 211

*Offers food, shelter, financial aid,
transportation, and clothing.*

EMPLOYMENT:

**CALCASIEU BUSINESS &
CAREER SOLUTIONS CENTER:**
(337) 721-4010
2424 3rd St.
Lake Charles, LA 70601

UNITED WAY:
815 Ryan St.
Lake Charles, LA 70601
Call 211

*Offers food, shelter, financial aid,
transportation, and clothing.*

**GOODWILL WORKPLACE
TRAINING CENTER:**
(337) 310-1882

COMPLIMENTS OF:

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**CALCASIEU PARISH
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