

## Legal Terms You Should Know

- **Arraignment:** A hearing where the defendant is formally told of the charge(s) and enters a plea of no contest (not contesting the facts), guilty (admitting charges), or not guilty (denying charges).
- **Bond:** The amount the defendant has to pay to get out of jail on the charge.
- **Continuance or Continued:** A delay of a court hearing to another day.
- **Defendant:** The person against whom a charge is filed.
- **Hearing:** A court proceeding when a judge listens to information to make a decision.
- **Plaintiff:** In a criminal case, the government bringing the charges against a defendant.
- **Pre-trial:** A hearing date when the prosecutor and defense attorney meet to discuss the facts of the case.
- **Prosecutor:** A government lawyer who represents the case against the defendant.
- **Sentencing:** A hearing where the judge or jury decides the punishment for the defendant.
- **Subpoena:** A legal document ordering a witness to appear in court.
- **Testimony:** Statements of a witness, under oath, in court.
- **Trial:** A hearing in court to decide the outcome of the case after evidence and witness testimony is presented.

For more information about safety planning, community resources or domestic violence programs and services in your area, contact your nearest domestic violence program.

For information about free legal assistance please contact the Ohio Legal Services at 866-lawohio (866-529-6446) or [www.ohiolegalhelp.org](http://www.ohiolegalhelp.org).



[www.odvn.org](http://www.odvn.org)

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# Domestic Violence is a Crime

The Ohio Domestic Violence Network (ODVN) is a statewide coalition of domestic violence programs, supportive agencies, and concerned individuals working together to stop domestic violence through education, information and training for those who are affected by domestic violence, and by promoting social and systems change.

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Domestic violence is a pattern of coercive control. Some acts of domestic violence are a crime in Ohio. You can call law enforcement or go to your local prosecutor's office to report a crime.

**Danger often increases once you begin to think about and take steps to separate or end a relationship with an abusive person.** Legal options may offer some protections but do not guarantee safety. It is important to safety plan while using either the civil or criminal legal system. Contact your local domestic violence program to learn more about safety planning.

### Steps in a Misdemeanor Case

Please note that these steps are common, but your case may vary. For more specific information on a specific criminal case, please contact a local advocate or your prosecutor's office.

1. Crime is reported by the victim, a witness, or law enforcement.
2. Law enforcement or prosecutor decides that there is enough evidence to file charges.
3. An arrest is made or a summons (notice to appear in court) is issued to the defendant. This may happen at the scene of the crime or at a later time.
4. At (or sometimes before) arraignment, the defendant hears the charges, may request an attorney, and enters a plea. Bond is set. The victim may request a Temporary Protection Order (TPO). If the plea is not guilty, then another court date (pre-trial) is set.
  - **Sometimes, a defendant is released on bond without a hearing or before a hearing is scheduled. This may mean that you do not have an opportunity to ask for a TPO prior to the defendant's release. If you have immediate safety concerns, contact a local advocate or attorney right away. Do not wait for arraignment to address your safety needs.**
5. If the plea is not guilty, motions may be filed and/or a plea agreement may be reached at the pre-trial or anytime before trial begins. If the plea is guilty or no contest, the court can immediately go to the sentencing phase (see step 8).
6. If no plea agreement is reached, trial occurs within a set number of days, unless the defendant gives up

their right to a speedy trial.

7. A judge or jury finds the defendant guilty or not guilty.
8. If found guilty, the judge may impose a sentence or set a date for sentencing. The victim has a right to make a statement about how the crime has impacted his or her life before the judge decides on the sentence.
9. The sentence (punishment) may include: jail time, community control, restitution, and/or a fine. Community control is a form of monitoring (by a probation officer or just a computer check) to make sure the defendant follows the rules the judge makes. Terms of probation can include: stay away from a place or a person, do not break the law, complete community service, go to counseling, complete alcohol or drug treatment, attend a batterer intervention class, or pay restitution (pay money to victim for costs related to the crime).
  - **These possible outcomes might or might not be helpful to you in getting or staying safe. If you have questions about your safety and how prosecution may affect your situation, please contact an advocate.**

The steps in felony domestic violence are different; talk to your advocate or local prosecutor's office to find out more if the defendant is charged with a felony.

### What is a Temporary Protection Order (TPO)?

After a crime has occurred, and any time during the criminal case, the victim can request a TPO through the criminal court. This is a temporary order that lasts until the criminal case is over to prohibit actions by the person charged (defendant) such as:

- Contacting the victim by phone, mail, email, or through another person.
- Being near the victim, regardless of location.
- Living in the residence shared with the victim.
- Shutting off utilities.

A TPO may sometimes include children. A TPO is usually requested at arraignment, but you may not have an opportunity to request a TPO prior to defendant's release if he or she was arrested. It is also important to remember that a TPO ends at the moment the criminal case ends, which could be at any court date or in between court dates without you knowing.

**Violation of a Temporary Protection Order is a crime.** If the defendant violates the TPO, call law enforcement or your local prosecutor's office immediately. To discuss your safety options, contact a local advocate or attorney as soon as possible.

### Know Your Rights!

As a victim, you have the right:

- To be treated with fairness and respect for your safety, dignity and privacy;
- Upon request, to notice of all public proceedings and to be present;
- To be heard in most hearings about the case;
- To reasonable protection from the defendant or any person acting on their behalf;
- Upon request, to reasonable notice of any release or escape of the defendant;
- To refuse an interview, deposition, or other discovery request made by, or on behalf of, the defendant;
- To restitution (reimbursement for economic loss) from the defendant;
- To proceedings free from unreasonable delay and a prompt conclusion of the case;
- Upon request, to speak with the prosecutor;
- To be informed, in writing, of all or your rights;
- To have a victim advocate with you at every court proceeding;
- To ask for a Temporary Protection Order (TPO) in this case;
- To NOT be scared or intimidated by someone so that you will not testify. If anyone— your abuser, abuser's attorney, or someone else— says or does anything to make you afraid to cooperate with the case, inform your advocate and the prosecutor immediately.

Some of these rights require you to ask for them to receive them. For assistance asking for your rights in writing, visit [www.ocvjc.org/marsys-law](http://www.ocvjc.org/marsys-law) and "Get the Form."

