

Place a check next to the rights you would like to claim and give this to your state's attorney.

CLAIMING MY RIGHTS

Dear State's Attorney,

My name is _____.

I am a victim of a crime. This letter is to inform you that I wish to exercise the following constitutional rights.

To have my and my family's safety considered before a bail decision is made.

To prevent disclosure of confidential or privileged information.

To prevent disclosure of records or information that could be used to locate or harass me or my family.

To refuse an interview, deposition, or discovery request.

To confer with the attorney for the government.

To be heard in proceedings involving release, plea, sentencing, adjudication, disposition or parole or any hearing where my rights are affected.

To provide information about the crime to the person conducting the pre-sentence investigation.

To receive a copy of the presentence report, plan of disposition, and any other record that is relevant to the exercise of my rights.

To have my property returned to me as soon as it is no longer needed as evidence.

To full and timely restitution.

To a speedy conclusion of this case.

To be promptly informed of the accused's release date or release, or escape from custody.

To be informed of all proceedings that take place after the offender is convicted or adjudicated.

To participate in all proceedings that take place after the offender is convicted or adjudicated.

To all of the information and notification rights given to victims.

I do not waive my ability to exercise any of these rights in the future.

Remember, this does not enroll you in SAVIN -- the automated system that provides information about the status of your case and the accused. See inside for directions on how to enroll.

RIGHT TO RESTITUTION

The court must order the accused to pay for the harm they have done. One example of restitution is the cost to repair or replace property that was damaged or stolen by the accused. Another example is medical expenses caused by the crime. You should save any invoices or bills showing what you paid to repair damage done by the accused. You should talk to the state's attorney about your damages.

RIGHT TO A SPEEDY CONCLUSION

You have the right to have the case concluded without any unreasonable delays. If you feel that the case is taking too long, you should contact the state's attorney.

RIGHT TO GET YOUR PROPERTY BACK

If the police take your property during the investigation, you have a right to have it returned as soon as it is no longer needed for the case. Usually, it would be returned after the defendant pleads guilty or after the trial is over. You must tell the state's attorney you want your property back.

RIGHT TO BE INFORMED OF YOUR RIGHTS

You have a right to receive a "Marsy's Card," which lists each of your rights. Law enforcement, state's attorney, your advocate, are all sources who can provide you a complete card.

RIGHT TO SEEK AN ATTORNEY'S ASSISTANCE

You have a right to hire an attorney to explain these rights to you. That attorney would also be able to speak for you before the court, prosecutor, or parole board if you wanted them to.

THE NETWORK

605-731-0041

<https://sdnafvsa.com/home/>

MARSY'S LAW

AN EXPLANATION OF YOUR RIGHTS



Together, we are
The Network.

THE SOUTH DAKOTA
NETWORK AGAINST FAMILY
VIOLENCE AND SEXUAL
ASSAULT

YOUR INFORMATION

Work with your advocate to fill out this information.

Advocate Name & Contact Info:

State's Attorney Name & Contact Info:



CRIME VICTIM'S RIGHTS

Crime victims have constitutional rights in South Dakota.

THE PURPOSE

These rights make sure:

- That the justice system treats you fairly and respectfully
- You are kept informed about what is happening with the accused and the case
- The government listens to you and thinks about your interests before making decisions about you, the accused, or the case
- That you and your family are safe, and
- That your privacy is protected

WHO IS PROTECTED

These rights protect anyone who is a victim of any crime committed by an adult or child. If the victim cannot speak for him or herself, the victim's representative can claim these rights.

For example, if the victim is a child, their parent can claim the rights, or if the victim has been killed, their family can claim the rights.

CLAIMING YOUR RIGHTS

You have to ask for your rights. Depending on the right, you either contact your state's attorney or join SAVIN. You can find your state's attorney at <http://sdstatesattorneys.org/sd-states-attorneys>.

SAVIN, or the Statewide Automated Victim Information and Notification, is a computer notification system that will automatically email, call, or text information to you about your case. To register, go to this website: <https://savin.sd.gov>. **You will not receive information or notification if you do not register for SAVIN.**

Read the description of each right to find out how to make sure you claim it.

RIGHT TO BE INFORMED

The state must tell you:

- When and where hearings will be held
- The accused's sentence or punishment
- If the accused is released or escapes
- Where the accused is in custody
- The date released from custody
- Any hearings held after conviction
 - Such as parole and pardon hearings
- If the government is thinking about:
 - reducing the accused's sentence,
 - releasing the accused, or
 - removing the conviction from their record.

To claim these rights, you need to join SAVIN.

RIGHT TO BE HEARD

You have the right to tell the prosecutor, judge, jury, and parole board about the crime against you. You can use this right to:

- Talk to the prosecutor about the case (i.e. charges, plea bargains, punishments).
- Talk to the judge before they decide whether to release the accused on bail before trial.
- Talk to the court services officer who writes a report that the judge considers during sentencing. You also have the right to receive a copy of portions of this report.
- Talk to the judge or jury before they decide punishment.
- Speak to the parole board before they decide about parole issues.

All of these decision makers must listen to you and think about your views before they make decisions about your rights, the accused, or the case.

To claim these rights, contact your state's attorney.

RIGHT TO SAFETY & PRIVACY

The government must protect you from being harassed, intimidated or hurt by the accused or anyone connected to the accused.

You have a right to keep the defendant or the public from seeing confidential or privileged information about you. For example, if the accused or a journalist asks for your medical records or therapist's notes, you can say "no," and the prosecutor and judge must protect that information as much as the law allows.

You have the right to keep the defendant and the public from seeing any information or records that would allow the accused or anyone else to find you or to harass you or your family. For example, you would be able to prevent people from getting your address or phone number.

You have the right to say "no" if you are asked to talk to anyone involved in the case or to provide evidence. If you want to cooperate with requests for information or evidence, you have a right to set conditions on your cooperation. For example, if an attorney asks to interview you, you could require that your advocate be with you during the interview. You could also set time limits on the interview or refuse to answer certain questions. In some situations, the court can still require you to cooperate.

Police officers are allowed to give information about the crime to the public if doing so will help them solve the crime.

If you believe your rights to privacy and safety have been violated, you should notify your state's attorney.

THIS IS JUST A SUMMARY OF YOUR RIGHTS. FOR A FULL STATEMENT, PLEASE REFER TO THE MARSY'S CARD.