

## make it meaningful

Being heard at sentencing is an important right that deserves serious consideration.

Like victims, defendants also have the right to make a statement to the judge prior to being sentenced. This may include a plea for leniency, an explanation of what led to their actions or how they have changed since the crime.

The defendant's attorney may also make persuasive remarks.

When you exercise your right to be heard during sentencing, you create an opportunity for the judge to hear another side of the story, which provides balance. Many victims find this to be a helpful experience.

Although we can't tell you what to say, feel free to contact the Victim Assistance staff to ask for guidance.



## district attorney office locations

San Diego – Hall of Justice  
330 W. Broadway, San Diego, CA 92101  
(619) 531-4041

North County Branch – Vista Courthouse  
325 S. Melrose Dr., Ste. 5000, Vista, CA 92083  
(760) 806-4079

East County Branch – El Cajon Courthouse  
250 Main St., 5th Floor, El Cajon, CA 92020  
(619) 441-4538

South Bay Branch  
333 H St., Ste. 4000, Chula Vista, CA 91910  
(619) 498-5650

Juvenile Division – Juvenile Courthouse  
2851 Meadowlark Dr., San Diego, CA 92123  
(858) 694-4254

Victim Assistance Program  
Hall of Justice  
330 W. Broadway, Suite 775  
San Diego, CA 92101  
(619) 531-4041



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## VICTIM ASSISTANCE PROGRAM: ADDRESSING THE COURT



**exercise the right  
to be heard**



**San Diego County  
District Attorney**

### *A Message from your District Attorney:*

*The impact of crime is different for every victim. Your concerns about how your case proceeds through the criminal justice system and the status of the defendant may vary depending on the circumstances surrounding your victimization.*

*Under federal law, you have the right to be heard at any public proceeding involving release, plea or sentencing of the defendant.*

*We often see victims ask to address the court during sentencing. To help empower victims, we inform them of their legal rights and how to exercise those rights.*

*Your purpose for addressing the court at these proceedings may vary, but there are certain “rules” that generally apply.*

*If you still have questions on how best to address the court after reading this brochure, please contact our office’s Victim Assistance Division.*

**Summer Stephan**  
District Attorney,  
San Diego County



Whenever you are addressing the court, it is important for you to remember that this is a formal statement. Below are tips to help you formulate your thoughts prior to your scheduled court time.

#### **Tips For Addressing The Court**

Let someone in the prosecuting office know of your desire to speak. They can make this process much easier for you and can make sure that the court knows you’d like to speak.

- **Prepare your remarks.** Take time to think about what you want to say. Write down your statement ahead of time to read, or make notes on points you want to cover.
- **Make your comments concise and speak clearly into the microphone.**
- **Speak in your own words.** Your statement should accurately reflect the impact of the crime on you.
- **You are addressing the Judge, not the defendant.** Look at the bench not the defendant.
- **A brief statement about your financial losses may be beneficial to the court.**
- **Inform the court of any concerns you have about your safety.**
- **Your behavior should be appropriate to the seriousness of the proceedings.**
- **Feel free to bring your Victim Advocate – a friend or family member for support.**
- **Dress appropriately.** Most people wear business attire.
- **Keep in mind your statements are being recorded and are part of the permanent record.** There may be others, including media, in the courtroom.
- **Do not exaggerate and *always tell the truth.***

#### **Questions To Consider**

- The Court is interested in hearing how the crime has affected you. What are the emotional impacts and physical affects of the crime? Has it affected your ability to work or to do other normal daily activities?
- How has the criminal act impacted your future, your dreams, and your relationships?
- If you are speaking on behalf of a child, how has this crime changed the child’s relationship with family and friends? How has it affected school performance?
- Are you or your loved ones experiencing nightmares or other symptoms of emotional stress? Have you been, or will you continue to be, under the care of a medical professional for treatment? If so, what kind of treatment and for how long?

#### **Need Help?**

There are things that the Victim Assistance Staff can do to make this process easier for you. For instance, if you have never been in a courtroom before, it may be helpful for you to see the room and have the sentencing process explained to you ahead of time. This can be especially helpful for a young victim.

#### **Other Options**

If you are uncomfortable speaking in public, especially about something personal and in front of the defendant, or travel and time restraints make it difficult to come to court, you have the option of writing an impact letter or statement. This is another way to inform the judge about your concerns and the affect of the crime on you. In most circumstances, this statement will be provided to counsel for the defendant and can become part of the permanent record. While we cannot write your statement for you, our Victim Advocates will assist you and help answer questions.