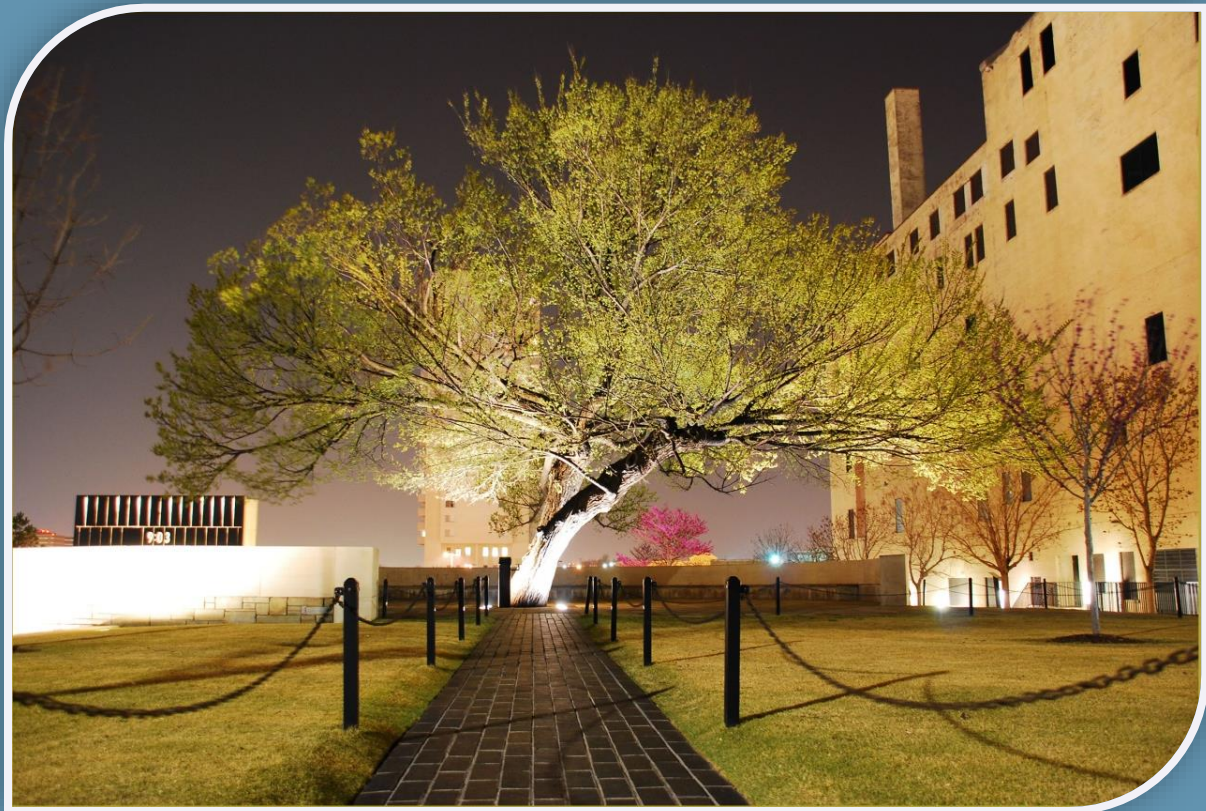


# A Guide to Survival

Information for family and friends of homicide victims



Department of Justice  
Iowa Attorney General's Office  
Crime Victim Assistance Division

## Survivor Tree

The photograph on the cover of this guide is of the "Survivor Tree" (permission to reprint by Jeter Photography) at the Oklahoma City Bombing Memorial in downtown Oklahoma City, Oklahoma.

This American Elm tree survived the bombing of the Alfred P. Murrah Federal Building in Oklahoma City on April 19, 1995. It is now a prominent part of the Oklahoma City National Memorial.



The Survivor Tree was nearly chopped down in order to recover evidence from the bombing. It was also severely damaged from the blast and, even though the tree was not chopped down, it was believed it would not survive.

Nearly a year after the bombing, the tree was beginning to bloom again. The Survivor Tree is now thriving and is a prominent part of the Memorial.

The following is the inscription found in the deck wall around the Survivor Tree:  
*The spirit of this city and this nation will not be defeated; our deeply rooted faith sustains us.*

The cover photo of the Survivor Tree was chosen as a symbol and tribute to all the survivors of homicide.

It represents the strength you demonstrate each day and serves as a reminder of the seed of hope that exists for life after great tragedy and loss.



## Department of Justice

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Dear Friends:

If you are reviewing this booklet because a loved one has been killed in a homicide, please know that we extend to you our sympathy and support.

We know from others who have suffered the death of a loved one by homicide that such a loss is one of the most painful and difficult things a person could ever face.

Survivors are the persons who have the most helpful thoughts for others who face such a tragedy; consequently, this booklet is based heavily on the experiences, ideas and suggestions of survivors themselves. Issues discussed herein include steps in the criminal justice system and sources of help which may be available to you. This booklet pays special attention to the unique, difficult, and sometimes surprising feelings likely to sweep over survivors. Such feelings are common and this booklet includes some practical thoughts on how to deal with very difficult circumstances.

Nothing can erase the pain of losing a loved one to homicide, but we hope this information will be helpful to you.

Sincerely,

A handwritten signature in black ink that reads "Tom Miller".

Tom Miller  
Attorney General of Iowa

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## Introduction

Grieving after the loss of a loved one to homicide is different than any other type of grief. The death is violent, unexpected and committed at the hands of another person who had control. There is no chance to say goodbye. We refer to people who have had a loved one killed by homicide as ***homicide victim survivors***.

This booklet focuses on needs that are unique to homicide victim survivors. It is our desire to help survivors understand that their feelings related to the tragedy are normal. The "Guide to Survival" will also provide an overview of financial help available, a guide to working with the media, and an explanation of the criminal justice system.

## Special Thanks

The Attorney General's Crime Victim Assistance Division would like to thank the following individuals who shared with us their stories of survival, their expertise, and their vision for a violence-free future.

Lindsay Meade  
Elizabeth Peterson  
Sheila Lynch  
Jennifer Bertagnolli  
Ronda Lyon  
Amy Terrell-Cowan, MSMHC







## The Unique Circumstances of Losing a Loved One to Homicide

Coming to terms with a violent death may take much longer than anyone expects. We do know that a person NEVER gets over the homicide of a loved one. A survivor may feel a sense of being unbalanced, disconnected or out of control when they first are faced with the death of their loved one. Grieving may vary depending on the circumstances surrounding the murder. For some, the lack of information results in questions which remain forever unanswered. A family member may have difficulty even accepting the death of a loved one when the body has not yet been found. Depending on the circumstances surrounding their loved one's death, survivors may be preoccupied with imagining the suffering that their loved one endured before death.

In some cases, some survivors have witnessed the murder. Survivors may feel great guilt that they could not prevent the murder, guilt that they survived, and fear that the murderer will come back to kill them, too. Other survivors may blame the witness for not preventing the murder.

Many homicides occur between people who know each other. Families may be divided by perceptions of guilt and innocence of family members. Survivors may have tough choices about whom to support when a murder suspect is a family member or close friend.

Typically, survivors have no role models to emulate or seek advice from in the beginning, as likely no one they know has had to deal with the murder of a loved one.

If you are a homicide victim's survivor, we hope the information provided in this guide will provide assistance and comfort to you as you adjust to the unique circumstances which resulted in the loss of your loved one.

# Crime Victim Compensation Program

The Iowa Crime Victim Compensation Program pays certain out-of-pocket expenses for victims who are physically or **emotionally injured by crime**. All program funding comes from fines and penalties paid by convicted criminals, not tax dollars. The program is administered by the Crime Victim Assistance Division of the Iowa Attorney General's Office.

## Who Can Receive Crime Victim Compensation?

### *Primary Victim*

- Physically or emotionally injured by a violent crime in Iowa.
- Injured in certain car or boat crimes: driving while intoxicated (OWI), hit and run driving, reckless driving, vehicular homicide, or use of a vehicle as a weapon.
- Iowans injured by violent crime in a state or a nation that does not have a Crime Victim Compensation Program.

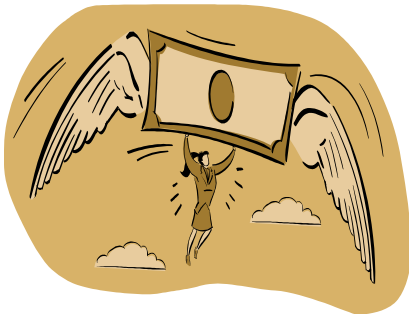
\*\*\*In the case of homicide, a claim can be filed on behalf of the primary victim by the victim's spouse, children, parents, sibling, or person cohabitating with the victim or person related by blood or affinity. Preference is given to the immediate family first.

### *Homicide Victim Survivors*

- Defined as a primary victim's spouse, child, step-child, foster child, parent or guardian, step-parent, foster parent, sibling, step-sibling, foster-sibling, son-in-law, daughter-in-law, sister-in-law, brother-in-law, aunt, uncle, first-cousin, grandparents, grandchild, legal ward of the victim, fiancé, or a person living in the victim's household at the time of the crime. As of July 1, 2018 a divorced spouse does qualify for compensation whether or not they share children with the victim.

\*\*\*Relationships who are ineligible for compensation include: a person who is a co-parent but not in a current relationship with the homicide victim, friend, co-worker and former step-parent.

## What Does the Program Do For Victims?

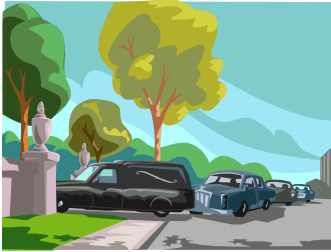


While no amount of money can erase the physical and emotional trauma of crime, the Compensation Program strives to ease the financial burdens suffered by crime victims. Crime-related expenses that are NOT covered by insurance or other sources may be paid.

Property damage, legal fees, phone bills, meals or pain and suffering are not reimbursed by the program. A victim wanting reimbursement for such items may talk with the prosecutor about restitution or contact a private attorney to initiate a civil action.

## Crime Victim Compensation Benefits

### *Primary Victim Applications*



**Funeral and burial** expenses (up to \$7,500) for homicide victims. Most funeral homes can arrange a dignified funeral for \$7,500. The money can be used for items such as burial, clothing, casket covers, flowers, grave and grave markers.

**Loss of support** (up to \$4,000 per dependent) for dependents of deceased victims. Victims eligible for this benefit may include: a surviving spouse or cohabitating partner, minor children financially dependent upon the primary victim, and unmarried, adult children who are full-time students currently enrolled in college and financially dependent upon the homicide victim at the time of death. Payment is made to whoever is determined to be the legal guardian of the minor or dependent child.



**Medical care** (up to \$25,000) provided to the homicide victim prior to death.

**Crime scene clean-up** (up to \$1,000) if the crime occurred in the victim's residence.





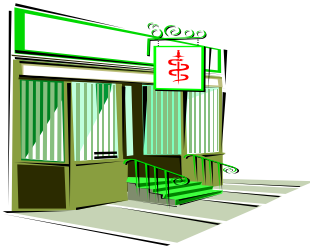


dreamstime.com

**Emergency Relocation** (up to \$1,000 per survivor) if there are health or safety concerns for the survivor to continue living in her/his residence.

### ***Homicide Victim Survivor Applications***

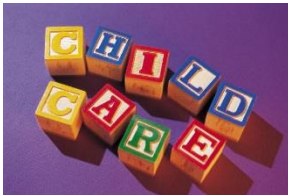
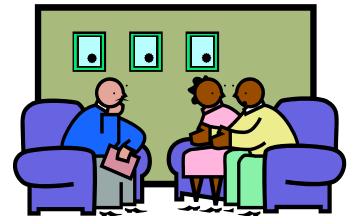
Reimbursement standards are dependent upon the survivor’s relationship to the primary victim (ex. parent/child/spouse vs. sibling, grandparent, uncle, etc.). See table on pg. 10 for benefit eligibility.



**Medical care** including medications and medical treatment.

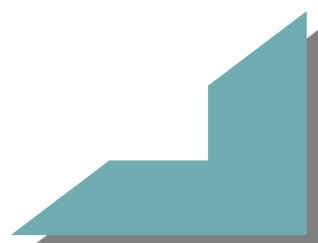
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**Mental health care** provided by licensed mental health professionals who possess a master’s degree.



**Dependent care** costs incurred so a survivor can attend crime-related medical, mental health or criminal justice proceedings.

**Residential security** item replacement for the survivor’s residence.





**Transportation and lodging** expenses to attend crime-related medical, mental health, funeral and criminal justice proceedings. Examples of reimbursement include: airfare, car rental fees, and mileage and expenses.



**Lost wages** due to the death of the victim.

**Lost wages** to attend criminal justice proceedings, including but not limited to the trial and sentencing.

**Table of Homicide Victim Survivor Benefits**

Homicide Victim Survivor	Medical	Non-Medical Counseling	Dependent Care	Residential Security	Transportation & Lodging	Court Wages	Grief Wages (up to 1 month without disability statement)	Grief Wages (5 days in 1 <sup>st</sup> 2 weeks)**	Emergency Relocation
Spouse, Child & Parent	\$3,000	\$5,000	\$1,000	\$500	\$1,000	\$1,000	\$6,000		\$1,000
Grandparent, Sibling, Step Sibling, Grandchild, Aunt, Uncle, Son-in-law, Daughter-in-law, Brother-in-law, Sister-in-law, Foster Child, Foster Sibling, 1 <sup>st</sup> Cousin, Legal Ward, Cohabitator, Ex-spouse	\$3,000	\$5,000	\$1,000	\$500	\$1,000	\$1,000	\$6,000*	\$6,000	\$1,000
Niece, Nephew, Affinity	\$3,000	\$5,000	\$1,000	\$500	\$1,000	\$1,000	\$6,000*	\$6,000	\$1,000

\*Effective July 1, 2019

\*\* For claims filed before July 1, 2019

## What are the Program Eligibility Requirements for homicides?

No one deserves to be killed. However, these requirements are included under Iowa Code.

- A law enforcement report must be made within 72 hours after the crime or discovery of the crime, unless there is a good cause explanation as to why it wasn't.
- An application must be filed within two years of the day the crime happened or was discovered. The two year limit can be waived if good cause is shown for why the application was not timely filed.
- The victim must cooperate with reasonable requests of law enforcement in the investigation prior to death, if applicable (select circumstances).
- The victim must not have been committing, or attempting to commit a crime that caused their death.
- The victim must not have consented to, provoked or incited the crime that caused their death.
- Compensation is not based on the arrest or conviction of the offender.

## How to Apply For Crime Victim Compensation?

To apply for compensation benefits, a homicide victim survivor must file an application for Crime Victim Compensation. **Application forms may be submitted in writing, over the phone or online.** Contact the program in Des Moines at (515)281-5044 or toll-free at (800)373-5044 for more information. You can complete an application at <https://www.iowaattorneygeneral.gov/for-crime-victims>.



You will be asked to sign a Release of Information and Mental Health Special Medical Information Release on the application form. The Release of Information gives the Crime Victim Compensation Program permission to gain needed information from any hospital, clinic, doctor, insurance company, employer, person, or agency to determine compensation benefits. The Mental Health Special Medical Information Release authorizes any hospital, clinic, doctor, insurance company, agency or mental health provider to release information to the Crime Victim Compensation Program.

You will also be asked to sign a Repayment and Subrogation Agreement on the application form. The Repayment and Subrogation Agreement requires you to repay the Compensation Program if you receive payment(s) from the offender, civil lawsuit, an insurance program or any other government or private agency after payment is received from the compensation program.

## Are Compensation Program Applications Confidential?

Applications for compensation benefits are **public information**. While the program works to protect the privacy of a victim, occasionally an applicant's name has been obtained from the program and mentioned in the media.

Confidential information, such as social security numbers, medical records, counseling records and law enforcement reports are protected by law and will not be released by the Crime Victim Compensation Program.

## How Long Will the Application Eligibility Determination Process Take?

The eligibility determination process takes an average of eight weeks or 40 working days for most applications. An application for compensation can be expedited when the crime resulted in the death of the victim. The program understands the timely decisions facing homicide victim survivors (ex. planning a funeral, crime scene clean-up, etc.) and as a result tries to expedite processing of primary homicide applications.

An application that requires expedited processing should be brought into the program office, completed online, or faxed to the program at (515)281-8199. The program will attempt to make an eligibility determination within 48 hours of receipt of the primary application, as long as required documentation has been obtained from law enforcement.



## Crime Victim Restitution

No amount of money can compensate for the loss of your loved one. However, expenses are incurred as a result of the crime and restitution is one way to be reimbursed for such expenses. Restitution means payment of crime-related expenses to a victim by an offender.

Restitution is mandatory in all criminal cases in which the defendant is convicted. A victim of crime may ask the judge to order restitution through a "Victim Impact Statement" (see pg. 44) available from the County Attorney or the presentence investigator at the Department of Correctional Services.



Victims of crime have the right to request restitution for all crime-related expenses which have not been covered by insurance or the Crime Victim Compensation Program. This may include, but is not limited to, medical and mental health expenses, transportation, lost wages and stolen or damaged property. Keep all bills, receipts or other proof of losses and attach copies to your Victim Impact Statement. If additional expenses are incurred, sentencing orders may be amended at a later date.

Once restitution is ordered, the offender should begin making restitution payments within the first six months of incarceration. By law, the victim will be the first to receive restitution. Payments will be sent to you through the Clerk of Court's Office in the county where the offender was convicted of the crime. Keep the Clerk of Court aware of your current address so restitution can be sent to you.

While in prison, 20% of all money that comes into an inmate's account will be used to pay restitution. If the offender has been released from prison, he or she will be held responsible for paying the remaining restitution during the supervised parole period.

In 1997, a new law was enacted requiring judges to order offenders to pay \$150,000 to the estate of a victim killed as a result of a felony crime. This amount is to be ordered in addition to the restitution ordered to the victim for monetary damages. The payment of this restitution does not restrict the victim from suing the offender for the death.

## What is the Difference between Restitution and Compensation?

Restitution is only available if the offender is convicted of a crime and ordered by the court to pay. Restitution can be ordered for **all** of your expenses related to the crime, including property losses. Restitution is paid by the offender.

Compensation refers to financial assistance provided by the Crime Victim Compensation Program of the Attorney General's Office. Compensation is paid for with criminal fines, penalties, and restitution. The Crime Victim Compensation Program cannot pay for property losses.

## Victim's Rights and the Media

Unfortunately, homicide victim survivors are almost always sought out by news media for interviews and statements as soon as they learn of the homicide. Most people have never experienced this type of invasion, but people do have rights when it comes to the media.

When a homicide occurs, the news media often rushes to find a photograph of the deceased. If the family chooses not to provide one, media may use other sources, such as a driver's license photo, police photo or other available photograph. It's often best for the grieving family to choose a photograph of the deceased for use by the media. A trusted person may take a copy of an original photo to the media and allow them to copy it. Remember, this is only a suggestion, and no one is under any obligation to provide a photograph to the media.



## You Have Rights with the Media (developed by the National Center for Victims of Crime)

You have the right to:

- Say "no" to an interview request;
- Select a spokesperson or advocate of your choice;
- Select the time and location for media interviews;
- Request a specific reporter;
- Refuse an interview with a specific reporter, even though you have granted interviews to other reporters;



- Say “no” to an interview even though you have previously granted interviews;
- Release a written statement through a spokesperson in lieu of an interview;
- Exclude children from interviews;
- Refrain from answering any questions with which you are uncomfortable or that you feel are inappropriate;
- Know in advance what questions the reporter will ask;
- Ask to review your quotations in a story prior to publication, though the news media is not obligated to give you a review;
- Avoid a press conference atmosphere and speak to only one reporter at a time;
- Demand a correction when inaccurate information is reported;
- Ask that offensive photographs or visuals be omitted from airing or publication;
- Give a television interview with your image blurred or a newspaper interview without having your picture taken;
- Completely give your side of the story related to the victimization;
- Refrain from answering reporters’ questions during a trial;
- File a formal complaint against a reporter;
- Grieve in private; and
- Suggest training about media and victims for print and electronic media in your community.

## Grief Reactions Specific to Survivors

Traumatic grief is different than other types of grief. A violent and sudden death can cause especially strong feelings in a survivor. A variety of emotions may also arise from the manner in which their loved one was killed, and not just the death itself. Additionally, survivors may experience delays in their grief process due to investigations, trials, appeals, etc.

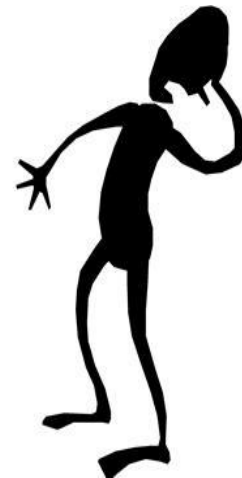
**Trauma is an event that overwhelms an individual’s capacity for coping. Grief is an emotional response to death. Trauma impedes the grief process and grief makes processing the trauma difficult.**

For instance, frustration may run high for survivors when law enforcement fails to make an arrest, plea bargains are made and offenders are repeatedly considered for parole. For some survivors, attending trial proves too difficult a task due to the traumatic details presented in the proceedings. Once they have identified those stimuli which remind them of the crime, survivors may seek to avoid crime-related appointments and proceedings either partially or entirely.

Another factor which can never be underestimated is the power of public opinion. Homicide investigations often take place in the public eye and unfortunately, society’s tendency to “victim-blame” can leave survivors feeling helpless, exposed, deserted or ashamed.

Each person is different, and each will experience grief in ways which are unique and personal. Each situation is unique as well. However, knowing about typical reactions in these unusual circumstances can help a person cope with the painful feelings of grief.

Sometimes people expect to go through stages of grieving. They expect to “be over” a certain stage after a period of time. Although we can describe stages in the grieving process, it is a mistake to expect any particular individual to conform to them closely. Stages of grief are better described as fluid. One may skip over stages or stay in one stage for an extended period of time.



The following information describes some common reactions to homicide. You will see there is a wide spectrum of feelings. There is no right or wrong way to grieve and survivors shouldn't be surprised if their normal coping mechanisms for dealing with stress are no longer effective.

We have identified just some of the physical, emotional and behavioral reactions a survivor might experience following the death of their loved one. It is important for survivors to remember that their thoughts, feelings and behaviors are inter-related, because their thoughts affect how they feel and their feelings affect how they behave. Additionally, past traumatic experiences and grief can impact the emotional response to traumatic grief.

## Common Thought Process Reactions:

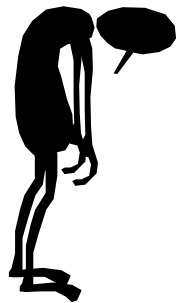


**Thoughts:** Flashbacks, nightmares, daydreaming, intrusive memories and images, searching for meaning and answers...WHY?, indecisiveness, inability to think clearly, fragmented thought process, mind is numb, thoughts of suicide, and preoccupation with thoughts of the deceased.

## Emotional Reactions = Feelings:

Survivors may experience a variety of emotions, some of which are listed below (this list is not exhaustive). Remember, there is no right or wrong way to grieve.

**Feelings:** Denial, irritability, anger, rage, unforgiveness, fear, terror, guilt, indifference, sadness, depression, anxiety, nightmares, insecurity, paranoia, lonely, distrust, helpless, powerless, numb, inconsolable grief, abandonment, confusion, preoccupation with death and unrealistic expectations.



## Behavioral Reactions:



**Actions:** hyper-activity, hypo-activity, lashing out, detachment, avoidance, immobility, hyper-vigilance, disorganization, perfectionism, compulsive cleaning, hoarding, wandering, isolation, increased promiscuity, clingy, fear of intimacy, weight loss, over-eating, poor hygiene, substance abuse, gambling, stealing and physical violence.

**Helpful Coping Behaviors:** There are a variety of helpful behaviors survivors may implement to combat feelings of anger, rage, vengefulness, irritability, sleep disturbance, etc. Survivors may find exercise, spending time with supportive friends / family, doing activities one enjoys, visiting a mental health professional, or talking to other survivors in a support group to be helpful. If survivors are unable to sleep, they could consider speaking with their medical provider.

## Physical Reactions:

**Symptoms:** numbness, nausea, stomach ache, change in sleep patterns, elevated heart rate, sweating, light-headedness, hyperventilation, loss of appetite, increased appetite, headaches, tiredness, exhaustion, body aches, accident prone, shortness of breath, tightness in throat or chest, dry mouth, sensitivity to noise, light or alcohol, and general feeling of being unwell.



## Grief Reactions Specific to Young Survivors

While many of the feelings children experience are the same as their adult counterparts, the way in which children react to traumatic grief differs depending upon their level of maturity, relationship to the deceased, and their conceptual understanding of death.

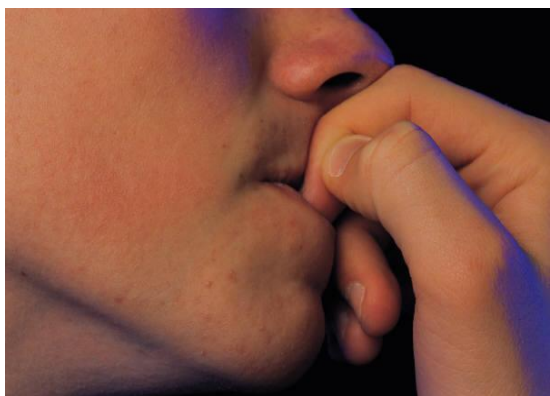
**Infants (0-2yrs.):** Experts now know trauma in children under the age of three often causes pervasive changes in the mind, resulting in developmental changes that forever may impact the person. This is now called Developmental Trauma.

Infants will grieve for their caregivers or those individuals they were closely bonded to. Infants communicate through body language so their grief will likely take the form of crying and restlessness.



**Toddlers (3-5yrs.):** This age group is verbal but they do not understand the concept of finality and as a result will expect their loved one to return eventually. They have an understanding of basic feelings such as mad, sad, happy, etc., and how to express those feelings when they experience them.

**Children (6-10yrs.):** The finality of death becomes more real to this age group and this can stir up an entirely new set of feelings for children who have few memories of their loved one. Children are also learning more about the biology of the human body at this stage of maturity and as a result may have questions associated with their loved one's body and the process it has gone through since dying. It is best to be as clear as possible when addressing a child's questions. It might be helpful to place a child this age in a peer support group.



**Preadolescents (11-13yrs.):** At this stage in development the child is likely considering the spiritual aspect of their loved ones death, so questions associated with "what happens to someone when they die" are likely to arise. It is important to speak openly with preadolescents and to find outside sources that may be able to offer guidance on how to answer questions you do not feel comfortable handling.

**Teenagers (14-18yrs.):** Due to teenagers' increased desire to exert their independence, those experiencing grief are more likely to seek the support of friends rather than their family. Teens are more likely to take part in high-risk behaviors such as coping with

drugs and alcohol. As a result, it is necessary to have clear boundaries set. They will also want to know what plans are set in place to care for them if and when one or both of their guardians are no longer living.

**The following behaviors can display themselves in children of all ages:** Bed-wetting, thumb-sucking, difficulty concentrating in school, isolation, not wanting to sleep alone, acting out which can range from tantrums to physical fights, as well as changes in eating and sleeping patterns.

## The Reactions of Other People

At the most painful times in our lives, we each grieve in our own way. You have just read what experts believe is typical and normal reactions you might experience. Now we will talk about coping with the reactions of the people around you.

### Family

When a family suffers a homicide, you might expect the tragedy to pull the family together. This is not always true. It is not unusual for counselors to observe families separate, both physically and emotionally. Communication is very important at this time. Work hard to express your feelings at this time within the family and with supportive friends. The loss of a loved one, especially a child, is often very hard on a marriage.



### Friends

When you hurt, you turn to people who have always been there...your friends. You may have a strong need to talk to friends about the homicide and about your feelings. You may find that even close friends often avoid these painful subjects. They may feel completely inadequate to help you, or simply want to avoid a topic that troubles them, as well.

Some friends may talk with you at first but then want to "move on", even though you need to talk about the homicide. They may think that it is better for you "not to dwell on the homicide" or to talk about it.

People often can't bring themselves to talk about homicide. Some will change the subject if you bring up the homicide. Many do not want to hear the details of the tragedy, even when survivors need to talk about every part of the death.

Friends may feel they do not have the words to say, or the ability to listen. They may feel hopelessly inadequate. The loss of your loved one probably introduced them to a stark reality: it happened to you, it could happen to them.

You may notice that people you have known for years avoid you on the street or in the store. Your co-workers may avert their eyes and "not see you." They usually have no idea that this feels like rejection and only adds to your grief.



You can face this problem in various ways. You may stop seeing some friends. You can continue contact but avoid the subject you most need to discuss. You can raise the issue of avoidance directly with your friends, which may allow you to deal openly and honestly with each other. You can add to your circle of friends other people who have lost loved ones or who are willing to share your experience.

Many people are ready to respond when they understand how important it is to talk with you about the experience. It helps when they realize that they need not have any **“magic words”** to alleviate your grief.

You also may choose to seek help from a professional counselor or victim advocate. Some communities offer specific support groups to homicide survivors.



## The Faith Community

When tragedy strikes, many people turn to their faith community. Many find great comfort, while others may be disappointed by what feels like a lack of support. Homicide is so unique that even many clergy persons do not seem to have comforting words.

You may question your own beliefs. Some people are angry at God. They believe they have been faithfully religious people and that God has let them down by allowing their loved one to be killed. Many find it paradoxical that the more they long for an answer to the question, “why did this happen,” the more difficult it is to find answers.

## Issues that May Emerge

### Forgiveness

People often rethink their concept of forgiveness after a loved one has been killed. You will need to decide, based on your own life experience and religious conviction, what forgiveness means to you and what to do about it. It is, to say the least, a difficult task and a very personal decision. No matter what your feelings and thoughts about forgiveness are, they may change many times. To read other survivor’s struggle with this very issue, see pages 29-34.

## Suggestions for Coping with Birthdays, Anniversaries, Holidays & Vacations



Holidays can be very difficult. They usually are an accumulation of traditions or customs created by families to be shared with family members. When a member of the family is no longer there, the holiday can become a painful reminder instead of a time of joy.

The first time you celebrate a holiday after a death, it may feel like a nightmare. The holiday sights and sounds which once brought you joy may now leave you feeling empty, as they remind you there will be one less place set at the table this year. Holiday gifts that once were joyfully opened may sit for days. On Thanksgiving Day, a survivor may now question, “What do I have to be thankful for?” New Year’s Day and birthdays, which celebrate another year of life, become reminders of death.



You may find the need to develop new traditions. For some, a trip out of town at holiday time is beneficial. A birthday can be observed by donating to a charitable organization or doing something that is meaningful to you. Allow yourself to grieve; it is a normal reaction. We hope to offer you some suggestions that will either work for you during special occasions or inspire you to come up with additional ideas of your own.

## Birthdays and Wedding Anniversaries

You may find that recognizing and celebrating the birthday and wedding anniversary of your loved one is a valuable and beneficial tradition to continue as you grieve.

You may choose to plant a tree or a perennial plant in honor of your loved one, which you can watch grow for years to come. Each year, increase the memorial by adding a bird feeder, bench, etc.

Some survivors find the following helpful:

Continue to have your loved one's favorite birthday dessert and encourage everyone present to make a wish and blow out the candles as a group. Then let the group decide if it wants to keep the wishes private, or share them aloud.

Buy a card and express to your loved one your thoughts and feelings surrounding the special day. It could be a day full of reflections from anniversaries and birthdays of the past or a day focused on the hopes and dreams you had for your loved one's future.

Make a special trip to the cemetery to place an adornment on your loved one's memorial stone. Find a nice place to sit down, relax and enjoy the peacefulness of the cemetery as you think of your loved one.

## Anniversary of the Death

The anniversary of your loved one's death can be an extremely emotional day. The build-up to the day can sometimes be worse than the actual day itself. Don't be surprised if not everyone in your life remembers the significance of the day. This does not mean they don't care, it is just a specific detail of which many are unlikely to keep track.

On this day, we encourage you to evaluate the journey you have taken over the past year, or since the time you lost your loved one. **What have you done that has helped your pain? You have done what you needed to in order to survive. You are a survivor.**

Candles can be used in a variety of ways when honoring your loved one's death. Light a candle every day for a time period (month, week) prior to the anniversary date to symbolize your last days with your loved one. Then set aside some time each day to reflect on the time you spent with your loved one prior to their death. If you prefer, light a candle on the anniversary date and blow it out before you go to bed.



Flowers are another good option to honor the anniversary of your loved one's death. Purchase a flower for the day and afterward preserve (press or dry) it as a keepsake by placing it in a shadow box, etc. You could also purchase flowers to be placed on your loved one's memorial stone in remembrance of the day.

## Holidays

Holidays are a time when family members must be alert and aware of each other's feelings regarding particular holidays and/or the traditions to be practiced on each holiday. The same holiday may be of differing significance to other family members.

To determine your holiday plans, take into account the feelings and concerns of all family members. It may be a good idea to hold a family meeting where everyone answers the following questions:

I'm most looking forward to...  
I'm least looking forward to...  
For the day to still feel special I would like us to...  
I don't want to...  
I still want to...



Probably the most important piece of advice you can be given regarding preparation for the holidays after the loss of your loved one is to recognize the holiday will NOT be perfect.

Holidays can be draining in general, but for someone going through the grieving process, the fatigue can be more extreme. For this reason, you need to rest when it's needed and not be afraid to rely on others for help. In addition, prioritize what is most important to you and don't be afraid to opt out of the less important plans if you are too drained to take part. Give yourself permission to say "No" to any and all requests.

Children can often times be a good inspiration during the holiday season. They have the gift of being able to separate the charm of the holidays from their grief and sometimes embrace the holidays as a time to put the grief aside to focus on something else. Surround yourself by little ones and feed off of their energy, as positive thoughts can lead to positive feelings.



Make your loved one a part of the occasion by mentioning their name in conversations and sharing memories of holidays past.

If you find yourself struggling with the thought of making a turkey, dressing and mashed potatoes, change the menu from the traditional one to something new. Maybe this year you will be creative by making quail, sweet potatoes and corn bread.

If you aren't up to cooking, eat out at a restaurant or share your holiday with another family. There are plenty of excellent buffets available throughout the day on most holidays.

You may wish to change traditions. For example, for those who celebrate Christmas, this could mean opening presents on Christmas Eve instead of the old tradition of Christmas morning. If your family spent Christmas Eve attending a

church service and this year the thought of sitting as a family without your loved one is too much to bear, you may decide to volunteer your services to the church during the church service. That way, your family will still be present for the service but will be moving around and busy during the service.

This year for Christmas, hang your loved one's stocking but instead of placing gifts inside, have the "gift givers" place loving notes to your lost loved one indicating how the gift giver is feeling about missing the deceased on that day, or what they envision the lost loved one would be doing for fun on this holiday if present.

There are many wonderful charitable organizations that are in great need of both volunteers and financial donations. Make a contribution in the name of your loved one or donate your time during the holidays. Volunteering options could include serving food at a homeless shelter, or sponsoring a needy family with gifts to put under their Christmas tree.

## **Vacations**

Vacations are typically a tough time emotionally for survivors. Survivors may experience contradictory feelings which can be confusing. This can best be demonstrated in an example:

A survivor's spouse was killed approximately 1 year before she went on an extended vacation. This trip was something she and her spouse had been dreaming about for ten years. As a result, when the survivor arrived at the destination she was met with a sense of anticipation and excitement. While on the trip the survivor laughed, relaxed and took in amazing new sights, sounds and tastes. However, just as quickly as the survivor's feelings of happiness would overtake her, so would feelings of guilt, shame and loneliness. After all, this was a goal both she and her spouse had set and now she was meeting the goal without him.

The survivor's experience was typical of many survivors who feel it is disrespectful to enjoy oneself or move on without a loved one. While grief is real and cannot be denied, so too are all the other aspects of one's life and personality. The greatest respect survivors can show to a loved one is to not lose themselves to the hopelessness felt over their loss.

## Helpful Hints for Any Occasion

Regardless of the occasion, there are certain helpful hints you should keep in mind as you head into the preparation of your special occasion. We have developed a mnemonic device to assist you in memorizing these hints.

**L***isten to your body. Identify possible physical grief reactions and then take care of yourself through proper exercise, rest and nutrition.*

**O***pen your mouth and ask for help if you need it. Plenty of people would love to be there for you but won't know what you need unless you specifically tell them.*

**C***hange traditions. Keep some, alter some and get rid of what no longer feels right.*

**K***eeep lists. Concentration and memory are affected by grief so creating lists will help you stay on track as you plan and prepare.*

**E***lectronic shopping helps many survivors who find it difficult to shop in stores during the holidays. Shopping online, at a store early or during off-hours, or asking a friend to shop for you may help you out as you prepare for your special occasion.*

**T***ears are healing. They are also inevitable and unpredictable, so give yourself permission to cry and be prepared with tissues. Survivor Shari Green put it quite nicely when she referred to tears as "the price we pay for love."*

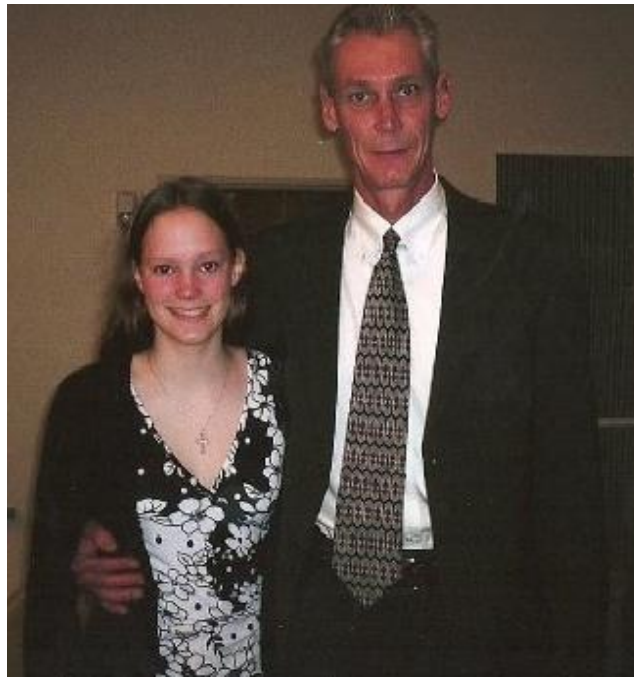


A locket is a small ornamental case, usually on a necklace or chain that holds a picture, keepsake, etc...

## The Daughter of a Homicide Victim Tells Her Story: A Daughter's Story

It was December 15, 2008. I was fifteen years old, and I didn't know my life would be flipped upside down when my mom woke me up in the middle of the night. It wasn't until the next morning and two different hospitals later that I learned how my dad died – he was assaulted and killed by a man he knew and trusted. But that man not only killed my dad, he changed my life forever. There were so many things I wanted my dad to be here for that he has missed since then.

I used to picture my dad smiling up at me at my high school graduation, one of the proudest moments in a parent's lifetime, when they called my name as I walked across the stage. After commencement, I pictured running into his arms into a bear hug, big smiles never leaving our faces.



I imagined going off to my dad's college, following in his footsteps. I pictured him wishing that he could go with me on my new adventure. I anticipated him moving me into my dorm, carrying box after box of clothes and junk. I always assumed I would talk on the phone with him at least once a week, sharing all of my experiences of college life and listening to him share his past. I wanted him to ask if I could get lunch or go for a bike ride between classes. I expected to just spend time with him.



But because of one single night, those things didn't happen. I graduated high school, searching the crowd of people for someone I knew wouldn't be there. I moved into college without my dad there to tell me everything I needed to know about the place he used to call home. I don't get to talk to my dad on the phone once a week; I don't get to tell him about all of my college experiences, all because of one single night and one choice a man chose to make.

I have changed a lot in the time that has gone by since my dad was killed. I believe that along with my dad, part of me died that night. I feel like I was cheated out of my "normal" teenage years and my "normal" life. I'm not like everyone else anymore - I don't have my proud dad standing by me. My dad isn't there to lean on, he's not there when I need him, and there are no new memories of fun times that I can hold on to and enjoy, all because of one person's decision to hurt another.

I'm a daddy's girl. I always will be. It's been a few years since my dad was taken from my life, but it seems like it was just yesterday that I was talking to him on the phone and laughing...

Lindsay Meade

In loving memory of Dan Meade  
1958-2008

## My Story

On June 24, 2009 an unexpected event occurred that would shock my small tight-knit community and change my life forever. That morning my older sister and I went to work-out in the weight room at our high school. We, along with 20 other students, were busy doing our routine lifts when a man entered the weight room and shot and killed our beloved coach and teacher, Ed Thomas. It took a moment to realize what I was actually seeing, but now it will be forever engraved in my memory. Some of us ran from the weight room thinking we were going to be shot as well. Others were frozen in fear. It was chaotic and frightening.

To mourn the death of Coach Thomas was hard, but to deal with the trauma of witnessing a murder left me helpless. It wasn't easy trying to make sense of what happened. It wasn't easy having that scene replay over and over again in my mind. It wasn't easy trying to figure out how I was going to move on with life.

I knew that I had a choice to make and the words of Coach Thomas echoed in my head and gave me a source of strength. Following the EF5 tornado that hit our town in 2008, he said "We will pick ourselves up and dust ourselves off". I knew I could choose to remain a victim of what I experienced or I could choose to move forward in a positive way. I could either cope with self-destructive ways such as alcohol or drugs, or go through the necessary steps to heal.

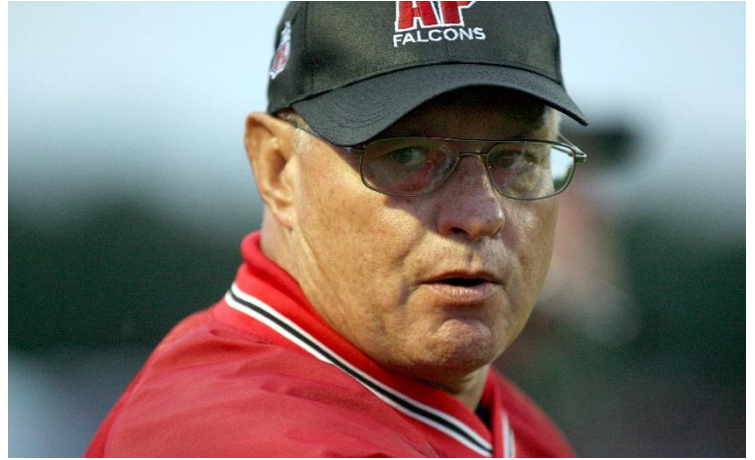
I decided to not be a victim of my situation and instead get better from it. I chose to avoid the self-destructive path. I didn't ignore that I had problems. Experiencing trauma, like witnessing a murder, can cause feelings and emotions that our minds don't know how to process. And that's where I was at. I sought help through counseling at the school and through other professionals who treat trauma patients.

The witnesses in the weight room that day developed a bond. We took care of each other for a long time, looking out for one another to make sure everyone was on their way to healing. We were very fortunate to be provided with group counseling services through the "Survivors Program". The caring counselors helped us to work through the sadness, guilt, anger and many other emotions we were experiencing.

It is an ongoing process to deal with grief and trauma. Early on it was my hope that I could take this awful thing and make something good come from it, but I didn't know how I would do that. Recently, I was given an opportunity to speak to students from another school that had trauma of their own. I shared my story and what helped me to heal. The funny thing is that reaching out to them was actually healing to me.

Every moment we are given is a gift from God and we must cherish it. The people in our lives are there for a reason and we must love and care for them to our fullest capacity. I have grown and matured as a person. I have learned to look at the positives in life and persevere through the hardships. I will never forget what I saw that day, but I know that when things get hard I will always find the courage to pick myself up and dust myself off. Coach Thomas would want it that way.

Elizabeth Petersen



In loving memory of Ed Thomas  
1950-2009

## TereseAnn's Light Shines On . . .



My daughter, TereseAnn Marie Lynch, was born on Pearl Harbor Day, December 7, 1978. TereseAnn was my middle child. Sometimes she could be found playing dress-up and styling hair with her sister. Other times, she could be heard adamantly telling her brothers that if they were going to play Star Wars, she was going to be Luke Skywalker! TereseAnn was described by everyone as feisty, spunky and stubborn, but also as very loving and giving. She was known for her

strength of character and her bright smile that lit up the whole room when she walked in. She was also known as the person you could depend on, and the one who always stood up for the underdog. TereseAnn was my child who joined the Iowa Air National Guard, obtained the rank of Tech Sgt, and was deployed overseas three times, the last deployment being in Iraq. She was my daughter, my friend, my hero, my confidante.

TereseAnn was kidnapped and brutally murdered with a deer rifle by the man she was trying to divorce on Veteran's Day, November 11, 2009. With the help of her family, TereseAnn was able to leave a horribly abusive relationship and live one month of blessed freedom before that monster took her from us.

It's been two years, and sometimes I still think it's a horrible nightmare, and I will eventually wake up and be so very, very relieved. After all, something this horrible, this evil, doesn't happen except in movies. And certainly not to me and my family! Two years later, and it seems like she was taken from us yesterday. The pain and shock and disbelief linger on. Two years later, and it seems like forever since we've seen her and talked to her and shared our lives with her.

They tell you the world keeps turning and to move on. And the world does keep turning, and birthdays come and go, and holidays come and go, and lives change. There are two people inside of me now – the Mom who believes that TereseAnn is at peace and completely and eternally surrounded by light and love. The Mom who knows that my daughter's struggle is over, and it's those of us left here that have to continue that struggle. So I trained to



be a Victims Advocate and do public speaking about domestic violence and the numerous types of support that our communities need to provide the victims.

Then there's the Mom who struggles with the idea that such a horrible thing could happen. How can such evil live so close? Why did it have to be my daughter – my beautiful TereseAnn Marie? How can I go on as if my days are normal? How can I face a future of knowing that I will never talk to her, hold her, laugh with her, and watch her be a mom to her son, or anything else, again? So I cry and I get angry and I ask WHY?

But TereseAnn's light shines on . . .

I tell my brand new grandson about his Auntie Terese, and he smiles with such light and beauty that it takes my breath away.

I go shopping for a decorative item for my new home in Iowa, get discouraged because I just can't seem to find what I want, and the cart jams for no apparent reason. When I lean down to try to adjust the wheels, an item someone has misplaced on a shelf catches my eye – it's perfect! And I think of TereseAnn and laugh out loud.

I get really, really angry and pace around my home while wishing I could act out my own personal retribution against the monster that killed my daughter. Prison isn't enough! And, suddenly, without apparent reason, I sit down on the couch and then I hear TereseAnn's loving spirit whisper, "its ok, Mom. It's ok."

There is no way to convey how much TereseAnn is missed, and I realize that I will never, ever be able to understand how something so horrible could happen to my daughter and to my family. We will never be the same. It's a pain and a loss that no one should ever have to bear. But I feel her spirit with me every day. She gives me hope and strength.

TereseAnn's light shines on, and it's a beautiful thing to see.

Sheila R. Lynch



In loving memory of TereseAnn Lynch  
1978-2009



## THE DAUGHTER OF A HOMICIDE VICTIM TELLS HER STORY: A DAUGHTER'S JOURNEY

Saturday, February 13, 1988, my father and my best friend was found by me. Jennifer. Beaten and stabbed through the heart. Lying in a pool of blood in his bedroom, dead.

My whole life at that moment and still at times today seems very unreal and unbelievable. I called the police and they said my dad was dead and it looked like a homicide. They asked me to come to the police station to talk with them. Of course I did what I was asked to do, but I did NOT do this to my father, my best friend. I knew that they were doing their job and needed to question me to find who did do this. I describe my life before this happened as a beautiful snow globe, clear, happy, fun and loving. Now in a split of an instant, it was shaken, cloudy, scary, sad, dark, and full of pain. Who would do something like this to someone else? WHY?



My dad was murdered 11 days before I turned 18 years old. It was around that time 2 boys: 19 and 20 years old, were arrested and charged with the murder of my dad, Mr. Ken Eaton. He was murdered because he was a homosexual man, which was classified as a "hate crime". My dad was also a Middle School teacher at Brody Middle School, where he taught for 20 years until the day of his murder.

The fear, anger and pain that these two boys caused our family and the community as a whole was VERY overwhelming, and we ALL have dealt with it in our own ways.

In June of 1988, we had the first trial of Gary Titus. It lasted about a week and a half. I had to be the first to testify, and actually be in room with him and his family, which seemed surreal and like a nightmare. Gary was found guilty of first degree murder without the possibility of parole.

In August of 1988, we had a second trial which was for Billy Green. This trial lasted about the same time, and the same things took place. It was now a VERY public trial because of the violent and personal way they chose to kill my dad. Billy was found guilty of first degree murder as well and sentenced to life without parole.

My personal life spiraled out of control, and I just wanted to wake up from this HORRIBLE nightmare. I built my walls HIGH and was not going to let ANYONE in, EVER, in fear of being hurt to the core again.

I believe that my dad sent my soul mate, and best friend, Rico to be in my life to help me, love me, guide me and to take care of me, just as my dad had done for the first 17 years of my life. Rico and I got married in September of 1993. It was a BEAUTIFUL day, but also VERY sad. My dad could not give me to Rico and walk me down the aisle, so I chose my dad's lover Ed, to do that honor, and could feel my dad's presence with us that day.

My snow globe of a life was starting to become somewhat clear again. I had 3 BEAUTIFUL daughters and another baby on the way. I had found the LORD and HIS saving GRACE, PEACE, HEALING, and LOVE that HE had for me. I received a phone call from the Department of Corrections. The woman,

Betty, told me she had a letter from Gary. My heart and stomach were just going CRAZY. She read it to me that day. He asked to meet with his victim's daughters, and wanted to know if this was something I wanted to do. I said ABSOLUTELY!!! I have been waiting, and wanting, to do this but didn't know if it was possible.



Gary and I had a Victim /Offender Mediation 15 year into his, and my, life sentence. We met with him at the Newton's Men's Prison for about 4 hours that August day in 2001. We talked about ALL sorts of things; our childhoods, that night, why they choose to murder my dad, what he has done to my life, and others, who loved my dad. He also asked me for my forgiveness, which was something I had NEVER thought about before, and if I could even do it, how could he ask me for this? Gary also told me that he was going to file for a commutation as well. I did not know what a commutation was, except it didn't sound very good. See, Gary doesn't think he should be in prison for the rest of his life, he thinks that 15 years is long enough. I left that prison that day with ALL kinds of feelings and emotions going through me. To a certain extent, I felt he victimized me again, but then I also felt a sense of peace, healing, and seeds that were planted by Gary, the seeds of FORGIVENESS.

I began to do Victim Impact Panels to groups of offenders at the States Prisons. When I was at Mitchellville (the women's prison) I was asked, "What about Billy?" I hadn't really thought about Billy too much. There was another seed that was planted and began to grow. The seed of meeting with Billy, finding more closure and healing.

We met with Billy 17 and a half years into his, and my, life sentence at Fort Madison Prison, on a hot day in July, of 2005. Billy and I spent about 4 hours together along with a lot of other people who were watching our Victim/Offender Mediation take place. This was A LOT different than the meeting with Gary, just 2 years before. Billy was sorry and took responsibility for what had happened, something I think, feel, and believe ALL victims deserve to hear from the person who took their loved one's life, and changed theirs FOREVER.

My faith, and strength, comes from the LORD. Without HIM I am NOTHING, but with HIM I am EVERYTHING!!!! Remember those seeds of forgiveness that Gary had planted? They had been growing and taking shape inside of me, and now I was able to give Billy forgiveness for his and Gary's choices that Saturday morning. He didn't want it, but I gave it to him anyways. I left Fort Madison Prison that day, a brand new woman!!! I felt a peace, and a sense that life was going to be okay, again. It will never be the same, EVER. I miss my dad more than ANYTHING, but without this tragedy happening in my life, I would NOT be who I am today. I believe that GOD has helped me with ALL that I am, inside and out, to be able to forgive myself for not being able to help my dad that night. I believe HE kept me safe from harm, because Gary and Billy could have murdered me as well. I believe that EVERYTHING happens for a reason in our lives, EVERYTHING.

Through this most horrific nightmare, I have found my voice and peace. I speak to: offenders, youthful offenders, victimology classes, and others, about what bad choices, hate, judgment, and murder can do to another's life, FOREVER. My journey will NEVER be over, I miss my dad so VERY, VERY much, but I know that he is ALWAYS with me guiding my every step from Heaven with GOD. My snow globe is now clear, peaceful, bright, beautiful and full of love.



Jennifer Eaton-Bertagnolli  
Daughter of Mr. Ken Eaton  
The Ken Eaton Foundation  
[healingheart sandopeningminds.org](http://healingheart sandopeningminds.org)

In loving memory of Ken Eaton  
1946-1988



## A Wife and Mother's Story

At the time of writing this article, June 2012, it has been nine and a half years since my husband, and father to our son and daughter, was murdered. MURDERED. What a horrible word to have to think about, let alone say. Something like this only happens to other people. Not us. Neither Tom nor I have ever had anyone in our families in the penal system, let alone, murdered. This was something totally unfamiliar to me and my son Bart, and daughter Cheri.

The morning of January 13, 2003, shortly after 6:30 a.m., was to be the last time I would ever see my husband, Tom. It would be the last time I would ever hear his voice. I daily look at his picture I have in the kitchen, and I wonder what he would look like now, and hope that I don't forget what his voice sounded like. Sitting at the kitchen table eating meals alone, looking at Tom's photo across the room, seems so surreal. But it isn't. It is a fact that I have to deal with daily. Our two adult children are still trying to cope with the loss of their father. It is hard to watch and listen to them struggle with this. I can't fix this with a hug and a bandaid. It is a much deeper hurt that is going to take time to make bearable. It will never completely go away for them, or me. We will have to learn to adjust, each in our own way, and in our own time.

Tom was murdered early on a very cold January morning when he went to check the cows at the farm we were renting. What neither one of us knew was that the person that had purchased the farm we were still renting, was waiting for Tom to leave our home so he - Rodney Heemstra, the murderer - could follow Tom and end his life. All because Tom had called Rodney in the fall, very upset that Rodney had turned off the water supply to the cattle water in the barn lot the cows used for drinking. Rodney had been told by a member of the family who sold the farm to him that the water was not to be turned off as long as Tom still had our cattle there. Our rental agreement with the former owner would be up March 1<sup>st</sup>, 2003. Rodney only turned the water off so he could be in control of the situation, something he prided himself in.

Little did we know that for three months, Rodney had been getting angrier and angrier about the fact that someone had stood up to him. Rodney expected to be the one in control of everything, including his family. According to Rodney, "no one talks to me in that tone. When I get done combining in northern Iowa this will get settled." He was two-three hours away from the community that we all lived in. It seemed as though Rodney thought he was above everyone else, and whatever he did was always justifiable. He would undermine other farmers buying a farm, so that he would ultimately end up with it. Rodney was known as ruthless, a hot head.

By the time I realized that something was wrong, Tom had already been murdered by a single gunshot to the forehead. This happened less than one half mile from our home. Tom was supposedly put in the back of Rodney's pickup, and tied in with a tying strap. However, he slipped out the back and was drug over a mile and half down a gravel road, through a harvested corn field, and dumped in a cistern well. Had there not been a bar several feet down in the well, Tom would have ended up in the bottom. One of the search parties found blood in the field late the second day of searching, and the well was discovered and uncovered. Rodney had taken the time to try to hide the well with old hay. Tom's body was put in the well head first. He had been there two days, with part of his body in the cold water. Thank goodness his feet and legs helped to keep him from going to the bottom.

How is one supposed to handle a situation like this? We were never aware of Rodney's anger. There was no time to get prepared. Had we known he wanted "revenge," we would have talked to the sheriff. This hit me like a ton of bricks.

I had one, and only one thing to take care of at the time I realized that the situation turned from a missing person search into a rescue effort. That was to make sure that our children could safely get home. One lived in Chicago and one in England. Those are trips that Cheri and Bart will never forget.

We have been through five trials: two criminal and three civil. It has been extremely difficult. As of June 2012, we are finally through with the legal system. I didn't know it could take so long to get some sort of justice, even when the murderer confessed many times to the deputies and DCI what he had done.

I am still asked how I got through all these years. We have had a wonderful support system of relatives, friends, and neighbors, and faith. But what has kept me continuing with strength these nine years is the fact that I will never let Rodney control me. I decided from the beginning, that he would not wear me down, no matter how hard he tried or how long it took to get justice. That meant I would have to work very hard to not let him drain me emotionally. It has been very hard. But I had excellent help right from the beginning with my county and state victim's advocates. Their support and help was absolutely wonderful.

Bart, Cheri, and I will never be the same. We will always have a part of us that was so unnecessarily taken, and left with a hole in our hearts. However, with continued counseling, I believe we are going to be able to have a good life. It isn't in any way going to be what we thought. Our "normal" and fun life we did have is gone. We now have to make, and are



making, a new "normal" life. After nine and a half years, I still can cry over what might seem silly to someone else.

I do have anger at Rodney, but I try to not think about him, even though he only spent four years in prison. I'm sure he is living in his own hell every day. Have I forgiven him? No. Will I ever? I don't think so. But right now, my children and I can get up every day with a clear conscience, which is more than he can do, I'm sure.

I will always love Tom and miss the life we had planned. I will always grieve for him and that life. But it is getting somewhat easier to think of what might have been, and not to cry each time those thoughts enter my head. I hope that, as Tom is looking down from heaven, we make him proud of how much better we are doing. I hope he knows how much he is still loved by his wife and his children.



The photo I chose was the last family photo we had taken. It was December 25<sup>th</sup>, 2002. Bart wanted to get a Christmas morning photo using his camera timer. Even though we all pleaded not to take one because we weren't "dressed" for a picture, he insisted. Little did we know that less than a month later Tom would be murdered, our lives changed forever, and that photo mean so much, even if we weren't "dressed" for the occasion.

Ronda Lyon  
A Victim and a Survivor

In loving memory of Tom Lyon  
1951-2003

## Understanding & Coping with the Justice System



Most survivors are new to the workings of the criminal justice system. As you progress through various stages, you may become angry and frustrated because your impressions of the justice system are false. People naturally want to see justice done swiftly so that they can heal from that part of trauma.

The criminal justice system often seems to prolong people's grief. For example, you may find that justice does not always prevail. Sometimes, the guilty are released on procedural grounds. Some homicide cases are never solved or do not result in convictions, even if the identity of the offender is known. Some survivors feel a loss of control, as the case and all decisions regarding the case belong to "the state", not the homicide victim's family.

Sometimes, the only ones serving a "life sentence" are the victim and the victim's loved ones. Cases may drag on and on. Many cases never go to trial or take years for a conviction. If there is a conviction, it likely will be appealed, and a small fraction of cases find their way back to court for another trial.

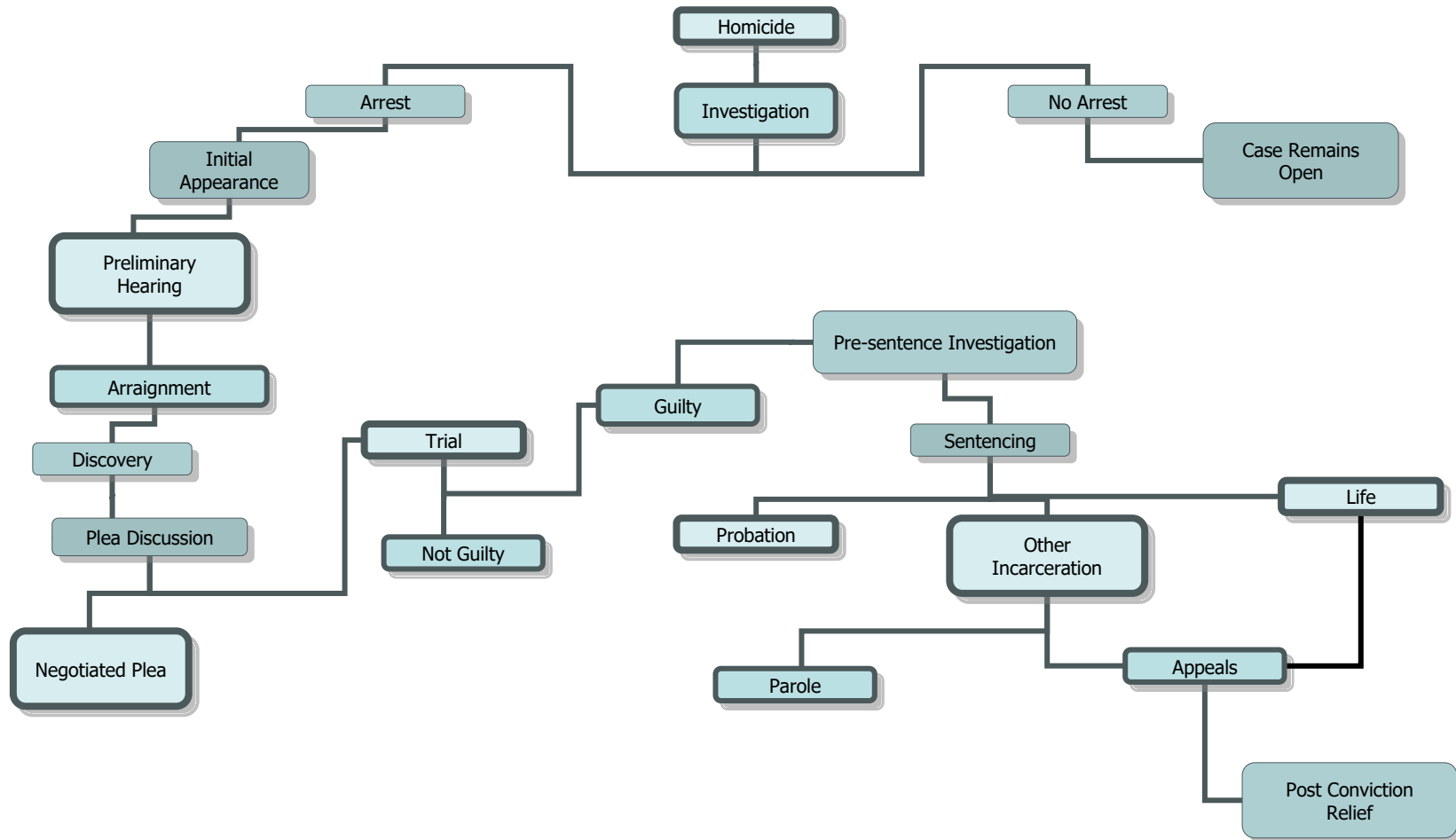
Even with convictions and the desired sentencing, many survivors find the outcome does not feel "just." This can be a challenging time as survivors of homicide victims realize conviction does not always ease grief.

Those who administer our laws - law enforcement officers, prosecutors, judges, and others - must deal every day with the most brutal crimes. Sometimes they build self-protective barriers that may appear insensitive to victims and their families.

Seek out supportive friends, counselors, and advocates to help you through this confusing and emotionally difficult ordeal.

Remember, too, that Iowa law gives survivors of homicide victims certain rights to information about pending cases, and other assistance.

# Justice System Process



***This diagram demonstrates the basic steps undertaken within the justice system related to a homicide case***

## Understanding Sentencing in Iowa

Sentencing is confusing. Below is an outline of the procedure, but the prosecutor expects you to have questions. Don't hesitate to bring a list and check them off.

Generally, a convicted person may be (1) sentenced to prison, or (2) receive probation. If a person is sentenced to prison, the parole board can legally release most prisoners to return to society – parole - at a time the parole board deems it appropriate. Parole will generally occur before the actual time the sentence has expired. For example, a person convicted of Vehicular Homicide while drag racing may receive a sentence of "up to 5 years" in prison. That individual may actually only serve one and one-half years in prison. Moreover, the time for parole will likely be substantially less than the actual remaining time left of the five-year sentence. Certain persons have the right to input in the pre-sentence investigation report through a victim impact statement or community member statement that will be eventually be considered by the parole board. A person may send a written statement directly to the parole board concerning the convicted person. Also, a person may request permission from the parole board to orally speak to the board or to have their representative speak on their behalf. The parole board is required to notify any registered victim of a pending hearing.

Probation may include different requirements, such as mandated therapy, community service hours, or work and education completion. Probation may also involve a community-based correctional program, where the convicted person is in a lock-down facility at night, but at school or work during the day.



## Possible Sentences

### **Murder in the First Degree:**

Life in prison with no possibility of parole. Life does mean life in Iowa. The only possibility of release is a Governor's pardon or commutation, which are extremely rare.

### **Murder in the Second Degree:**

Up to 50 years in prison. Eligible for parole only after serving 35 years in prison.

### **Voluntary Manslaughter:**

Up to ten years in prison. A prison sentence is mandatory although there is no minimum sentence before being eligible for parole.

### **Involuntary Manslaughter (public offense):**

Up to five years in prison or probation. There is no mandatory prison sentence and there is no minimum time before being eligible for parole if sentenced to prison.

### **Involuntary Manslaughter (act):**

Up to two years in prison, or a definite term of days of one year or less to be served in the county jail, or probation. There is no mandatory prison sentence and no minimum time before being eligible for parole if sentenced to prison.



### **Vehicular Homicide (OWI):**

Up to 25 years in prison. This sentence is mandatory prison but there is no minimum, with two exceptions. If the convicted person is also convicted of eluding, or leaving the scene of a personal injury accident resulting in death, then he or she is eligible for parole only after serving 17 1/2 years in prison.

### **Vehicular Homicide (recklessness or eluding):**

Up to ten years in prison or probation. The sentence for this crime does not require mandatory prison, with two exceptions. 1. The convicted person is also convicted of eluding, or leaving the scene of a personal injury accident resulting in death. 2. The person is required to be sentenced to prison and is eligible for parole only after serving seven years in prison.

**Vehicular Homicide (racing):** up to five years in prison or probation. No minimum time before being eligible for parole if sentenced to prison.

**Boating OWI Causing Death:** up to 25 years in prison. No minimum time before being eligible for parole if sentenced to prison.



## Courtroom Procedure; Customs & Tips

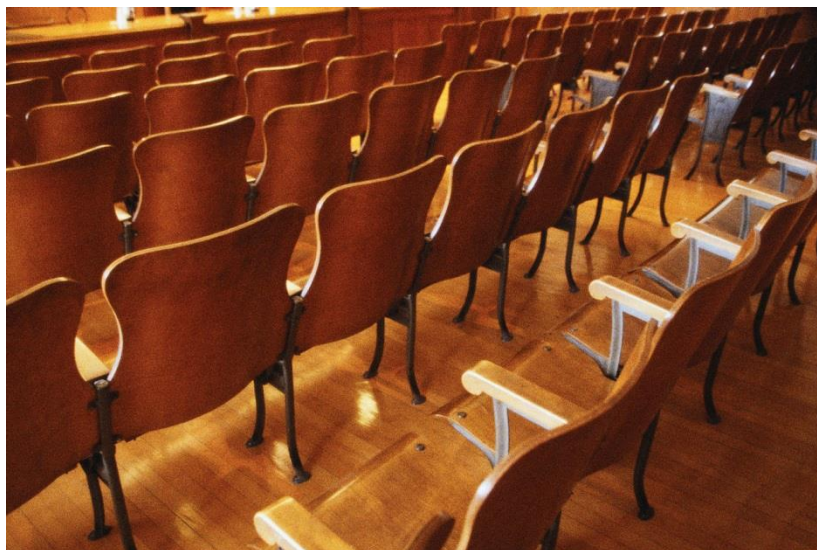
For many survivors, this may be their first time inside a courtroom. Certain behaviors are not allowed in a courtroom. Many survivors may want to yell at or approach the defendant. While it may seem only natural for survivors of homicide victims to display emotions including rage, this type of behavior is prohibited in the courtroom. If anyone were to yell out in a courtroom, or attempt to approach the defendant, she or he may be held in contempt of court. The judge may forbid the person from the courtroom for the duration of the trial. The judge also may declare a mistrial, which means that the entire trial process must begin again with a brand new jury. Rolling of eyes, loud sighs, or talking are not tolerated by judges.

Other behaviors are acceptable. Sometimes the details of the murder may be too much for loved ones to hear. They may leave the courtroom during these periods. Crying is okay, too. However, if it becomes noticeably loud, it may be best to leave the courtroom. A victim advocate may accompany you when you leave, unless you wish to be alone.

A majority of the time, defendants are in jail awaiting trial. Therefore, they will be in sheriff's custody during transport to and from the jail and while inside the courthouse. The defendant is allowed to wear normal street clothing instead of a prison uniform, so as not to prejudice the jury. For the same reason, defendants are not handcuffed or shackled in the presence of the jury. Sheriff's deputies are always present during the trial.

It may be best to sit away from the defendant's family or friends. If tensions arise, a sheriff's deputy will assist in diffusing the situation. While in the courthouse, one never knows which persons might be jurors or what a reporter could hear. It is best not to discuss the case in the courthouse. Courtrooms are open to the public, which means anyone may attend a trial unless excluded by the presiding judge.

Any person attending court must wear appropriate clothing. Hats are not allowed in the courtroom. Although clothing can certainly be comfortable, remember the proceedings are formal, and clothing you might wear to a job interview would be proper. It also is court procedure to stand when the judge takes the bench, and whenever the jury enters or leaves.



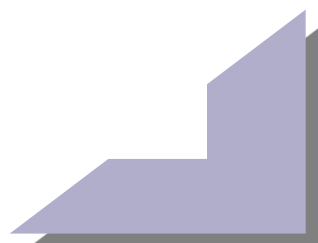


## **A Crime Victim's Rights in Iowa**

A crime victim's rights under Iowa law are set out in Chapter 915 of the Iowa Code. The definition of "victim" related to victim rights includes the immediate family members of a victim who died or was rendered incompetent as a result of a crime or who was under 18 at the time of the offense.

A crime victim's primary rights under Iowa law include the right to the assistance of a victim advocate, the right to be notified regarding the criminal case, the right to apply for Crime Victim Compensation, the right to victim restitution from the offender, and the right to make a victim impact statement.

Victim rights that pertain to homicide victim survivors are explained below. For more specific information regarding victim rights under the law, see Iowa Code Chapter 915 or contact a victim advocate or the prosecutor in your case.





## Victim Advocates

Iowa Code section 915.20 states that a victim counselor who is present at the request of the victim shall not be denied access to any proceedings related to the offense. A victim counselor is generally referred to as an “advocate” and is a person who works for a victim service program.

The law means that a homicide victim survivor may be accompanied by an advocate in any proceedings related to the crime where the homicide victim survivor is present. This includes, but is not limited to, law enforcement investigations, pretrial court hearings, trial and sentencing proceedings, and pre-sentence

investigation proceedings where the homicide victim survivor is present.

Although Iowa law gives the homicide victim survivor the right to have an advocate present, some communities do not have victim service programs. Therefore, an advocate is not always available to the homicide victim survivor.

There are resources that a homicide victim survivor might call for support and information. Local rape crisis or domestic abuse programs are knowledgeable about crime victim issues and the justice system. They regularly work with law enforcement and prosecutors. The county attorney’s office also may have a victim services coordinator available to victims in that county.

There are ten Iowa programs that provide specialized counseling and advocacy services for the survivors of a homicide victim. The services are confidential and provided at no cost to a homicide victim’s survivor. The programs are available by telephone to survivors across the state and provide services in person in the county where they are located. The map is below with contact information on the next page:

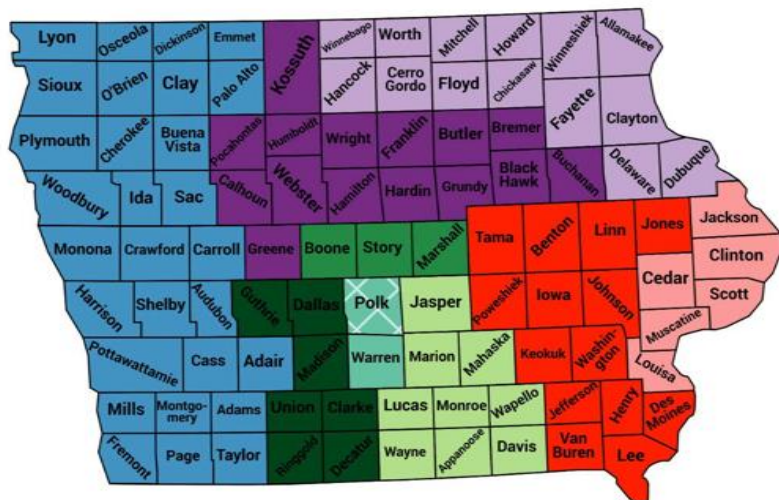
### Homicide & Other Violent Crime Services Map by Zones

#### Homicide & Other Violent Crime Services

- FCC WISH Unit
- DSAOC
- Crisis Intervention Service
- CIAC
- ACCESS
- PCCAS
- Creative Visions
- Crisis Intervention Services
- Waypoint
- Family Resources

#### Regions by Colors

- = Zone 1
- = Zone 2
- = Zone 3
- = Zone 4



## **Organizations That Can Help**

### **Zone 1:**

Assault Care Center Extending Shelter & Support (ACCESS), Ames 515-292-0500  
800-203-3488

Crisis Intervention & Advocacy Center, Adel 515-993-4095  
800-550-0004

Crisis Intervention Services, Oskaloosa 641-673-0336  
800-270-1620

Creative Visions, Des Moines 515-244-4003

Polk County Crisis & Advocacy Services, Des Moines 515-286-3535

### **Zone 2:**

Family Crisis Centers, Sioux Center 712-277-0131  
Western Iowa Survivors of Homicide (WISH-Unit) 800-382-5603

### **Zone 3:**

Homicide Victim Survivor Program, Fort Dodge 515-955-2273  
Domestic/Sexual Assault Outreach Center (DSAOC) 888-356-2006

Crisis Intervention Service, Homicide Survivor Program, Mason City 641-424-9071  
800-479-9071

### **Zone 4:**

Waypoint, Cedar Rapids 319-365-1458  
Homicide Survivor Program

Family Resources – Safe Path, Davenport 563-468-2326  
866-921-3354

### **Statewide Violent Crimes Hotline**

1-800-770-1650 or text "IOWAHELP" to 20121

### **Iowa Attorney General's Office Crime Victim Compensation Program**

Lucas State Office Building

321 East 12<sup>th</sup> Street

Des Moines, IA 50319

(515) 281-5044

(800) 373-5044

## **Victim Notification**

A crime victim's rights to notification regarding the status of a case were established in 1986. Victims have the right to register with the county attorney. The county attorney will forward the registration to law enforcement, the Clerk of Court, the Attorney General's Office, the Department of Corrections, and the Board of Parole. Registration also will be forwarded to the Department of Human Services in the case of juvenile crime, and to the Governor's Office if the offender might be considered for commutation or pardon.

Appropriate agencies will provide on-going notification to the registered victim by regular mail or hand delivery. They may also contact and notify victims by telephone when appropriate. The victim will be notified of any decision or change in the case.

## **Victim Notification Responsibilities**

The following victim notification responsibilities are established under Iowa law.

- **The law enforcement officer will notify a crime victim of** the right to register (offers a right-to-register form).
- **The local jailer will notify a registered victim of** the offender's release on bail and the terms of the release, the offender's final release from local custody, an offender's escape from custody, and the offender's transfer to custody in another locality.
- **The County Attorney will notify a registered victim of** the scheduled date, time, and place of trial, and the cancellation or postponement of any court proceedings that require the victim's attendance; the possibility of assistance through the Crime Victim Compensation Program and the application procedure; information concerning the status of the investigation until an alleged assailant is apprehended or the investigation is closed, as long as sharing the information does not compromise investigation of the case; information about plea agreements in the case; the right to restitution; the right to make a written victim impact statement; the right to make an oral victim impact statement at sentencing in the presence of the defendant and notice of the time and place for the sentencing; and the date the offender is released on bail or appeal.
- **The Clerk of Court will notify a registered victim of** all dispositional orders of the case, and other orders regarding custody or confinement.
- **The Attorney General's Office will notify a registered victim of** all dispositional orders of a case on appeal.
- **The Department of Corrections will notify a registered victim of** the date the offender is expected to be released from custody on work release or furlough; whether the offender is expected to return to the community where the victim resides; an offender's escape from custody; the recommendation of the department for parole consideration of the offender; the date of release of the offender for parole or upon discharge of sentence; the transfer of custody of the offender to another state or federal jurisdiction; procedures for contacting the department to determine the offender's current institution of residence.
- **The Department of Human Services will notify a registered victim of** the date on which a juvenile offender is expected to be temporarily released; a recommendation for release or placement of the juvenile offender and the date of the release or placement of the juvenile offender; the date on which the juvenile offender is expected to be released from a facility for placement; whether the juvenile offender is expected to return to the community where the victim resides; and an escape of the juvenile offender from custody.
- **The Board of Parole will notify the registered victim of** a parole hearing not less than 20 days prior to the hearing; the victim's rights to submit an opinion or to be present at the hearing in person or by counsel to express an opinion; the decisions made at the parole hearing; and a board recommendation for reprieve, pardon, or commutation.



- **The Governor's Office will notify a registered victim of** the fact that the Governor is considering the offender's reprieve, pardon, or commutation, not less than 45 days before making a decision; and the victim's right to submit a written opinion.

## **Iowa Victim Notification Programs**

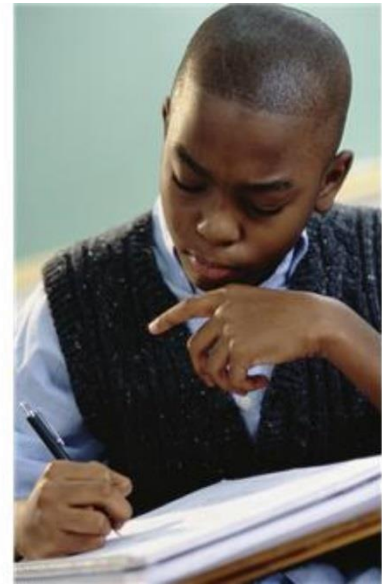
**IowaVINE:** The automated statewide victim notification and information program, named IowaVINE (**Victim Information and Notification Everyday**), began implementation in fall of 2006. IowaVINE provides victims of crime with near real-time notification and information 24 hours a day, seven days a week on the custody status of an offender so they may better plan for their safety and achieve peace of mind. IowaVINE notifies registered individuals via email, telephone, or text messaging when an offender is transferred to another jail or prison, is released from jail or prison, escapes from jail or prison, or dies in jail or prison. To register and receive information on the custody status of an offender, either call 1-888-7-IAVINE or visit [www.vinelink.com](http://www.vinelink.com).



## Victim Impact Statements

Iowa law allows a crime victim or a survivor to submit a victim impact statement to the court who is sentencing an offender. The statement may be written or oral, or both. The assistance of a victim advocate is often very helpful to a victim or survivor who is preparing an impact statement.

A written victim impact statement should be requested by the county attorney and/or the pre-sentence investigator for the judicial district. The statement is an opportunity for victims to state the effects of the crime on them and their family. It is not important to restate the facts of the crime, since they were presented in the trial. Past, present and anticipated future effects of the crime can be included in the statement. The emotional, physical, and financial effects of the crime should be included.



An oral victim impact statement may be given at the sentencing hearing. It sometimes is referred to as “victim allocution” and the statement can be made in the presence of the offender. If the victim is unable to make the statement because of age or mental, emotional, or physical difficulties, a designated representative can speak on behalf of the victim.

The statement is not considered testimony because it is offered at sentencing (after conviction). Oral victim impact statements are not open to cross examination by the defense attorneys.

It is suggested that oral victim impact statements should be three to five minutes and should focus on what the crime meant personally to the victim or survivors. It should be noted that the offender also has a right to be heard before sentencing.

The following pages show an example of a victim impact statement used in the state of Iowa.

sample

## VICTIM & SURVIVOR IMPACT STATEMENT

State of Iowa vs. \_\_\_\_\_  
Criminal Number: \_\_\_\_\_  
County: \_\_\_\_\_  
Prosecutor: \_\_\_\_\_  
Sentencing Date: \_\_\_\_\_  
Defendant Entered a Plea to: \_\_\_\_\_  
Found Guilty of: \_\_\_\_\_  
Victim in this case: \_\_\_\_\_

As a victim or a survivor of a crime you have a right to address the Court before the sentencing of the defendant through this Victim Impact Statement or an oral statement to the court. The Judge has information about the crime but not how it has affected you. To assist the Court in its effort to weigh all factors before sentencing, please review the questions listed below. This is your opportunity to state what impact this crime has made on you personally and your family. Please sign your name after your statement. Your statement will be given to the Judge to read and will become part of the confidential file. You may address the Court orally at the sentencing in the presence of the defendant if you wish or by your written statement. The impact statement will be read by the Judge, the prosecutor, the defense attorney, the defendant and the pre-sentence investigator. **(IOWA CODE CHAPTER 915.21)**

1. Please describe the nature of the crime \_\_\_\_\_  
\_\_\_\_\_

2. Have you been psychologically affected as a result of the crime? If yes, please describe the psychological impact the best you can.  
\_\_\_\_\_  
\_\_\_\_\_

3. Have you received any counseling or therapy as a result of the crime? If yes, please describe the length of time that you have been or will be undergoing counseling or therapy.  
\_\_\_\_\_  
\_\_\_\_\_

4. Has this crime affected your ability to earn a living? If yes, please describe your employment and specify how and to what extent your ability to earn a living has been affected, days lost from work, etc.  
\_\_\_\_\_  
\_\_\_\_\_

5. Has this crime changed your lifestyle or your family's lifestyle? Please explain.  
\_\_\_\_\_  
\_\_\_\_\_

6. Please describe what being a victim or survivor of a crime has meant to you and your family.

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7. Do you have any thoughts or suggestions on the sentence which the Court should impose on the Defendant in this case? Please explain and indicate whether you favor imprisonment.

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8. Were you physically injured as a result of this incident? If so, please describe the extent of your injuries.

---

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9. Did you require medical treatment for injuries suffered? If so, please describe the treatment received and the length of time the treatment was required.

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10. Have you had expenses that have **not been covered by insurance** as a result of this crime? For example, were there repair expenses, or mileage to court, or clothing replacement costs? Please list and explain.

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11. What are your feelings about the Criminal Justice System? Have your feelings changed as a result of this incident? Please explain.

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12. What changes do you feel could be made so victims and survivors of crime are less traumatized by the Criminal Justice Process?

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**THANK YOU** for taking the time to fill out this victim/survivor impact statement.  
Please sign your name and send or give this to your contact person.

\_\_\_\_\_  
Your Signature

# Criminal Appeals

An appeal is the process by which an offender challenges a criminal conviction. Anyone convicted of a crime more serious than a simple misdemeanor has a right to an appeal. Although an appeal is not automatic, many offenders, especially those who are sentenced to life in prison, appeal their conviction. The offender may claim that he or she was denied a fair trial because a legal error occurred before or during the trial that violated the Constitution or state law.

The appeal moves the case to the Iowa Supreme Court or the Iowa Court of Appeals at the State Capitol in Des Moines. An appeal is not a trial and new evidence is not allowed. The court analyzes the trial process to decide if the offender was convicted fairly and legally. The Attorney General's Office represents the State in a criminal appeal. The offender may be represented by the same attorney who represented them at trial, or by a new attorney, and attorney fees are paid by the state.

The entire appellate process takes an average of 12 to 24 months. The steps in a criminal appeal are:

- 1. Notice of Appeal:** Offender files a Notice of Appeal, with the district court clerk telling the court he or she is appealing the conviction. Notice must be filed within 30 days of judgment.
- 2. Filing of Briefs:** The offender's written brief tells the appellate court what the offender thinks was wrong with the conviction and why it should be reversed or overturned. The offender has 90 days to file a brief after filing a notice of appeal, and this is commonly extended by another 90 days.



In the State's brief, the prosecutor from the Attorney General's Office tells the court why the offender's conviction should not be overturned. After the offender's brief is filed, the State has 30 days to file its brief, and this is commonly extended by another 60 days. The offender then has 14 days to file a "reply" brief.

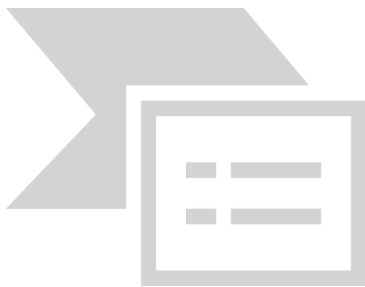
- 3. Oral Arguments:** In about one-fourth of appeal cases, the appellate court orders oral arguments on the appeal. Others are decided with no oral argument. Oral arguments are usually scheduled two to four months after all of the briefs have been filed. Oral arguments are presented by the attorneys on both sides and are usually 25 to 35 minutes long. Oral arguments are held in the Iowa Supreme Court in Des Moines and are open to the public, although an offender who is in prison cannot attend. If you wish to attend the oral argument, call the Attorney General's Office as soon as possible after you find out that an appeal is being filed so you can be informed of the date and time if an oral argument is scheduled (call 515-281-5976, business hours 8 am to 4:30 pm).



- 4. The Court's Decision:** Depending on the complexity of the issues, the appellate court's written decision may come quickly, within one to four months, or it may take longer. The decision either affirms or reverses the offender's conviction. If the Supreme Court decides the case, its decision becomes final 15 days after the decision is issued. If the Court of Appeals decides the case, its decision becomes final 21 days after the decision is issued, unless the losing party asks the Supreme Court to review the decision.
- 5. Further Review:** If an appeal is decided by the Court of Appeals, the losing party may ask the Iowa Supreme Court to reconsider the case. Few cases are accepted for "further review". If the Supreme Court does take a case, its decision usually is made within four to six months of the Court of Appeals decision.
- 6. "Procedendo":** The appellate court issues a paper called a "procedendo" when the decision is final. This paper means the appeal is finished. If the offender's conviction is affirmed or upheld, the appeal bond is revoked and the offender begins to serve the prison sentence. When "procedendo" has been filed, registered victims will be notified by mail by the Attorney General's Office of the outcome of the appeal. News media have access to decisions as soon as they are filed, so reporters sometimes contact victims before they receive the written notice.

## **Bail during an Appeal**

Some offenders are eligible to post an appeal bond or "bail" and remain out of prison during their appeal. Bail means an offender gives the court a certain amount of money to guarantee he or she will appear when the appeal is completed. Offenders convicted of the following crimes are **NOT** eligible for bail during the appeal: murder, any vehicular homicides that require a mandatory prison sentence, kidnapping, felonious child endangerment, felonious assault, robbery in the first degree, arson in the first degree, burglary in the first degree, any sexual abuse requiring a mandatory prison sentence, and drug felonies.



## **What is Made Public during an Appeal?**

All of the evidence made public at the trial remains public on appeal, including documents and transcripts of witnesses' testimony. Oral arguments are open to the public and news media. Written decisions by the appellate courts are always public. The following cannot be made public: names and specific identifying information about child sexual abuse victims; pre-sentence investigation reports; victim impact statements; and minutes of testimony attached to the trial information.

## Possible Further Appeals

When an offender loses an appeal, he or she may challenge the conviction in state or federal court. This would be similar to an individual filing a civil case. However, it is much more difficult for the offender to win after the first appeal has been lost. Possible additional appeals include:

- 1. Post-Conviction Relief:** The offender must convince the court that some error occurred which affected the outcome of the original trial (for example, claims that a defendant's trial attorneys were incompetent, a key witness was overlooked, or new evidence has been discovered). The claim must be something different than what was addressed in the original trial. There is no right to bail for a post-conviction applicant.

Unlike the original trial, the offender has the burden of proof, not the prosecution. This is a very difficult burden to meet and few offenders win this type of appeal. As with the original trial, the defendant and the State may present testimony and exhibits.

Offenders commonly bring post-conviction relief actions after an ordinary appeal. They must be filed within three years.

- 2. U.S. Federal Courts:** If the offenders claim that a constitutional right was violated before or during trial, they may ask that the case be reviewed by the United States federal courts: the United States District Court (in Iowa), the Eighth Circuit Court of Appeals, and the United States Supreme Court. Although many offenders ask the United States Supreme Court to review their cases, the Court rarely accepts such cases.



## Contact with the Defendant

There is no reason that you should be contacted by the defendant if he or she poses a threat to your safety. Speak to the prosecutor and ask for a **no-contact order**. This order can exist prior to trial, during trial, after conviction, and be extended even after the defendant has discharged his or her sentence. Usually, the no-contact order is a separate document from the other court papers. If there is a no-contact order and you do not have a copy, be sure to request one from the prosecutor.

Iowa Code section 910.5 (2005) states the no-contact order can cover the "victim of the offense, persons residing with the victim, members of a victim's immediate family, or witnesses to the offense." Usually, the defendant is restricted from your home, place of employment, school, or other likely place you may traditionally be found. The underlying foundation for the order is that the defendant is a threat to you or your family's safety.

If you have a no-contact order, you should always carry it on your person. If there is a violation, the police will want to see your copy. A violation usually results in a hearing, where the court makes a determination as to whether the defendant should be held in contempt. You may have to testify at that hearing. This may result in additional jail time for the defendant.

Be aware that if you want to extend the no-contact order past the time of the defendant's discharge from prison or probation or after the stated length of the no-contact order, you must make a request of the court for an extension 90 days before the order expires. You will have to file an affidavit asserting that the defendant continues to pose a threat to the safety of yourself or your family. If you desire an extension, make this known to the prosecutor for assistance in completing the affidavit.

If for whatever reason, a no-contact order does not exist as part of the sentencing of the defendant, you can still contact the parole board and request a no-contact order as a condition of release on parole. This will expire when the defendant's parole expires.

## Victim and Offender Intervention Sessions (VOIS)

Victim and Offender Intervention Sessions (VOIS) were first introduced in the Iowa prison system in October 1993. This program allows the victim to meet face to face with the inmate/perpetrator in a very controlled setting at the prison location of the inmate.

The sessions are done only with the voluntary participation of the victim and the offender. VOIS sessions include support from separate counselors for the victim and inmate and a qualified/trained facilitator. Many hours are spent prior to the VOIS session preparing both the victim and inmate. Preparation of the victim includes private therapy or counseling, listing of questions to be asked, and any results that the victim expects to gain. These questions and issues are then presented in the preparation of the inmate.

The VOIS session allows the victim the opportunity to ask many questions, most importantly and most often, "Why"? Victims also have the opportunity to tell inmates in their own words what effect and impact the crime has had on them and their families.

In simple terms, VOIS sessions give victims a needed and often unheard voice. The sessions can be a very important and critical step in the victim's grief and healing process; however, VOIS sessions are not suited for all victims or for all inmates. To read about one victim's experience with a VOIS, see pages 29-31.

To inquire about VOIS sessions, the victim can contact the Iowa Department of Corrections' Director of Victim Programs at 1-800-778-1182.

## A GLOSSARY OF LEGAL TERMS

**Acquittal** – A verdict of not guilty in a criminal case.

**Adjudication** – A decision regarding the offender in a case.

**Alford Plea** – Allows a defendant to plead guilty without admitting the elements of the defense. The defendant, in effect, pleads that he or she is not guilty but that if the case were to go to court, the evidence is likely to result in a conviction.

**Alternate Jurors** – Substitute jurors who are eligible to replace any juror who might be dismissed during the case for any reason. Alternate jurors listen to all testimony but are dismissed prior to verdict deliberations if not needed to replace a seated juror.

**Appeal** – The convicted offender or his/her attorney can make a request for a new hearing by a higher court. There are specific time limits and guidelines, set in law, on which the request must be based.

**Arraignment** – The defendant appears in court to answer the formal charges, trial information or grand jury indictment against him or her. It is during arraignment that a plea of guilty or not guilty is entered by the defendant.

**Arrest** – Law enforcement officers take a person into legal custody for the purpose of charging them with a crime.

**Autopsy** – A procedure that is performed when a person's cause of death is unknown or the death affects the public interest, such as a violent death, including all homicides. The law requires the county medical examiner to conduct a preliminary investigation of the cause and manner of death, prepare a written report of the findings and submit this report to the county attorney.

**Bail** – Money or property that the accused must post with the court prior to release from custody to assure their presence at future court proceedings.

**Bench Warrant** – A warrant issued by the court when a defendant fails to show up for a criminal proceeding.

**Beyond a Reasonable Doubt** – The amount of evidence needed for a jury or judge to find a person guilty of any crime. In Iowa, generally it is defined as amount of evidence needed to "firmly convince" the jury or judge of the person's guilt.

**Burden of Proof** – A phrase referring to which party in a legal case has the responsibility, or the "burden," of proving the case to the judge or jury. In criminal cases, the State always has the burden of proof "beyond a reasonable doubt" (see above). In civil cases, the party who brings the suit usually carries the "burden of proof," but by a "preponderance," or greater than 50% weight, of the evidence. The party that has no proof burden can win the case without doing anything at all if the other party's evidence fails to meet that party's "burden of proof."

**Charge** – A formal allegation that a certain person has committed a specific criminal offense.

**Circumstantial Evidence** – A fact or chain of facts that tend to indirectly prove some other important fact. It is distinguished from "direct evidence," which is testimony from person who claims to have personally

observed the fact sought to be proved. Examples: Fingerprint and DNA evidence are “circumstantial evidence” that the defendant was present at the scene of a crime. A witness testifying they saw the defendant commit the crime is “direct evidence.”

**Civil Suit (for wrongful death)** – A suit against the defendant(s) or third parties for causing the “wrongful death” of the victim, brought by the victim’s estate. This is a separate legal action from a criminal prosecution (brought by the State against a person for intentionally or recklessly causing the death). If you choose to bring a civil suit, you have two years from the time of the victim’s death to do so. A person must hire a private attorney to pursue a civil suit.

**Compensation** – Financial assistance provided by the Iowa Attorney General’s Crime Victim Assistance Division for the victim of a crime where the crime threatened or caused injury or death. The Crime Victim Compensation Program pays the victim’s out-of-pocket expenses incurred as a result of injury by crime. There are dollar limits set by law for specific expenses such as funeral and burial costs, medical and counseling costs, and lost wages. The program does not pay for property damage or loss. *Program costs are paid entirely by criminal fines and fees, and not by Iowa taxpayers.*

**Concurrent Sentence** – Prison sentences imposed for more than one crime committed by the same person that a court allows the person to serve at the same time. Example: A person serving two “concurrent” 5 year prison sentences will serve no more than 5 years in prison.

**Consecutive Sentence** – Prison sentences imposed for more than one crime committed by the same person that a court requires be served one after the other. This is sometimes referred to as “boxcar” or “back-to-back” sentences. Example: A person serving two “consecutive” 5 year prison sentences will serve no more than 10 years in prison.

**Continuance** – A delay or postponement of a court hearing or trial granted by the court at the request of one or more parties involved in the case.

**Conviction** – The final result of a criminal case which ends in a judgment and sentence that the accused is guilty of a crime. Such an accused is said to have been “convicted” of the crime.

**Crime Victim Compensation Program** – (see “compensation”)

**Cross Examination** – Questions asked of a witness at a court hearing or trial by the attorney for the party that did not call the witness to testify. The attorney who called the witness to testify first asks questions of that witness during the “Direct Examination.”

**Defendant** – A person who has been charged with a crime.

**Defense Attorney** – The attorney who represents the defendant to the court. The defense attorney is hired privately by the defendant or is appointed by the court if the defendant is found to be indigent (without adequate funds).

**Deferred Judgment** – A sentencing option in which the adjudication of guilt and the imposition of a sentence are deferred by the court.

**Deferred Sentence** – A sentencing option in which the court enters adjudication of guilt but does not impose a sentence as long as the defendant does not violate the law.

**Deposition** – Statements given by witnesses prior to trial in response to questions by defense attorney or prosecutors. Deposition statements are recorded by a court reporter. Defendants have the right to attend



depositions of witnesses, including the victim, in their case. Questions by the attorneys are not limited by the same rules as those that apply to courtroom testimony.

**Direct Examination** – Questions asked of a witness by the attorney that called the witness. The opposing attorney asks questions of that same witness during Cross Examination.

**Directed Verdict** – A request by defense counsel that the trial judge renders a verdict of not guilty without the case going to the jury. The defense attorney claims that even if all the evidence presented by the prosecution were true, it would still not be enough to get a conviction.

**Discovery** – The process during which the prosecuting attorney and defense attorney must share information related to the case.

**Evidence** – Testimony and objects admitted at trial by the defense attorney and prosecutor to prove whether or not the defendant is guilty.

**Expunge** – The sealing, purging, or destruction of criminal or juvenile record information.

**Felony** – A serious criminal offense that may be punishable by imprisonment in the state prison.

**Grand Jury** – A group of citizens convened to investigate an individual or corporation in its county. If the Grand Jury finds probable cause that a crime was committed, it will return a bill of indictment against the subject of the investigation. Then, the county attorney in that county may file formal criminal charges.

**Guilty Plea** – A formal response by a person accused of committing a specific crime in which the accused makes a factual basis to each element of the offense and states that he or she is guilty of the crime(s) charged.

**Homicide** – The killing of one human being by another human being.

**Homicide Victim Survivors** – Family members and individuals who have special ties of kinship with murdered victims, left behind after a murder.

**Hung Jury** – A jury whose members cannot unanimously agree whether the accused is guilty or not guilty. A hung jury results in a mistrial.

**Incompetent** – A court's ruling that a defendant is unable to assist in his or her own defense and / or is unable to understand the proceedings because of mental disability. This determination occurs during the pre-trial phase and may delay the proceedings until a time where the defendant obtains mental health interventions and is determined by the court to be competent. A competency determination is wholly separate and apart from any legal defenses of insanity or diminished capacity.

**Indigent** – An accused person who has been found by the court to be financially unable to pay for his or her own attorney. The court appoints defense attorneys for indigent defendants.

**Initial Appearance** – A hearing held in front of a magistrate judge within 24 hours of an arrest on a criminal charge where the Defendant is informed of the charges against him or her. The magistrate court will also determine whether there is probable cause for the charge, set a bond, and determine whether a lawyer may be appointed. If the charge is something other than a simple misdemeanor, the court will also set a preliminary hearing at this time. (A defendant can plead guilty to a simple misdemeanor charge at the initial appearance, but not to more serious offenses.)

**Jury** – A group of citizens from within the county where the charges are brought who determine the guilt of the accused based on the evidence presented at trial.

**Motion** – A verbal or written request made by the prosecutor or the defense attorney before, during, or after a trial asking the court to issue a ruling, order, or injunction.

**Murder** – the killing of one human being by another intentionally, with premeditation, knowingly, recklessly, or with criminal negligence.

**Notice** – A written order to appear in court at a certain time and place.

**Objection** – One attorney taking exception to something that the other attorney is trying to do or say while questioning a witness during a trial. Also, a written response to a written filing by the opposing party resisting the other party's position.

The judge's ruling to the objection will be one of the following:

**Over-Ruled** – The objection has no legal merit. The judge will instruct the witness to answer the question.

**Sustained** – The objection has legal merit. The judge will instruct the witness not to answer the question.

**Opening Statement** – A brief introductory speech that counsel gives to the jury in which he or she tells the jury what he or she intends to prove or disprove during the trial.

**Pardon** – A decision made by either the President of the United States or a State Governor, which releases or excuses someone from the legal consequences of a specific crime.

**Parole** – Placing the convicted person under the supervised control of a parole officer after the offender has served an initial period of incarceration.

**Perjury** – Deliberate false testimony under oath.

**Perpetrator** – See "Defendant."

**Plea** – A defendant's formal answer in court to charges being brought against him or her.

**Plea Bargaining** – The exchange of prosecutorial or judicial concessions in return for a plea of guilty. Concessions might include pleading to a lesser charge, dismissing other pending charges, the prosecutor recommending a reduced sentence, or a combination of such terms.

**Post-Trial Motions** – Statements heard prior to sentencing which provide defense counsel with an opportunity to reargue alleged mistakes at trial which resulted in a conviction.

**Preliminary Hearing** – The hearing at which the prosecution must present sufficient evidence to the court to show "probable cause" that the defendant committed the crime. This hearing usually is waived by the defendant at the initial appearance.

**Pre-Sentence Investigation** – an investigation undertaken by the Department of Corrections at the request of a criminal court, into the past behavior, family circumstances, and personality of an adult who has been convicted of a crime. The pre-sentence report assists the court in determining the most appropriate sentence.

**Probable Cause** – A finding of “probable cause” is a finding that a reasonable person would believe a crime was committed and that the defendant committed the crime.

**Probation** – Placement of a convicted person into the community under supervised control of the Department of Corrections without first having served any time in prison.

**Pro Se** – Acting as one’s own defense attorney or filing a court document without an attorney (“pro se” is Latin meaning “for self”).

**Prosecutor** – An attorney employed by a government agency whose official duty is to do justice on behalf of the citizens, including pursuing criminal actions against defendants. A prosecutor does not serve as a personal lawyer for a victim or witness, but will serve as an aid and contact through the criminal trial.

**Public Defender** – An attorney employed by a government agency whose official duty is to represent defendants unable to hire private counsel.

**Reasonable Doubt** – The burden of proof that the prosecutor must meet in a criminal case in order to find the defendant guilty. “Reasonable doubt” is one that fairly and naturally arises from the evidence or lack of evidence presented. It is not proof beyond all doubt. If a person is firmly convinced of the defendant’s guilt, then there is no reasonable doubt.

**Release on Bail** – The release of the offender prior to trial after money or a bond supported by collateral is paid to the Court. If the offender fails to return to court, the bond or bail money will be forfeited to the Court.

**Restitution** – Monetary judgment made through a court order or other agreement where the victim or survivor, or the community, is compensated for a loss resulting from the actions of the offender. Restitution can be ordered for a victim’s or survivor’s expenses related to the crime, including property losses. Payment of restitution is solely the responsibility of the offender in a case.

**Revocation Hearing** – An administrative and/or judicial hearing on the question of whether or not a person’s bail, probation, or parole status should be revoked and the offender returned to custody.

**Search Warrant** – A document issued by a judicial officer, upon a finding of probable cause which directs a law enforcement officer to conduct a search for specified property or persons at a specific location, to seize the property or person, if found, and to account for the results of the search to the issuing judicial officer.

**Sentence** – The punishment which is imposed on an individual who has been convicted of a criminal offense. A sentence may include, but is not limited to, time in jail or prison, probation, mental health treatment, fines and penalties, restitution, court and attorney costs, and community service.

**Sequestration** – Barring witnesses from the courtroom until after they provide their testimony. Sequestration is done so that the witnesses’ testimony is not influenced by other testimony. Juries also may be sequestered. In such a case, jurors are not allowed to have any contact with the public or with the media until the case is over.

**Stipulation** – When both attorneys agree on the validity of a piece of evidence.

**Subpoena** – A court order which requires a witness to appear in court. Failure to appear may result in a “bench warrant” being issued by the court for the person’s arrest.

**Suspect** – A person who is believed by criminal justice officials to be one who may have committed a specific crime, but who has not been arrested or formally charged.

**Venue** – The geographical area from which the jury is drawn and in which trial is held.

**Victim Advocate** – A person who offers emotional support and information to victims and their families, assists them through the justice system, and refers them to other resources. Advocacy includes speaking with, or on behalf of, the victim concerning the crime with other individuals or organizations.

**Victim Impact Statement** – A statement or document prepared by the victim, survivor, or friends of a victim that describes the effect the crime has had on their lives. Such information is considered by the judge prior to sentencing.

**Voir Dire** (vwar-deer) – The method of jury selection used for trial. Both attorneys have the right to ask potential jurors various questions to establish their suitability to act as jurors in that particular case.

**Warrant** – A court order authorizing a police officer to search a certain place or arrest a certain person.

**Witness** – A person who has directly seen an event, such as a crime, or piece of physical evidence, or a person who has knowledge that is related to a court case.

## Appendix A:

### Loved One's Reactions during the Holidays & Special Events

Friends and relatives sometimes fail to realize how significant they can be in helping people who are grieving to get through the holidays. More distant acquaintances will remove themselves in their own flurry of holiday activity. Many simply acknowledge that they don't want to face pain during a time that is traditionally joyful.



### Suggestions for Family and Friends of the Survivors of a Homicide Victim

- **Ask to help with specific tasks.** "Call me if you need me" is not a useful offer. Instead say, "I'd love to do some shopping for you when I do mine. May I?" or "I imagine putting up decorations will be hard this year, could I come help you or do it for you some morning?"
- **Be a good listener.** The holiday will draw out deep feelings for surviving families. Many will feel they must talk about their loved one. Hear their feelings and accept them. Learn to be comfortable with silence and don't feel you need to interrupt.
- **Learn from your loved one without instructing.** To say, "I know how you feel" when you don't or to explain how you think he or she feels is presumptuous. Asking is always better than telling.
- **Avoid Clichés.** Out of your desire to make things better, it is tempting to try to turn negatives into positives. However, phrases such as "It was God's will", "She had a good life", or "He is not in pain" are nearly always resented, even though your intention is well-meaning. A better response is, "This must be a painful time for you."
- **Practice love with no expectation of reciprocity.** Understand if your loved one doesn't have the physical or emotional energy to be outwardly grateful for your help.
- **Write a holiday letter.** Many things can be said on paper which are difficult to say in person. A letter can be measured, read again and again, and kept forever.
- **Invite your loved one to social outings.** Don't assume he or she "should" go or "wouldn't" go. Simply ask, and accept the response. It won't hurt to ask a second time a few days later if the first offer is declined, but the decision is still theirs.
- **Give a gift or make a donation in memory of the one who has been killed.** It will mean a great deal to the surviving family if the gift relates to the values and concerns of the deceased.
- **Mention the name frequently of the one who has been killed.** It is a mistake to think that this "stirs up pain." The pain is already there and the opportunity to talk about the one they miss so much will be cherished.
- **Find your own creative ways to say "I love you"** as you thoughtfully consider the needs and worries of your bereaved loved one during the holidays, and the rest of the year.



## Sources

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