

# Crime Victims' Rights

**A Guide Through Missouri's Criminal Justice System**



**A Missouri State Highway Patrol/  
MADD Collaboration**



# The Missouri State Highway Patrol Cares

The Missouri State Highway Patrol strives to provide “service and protection” to all individuals living or traveling through Missouri. Our employees are concerned about what you’ve experienced as a victim of a crime. The Missouri State Highway Patrol is committed to providing information about victim rights and the laws protecting them. This Crime Victims’ Rights booklet, a collaboration of the Missouri State Highway Patrol and Mothers Against Drunk Driving (MADD), is designed to do just that.

For additional assistance, contact our civilian victim advocate at 1-888-773-1800.

## Who Is MADD?

Founded by a mother whose daughter was killed by a drunk driver, Mothers Against Drunk Driving® (MADD) is the nation’s largest nonprofit working to protect families from drunk driving and underage drinking. One of the largest victim services organizations in the United States, MADD supports drunk and drugged driving victims and survivors at no charge. Learn more at [www.madd.org](http://www.madd.org) or by calling 1-877-ASK-MADD.

### **MADD’s Mission Statement:**

The mission of Mothers Against Drunk Driving is to stop drunk driving, support the victims of this violent crime, and prevent underage drinking.

### **MADD’s Victim Services:**

First there’s the crash, then the lifelong impact. If you are coping with the trauma of an impaired driving crash, we offer victim assistance, grief support for injured and surviving victims, and legal advocacy. Call **1-877-MADD-HELP** to speak with a victim advocate, day or night.

# Crime Victims' Rights (Section 595.200 RSMo.)

As a victim, you have the right to be treated with fairness and with respect for your dignity and privacy. Upon written request to the prosecutor of the county in which the crime occurred, you have a right to:

- Attend all proceedings that the defendant has the right to attend, even if you are called to testify.
- Support from victim advocates in exercising your rights as a victim of crime.
- Assistance and cooperation from criminal justice agencies.
- Information, case status, and copies of unaltered reports.
- Reasonable protection from the defendant.
- Information about available witness fees, Crime Victims' Compensation Fund, and restitution.
- Expedited return of property when it's no longer needed as evidence.

## **You have the right to be notified of:**

- Hearings, pleas, sentencing, and to be heard at same.
- Changes in court proceedings, filing of charges, hearing dates, and final case disposition in a timely manner.
- The release of offender from prison or other institution, upon request to the appropriate custodial facility.

## **You have the right to participate in prosecution:**

- By informing the court of the impact of the crime before sentencing through a Victim Impact Statement.
- By objecting to the plea agreement.
- By requesting a speedy trial.
- By having input in pretrial diversion programs.
- By bringing a supportive person to hearings.
- By giving written objections to the sentence.

## **You have the right to protection from harm.**

- Tampering with a witness is against Missouri law.
- Witnesses do not have to state their addresses in court.
- Victims have the right to a separate, secure waiting area during court.
- Employers may not discipline or dismiss victims or witnesses who are called to testify in court.

# Financial Assistance

If you have suffered a physical or psychological injury as a direct result of a crime, AND you have expenses not covered by insurance or medical assistance, you may be eligible for financial help through the Missouri Crime Victims' Compensation Fund.

## Victims may recover up to \$25,000 for:

- Medical costs including ambulance or other transportation, hospital, physician, dental work, and prescriptions.
- Mental health costs directly related to the crime including psychological counseling and transportation.
- Lost wages due to a disabling physical or psychological injury that resulted directly from the crime.
- Loss of support for dependents of a deceased victim to replace the victim's financial contribution to the family.
- Funeral expenses up to \$5,000.

## For more information, please contact:

*Crime Victims' Compensation*

P.O. Box 1589

Jefferson City, MO 65102-1589

(573) 526-6006

(800) 347-6881

(573) 526-4940 FAX

<https://dps.mo.gov/dir/programs/cvc/>

[cvc@dps.mo.gov](mailto:cvc@dps.mo.gov)

**Don't wait to call! There is a two-year time limit for filing a claim, and a three-year reimbursement period.**

# What Should You Do?

## **If you have been the victim of a drunk driving crash:**

- 1. Get a copy of the crime reports.** You will need to know the date and the scene of the crime. Call the investigating officer (at the city police department if the crime happened in the city, or the Highway Patrol or county sheriff's department if it occurred outside the city limits). Ask the officer for the crime report number. There may be more than one report – one prepared when the crime occurred, and additional, supplemental reports completed after further investigation. Ask for all reports by the report number, if known. If the report number is unknown, refer to the vehicle's driver by name. You may need to make separate requests for supplemental reports.
- 2. Call the investigating officer and report ALL errors in the crime reports immediately.** Look for:
  - BAC (Blood Alcohol Content) laboratory reports.
  - If no BAC was obtained, and the report shows suspicion of alcohol and/or drug use, inquire why the tests were not administered.
- 3. Ask to be kept informed about the case.** Find out if the prosecutor or investigating agency has a victim advocate. If so, the advocate will provide resources and support for you. When you contact the advocate, be sure to include all of the information needed to contact you. Also, secure your rights as a crime victim by sending written notification to the prosecutor of the county where the crime occurred. Sample letter is provided in this booklet.
- 4. Keep all records and record all expenses related to the case.**
  - Document everything you can in writing, take pictures, etc.
- 5. Request a MADD court advocate to accompany you to court.**

### **CALL**

1-800-736-6233

or

1-877-623-3435

*(24 Hour Help Line)*

## Deadlines important to victims of drunk driving crashes:

1. You have **two years** from the date of the crash to file a compensation claim with Crime Victims' Compensation.
2. In a civil **dram shop claim** (an illegal liquor sale to the offender), you have **five years** from the date of the illegal sale to file the claim.
3. In a civil suit claiming **negligence**, you have **five years** from the date of the crash to file the claim.

## Sample Letter To Secure Your Rights

The law states that your rights as a crime victim shall be extended to you upon your written request to the prosecutor of the county in which the incident occurred. **Below is a sample of a letter which you may use to send to the prosecutor.**

Date \_\_\_\_\_

Prosecutor's Name  
Address  
City, State and Zip

Re: State of Missouri vs. \_\_\_\_\_ (*Defendant*)  
Case Number: \_\_\_\_\_ (*If known*)

Dear \_\_\_\_\_:

Regarding the above-mentioned individual, I request to be informed of any and all developments in this person's criminal case in a timely manner. I am particularly interested in filing of charges, preliminary hearing dates, trial dates, continuances, and final disposition of case.

I wish to take an active part in the prosecution of this individual. I intend to submit a Victim Impact Statement and take an active role in making sure the sentence is carried out to the fullest.

Sincerely,

Your Signature

Your Name  
Address  
City, State, and Zip  
Home Phone Number  
Work Phone Number

# Missouri DWI Laws

## Statute Of Limitations For Filing Of Charges (Section 556-036 RSMoJ)

Infraction — 6 months  
Misdemeanor — 1 year  
Felony — 3 years

## DWI/Driving While Intoxicated (Sections 577.010 RSMoJ)

1st Offense — Class B Misdemeanor  
2nd Offense — Class A Misdemeanor (Prior Offender)  
3rd Offense — Class E Felony (Persistent Offender)  
4th Offense — Class D Felony (Aggravated Offender)  
5th Offense — Class C Felony (Chronic Offender)

## 2nd Degree Assault/Vehicular Assault or Involuntary Manslaughter

(See Section 577.010 RSMo.)

## Leaving The Scene Of A Motor Vehicle Injury Crash (Section 577.060 RSMoJ)

Class D Felony or Class E Felony

## Maximum Criminal Punishment (Section 558.011 RSMoJ)

Class A Misdemeanor — up to 1 year in jail and/or \$2,000 fine  
Class B Misdemeanor — up to 6 months in jail and/or \$1,000 fine  
Class C Misdemeanor — up to 15 days in jail and/or \$750 fine  
Class A Felony — Not less than 10 years and not to exceed 30 years in prison, or life in prison.  
Class B Felony — Not less than 5 years and not to exceed 15 years in prison.  
Class C Felony — 3 to 10 years in jail and/or \$10,000 fine  
Class D Felony — up to 7 years in jail and/or \$10,000 fine  
Class E Felony — up to 4 years in jail and/or \$10,000 fine

## BAC Chemical Test Refusal

License revoked for 365 days.



# Criminal Prosecution Process

## Misdemeanor Charge:

**Arraignment** – The defendant is formally notified of the charges filed, advised of his or her rights, and bail is set. If the defendant cannot afford an attorney, a public defender is appointed by the court to represent the defendant. The defendant also enters a plea at the time of arraignment. If the defendant pleads guilty, he or she will proceed to sentencing.

**Pretrial Hearing** – At the pretrial hearing the case is formally set for trial on a specific date. Often a plea agreement is offered and discussed at this time. The defendant may plead guilty and proceed to sentencing.

**Trial** – At the trial, both the prosecutor and defense attorney are put to the test of presenting their case before a judge or a jury. The judge or jury will then review the evidence they have heard and make a decision of guilty or not guilty. The prosecutor must prove the defendant guilty beyond a reasonable doubt.

**Sentencing** – If the defendant pleads guilty or is found guilty following a trial, a judge will impose a sentence at the sentencing hearing. Unlike sentencing for gross misdemeanor/felony charges, a sentencing assessment report is not ordered automatically. However, one may be requested in certain instances.

The victim(s) may attend sentencing and request to relate to the judge how the crime has affected them and what sentence they feel would be appropriate. This is known as a Victim Impact Statement. The victim may also request that the court order the defendant to pay restitution for any monetary loss caused by the defendant's crime.

## Gross Misdemeanor/Felony Charge:

**First Appearance/Arraignment** – The defendant is formally notified of the charges filed, advised of his or her rights, and bail is set. If the defendant cannot afford an attorney, a public defender is appointed by the court to represent the defendant.

**Pretrial Hearing** – At the pretrial hearing, the case is formally set for trial on a specific date. Often a plea agreement is offered and discussed at this time. The defendant may plead guilty and proceed to sentencing.

**Trial** – At the trial both the prosecutor and the defense attorney are put to the test of presenting their case before a judge or a jury. The judge or jury will then review the evidence they have heard and make a decision of guilty or not guilty. The prosecutor must prove the defendant guilty beyond a reasonable doubt.

**Sentencing** – If the defendant pleads guilty or is found guilty following a trial, the judge will order a sentencing assessment report (SAR). The SAR will include the defendant’s criminal history and personal background. The individual conducting the SAR (usually a probation officer) will contact the victim(s) of the crime to determine how they have been impacted by the defendant’s actions. The SAR enables the judge to learn more about the defendant so he or she is better able to impose the proper sentence.

After the SAR has been completed, the defendant goes before the judge for sentencing. The victim(s) may attend the sentencing and will be given the opportunity to express how the crime has affected them, and what sentence they feel would be appropriate. This is known as a Victim Impact Statement. The victim may also request that the court order the defendant to pay restitution for any monetary loss caused by the defendant’s crime. If the victim chooses not to attend the sentencing, his or her input may be sent to the judge in the form of a letter which should be submitted to the prosecutor’s office.

The judge can only impose a sentence that falls within the boundaries of state law or the Missouri sentencing guidelines. Keeping those boundaries in mind and weighing all the facts of the case, the judge then sentences the defendant.



## Victim Impact Statement

In Missouri, every crime victim is entitled to inform the officials in the criminal justice system about how the crime has impacted his or her life. The Victim Impact Statement allows the victim to talk about the pain, anguish, and financial devastation the crime has caused.

A Victim Impact Statement should be given to the prosecuting attorney for early placement in the court record should the defendant plead guilty and be sentenced immediately. If the case goes to trial, the statement may be updated with new information.

Judges remain bias-free until a verdict is reached. Therefore, under no circumstances should a judge be written, telephoned, or visited **before** or **during** the trial. **Failure to obey this rule may be grounds for mistrial or dismissal of the case.** However, after the case has been adjudicated, and prior to sentencing, Victim Impact Statements and other letters from friends, community members, relatives, etc., may be made available to the judge to assist in making a just decision about the case. **All of these materials, however, are to be sent to the prosecuting attorney** so he or she may determine the most appropriate way to forward the comments to the judge.

The Division of Probation and Parole will make a recommendation to the court regarding the sentencing of the defendant if he or she has been found guilty. Therefore, it is absolutely vital this person knows the victim's feelings about the case and his or her wishes regarding sentencing. An official from the Board of Probation and Parole Office will contact the victim(s) of the crime and find out how they have been impacted by the defendant's actions.

When you give your Victim Impact Statement, you may choose to be brief – or you may decide to talk at length. You may have other family members join you in the Victim Impact Statement. You may choose to give your statement orally in court, or you may have the prosecuting attorney or your victim advocate present it for you.

The Victim Impact Statement is the only time you will have to address the one person – **the judge** – who can decide the fate of the defendant.

### **Elements Of A Good Victim Impact Statement:**

- Three to five minutes oral reading time.
- No repetition of “evidence” already presented.
- Highlights of who the victim was, his or her dreams and accomplishments.
- The impact of the event on surviving loved ones.

# Resource Directory

## Victim Assistance Programs & Resources

### **MADD, National Office**

Dallas, Texas..... (214) 744-6233  
(877) MADD-HELP  
(877) 623-3435

### **MADD, Missouri State Office**

St. Louis..... (314) 426-1595  
(800) 736-6233

### **MADD, Central Missouri**

Victim Assistance, Jefferson City..... (573) 636-2460

### **MADD, Heartland**

Kansas City..... (816) 318-4515

### **MADD, Ozark Mountain**

Springfield..... (417) 831-3868

**Annie's Hope** (Grief Support for Children)..... (314) 965-5015

### **Crime Victim Advocacy Center**

St. Louis..... (314) 652-3623

### **Crime Victims' Compensation Fund**

Jefferson City..... (573) 526-6006  
(800) 347-6881

### **Department of Corrections, Office Of Victim Services**

Jefferson City..... (573) 526-6516

### **Department of Public Safety, Crime Victim Services Unit**

Jefferson City..... (866) 334-6682

### **Department of Revenue (Driver License Records)**

Jefferson City..... (573) 751-4475

### **Missouri Attorney General, Crime Victim Advocate**

Jefferson City..... (573) 751-0309

### **Missouri State Highway Patrol, Filling a V.O.I.D. (Victims Of Impaired Drivers)**

Jefferson City..... (573) 526-6372  
(888) 773-1800

**Missouri State Highway Patrol Troop Headquarters**

- General Headquarters, Jefferson City ..... (573) 751-3313
- Troop A Lee’s Summit..... (816) 622-0800
- Troop B Macon ..... (660) 385-2132
- Troop C Weldon Spring..... (636) 300-2800
- Troop D Springfield..... (417) 895-6868
- Troop E Poplar Bluff..... (573) 840-9500
- Troop F Jefferson City..... (573) 751-1000
- Troop G Willow Springs..... (417) 469-3121
- Troop H St. Joseph..... (816) 387-2345
- Troop I Rolla..... (573) 368-2345

**Missouri Victim Assistance Network (MOVA)**.....www.movanet.org

**SIDRAN Institute**(Trauma Resource Specialists) ..... (410) 825-8888

**The Compassionate Friends** (Grief Support for Adults) .. (877) 969-0010

**The Dougy Center (Grief Support For Children)**..... (866) 775-5683  
(503) 775-5683

**The Victim Center**

- Springfield..... (417) 863-7273  
(800) 743-5265
- 24-hr Hotline (417) 864-7233

**Victim Support Services Inc.**

Kirksville.....Crisis Hotline (660) 665-1617

**Missouri Prosecuting Attorney Offices**

<b>Prosecutor’s Office</b>	<b>City</b>	<b>Phone</b>
Adair County.....	Kirksville .....	(660) 627-3625
Andrew County .....	Savannah .....	(816) 324-3535
Atchison County.....	Rock Port .....	(660) 744-5440
Audrain County .....	Mexico.....	(573) 473-5860
Barry County.....	Cassville .....	(417) 847-3133
Barton County .....	Lamar .....	(417) 682-6061
Bates County .....	Butler.....	(660) 679-4030
Benton County.....	Warsaw .....	(660) 438-5022
Bollinger County.....	Marble Hill.....	(573) 238-3223
Boone County.....	Columbia.....	(573) 886-4100
Buchanan County.....	St. Joseph .....	(816) 271-1480
Butler County .....	Poplar Bluff.....	(573) 686-8060
Caldwell County .....	Kingston.....	(816) 586-2511
Callaway County.....	Fulton .....	(573) 642-0714
Camden County.....	Camdenton.....	(573) 317-3910
Cape Girardeau County.....	Jackson.....	(573) 243-2430
Carroll County.....	Carrollton.....	(660) 542-0323

Carter County .....	Van Buren .....	(573) 323-8480
Cass County.....	Harrisonville.....	(816) 380-8250
Cedar County .....	Stockton .....	(417) 276-6700
Chariton County.....	Keytesville.....	(660) 288-3275
Christian County.....	Ozark.....	(417) 581-7915
Clark County.....	Kahoka .....	(660) 727-2616
Clay County .....	Liberty .....	(816) 736-8300
Clinton County .....	Plattsburg.....	(816) 539-3711
Cole County .....	Jefferson City.....	(573) 634-9180
Cooper County .....	Boonville .....	(660) 882-7577
Crawford County.....	Steelville.....	(573) 775-5010
Dade County.....	Greenfield .....	(417) 637-2121
Dallas County .....	Buffalo.....	(417) 345-5644
Daviess County.....	Gallatin .....	(660) 663-4129
DeKalb County.....	Maysville .....	(816) 449-2279
Dent County.....	Salem .....	(573) 729-3406
Douglas County.....	Ava .....	(417) 683-2919
Dunklin County .....	Kennett.....	(573) 888-6676
Franklin County .....	Union .....	(636) 583-6370
Gasconade County .....	Hermann .....	(573) 486-2173
Gentry County .....	Albany.....	(660) 726-3844
Greene County .....	Springfield.....	(417) 868-4061
Grundy County.....	Trenton .....	(660) 359-4888
Harrison County .....	Bethany .....	(660) 425-6423
Henry County.....	Clinton.....	(660) 885-7221
Hickory County.....	Hermitage .....	(417) 745-6413
Holt County.....	Oregon .....	(660) 446-3326
Howard County .....	Fayette.....	(660) 248-3005
Howell County.....	West Plains.....	(417) 256-2317
Iron County.....	Ironton.....	(573) 546-2333
Jackson County .....	Kansas City .....	(816) 881-3555
Jasper County .....	Joplin .....	(417) 625-4314
Jefferson County .....	Hillsboro .....	(636) 797-5321
Johnson County.....	Warrensburg .....	(660) 422-7400
Kansas City .....	Kansas City .....	(816) 513-6750
Knox County .....	Edina.....	(660) 397-2644
Laclede County.....	Lebanon.....	(417) 532-3149
Lafayette County .....	Lexington .....	(660) 259-6181
Lawrence County .....	Mt. Vernon.....	(417) 466-2846
Lewis County .....	Monticello .....	(573) 767-5478
Lincoln County .....	Troy .....	(636) 528-8571
Linn County .....	Linneus.....	(660) 895-5589
Livingston County.....	Chillicothe.....	(660) 646-8000
Macon County .....	Macon.....	(660) 385-2175
Madison County .....	Fredericktown .....	(573) 783-2157
Maries County.....	Vienna .....	(573) 422-3396

Marion County .....	Hannibal.....	(573)	221-0146
McDonald County.....	Pineville.....	(417)	223-4142
Mercer County .....	Princeton.....	(660)	748-3332
Miller County .....	Tuscumbia .....	(573)	369-1940
Mississippi County.....	Charleston.....	(573)	683-2146
Moniteau County.....	California.....	(573)	796-3220
Monroe County .....	Paris.....	(660)	327-4484
Montgomery County .....	Montgomery City.....	(573)	564-2252
Morgan County .....	Versailles.....	(573)	378-4694
New Madrid County .....	New Madrid.....	(573)	748-5144
Newton County.....	Neosho .....	(417)	451-8244
Nodaway County .....	Maryville.....	(660)	582-8285
Oregon County.....	Alton .....	(417)	778-7616
Osage County .....	Linn.....	(573)	897-3101
Ozark County .....	Gainesville.....	(417)	679-4649
Pemiscot County .....	Caruthersville.....	(573)	333-2738
Perry County.....	Perryville .....	(573)	547-1023
Pettis County .....	Sedalia .....	(660)	826-5000
Phelps County .....	Rolla.....	(573)	458-6170
Pike County .....	Bowling Green.....	(573)	324-2201
Platte County .....	Platte City.....	(816)	858-3476
Polk County .....	Bolivar .....	(417)	326-5756
Pulaski County .....	Waynesville .....	(573)	774-4770
Putnam County.....	Unionville .....	(660)	947-7301
Ralls County.....	New London .....	(573)	985-5681
Randolph County.....	Moberly.....	(660)	263-6390
Ray County.....	Richmond.....	(816)	776-2882
Reynolds County .....	Centerville .....	(573)	648-2494
Ripley County .....	Doniphan.....	(573)	996-2138
St. Charles County .....	St. Charles.....	(636)	949-7355
St. Clair County .....	Osceola.....	(417)	646-2512
St. Francois County.....	Farmington .....	(573)	756-1955
St. Louis City.....	St. Louis.....	(314)	622-4941
St. Louis County .....	Clayton .....	(314)	615-2610
Ste. Genevieve County.....	Ste. Genevieve .....	(573)	883-2791
Saline County.....	Marshall .....	(660)	886-9608
Schuyler County.....	Lancaster.....	(660)	457-2262
Scotland County .....	Memphis .....	(660)	465-7753
Scott County .....	Benton .....	(573)	545-3562
Shannon County.....	Eminence .....	(573)	226-3714
Shelby County .....	Shelbyville.....	(573)	633-2131
Stoddard County .....	Bloomfield.....	(573)	568-4640
Stone County .....	Galena.....	(417)	357-6137
Sullivan County .....	Milan.....	(660)	265-4712
Taney County .....	Forsyth.....	(417)	546-7260
Texas County.....	Houston.....	(417)	967-2029

Vernon County .....	Nevada.....	(417) 667-4862
Warren County .....	Warrenton .....	(636) 456-7024
Washington County .....	Potosi.....	(573) 438-3181
Wayne County .....	Greenville.....	(573) 224-5600
Webster County .....	Marshfield.....	(417) 859-0214
Worth County .....	Grant City.....	(660) 564-3535
Wright County .....	Hartville .....	(417) 741-6166



# Understanding Grief

Nothing in life is more painful than the violent and senseless death of a loved one. People have grieved for as long as there has been life, but grief is still not fully understood.

Researchers have been able to identify predictable stages of grief, but there is no universal law describing how one should or should not react to death. Each person grieves differently, yet not so differently that he or she cannot find fellowship with others who are suffering.

Understanding more about the uniqueness of your grief will not change how you feel about your loved one. You may feel more angry than you have ever felt and sadder than you thought possible. You may have frightening thoughts. You may do strange things. You may be afraid that you are “going crazy”.

## **How you grieve depends on a number of things:**

- The way you learned to cope with stress in your life before this tragedy;
- The quality of the relationship you had with the person who was killed;
- The circumstances under which your loved one was killed;
- Your religious beliefs and ethnic customs; and
- The emotional support you have from your family and friends while grieving.

Seek the support and understanding of others who have gone through the same kind of trauma. You and your family can benefit from the assistance of others. Call your MADD chapter or seek counselors who understand the grief that follows your kind of loss and trauma. You do not have to handle this alone. Grief support and assistance is available throughout Missouri. Please call (573) 636-2460 or 1-800-736-6233 for more information.

## **Children's Grief**

How do children experience the death of someone they love? Do they experience the sadness that adults feel? What can children understand about death? These are common questions caretakers ask when

helping children face the death of a loved one. Children go through many different levels of understanding death as they grow older.

In times of grief, children need additional love, support and structure in their lives. This is often when the family is least able to help.

Death is difficult for adults to understand and explain, and the misconception that children are not really affected by grief has kept us from giving our children the help they need. Children who do not receive help with grieving learn to repress and deny their feelings.

Even if children repress their feelings, their grief eventually surfaces. They get wiggly. Their grades slip. They pick at their food. They retreat to their rooms. They cry hysterically when someone accidentally bumps into them. Sometimes it is hard to recognize when children are grieving. Until fairly recently, the grieving process of children was not well understood.

Children do not necessarily “get over it” on their own. Neither do they always need lengthy psychiatric care. Grieving children have participated in grief support groups to help get in touch with their sadness, pain, and loneliness. It is helpful to meet others who are in similar situations. In support groups, children feel free to talk about their feelings and experiences.

In adulthood, children with unresolved grief often succumb to chemical dependency, have trouble with relationships and develop emotional disorders. Early intervention is the key to successful grief resolution. Children who are supported and encouraged soon become healthy and happy again.

## **Men's Grief**

Men tell us that they suffer with lonely, suppressed grief. Men endure not only the psychological impact of losing a loved one, but the fear of losing their masculinity by openly expressing emotions.

We are taught to expect a man to be strong in a time of crisis, but the death of a loved one does not compare with other stressful emotions.

A man is entitled to express sorrow. It's a natural response for men to experience the same feelings of grief at the death of a loved one that women do. Anger, guilt, moroseness, anxiety, and frustration are all very real to men. Men tell us they try to hide these feelings lest they be considered weak.

Men are reluctant to seek counseling and admit they need help in dealing with their feelings. Society conditions men to always be in control, self-reliant, competitive, and dominant, which is greatly unjust.

Understanding the masculine stereotype is the first step in working through grief.

# Glossary

**Acquittal:** A legal judgment, based on the decision of either a jury or a judge, that an accused is not guilty of the crime for which he or she has been charged and tried.

**Adjudication:** The judicial decision that ends a criminal proceeding by a judgment or acquittal, conviction, or dismissal of the case.

**Administrative Suspension:** Suspended license for BAC of .08 for at least 30 days before limited driving privileges are granted.

**Aggravated Offender:** A person who has been found guilty of (a) Three or more intoxication-related traffic offenses committed on separate occasions; or (b) Two or more intoxication-related traffic offenses committed on separate occasions where at least one of the intoxication-related traffic offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed.

**BAC:** Blood Alcohol Content

**Bail:** Money or property promised or given to the court as security when a defendant is released before and during his or her trial with the agreement that he or she will return to court when ordered to do so. Bail is forfeited if the defendant fails to return to court.

**Beyond A Reasonable Doubt:** The degree of proof needed for a jury or judge to convict an accused person of a crime.

**Charge:** A formal accusation filed by the prosecutor's office that a specific person has committed a specific crime; also referred to as "pressing charges".

**Chronic Offender:** A person who has been found guilty of (a) Four or more intoxication-related traffic offenses committed on separate occasions; or (b) Three or more intoxication-related traffic offenses committed on separate occasions where at least one of the intoxication-related traffic offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle

while intoxicated and another person was injured or killed; or (c) Two or more intoxication-related traffic offenses committed on separate occasions where both intoxication-related traffic offenses were offenses committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed.

**Continuance:** A delay or postponement of a court hearing. The case is said to be “continued” when it has been delayed or postponed.

**Conviction:** A judgment of the court, based on the decision of a jury or judge, that the defendant is guilty of the crime for which he or she has been tried.

**Criminal Negligence:** A person “acts with criminal negligence” or is criminally negligent when he or she fails to be aware of a substantial and unjustifiable risk that circumstances exist or a result will follow, and such failure constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation.

**Defendant:** A person who has been formally charged with committing a crime.

**Defense Attorney:** The lawyer who represents the defendant in a legal proceeding.

**Dismissal:** A decision by a judicial officer to end a case for legal or other reasons.

**Disposition:** The final judicial decision which ends a criminal proceeding by judgment of acquittal or dismissal or which sets the sentence if the defendant is convicted.

**Felony:** A serious crime for which the punishment is imprisonment, usually for one or more years.

**Habitual Offender:** A person who has been found guilty of (a) Five or more intoxication-related traffic offenses committed on separate occasions; or (b) Four or more intoxication-related traffic offenses committed on separate occasions where at least one of the intoxication-related traffic offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a

vehicle while intoxicated and another person was injured or killed; or (c) Three or more intoxication-related traffic offenses committed on separate occasions where at least two of the intoxication-related traffic offenses were offenses committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed; or (d) While driving while intoxicated, the defendant acted with criminal negligence to: (a) Cause the death of any person not a passenger in the vehicle operated by the defendant, including the death of an individual that results from the defendant's vehicle leaving a highway, as defined by section 301.010, or the highway's right-of-way; or (b) Cause the death of two or more persons; or (c) Cause the death of any person while he or she has a blood alcohol content of at least eighteen-hundredths of one percent by weight of alcohol in such person's blood.

**Hearing:** A legal proceeding in which arguments, witnesses, and/or evidence are heard by a judicial officer or an administrative body.

**Implied Consent:** If one is granted the privilege of possessing a driver's license, one has automatically given "implied consent" to submit to a chemical test or tests of the person's breath, blood, saliva, or urine for the purpose of determining the alcohol or drug content of the person's blood (Section 577.020 RSMo.).

**Ignition Interlock Device:** This is a device installed on a motor vehicle's dashboard. Before the vehicle's motor can be started, the driver must exhale into the device, which acts as a breathalyzer. A programmed amount of breath-alcohol concentration prevents the engine from starting.

**Intoxication-Related Traffic Offense:** Driving while intoxicated, driving with excessive blood alcohol content, involuntary manslaughter, murder in the second degree where the underlying felony is an intoxication-related traffic offense, assault in the second degree, assault of a law enforcement officer in the second degree, or driving under the influence of alcohol or drugs in violation of state law or a county or municipal ordinance.

**Limited Driving Privilege:** The court or director of the Missouri Department of Revenue may grant limited driving privileges to someone if the court or director finds undue hardship would result to the individual because of the suspension/revocation. Usually, the limited driving privilege allows a person with a suspended/revoked license to drive for purposes of employment, school, alcohol treatment pro-

gram, or pursuant to an ignition interlock device.

**Misdemeanor:** A crime that is less serious than a felony and for which the punishment is usually imprisonment for one year or less, usually in a jail or other local facility.

**Persistent Offender:** A person who has been found guilty of (a) Two or more intoxication-related traffic offenses committed on separate occasions; or (b) One intoxication-related traffic offense committed in violation of any state law, county or municipal ordinance, federal offense, or military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed.

**Personal Recognizance:** The promise of an accused person to the court that he or she will return to the court when ordered to do so. The promise is given in exchange for release before and during his or her trial.

**Plea:** A defendant's formal answer of "guilty" or "not guilty" in court to the charge that he or she committed a crime.

**Plea Agreement/Plea Negotiation:** An agreement between the state and defendant wherein the defendant agrees to plead guilty under certain terms and conditions. Since both the state and the defendant risk losing everything should the case go to trial, plea agreements are a means to arrive at a reasonable disposition without the necessity of a trial. The victim has the right to be made aware of the plea agreement and to comment on the offer. All plea agreements are subject to the judge's approval.

**Sentencing Assessment Report (SAR):** Usually conducted by a probation officer after a plea or verdict of guilty. It is done before sentencing to enable the judge to learn more about the defendant so that he or she is better able to impose a proper sentence. It includes information about the defendant's criminal history and personal background. The individual conducting the SAR will contact the victim(s) of the crime to determine how they have been impacted by the defendant's actions. Also, may be referred to as a pre-sentence investigation.

**Prior Offender:** A person who has been found guilty of one intoxication-related traffic offense, where such prior offense occurred within five years of the occurrence of the intoxication-related traffic offense for which the person is charged.

**Probable Cause:** The degree of proof needed to arrest and begin prosecution against a person suspected of committing a crime. The evidence must be such that a reasonable person would believe that the specific crime was committed and that it is probable the person being accused committed it.

**Probation:** Conditional freedom granted to an offender by the court after a conviction or a guilty plea. Requirements for the offender's behavior are set and the offender maybe supervised by the court or other agency.

**Prosecutor:** An attorney for the community employed by a government agency to represent the interests of the general public, including crime victims, in court proceedings against people accused of committing crimes. The prosecutor represents the state, not the victim.

**Public Defender:** An attorney employed by a government agency to represent defendants who are unable to hire private counsel.

**Recklessness:** A person "acts recklessly" or is reckless when he or she consciously disregards a substantial and unjustifiable risk that circumstances exist or that a result will follow, and such disregard constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation.

**Restitution:** Payment made by a defendant to victims as reimbursement for monetary losses incurred as a result of a crime. Restitution is ordered by the court as part of sentencing.

**Subpoena:** A court order requiring a person to appear in court and give testimony.

**Victim Impact Statement:** A statement given by the victim(s) which details how the crime has affected them, and what sentence they feel would be appropriate.

# Crime Victim Hotline

## 1-888-773-1800

### **Missouri State Highway Patrol**

*Filling a V.O.I.D. (Victims Of Impaired Drivers)*  
Jefferson City (573) 526-6372

### **MADD Missouri State**

*Victim Assistance*  
St. Louis (800) 736-6233  
24-hr National Help Line (877) 623-3435



This publication was produced by the  
**Public Information and Education Division**

*Published by:*

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