



“The criminal justice system has long functioned on the assumption that crime victims should behave like good Victorian children--seen, but not heard. The Crime Victims’ Rights Act sought to change this by making victims independent participants in the criminal justice process.”

Kenna v. U.S. District Court
435 F.3rd 1011,1013
(9th Circuit, 2006)

“I think that it’s clear that in New Mexico the legislators and the citizens of New Mexico decided to give victims more rights...and we, the attorneys and the Court...can recognize and accomodate and accord the victim her constitutional rights without sacrificing anyone else’s rights.

Judge Ross Sanchez
September 4, 2007
Hearing in CR-06-3827

NM VICTIMS’ RIGHTS PROJECT

The New Mexico Victims’ Rights Legal Assistance Project (Victims’ Rights Project) is dedicated to providing education and enforcement of crime victims’ constitutional rights. The Project provides pro bono (free) legal assistance to all victims of violent crime in the State of New Mexico. The Project works with many other victim assistance organizations throughout the state to facilitate the protection and enforcement of victims rights in the criminal justice system.

A study by the National Institute of Justice found that “large numbers of victims are being denied their rights.” Even in states that offer “strong protection” for victims’ rights, fewer than 60% of victims were notified when defendants were sentenced and fewer than 40% were notified of a defendant’s pre-trial release. A follow-up analysis of the same data found racial minorities are the least likely to be afforded rights as victims.

The goal of the Victims’ Rights Project is to represent crime victims and assist them in asserting their Constitutional and statutory rights. The Project also raises awareness of victims’ rights by providing educational materials to crime victims, communities, and criminal justice agencies.

**Representing Victims,
 Litigating Thier Rights**



VICTIMS’ RIGHTS

**More Than An Idea,
 It’s the Law.**



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Crime Victims Have Constitutional Rights

If you have been the victim of a violent crime, you have the right to:

- Be treated with fairness and respect for your dignity and privacy throughout the criminal justice process;
- Timely disposition of the case;
- Be reasonably protected from the accused throughout the process;
- Notification of court proceedings;
- Attend all court proceedings the accused has the right to attend;
- Confer with the prosecution;
- Make a statement to the court at sentencing and at any post-sentencing hearings;
- Restitution;
- Information about the sentencing, imprisonment, escape or release of the accused;
- Request that the prosecuting attorney notify your employer of the necessity of your cooperation and testimony in a court proceeding that may require absence from work;
- Prompt return of property held for evidentiary purposes unless there are compelling reasons for retention of the property;
- To be informed at sentencing that the offender is eligible to earn meritorious deductions from the sentence and the amount of deductions the offender may earn.

We're Here To Help.



Project Goals

- Increase victims' awareness of their rights by distributing education materials for victims, the community at large, and the agencies entrusted to provide victims their rights.
- Encourage law enforcement agencies, prosecutors, judges and corrections departments to establish agency policies for the enforcement of victims' rights.
- Request that judges advise victims of their rights as routinely as they advise defendants of their rights.
- Provide an information and tracking system on victims' rights violations.
- Provide a pro bono legal advocate team to assist victims in understanding and asserting their rights.
- Publish the latest information on victims' rights issues through bulletins and the Internet.
- Collaborate and coordinate with crime victims and victims advocacy organizations throughout the state to help strengthen our victims' rights laws and to refer victims to pro bono legal help in asserting their rights.

The Victims of Crime Act

If you or a member of your family have been a victim of:

Abandonment or child abuse
Aggravated arson
Aggravated assault
Aggravated assault against a household member
Aggravated battery
Aggravated stalking
Assault against a household member
Armed robbery
Arson resulting in bodily injury
Battery against a household member
Criminal sexual contact with a minor
Criminal sexual penetration (rape)
Dangerous use of explosives
Great bodily injury by vehicle
Homicide by vehicle
Involuntary manslaughter
Kidnapping
Murder
Negligent use of a deadly weapon
Stalking
Voluntary manslaughter

You have Constitutional rights.

Law enforcement agencies, the district attorneys, the judges, the corrections department, and parole office are all required by law to provide certain information and hearing notification to crime victims.

Demand Your Rights. It's the Law.

Call the New Mexico Victims' Rights Project at:
(505) 292.2838 for more information.