

- **To benefit and empower the victim by speaking on your own behalf or your loved one's behalf.**
*It is important to begin preparing a thoughtful Statement early, use large font if you will be reading it yourself in court, and practice reading it out loud, if necessary. Don't be afraid of being emotional (take Kleenex if you think you might need it), visiting the courtroom in advance to familiarize yourself with the setting, asking about the order of events that will take place during the sentencing proceedings, requesting accommodations needed to exercise this right, and ensuring that the people you have chosen are available during and after your Statement to provide support. If you were involved in the incident and you have a memory of it, describing it to the Court can be impactful. Include what you felt, how you feel about the future, and the impact the crime has had on you and your family. The Statement should illustrate to the Court and the defendant the fact that an **actual person** was harmed by the crime. Consider telling the Court if it was difficult to prepare your Statement and why. Statements may be done orally in court (read by you or your representative), in typed or written format, via technology to facilitate remote attendance if necessary, or via video, audio, or other electronic method. Discuss these parameters and any time restrictions with the prosecutor's office. Always have a Statement available in typed or written format so that it may be placed in the offender's file to be read by the Parole Board at parole hearings.*
- **To convey the crime's harm to the defendant and the Court.**
By sharing the details of how the crime has impacted your life, the Victim Impact Statement requires the defendant to confront the human consequences of his/her actions. By discussing your emotional state, social and family relationships, your concerns for safety and security, your physical and psychological condition and the types and degrees of injuries you suffered, how long the injuries lasted or are expected to last, the amount of pain and modifications to your lifestyle you experienced as a result of the crime, any medical treatment (incurred and anticipated), you can help ensure that those in decision-making roles can identify with the impact the crime has had on you. The financial impact of the crime on your family and the community may also be addressed. Discuss how the crime has affected you financially through lost income from work, expenses incurred for tasks which you were previously able to do yourself, loss of property, ability to earn a living, loss of support, funeral bills, and estimates of future costs.
- **To improve the fairness of the sentencing proceeding.**
By sharing about how the crime has impacted your life and voicing your view on sentencing, you, as a victim, can play an essential role in the appropriate administration of justice by providing the Judge with information about how your life has been affected by the crime. It may be the only chance you have to address the Judge and the offender face-to-face. Often the offender's family is allowed to testify on the offender's behalf. If you choose not to provide a statement, the balance of information could be weighted in favor of the defendant.
- **To provide information to the sentencing body (Judge or jury).**
The impact of the offense is an important consideration in determining the appropriateness of a plea agreement and sentencing. Request that the Judge or jury consider the full impact of the crime before deciding on legal consequences of the defendant's actions. Your Statement can influence the Court's decision and provide the Court with your perspective and opinion on what sentence the defendant should receive and whether restitution is owed to the victim.

Typically, the Victim Impact Statement is presented after the defendant has been found guilty or has pled guilty to the crime but before sentencing. Victim service professionals and advocates can help prepare a Victim Impact Statement. There may be parameters the prosecutor wants you to follow (for example, time limitations) and the prosecutor may

wish to review your Statement before you present it in court. Therefore, making contact with the prosecutor's office regarding your Statement is highly recommended.

Prosecutor's contact information is: _____

The Judge deciding the case is: _____

Many people may have access to your Victim Impact Statement, such as the Judge, prosecutor, defendant, defendant's attorney, prison officials, and probation/parole officers. Who has access to your Victim Impact Statement and whether it will become part of the court record will vary depending on the case type and practices in each county and jurisdiction. If it does become part of the official court record, unless sealed by the judge, it can be accessed by anyone. Check with the prosecutor if you have concerns regarding this issue and avoid submitting your Victim Impact Statement too early so as not to allow the defense attorney a lot of time to create a defense. If you have hired a civil attorney that is representing you in a civil case, it may be beneficial for your civil attorney to review your Victim Impact Statement before sending it to the prosecutor. Do not reveal any unnecessary identifying information such as your address or phone number that you do not wish to be disclosed.

To ensure that the Victim Impact Statement follows the offender through his/her incarceration and is read by the Parole Board at each parole hearing, a copy of your Victim Impact Statement should also be sent to Department of Corrections via one of these options:

Department of Corrections
3400 Knipp Drive
Jefferson City, MO 65109
573-526-6516
Fax: 573-526-2574
Email: victims@doc.mo.gov

Include the offender's name and/or inmate number on your correspondence.

Section 217.762 Presentence investigation, required, when - victim impact statement, prepared when, contents.

1. Prior to sentencing any defendant convicted of a felony which resulted in serious physical injury or death to the victim, a presentence investigation shall be conducted by the division of probation and parole to be considered by the court, unless the court orders otherwise.
2. The presentence investigation shall include a victim impact statement if the defendant caused physical, psychological, or economic injury to the victim.
3. If the court does not order a presentence investigation, the prosecuting attorney may prepare a victim impact statement to be submitted to the court. The court shall consider the victim impact statement in determining the appropriate sentence, and in entering any order of restitution to the victim.
4. A victim impact statement shall:
 - (1) Identify the victim of the offense;
 - (2) itemize any economic loss suffered by the victim as a result of the offense;
 - (3) Identify any physical injury suffered by the victim as a result of the offense, along with its seriousness and permanence;
 - (4) Describe any change in the victim's personal welfare or familial relationships as a result of the offense;
 - (5) Identify any request for psychological services initiated by the victim or the victim's family as a result of the offense; and (6) Contain any other information related to the impact of the offense upon the victim that the court requires.

Plea Agreements: According to the Bureau of Justice Statistics, guilty pleas in 1996 accounted for 91% of felony convictions in state courts. This figure has been consistent since 1988. When victims are permitted to provide input into plea agreements, the right is typically granted at 2 stages of the criminal justice process:

When conferring with the prosecutor during plea bargaining; and,
When addressing the court, either orally or in writing, before the entry of the plea.

A victim may be given the opportunity to comment on the proposed plea at either or both of these stages, depending on the law. Consulting with the victim throughout plea bargain discussions allows the prosecutor to incorporate the victim's concerns before presenting a plea proposal to the court. This inclusion may enhance the probability that the plea agreement will meet with judicial approval. The impact of the offense is also an important consideration in determining the appropriateness of a plea agreement, and the victim can offer the court a unique perspective on the impact of the crime through the use of a Victim Impact Statement. The Victim Impact Statement can influence the court's decision to accept or reject a plea. The prosecutor's office and victim service professionals can help victims prepare and submit impact statements that are useful to the prosecutor and the court throughout the plea bargain process.

SAMPLE VICTIM IMPACT STATEMENT

Your Honor, I thank you for allowing me to come to court today to tell you how this event has changed my life, the abilities and experiences that I have lost. However, before I start to tell you about that, I would like to take a few moments, if I may, to explain from my perspective, how I believe this hearing is different for me and the defendant.

This must be one of the most stressful days he has ever experienced in his life. Young man, if I were him, I would be so afraid, I would be sweating bullets. I would be professing how extremely sorry I am about my actions, and making dozens of promises to assure the court that it would never happen again. I don't know what alcoholism or addiction are like. It's not a part of my DNA, and it doesn't seem to be a part of my psychological profile. I can't imagine the struggles you are going through. However, I understand that in sentencing there can be offers of probation, parole, work release or time off for "good behavior," at the discretion of the court. But even if the court imposes the maximum sentence, even if there is no chance of probation or parole, if he gets no break and he is ordered to serve every single day of the maximum sentence, somebody, either in the Missouri Court system or the State Department of Corrections would be able to take him to an office with a large wall calendar and point out to him a date and tell him, "Let's put a BIG GOLD STAR on that date. If you don't get any breaks, if you have to serve every single day of that maximum sentence, we're going to wake you up on the morning of that date, let you change back into your everyday clothes and we will open up those front gates and you can walk right out of here. If you want to and if you can, you can walk out of here and start over like it never happened."

But your honor, that's nothing like what I'm experiencing today. You see, there is NO Medical Doctor, NO Surgeon, No Faith Healer nor Fortune Teller who can put a Gold Star on a calendar for me. No one can give me a date and say Mr. M... at the end of seven years, on this date you are going to be able to jump out of bed. You will be able to go run a 5K or 10K run. You will be able to ride a bike 20 miles, 50 miles or more. You will be able to hike over all our hills and highways from sunup to sundown just like this never happened. There simply is no date on a calendar for me. My injuries and new limitations are permanent and life changing.

I'm a dad and a grandpa. My grandson is six years old now. When he was younger, I would toss him up in the air as high as I could and catch him, I would put him over one of my shoulders and spin around absolutely as fast as I could, like a helicopter wing. I remember how loudly he would laugh when we would spin around so fast. Now I know it's insanely boring for him to be around me. Even when he's with the whole family on an outing, he notices that if I'm with them, we have to walk really slow and they don't get to do nearly as many fun things as we used to. It's obvious that it's disappointing to him when everyone has to slow down and wait constantly for me to catch up. I know that in time, he will grow up and understand that in this world, things like that sometimes happen to people and it's not their fault.

Perhaps worse than that is the fact that my daughter, my son in law and I have honestly discussed the issue and the three of us have agreed that I'm not to watch him by myself anymore. He's young, impetuous and fast, and if he darts away from me, especially around traffic, large groups of strangers or dangerous animals, I would not possibly be able to move quickly enough to restrain him and keep him safe. I can "help" watch him if there's another adult there.

Your honor, this situation has obviously impacted my marriage also. I have been awarded full disability by the Social Security Administration. I'm no longer able to work. My disability check helps a lot, but it's not nearly as much as I used to take home from work. My wife often has had to work two FULL TIME jobs to make up the difference. This while she's trying to assist in the care of her elderly mother, who's abilities are quickly fading. As I'm sure you must know, it's unusual for couples to remain married this long, but we have made it. We had talked about some wonderful plans about our future when we both were retired. These included going on long bicycling trips around the state and possible some nearby states. I was an avid cyclist when we were dating, and were newlyweds. Today we have a nice collection of "upper end bicycles" at our house by makers such as Cannondale, Specialized, and Giant. We have road bikes, comfort bikes, touring bikes and an E-bike for my wife. We wanted to

any salesman at an "upper end" bicycle shop, if there is anyone who should never get on a bike, they would tell you: "If you have bad knees, you better not be getting on a bike at all." My wife still does some riding with our daughter, but for me the collection of bikes, including my bike, is just a fancy decoration for our den. I'm not going to get to use them again.

When my wife and I were dating, and when we were newlyweds, we used to love to go dancing. On most any weekend night you could find us out on the floor of any one of Springfield's night clubs, dancing to the latest hits. It was fun and it made her happy. We enjoyed it a lot. We haven't been dancing in a while, and we miss it. My wife has put up with a lot of unpleasant times with me over the years, often over the amount of time and the late night or overnight hours that I have put into work in to help make ends meet. Sometimes I know that she wondered if it was worth it all. My wife had waited, most of the time patiently, for those retirement years when we could get out and enjoy life in this way. Most of these dreams have been abandoned or drastically changed.

I don't want or need to go into too much detail, but as I'm sure you can understand, these kinds of serious injuries that affect my mobility, have also affected our physical love life. While they have not made married physical love impossible, they certainly have made it NEARLY impossible.

After I was discharged from the hospital to go home, I had to have my bandages changed, sometimes every day, sometimes every other day. I came down with MRSA, a hospital acquired infection that I had never dealt with before. Sometimes four times a week, all the skin would fall off the back of my leg and I would have to start at the beginning. I was on bed rest all this time. It was one of the most fearsome and worrisome times of my life.

Your honor, the court has all of my medical records, I gave the Prosecutor's Office to obtain them. I bled for eleven months and four days before the hyperbaric medicine wound surgeon charted that my wound was closed up and healed. Eleven months and four days. I have to spend many hours at least five days a week doing intensive physical therapy. I have been told by my physical therapist, that I will have to do this for the rest of my life. I've been told by my doctors and physical therapist that I will never truly return to my "normal daily activities," so I must stick to this exercise routine. They say the day I stop, I will slip into a physical decline that I won't recover from.

Your honor, before I take my seat again, I want to make one thing very clear. The things I have said today aren't being said out of bitterness, or some vendetta against people who drink. My wife and I both have enjoyed a cocktail or a glass of wine numerous times in the past. That doesn't bother me. In fact, I want to state two things for the record. One is that I am known for knowingly and deliberately hiring persons to help me with odd jobs around my house, lawn work, help with working on my cars, who I know are struggling with alcohol. I don't want to see their troubles exacerbated by the inability to get paid for a fair day's work.

This young man here this morning is in trouble for his drinking and driving and causing my physical injuries. He is at a place where he needs to make some important decisions in his life, that will affect the rest of his life. I know that he's not likely an academic person who is likely to teach in a Seminary or become a famous missionary, but he has come to a place where he has to face the consequences of what he has done. But before anything can happen, its time for him to take a hard look at himself in the mirror. Its time for him to make choices to CHANGE his life and never look back. I know the state will offer him alcohol addiction treatment and classes. I hope he accepts them and works at them harder than he has ever worked at anything he has ever done in his life. I hope that when he is out he finds an A.A. group and never misses a meeting. I hope he gets steady work and finds a group of friends that he can be with and never need to drink any alcohol again to enjoy life. But its all up to him. He has to make the choices. He has to want this to happen.

As for me, there will be no changes. No improvement. Due to my age the extent of my injuries, and the extended time I was bedridden, I will not experience improvement or true recovery. With sufficient effort, I should be able to significantly slow down my inevitable decline. So, your Honor, this is me, the new me, the damaged me. Thank you for allowing me for allowing to speak in this hearing today.

Trial Judge, Summit County Courthouse
Adams, Alexandria XXXXX

SAMPLE VICTIM IMPACT STATEMENT

Your Honor:

We are writing you this letter because it is your responsibility to sentence Matt Farner, the drunk driver who killed our son, Michael Brock.

We would like to tell you some things about our son. Michael was not the most gifted student in school, not the most popular nor the smartest and not the best athlete. What was noticeable about him was that he never gave up on things. He made the most of life and encouraged others by demonstrating that you could succeed at most things by just not giving up. You would have liked him, everyone who met him did. Michael will not graduate college this year. He will not marry. He will not have children or a career. He will never again read a book, write a letter or laugh with friends. He will not be here for his birthday, for Christmas or for any more Thanksgivings. Michael's life-force, his love and energy have all been involuntarily sacrificed to Matt Farner's self-centered and self-indulgent appetite for alcohol.

We have been told that Mr. Farner is an important banker in your community, a man of wealth and influence. We expect that many people will rally to help Mr. Farner persuade you in your sentencing decision. While these people will have only known Mr. Farner as their banker or in some other positive role, we know him as a coward and a criminal--a robber and a killer. He has robbed us of our precious son; he has robbed our other children of their brother; and he has robbed Michael of the rest of his life. If someone of Farner's age, intelligence and life experience robbed Mr. Farner's own bank or caused the death of one of his bank employees while robbing his bank, a judge would be urged to impose a sentence that would outlast the robber's life.

We request that you sentence Matt Farner, the man who robbed our world of Michael's life, to the maximum term of imprisonment possible. Not only would this sentence be entirely justified, based on the facts, but from a broader perspective it is our belief that many potential drunk driver-killers would read and weigh their personal risk, realizing that what happened to a person of Farner's wealth and power could happen to them. The countless lives saved as a direct result of your imposing such an important sentence would be living memorials to the righteousness of the laws against drunk driving, to your courage and wisdom as a Judge, and to our son's tragedy which presently stands as just another isolated and meaningless highway death.

Before you decide what you will do in this case, ask yourself whether you will ever have any greater opportunity to enhance the quality of human life, serve the aims of justice, and fulfill your calling as a Judge, than when you sentence Matt Farner.

Sincerely,

Glen and Martha Brock

SAMPLE VICTIM IMPACT STATEMENT IN OUTLINE FORMAT

I am BRAVE! I am a VICTIM who has stood up to Domestic Violence!

I. INTRODUCTION

- Your honor, my name is XXX.
- I currently just completed my Spring Semester at XXX
- I am currently employed with XXX
- The Defendant and I were engaged in an on and off relationship since XXX
- From that relationship I have Mothered 3 children XXX of which the Defendant, XXX, has also fathered

I AM HERE SO THAT THE FULL IMPACT OF THE CRIME IS BROUGHT TO YOUR ATTENTION YOUR HONOR.

II. HISTORY OF ABUSE

- Due to the long history of abuse and this incident that has brought us to court today, I would like the plea vacated so that the Defendant, XXX, may answer to the Domestic Violence charge.
- I don't believe that the plea here holds him accountable for what he has done
- I have feared and continue to fear for my life because of the Defendant, XXX's unpredictable behavior.
- This fear stems from a long history of Domestic Violence.
- My children and I have been endured hurt and pain for many years from incidents that included:
 - ✓ *Being thrown around and forcefully held against my will*
 - ✓ *Kicked with steel toe boots*
 - ✓ *Called derogatory names over and over*
 - ✓ *Going down the freeway at high speeds & him trying to push me out*
 - ✓ *Had my vehicle keys, wallet, money, cell phone taken by him over and over*
 - ✓ *Has destroyed the children and I's property on numerous occasions*
 - ✓ *He has also been economically abusive and I've had to seek food from the food bank*
 - ✓ *He has charged at me & his fists stopped one inch from my face.*
 - ✓ *He has attacked me where I had to seek medical attention & iv acquire x-rays to learn of how physically damaging this abuse has been*
- This incident that occurred on XXX, has been very damaging to my children and I.
- My children has been present and witness to most of these incidents because his behavior is very unpredictable.

I AM ASKING YOUR HONOR, THAT THE PLEA BE VACCATED SO THAT HE MAY BE HELD ACCOUNTABLE FOR HIS ACTIONS AND ANSWER TO THE DOMESTIC VIOLENCE CHARGE.

III. IF PLEAS IS NOT VACCATED, to protect me and my children the sentence MUST include:

A. A NO CONTACT order for me and my children as part of the probation.

- My children and I need this time to continue to heal from the long history of Domestic Violence and most recently the incident that brought us here today.
- My children and I continue to have nightmares and we are currently attending counseling.
 - ✓ My X year old daughter/son wakes in the middle of the night crying saying, "My dad hurt me again, I never thought my dad would do this to me. I thought my dad loved me."
 - ✓ My X year old, feels that s/he has been let down because the man whose supposed to support and teach him/her is nothing like the person s/he wants to be.
 - ✓ When my X year old sees me crying s/he says, "Mom did dad hurt you again?" That's always his/her first question.
 - ✓ The damage it has caused me is an everyday struggle. It has been emotionally, psychologically, physically and financially damaging. It has affected our everyday living and my education in particular. I've had to withdraw from classes because I was unable to focus because I was being abused. I've had to make several doctor's visits because of the illnesses and physical damage related to Domestic Violence as well.

A NO CONTACT order for myself and my children would further protect us and help us heal after the long history of Domestic Violence

B. In Addition Your Honor, probation must include:

- Restitution for myself and my children
- This crime has left us displaced
- The Defendant should be ordered to pay Restitution so we may be whole again:
- The Defendant and I had a mutual agreement, it allowed our children and I to live in a stable environment here in XXX so that I may attend XXX as a full time student to complete the XXX program. I supported his career on the road and I asked him to support mine, he agreed.
- We entered into a lease and moved in to a home on XXX and he said not to worry about anything that it would be taken care of.
- This day in XXX was an upheaval and left us displaced. Our lease was broken and I had to seek funds to move out and pay for storage.
- My children and I need this restitution to get us back on our feet.
- Our total living expenses at XXX totaled about \$XXX per month and Restitution should be in this amount for the duration of his probation.
- Probations must also include \$XXX immediately so that we may get a place to call home.

As mother, we always want the best for our children, our children never ask to be born into a Domestic violence.