

# Victim's Impact Statements

## HOW TO PREPARE A WRITTEN STATEMENT OR PRESENT AN ORAL STATEMENT TO THE COURT AT SENTENCING

1. **Circumstances of the crime and manner in which it was perpetrated:** Tell about the crime itself (what, when, who was injured or killed, what was taken or damaged, etc.)
2. **Effects of the crime:** Express how the crime has affected you, your marriage and family, friends, career, and life in general. Describe a typical day now as contrasted with a typical day before the crime was committed. Have you suffered any mental health or physical health problems since the crime? Are you under a doctor's care or going to counseling? What was the financial impact of the offense on you?
3. **Visual aids in homicide cases:** Photos of your loved one can be placed in plastic covers and given to the Judge while speaking.
4. **Appropriate sentence:** Tell the Judge what you believe should happen to the Defendant. Be realistic, do not ask that the Defendant be given the death sentence or life imprisonment if the maximum sentence that can be imposed is 40 years. You can ask the Judge to order the Defendant not have any contact with you or your family. You can also recommend treatment, including alcohol and other substance abuse, sex offender, and anger management. Fines can also be imposed if the Defendant has the ability to pay.

Speak from your heart, and don't worry if you become emotional. Simply tell your story. Genuine emotion is a great communicator. If you need to stop for a few moments to gain your composure, simply say so.

Your Victim's Impact Statement can be written in letter form directed to the presiding Judge of the case, however, do **not** send the letter directly to the Judge. **In the letter, be sure to state who you are, and who the offender is.**

If a Pre-Sentence Investigation report (PSI) has been ordered, please mail or deliver your Impact Statement to the Adult Probation/Parole Office. If no PSI is going to be conducted please mail or deliver your Impact Statement to the Victim/Witness Assistant.

Adult Probation/Parole  
509 Main Street  
Miles City, MT 59301

Victim/Witness Assistant  
1010 Main Street  
Miles City, MT 59301

Questions to assist you in writing a Victim's Impact Statement:

1. How has this crime affected you and those close to you? Feel free to discuss your feelings about what has happened and how it has affected your general well-being. Has this crime affected your relationship with any family members, friends, co-workers, and other people? As a result of this crime, if you or others close to you have sought any type of victim services, such as counseling by either a licensed professional, member of the clergy, or a community-sponsored support group, you may wish to mention this.
2. What physical and/or mental health symptoms have you or others close to you suffered as a result of this crime? You may want to write about how long the symptoms lasted, or if they are still continuing, and if you sought medical and/or mental health treatment for these symptoms. You may also want to discuss what changes you have made in you life as a result of these health issues.
3. Has this crime affected your ability to perform your work, make a living, run a household, go to school or enjoy any other activities you previously performed or enjoyed? If so, please explain how these activities have been affected by this crime.
4. This case is being resolved by a plea agreement. A plea agreement is between the State (county attorney) and the Defendant (offender). The Court is not a party to the agreement. Although the judge will decide the defendant's sentence, the judge considers your opinion very important before making this decision Do you agree with the plea agreement in this case, if not, what sentence do you believe is appropriate?
5. Do you think treatment would benefit the offender, if so, what kind? (alcohol and/or substance abuse, identifying criminal thinking and behavioral modification program, counseling with a focus on violence, controlling behavior, and dangerousness)