

# **Victims' Rights**

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November 2, 2011

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## Victims' Rights:

I have decided to write my research paper on *Victims' Rights*. This subject has had a personal impact on my family because of a recent tragedy concerning my uncle's murder. In this paper, I plan to explain what happened to my uncle and explain what my family has experienced during this event. I will explain the definition of Victims' Rights and what impact these Rights legally have on victims and their families. In my summary, I will give my opinion on the importance of Victims' Rights, from the viewpoint of the family of a murdered victim.

The story of this research paper began on June 1, 2010. My uncle, Audie Eugene Spurgeon, was murdered while he was asleep by his ex-wife, Rita Spurgeon. She admitted to his murder, but later denied it. She was allowed to call my mother (my uncle's sister) from the interrogation room and that's how my immediate family learned of Audie's death. Before all of

the family could be notified, the news had reported it. That's how some of the family that lives out of town heard of his death. After the first court date, my family was given the Victims' Rights Advocate pamphlet. Getting a call back from the 'Advocate' was next to impossible. The trial was actually put off 5 or 6 times over the year. My family would get notification the day before an upcoming court date and not even know what to expect when they got there. On September 20, 2011, after all the threats of a jury trial, Rita pleads guilty of murdering my uncle. It was a great and unexpected relief. It was an experience that will take my family some time to heal from.

During this whole process, my family was never treated as humanely as the murderess. She was allowed to keep things up-in-the-air for almost a year and a half even though she admitted her guilt from the start, but changed her plea later. In my opinion, it's tragic enough to go through the murder of a loved one, but to be jerked around by the attorneys, and the court, is wrong on all levels.

Here are the headlines from the Dalton Newspaper, The Dalton Daily Citizen, starting with the first date after the murder was committed.

- June 2, 2010 "Wife charged with murder of sleeping husband"

- June 4, 2010 ‘Audie Eugene Spurgeon’s obituary, passed away June 1, 2010’
- June 5, 2010 “Bond denied for accused murderess”
- June 28, 2011 “Woman’s murder trial delayed –again”
- September 20, 2011 “Spurgeon pleads guilty in ex-husband’s death” - “Sentenced to 18 years”  
([daltondailycitizen.com](http://daltondailycitizen.com))

The [Wikipedia.org](http://Wikipedia.org) definition of Victims’ Rights is the legal rights afforded to victims of crimes. The history of the Victim’s Rights Movement started growing in the 1970’s. President Reagan’s Task Force on Victims of Crimes released its “final report” in 1982. This drew attention to the victims of crimes. As part of the Justice for All Act of 2004, the Crime Victims’ Rights Act grants victims:

1. *The right to protection from the accused*
2. *The right to notification*
3. *The right to attend court proceedings*
4. *The right to speak at criminal justice proceedings*
5. *The right to consult with the prosecuting attorney*
6. *The right to restitution*
7. *The right to a speedy trial*
8. *The right to be treated with fairness, dignity and respect*

The Victims’ Rights amendment is a provision which has been included in some states constitutions. Its provisions vary from state to state

but are usually somewhat similar. The “Victims’ Rights” movement began in response to the perception that the legal system was more concerned with the protection of the right of “criminal offenders”. The movement was also in response to the number of offenders returning to attack their original victims or victims’ families being on the increase. Most states provide for the prosecutors to stay in touch with the victims, and their families, during all stages of prosecution, post-conviction, and parole hearings.

(Wikipedia.org)

Since the enactment of the Georgia Crime Victims Bill in 1995, victims of violent crimes are afforded specific services to enable them to restore their lives. There is a trained crisis response team of advocates, chaplains and community leaders to assist crime victims. (pacga.org)

When a victim is murdered, the victims’ rights will extend to the family members of the victim and they may exercise those rights on the victim’s behalf. Family members might also be compensated if they paid for the funeral expenses or medical/hospital expenses of the victim.

(victimlaw.info)

In some cases, the victims’ family is described as ‘victim’, ‘secondary victim’, or ‘survivor’. Survivor seems to be the approved term that is

emerging as the new role and identity of the surviving family, and seems to have international currency. (Rock)

I see the very real need for victims' rights laws in such a crime filled world. According to what my family had to go through, I see many flaws in the implementation of the Victim's Rights Act. This might be due to understaffing in this area and overcrowded courts. Any problems need to be addressed and fixed. In regards to this, I found a website during the writing of this paper, and I refused to use the information listed on it because it stated that the 'helpline is temporarily closed'. If victims really are being protected and treated fairly, why would this helpline not be available?

[ncvc.org](http://ncvc.org))

According to Exodus in the King James Version of the Holy Bible, chapter 20 verse 12 states, "He that smiteth a man, so that he die, shall be surely put to death". Furthermore, in verses 23-25, the Bible states, "And if any mischief follow, then thou shalt give life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burning for burning, wound for wound, stripe for stripe". If God is concerned with the rights of crime victims, then why is our court system more concerned with the rights of criminals? (Holy Bible)

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