

Preparing To Testify in Court



The Prosecuting Attorney's Office will assist you with any questions you may have prior to your court appearance, however here is a list of some common guidelines.

- Tell the truth! This is the single most important advice any witness should remember. Also keep in mind that while "I don't know" and "I don't remember" can be completely truthful answers, they are distinct; the truthful answer if you never knew the answer (for example, the square root of 1,232,484) is "I don't know" if you knew the answer at some point in time but cannot currently recall the information, (for example, what color socks were you wearing on November 23, 2000) the truthful answer is "I don't remember".
- Dress neatly. Wear clothes that would be acceptable for work or church. No t-shirts and torn clothing. Do not wear a hat. A neat appearance and proper dress in court conveys the proper respect for the Court and gives an important first (and lasting) impression.
- Do not chew gum, candy, etc. Turn off electronic devices: cell phones, pagers, etc.
- Conduct yourself in a dignified manner. Do not make gestures to people sitting in the courtroom.
- Be prepared! You should know days or weeks ahead of time that you will be testifying in court. Think about the incident and what happened so that you can recall the details accurately when you are asked in court. If you need help remembering these details, write the facts down. If you have already written a statement for the police, ask the

Prosecuting Attorney for a copy; reading it may jog your memory on some details. Think ahead of time about the answers you will give to the questions you expect will be asked.

- Do not try to memorize what you will say in court. Jurors are hesitant to believe testimony that sounds "scripted". Also, the lawyers' questions may not coincide with your expected answers.
- Stick to the facts! The Judge (or jury) only wants to hear the facts as you know them to be, not what someone else told you.
- Relax ... speak clearly! You have nothing to fear when giving true answers. When you are asked questions, give your answer as clearly as possible.
- Expect to be questioned by several people. One of the basic rules in a criminal case is that both sides have a chance to question every witness. Questions asked by both sides have the same goal - to find out what is true.
- The lawyer who calls you to the stand will ask questions first. This is direct examination. When finished, the opposing lawyer will ask questions in attempt to clarify your answers or to perhaps discredit your testimony. This is cross examination.
- Avoid becoming angry or frustrated if questions seem repetitive. Do not lose your temper. Be courteous. Don't let the defense lawyer upset you. It may seem at times that he is trying to pin you down, but he has the right to test how many of the facts you know and accurately remember.
- Don't start to answer a question until the question is finished. If you haven't yet heard the entire question, you don't really know what you're being asked. Don't jump the gun by answering what you think the question will be (when it is finished).
- Do not interrupt the lawyers or the Judge, and don't argue with the lawyers.
- Think about your answer before you give it. Your every word counts. Be descriptive. Be accurate. Vague or inconsistent responses give other people a chance to misinterpret what you meant your answer to be.
- Answer all questions to the point. If the question calls for a short answer, give a short answer; if you need to explain, explain.
- Answer only the question asked. Do not volunteer additional information.
- Don't exaggerate or guess! If you don't know the answer to a question, say so! If you don't remember the information that you are asked about, say so. Remember, you are under oath and sworn to tell the truth.
- Answer the questions verbally. Your testimony is being recorded (either tape recorded or written down). No head shakes or head nods, or "uh-huh" instead of saying yes or no!
- Look at the jurors and speak to them when testifying. Jurors are ordinary people, like you. They consider attitude, facial expressions, and body language when evaluating testimony.
- If you don't understand or didn't hear the question, ask that it be explained or repeated.

- If your answer was not correctly stated, correct it immediately.
- Never attempt to talk to a juror about the case or any other matter while the case is being tried. This includes chance meetings during recesses, in hallways, at lunch, or any other place.
- If either lawyer raises an objection, stop speaking at once! After the Judge has ruled, you will be instructed whether to continue.
- You must remain available to testify if the Judge orders you to do so.
- You can only step down from the witness stand when the Judge excuses you.
- You must follow any other directions given by the Judge.