

INFORMATION FOR WITNESSES

The criminal system could not work without the help of witnesses.

Information provided by victims and witnesses aids in the identification and arrest of the suspect. The testimony of witnesses is important for successful prosecution.

After a trial is scheduled, a Deputy Prosecuting Attorney will contact you to go over your testimony. Be sure to keep the Victim-Witness Unit advised of your current address and telephone by calling the office at 884-9446 or 745-8535.

Before the trial, you will have a chance to discuss the case with the Deputy Prosecutor, who will assist you in preparing for your court appearance. You may also be contacted by the defense attorney. The defense attorney has a right to talk to witnesses, but you can set the conditions of the interview. You have the right to request that a Deputy Prosecutor and a victim advocate attend the defense attorney interview. Please contact the Deputy Prosecutor or the Victim-Witness Unit handling the case if you have questions.

WILL YOU BE PAID A WITNESS FEE?

Yes. You will be paid the witness fee and mileage set by law. You cannot be reimbursed for lost wages.

SUBPOENA

A subpoena is a court order requiring you to be present at the time, place and date stated. Failure to appear will make it impossible for the Prosecutor's Office to effectively prosecute the case and could result in the Judge finding you in contempt of court. Employers must honor the subpoena and allow you to attend court.

Call the Victim-Witness Unit the day before the hearing or trial to learn if you will still be needed as a witness.

HOW DOES A WITNESS TESTIFY?

When your name is called, you will be asked to step forward to the witness chair, take an oath, and be seated at the witness stand.

The Deputy Prosecutor will ask you questions first. After the Deputy Prosecutor's questions, the defense attorney will ask you questions. You should remain seated until you are excused by the Judge.

LISTEN TO THE QUESTIONS AND ANSWER THE QUESTION

Listen carefully to each question being asked. If you don't understand a question, ask the attorney to repeat it or to clarify it for you. Answer only the question asked and do not add additional information you believe is important. If you believe you have information that should be given to the court, make sure the Deputy Prosecutor knows about the information before you testify.

If either attorney objects to a question, do not answer until the Judge has resolved the objection.

When you testify, tell exactly what you know. If you testify to statements that you know are true, you have no fear of being embarrassed. Deliberately providing false information is a criminal offense.

Questions involving distance and time are among the most difficult questions you will be asked. If you do make an estimate, be sure everyone knows you are just estimating.

CROSS EXAMINATION

RELAX!! There's nothing to worry about as long as you truthfully answer the questions. Answer the questions asked as accurately and courteously as possible. Remember, the purpose of cross examination by the defense attorney is to test your perception, recollection and credibility. Don't let yourself get upset with the defense attorney who is asking the questions! Becoming upset or acting discourteously can lead to your testimony being considered less believable.

AFTER THE TRIAL

Witnesses are encouraged to communicate their feelings to the Judge regarding the trial and sentencing. Letters to the Judge should be sent to the Victim-Witness Unit, which will forward them to the Judge. Contact the Victim-Witness Unit to learn the date and time for the sentencing hearing.

CONCLUSION

Those of you who have been victims of a crime or have had court cases know how important it is to have witnesses take the time and make the effort to testify.

The criminal justice system is far from perfect. It works best however, when witnesses on both sides of the case are willing and prepared to testify honestly to the facts surrounding the incident.

THE VICTIM WITNESS-UNIT

The Douglas County Prosecuting Attorney's Office understands the trauma and confusion of being a victim or witness to a crime. We will help with any questions or problems connected with the case. Please call 884-9446 or 745-8535, Monday through Friday, 8:00 a.m. to 5:00 p.m.