

# THANK YOU FOR BEING A WITNESS

As a witness you have a very important job; not only for you but to the American legal system. Testifying in court can be uncomfortable, and it's ok to be nervous. This resource is designed to help you understand your role, what is expected of you, and how to carry out your responsibilities clearly and accurately.

## **Responsibilities of Being a Witness**

Being a witness means you have seen, heard, know something about, or have been a victim of crime. You will be asked to testify to what you have witnessed. In order for a judge or jury to make a correct and wise decision, the evidence must be presented in a truthful manner. A witness who is confident and straight forward will make the court and the jury have more faith in your testimony.

## **Receiving a Subpoena**

When you are called as a witness, you will receive a subpoena. The subpoena will tell you the date, time, and place where you are to appear. It is extremely important to arrive on time and prepared. A subpoena may direct you to bring something with you to court. When you come to testify, bring your subpoena. Do not ignore a subpoena; you could be charged with contempt of court or have a warrant issued for your arrest.

## **Witness Fees & Reimbursement**

Subpoenaed witnesses are paid for appearing in court. Witness fees may vary from county to county, but typically witnesses are entitled to \$6 for being at court up to a half day and \$12 for each full day. There is also a mileage allowance for residents outside the city where the court is located. To receive your reimbursement, bring your subpoena to the Clerk of Courts office in the courthouse to verify your presence and ask for reimbursement. Your witness fees will be mailed to you at a later date.

## **Protection from Intimidation & Job Security**

Witnesses must be protected from threats or harassment regarding their testimony. If you are threatened or intimidated, call law enforcement immediately. Similarly, employers cannot discriminate against you for participating as a subpoenaed witness. Subpoenaed witnesses must be protected from any difficulty with employers that might result from absences from work.

## **How to Dress for Court**

Dress comfortably and neatly. Your appearance should not distract the jury or judge, or make your testimony less believable. It is important to look your best in the courtroom. A good rule of thumb is to dress conservatively, as you would to enter a place of worship.

## Before Arriving at Court

Review the statement you gave to law enforcement. Mentally picture your testimony, including the place of incident, objects & people present, what happened, what was said and to whom, & time the incident occurred. Do not memorize your testimony.

## When Arriving at Court

You will not be allowed in the courtroom until you testify, unless you are the crime victim. The bailiff will escort you into the courtroom when you testify. You will be given an oath to tell the truth. No one can determine ahead of time how long the hearing will last or how long a particular witness will be on the stand. Be prepared to wait.

## Being an Effective Witness

- Tell the truth, you are under oath.
- Ask for a question to be repeated or rephrased if you do not understand.
- Say that you do not know or do not remember if that is true.
- Correct any mistake you make immediately.
- Relax and take a deep breath. Take your time. Think before you speak.
- Answer simply, directly, and verbally. Speak loudly and clearly.
- Be courteous.
- Be prepared.
- Face the jury when speaking.
- Tell the facts and answer positively. Never guess, joke, or exaggerate.
- Indicate any estimations.
- Let the judge know if you need a break.
- Stop talking if you hear an objection.
- Avoid any disturbing or inappropriate mannerisms.
- Be mindful of your body language and avoid nodding your head or chewing gum.
- Maintain your composure. Don't lose your temper.
- Never volunteer information or give your opinion.
- Never state what someone else saw or heard.
- Do not discuss your testimony with others or ask other witnesses about theirs.

**If you have any questions, please contact us.  
We're here to help.**

**Judge:** conducts the trial, interprets the law and insures a fair hearing

**Defendant:** the person charged with the commission of a crime

**Prosecutor:** attorney representing the state who presents evidence to show criminal activity has taken place

**Defense Attorney:** represents the interests of the accused

**Witness:** someone who has seen, or has information about, a crime

**Jury:** community members who listen to evidence presented in court and determine which facts are to be believed as true

**Bailiff:** maintains courtroom security and supervises jurors during the trial

**Court Reporter:** keeps an accurate record of what is said

**Victim Advocate:** provides support to victims and assists them in overcoming trauma

**Objection:** a contention that what is happening is improper or unfair

**Overruled:** the objection is denied by the judge and the testimony is allowed

**Beyond a Reasonable Doubt:** the standard of proof required to establish guilt in a criminal case