

WHAT TO DO AS A WITNESS IN COURT

Your Testimony

Before you get to court, do not try to memorize what you are going to say. Instead, try to picture the scene, the objects there, the distances, and what happened. This will help you recall the details when you are asked about them. Bring any notes or documents about the case.

Testify to the facts as you know them. During the "direct examination," the deputy district attorney will ask you questions. When this questioning is completed, the defense attorney will test your memory of the facts. This is called "cross-examination."

Do not be afraid of cross-examination. Although it may seem like it, it is not a personal attack on you. It is an attempt to test your recollection to see how your memory of the facts compares with the memory of others.

All the questions by both lawyers have only one purpose - to bring out the truth about what you know.

Be Attentive

Listen carefully to the question being asked. Be sure that you understand the question before answering. If you do not understand the question, ask that it be rephrased until you are able to understand what is being asked.

Think Before You Speak

Give the question as much thought as you need in order to give an accurate answer. If you did not state your answer correctly, make it right immediately.

Answer the Question

Do not volunteer information which has not been asked for. If you are interrupted in the middle of your answer, you may ask the judge's permission to finish.

If you do not want to answer a question, do not ask the judge whether it is an improper question. If it is an improper question, the prosecuting attorney will object. Stop instantly, however, when the judge interrupts you or when an attorney objects.

Tell the Truth

Honesty is the best policy. Even a so-called "minor fabrication" can completely discredit you as a witness and weaken the case. So, testify accurately about the facts. If you tell the truth, you will have nothing to fear on cross-examination.

Speak Clearly

Be sure to answer "yes" or "no" rather than by nodding or saying "yeah". Avoid distracting mannerisms - like chewing gum or placing your hands in front of your mouth.

Stick to the Facts

The court is interested only in facts. Therefore refrain from giving your conclusions and opinions. Beware of questions about distance and time. If you estimate, make sure that everyone knows it is an estimate.

Do not Guess or Speculate

If you do not know the answer, say that. On the other hand, give positive, definite answers when you remember. When you are certain about a fact or answer, do not say, "I think" or "I believe."

Be Fair

Although you may be testifying in favor of a friend, keep from exaggerating your testimony or slanting it in his or her favor.

Be Courteous

Always be courteous, even if the attorney questioning you appears not to be. Being courteous is one of the best ways to make a good impression on the judge and the jury. Do not be afraid to answer "Yes, sir" or "No, sir" and to address the judge as "Your Honor." Never argue or respond with rude or unsavory remarks.

Hold on to Your Temper

If you lose your temper, you place yourself at the mercy of the cross-examiner. Courts are interested only in the facts of the case. Hold your temper, and your testimony will be much more valuable.

Look at the Jury

Do not be afraid to look the jury in the eye and tell your story. Jurors are naturally sympathetic to the witness and want to hear what you have to say.