

TIPS FOR WITNESSES **WHO TESTIFY IN COURT**

1. Before you testify, try to picture the scene, the objects there, the distances and just what happened so that you can recall more accurately when you are asked. If the question is about distances or time, and if your answer is only an estimate, be sure you say it is only an estimate.
2. A neat, clean appearance and proper dress in court are important. Dress like you are going to a job interview. Avoid loud colors, excessive jewelry and suggestive or revealing clothing.
3. Do not drink alcohol before coming to court. Do not chew gum or tobacco in the courtroom. Dispose of it before entering the courtroom.
4. Before you take the witness stand, you must be sworn in by the Clerk. While taking the oath, raise your right hand, pay attention and say, "I do", clearly.
5. Give your answers in your own words. Do not try to memorize what you are going to say.
6. Be serious in the courtroom. Avoid laughing and talking about the case during the proceeding or a break.
7. Speak clearly and loudly so everyone can hear you easily. Do not nod your head "yes" or "no". Your answers must be verbal, and the court reporter must hear your answers. Only one person can talk at a time.
8. Listen carefully to the questions asked. Never answer a question you do not understand. If you do not understand it, tell the lawyer you do not understand the question.
9. Tell the truth. Do not stop to figure out whether your answer will help or hurt the case. Just answer the questions to the best of your memory.
10. If a question cannot be answered truthfully with a "YES" or "NO", ask for the opportunity to explain your answer in greater detail. If your answer is not clear, clarify it immediately.
11. If you do not know the answer, say so, but don't speculate or guess.
12. Answer only the question that is asked you, then stop. Do not volunteer additional information.
13. Give a positive answer if you can. Avoid such phrases as, "I think", "I believe", or "In my opinion". The judge and jury are interested in only the facts. Do not give them your conclusions or opinions.
14. Stop talking immediately if the Judge interrupts you, or when an attorney objects to a question. The Judge will then tell you whether you should answer the question.
15. Be courteous even if the lawyer questioning you may appear discourteous. Do not lose your temper. Any lawyer who can make a witness mad will probably cause the witness to exaggerate, appear unobjective, and emotionally unstable.
16. Address the judge as "Your Honor".
17. Do not look at the attorney, the judge, or any one else in the courtroom for help in answering a question. You are on your own. If a question is improper, the opposing attorney may object. If the judge wants you to answer it, do so. Don't ask the judge for advice.
18. Do not argue with the lawyer who asks a question. Do not answer a question with a question, unless you do not understand the question that is asked.
19. Sometimes an attorney may ask you if you have talked to anybody about the case. If you have, state who you have talked with whether it is the county attorney, defense counsel, police officers, relatives, or other witnesses.
20. If this is a jury trial, address most of your answers to the jury. While you are on the stand, speak frankly and openly to the members of the jury, as you would to any friend or neighbor.
21. Do not leave the witness stand until you are excused by the judge.
22. Try not to be nervous, and do not fidget. Keep your hands away from your mouth while speaking. Be aware of your body language and facial expressions. (It is okay to cry.)
23. If you need a drink of water, or tissue, ask the attorney or judge.
24. Remember, all that is required of you is to tell the truth as clearly as possible.

*We hope these tips will help you feel more comfortable about testifying.
If you tell the truth, and if you remember that you are just talking to
friends and neighbors, you will do just fine!*

Custer County Attorney's Victim/Witness Assistance Program