

John H. worked in a building downtown. He never spoke to his neighbors down the hall, but noticed lots of unfriendly looking individuals coming and going at all hours when he was working late. Then, one night, he heard gunfire. He walked down the hall and saw a man with a gun pursuing another, who was bleeding badly, down the stairs. The next minute, a group of men rushed downstairs, too. John ran to the window and witnessed more gunplay. When the police came, John told them everything he had seen. Because the suspects belonged to a famous crime organization, the court ordered protection for John.



CHECK vocabulary words in bold.
LOOK UP word meanings in the glossary beginning on page 92.



CRITICAL THINKING

Why do you think that the law says that a husband and wife usually have the right not to have to testify against each other?

After he received threats on the phone, the government decided to play it safe and help John move to another town to start a new life. Better safe than sorry. John felt good about having done what was right. He also felt satisfied that the government was behind him all the way.

In this chapter, you will learn what a witness does. You will learn about what to do in court as a witness.

Witnesses

What kinds of witnesses are there? A witness is a person who can give a personal description of something. There are three kinds of witnesses.

The first kind is a police officer who witnessed the crime or talked to the victim.

The second kind of witness is an ordinary citizen who knows something about the crime. She may have seen or heard something about the crime. This witness can only testify about something she has seen, touched, smelled, felt, or tasted. For example, a witness in a poisoning case might testify that the suspect gave her food that smelled funny, and that because of this, she did not eat it. However, another person might have taken food from the suspect and gotten very sick, or even worse.

The third kind of witness is an **expert witness**. This is a witness who did not actually see the crime, but who does know a lot about something that is part of the crime. For example, an expert on guns could say whether he thought a bullet could have been fired from a roof or from the ground. Many expert witnesses are scientists.



Witness Lisa H. says: "The crime I had witnessed involved one of the biggest drug deals of the decade. Because of my testimony as a witness, several key players in two

rival crime organizations are now behind bars. Sure, I had to move. But I would do it all over again if I had to."

What happens after you witness a crime? If the police arrive soon after the crime, they may take witnesses along while they look for the suspects. If the police catch the suspects, they may take witnesses to the police station to identify them.

You are asked to look at a lineup. You should try to remember the details about the suspect. If the lineup happens right after the crime, the suspect will probably still be wearing the same clothes. If the lineup is a day or two later, the suspect will have different clothes. The suspect may even have shaved or changed hair style. If you are not sure that someone in the lineup is the suspect, you need to say so. Always tell the truth. Never guess. If you do not guess correctly, the wrong person may be convicted.

The police have not yet arrested anyone. They may then ask you to look through some photographs of people who had been arrested before. If the person you saw had never been arrested, the picture will not be found. In this situation, you might be able to describe the person to a police artist.

The artist would then draw a picture from what you say. Artists often use computers to make their drawings. The picture might be handed out to police officers to help them recognize the suspect, or it can be posted around the neighborhood.

What happens after you identify the suspect? Once a suspect has been identified, you will meet with a lawyer from the district attorney's office. Tell her what happened.

At a preliminary hearing, a day or two later, the district attorney will give the evidence to the court. The court will decide whether there is enough evidence to bring the suspect to trial. You will have to testify at this hearing.

The court may give the case to a **grand jury**. The grand jury will look at evidence and decide whether or not to indict or charge the suspect with the crime. If you have to give evidence to a grand jury, you will do so in secret. What you say will be private. There may be other hearings for you to attend. The court will send you notice if you must appear.

Many cases never go to trial because there is not enough evidence. Cases may sometimes be plea-bargained. However, if the case goes to trial, you will also have to testify at the trial.

Subpoenas

What should you do if you get a subpoena? A **subpoena** is a paper that says you are being called as a witness. It tells you when to come to court. You must appear if you get a subpoena because you must testify or tell what you know.

All witnesses get subpoenas. You may not have seen the crime. However, the suspect may want you to be what is called a **character witness**. A character witness testifies that the suspect has a good character. A character witness might be a teacher, an employer, or a minister.

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CRITICAL THINKING

The law says that employers must pay people for time they miss from work in order to serve on a jury. Yet, employers do not have to pay people for the time miss from work in order to be a witness. Why do you think this is so? What do you think a professional witness is?

DID YOU KNOW? Newspaper reporters often refuse to give the names of people to whom they have spoken. The Supreme Court has said that what a person says to a reporter is not private. Reporters argue that no one will talk to them if the law requires them to testify. What is your opinion?

EYE OPENER More than 75 percent of victims in one study were not bothered in any way by the defendants or defendants' relatives. This means that the possibility of a threat to a victim is not enough to stop him from telling what he knows.

1. What did John H. notice? _____
2. Why did the court order protection for John? _____
3. What caused the government to move John to another town? _____
4. This chapter will teach you to do what? _____
5. What is a witness? _____
6. How many kinds of witnesses are there? _____
7. The first kind of witness is? _____
8. An ordinary citizen who knows something about the crime can only testify about what? _____

9. In a poisoning case what might a witness testify about? _____
10. What does an expert witness know? _____
11. What are many expert witnesses? _____
12. Why may police take witnesses along with them? _____
13. What could happen if you do not guess correctly at a line-up? _____

14. What should you do for a police artist? _____
15. What do police artists often use in making their drawings? _____
16. When would you meet with a lawyer from the district attorney's office? _____

17. What does a court decide at a preliminary hearing? _____
18. Where would you give evidence in secret? _____
19. Why do many cases never go to trial? _____
20. What must you do if you get a subpoena? _____

Critical Thinking

(pages: 62 & 63)

1. Why would a witness sometimes have to be relocated?
2. Why, many times, do newspaper reporters refuse to give the names of people they have spoken?
3. What may happen after you witness a crime?
4. What happens after a suspect is identified?

5. Why do you think grand jury testimony is secret?

6. How can a good character witness help a suspect?

7. Why could it be a good idea to keep a good relationship with your teachers? Give examples of what they might say before a jury that would help.