



CRITICAL THINKING

If you are the victim of a violent crime and none of the witnesses came forward to tell what they knew, what might be the consequence or result?

DID YOU KNOW? Staying calm and acting in a cooperative manner when you are testifying in court is as important as staying cool when you are arrested. Doing otherwise can result in your being held in contempt of court or resisting arrest. These, in turn, can result in punishment.

EYE OPENER

About half of all violent crimes and more than one-third of all crimes are reported to the police.

If you are a witness for the state, the district attorney will review the testimony with you. If you are a witness for the defense, then the defense lawyer will do the review. If a lawyer from the other side wants to talk with you, you may want the lawyer for your side to be with you.

Does being a witness take a lot of time? The answer is that it can. There will be hearings to attend and perhaps a trial. Some courts have a telephone alert system to call you only when it is almost your turn to go to the courthouse.

Who pays for witness expenses? If you have to miss time from work to be a witness and find child-care in order to go to court, some courts provide child-care programs. Many states also have Victim/Witness Assistance Programs. Check if there are programs in your state.

What is a Victim/Witness Assistance Program? It is a program that helps victims and witnesses do their job. For example, it may be able to pay some of the costs you will face. People from the program can arrange with your employer for you to take time off from work and, perhaps, to get paid while you are in court.

The law says that witnesses have to get a witness fee. This is a very small amount of money. However, ask about how to be in the programs that help you financially if you are a witness.

Telling What You Know in Court

When it is time to tell your story in court, you will wait outside the courtroom until your turn. You will be called in and the court clerk will swear you in. When you are sworn in, you will be asked to raise your right hand and promise to tell the truth, the whole truth, and nothing but the truth. This is a very serious promise.

Make sure you know these five important things to remember about being a witness:

1. Show **respect** for the court: don't smoke, eat, or chew gum in the courtroom; be polite—always call the judge “Your Honor.”
2. Tell the truth: Stick to the facts—tell only what you know for certain. If you do not know an answer, say so. Never guess. Speak clearly. If you need an interpreter, the court will provide one. If you are interpreter for a someone else, answer as carefully as if you were the witness.
3. Answer only the question being asked. For instance, if the lawyer asks whether you were at the laundromat on the afternoon of the crime, say yes or no. Do not say, “No, but I was there that morning.” If you give information that is not asked for, it might hurt or confuse the case.
4. Try to relax and stay calm: Never become angry. The cross-examination can be difficult. This is the time when the lawyer from the other side asks you questions. This lawyer will try to find out whether you are sure about what you witnessed. Stay calm. Do not give smart answers or make jokes. Try to show as much respect for the lawyer as possible.

5. Pause before answering a question. When you are being cross-examined by the other side, the lawyer from your side has the chance to object to a question being asked or to complain that the question is not fair. Wait for the judge to say whether or not to answer the question.

Can you commit a crime as a witness? The answer is yes. You can break the law even as a witness. If called to testify, you must appear in court. If you refuse, you can be charged with **contempt of court**, or with not obeying or with not showing respect for the court. In some situations, you can be fined or even sent to jail.

If you tell a lie after you have promised to tell the truth, you will have committed a crime. The crime is called *perjury*. The sentence for perjury is much harsher than the sentence for contempt.

Do you always have to testify? You do not have to testify against your husband or wife if you choose not to. You also do not have to say anything against yourself in court. On the other hand, if you testify to a grand jury, you have to tell everything. The grand jury usually cannot indict or charge you with the crime by using the evidence you give in your testimony.

What if you are threatened by the suspect? The accused or the family of the accused sometimes threaten a witness. Threats do not usually happen, but they are against the law. You should report any threats to the police. They can help you get a court order to stop the threats. The police can also go with you to and from court to keep you safe. You can also ask someone from a Victim/Witness Assistance program to go with you.


CRITICAL THINKING
Why is it important to tell only what you know as fact or observation and nothing from personal opinion or guessing?

DID YOU KNOW? Being a witness is both a right and a responsibility.



Understanding Chapter 13

1. Name different ways of identifying a suspect.
2. Describe what a subpoena is.
3. What should you do if threatened either by the accused or by his/or her family?

 *Workbook*
Self-Check p.28
Reality-Check p.29

1. If you are for the State who will review the case with you? _____
2. When would you want the lawyer from your side to be with you? _____

3. What is a telephone alert system used for? _____

4. What program will help you get paid while you are in court? _____
5. What does the law say a witness has to get? _____
6. Who swears in witnesses? _____
7. What should you always call the Judge? _____
8. How should an interpreter answer for a witness? _____

9. What might happen if you give information not asked for? _____
10. What is the lawyer from the other side trying to find out? _____

11. What kind of answers should you not give? _____
12. Whom should you try to show as much respect as possible? _____
13. Why should you pause before answering a question from the other side? _____

14. Who will tell you if you can answer a question from the other side after an objection? _____

15. What can you do even as a witness? _____
16. What is contempt of court? _____
17. What is perjury? _____
18. The sentence for perjury is much harsher than what? _____
19. Who do you not have to testify against? _____
20. What should you do if you are threaten by the accused? _____

Critical Thinking

(pages: 64 &65)

1. If you were the victim of a violent crime and none of those who saw the crime came forward to tell what they knew, how would you feel?
2. How can staying calm when testifying in court be important?
3. How could a witness give testimony that might hurt or confuse the case?
4. How can smart answers and jokes get a witness in trouble?

5. Why is it important to tell only what you know and nothing from personal opinion or guessing?

6. Can you commit a crime as a witness? How?

7. Do you always have to testify? Give examples.