

# Source Document

## Answer questions on page

### Chapter 13

## Tell What You Know

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.

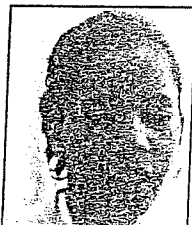
### Witnesses

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.

 **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.

**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.


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

## CHAPTER 13 SELF-CHECK

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### Tell What You Know

*Read each statement below and decide whether it is true or false. If the statement is true, write T on the line. Write F if the statement is false. If it is false change the statement to make it true.*

- \_\_\_\_\_ 1. When victims of assault are asked to look at a lineup, they need to pick the person who most looks like or most resembles the attacker.
- \_\_\_\_\_ 2. Mug shots are pictures of people who have been arrested before.
- \_\_\_\_\_ 3. Witnesses do not have to speak before grand juries.
- \_\_\_\_\_ 4. Witnesses cannot be forced to testify in court.
- \_\_\_\_\_ 5. You can be called as a witness even if you did not see the crime.
- \_\_\_\_\_ 6. You can be called as a witness even if you did not know the suspect or the victim.
- \_\_\_\_\_ 7. A witness for one side can refuse to answer questions by the other side.
- \_\_\_\_\_ 8. A wife legally has to testify against her husband.
- \_\_\_\_\_ 9. A witness has usually talked to a lawyer before taking the stand.
- \_\_\_\_\_ 10. A witness who does not tell the truth at a trial is not guilty of a crime.

# CHAPTER 13 REALITY-CHECK

## Tell What You Know

### WRITING ACTIVITY

*A trial often depends on the testimony of witnesses. Read each item below. Write your answer in complete sentences.*

1. If witnesses does not testify or tell what they know in court, is that as bad as testifying in court but telling a lie? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
2. How can a witness who tells only part of the story affect the outcome of a trial? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. How is being a good witness the responsibility of a good citizen? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. Do you think that having a punishment for perjury is fair? Why or why not? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### COLLABORATIVE LEARNING ACTIVITY

*Form a small group of 3-6 people. Each person in your group should contribute. Before you begin, decide what each person's job will be in the group. If time allows, present your group's work to the class.*

- *Create a role-play that requires all four kinds of witnesses talked about in the chapter.*
  - *Make sure to show how each kind of witness is important in bringing the criminal to justice.*
  - *You may use any of the items below as story starters.*
- John Q. was called in to testify as a handwriting expert. There had been a murder.
  - Donald S. was accused of beating his wife and son. Roy M., their neighbor, said he often heard yelling from next door.
  - Police officer, Jessica W., was called to the scene of an apartment building fire. The police thought it might be arson.
  - Mia K. was on trial for helping her boyfriend commit an armed robbery. In court, her teacher testified about Mia's character.
  - Lauren J. was taking medicine that made her lose her temper easily. One night, she threw a vase at her son, causing him serious injury. Lauren's doctor was called to testify.