

PREFACE

This booklet is intended to help you better understand the criminal justice system and learn how to interact with it. The federal criminal justice system cannot function without the participation of witnesses. Witnesses have important responsibilities in the criminal justice system. The complete cooperation and truthful testimony of all witnesses are essential to the proper determination of guilt or innocence in a criminal case.



We hope that this booklet will provide answers to some of your questions, however, this is only an introduction to the criminal justice system. Please feel free to ask any additional questions you may have. You may contact the Victim/Witness Unit or the Assistant U.S. Attorney assigned to the case. Addresses and telephone numbers are listed on the back of this booklet.

Thank you for your cooperation with our office and for your service as a witness. We appreciate the sacrifice of time that being a witness requires.

Twenty Two Reminders About Preparing To Testify

1. REFRESH YOUR MEMORY

Before you testify, try to picture the scene, the objects there, the distances and exactly what happened. This will assist you in recalling the facts more accurately when asked a question. 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. Beware of suggestions by attorneys as to distance or times when you do not recall the actual time or distance. Do not agree with their estimate unless you independently arrive at the same estimate.

2. SPEAK IN YOUR OWN WORDS

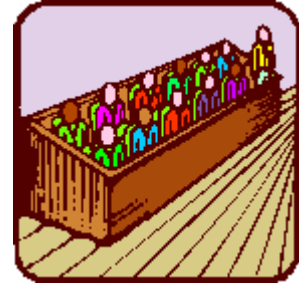
Don't try to memorize what you are going to say. Doing so will make your testimony sound "pat" and unconvincing. Instead, be yourself, and prior to trial go over in your own mind those matter about which you will be questioned.

3. APPEARANCE IS IMPORTANT

A neat appearance and proper dress in court are important. The trouble with an appearance that seems very casual or very dressy is that it will distract the jury during the brief time you're on the stand and they won't concentrate on your testimony.

4. SPEAK CLEARLY

Present your testimony clearly, slowly, and loud enough so that the juror farthest away can easily hear and understand everything you say. Avoid distracting mannerisms such as chewing gum while testifying. Although you are responding to the questions of a lawyer, remember that the questions are really for the jury's benefit. Additionally, smoking is not allowed.



5. DO NOT DISCUSS THE CASE

Jurors who are or will be sitting on the case in which you are a witness may be present in the same public areas where you will be. For that reason, you MUST NOT discuss the case with anyone. Remember too, that jurors may have an opportunity to observe how you act outside of the courtroom.

6. BE A RESPONSIBLE WITNESS

When you are called into court for any reason, be serious, avoid laughing, and avoid saying anything about the case until you are actually on the witness stand. Also, do not read in the courtroom.

7. BEING SWORN IN AS A WITNESS

When you are called to testify, you will first be sworn in. When you take the oath, stand up straight, pay attention to the clerk, and say "I do" clearly.

8. TELL THE TRUTH

Most important of all, you are sworn to TELL THE TRUTH. Tell it. Every true fact should be readily admitted. Do not stop to figure out whether your answer will help or hurt either side. Just answer the questions to the best of your memory.

9. DO NOT EXAGGERATE

Don't make overbroad statements that you may have to correct. Be particularly careful in responding to a question that begins, "Wouldn't you agree that...?" The explanation should be in your own words. Do not allow an attorney to put words in your mouth.

10. LISTEN CAREFULLY TO AVOID CONFUSION

When a witness gives testimony, (s)he is first asked some questions by the lawyer who called him/her to the stand. For you, this is an Assistant U.S. Attorney. The questions asked are for the purpose of "direct examination." When you are questioned by the opposing attorney, it is called "cross examination." This process is sometimes repeated several times in order to clearly address all aspects of the questions and answers. The basic purpose of direct examination is for you to tell the judge and jury what you know about the case. The basic purpose of cross examination is to raise doubts about the accuracy of your testimony. Don't get mad if you feel you are being doubted during the cross examination. The defense counsel is just doing their job.

Glossary of Terms

ACQUITTAL: Legal judgment that a criminal defendant has not been proved guilty beyond a reasonable doubt.

ARRAIGNMENT: A proceeding in which the criminal defendant is called into court to have the indictment read to him/her and to enter a plea.

CONCURRENT SENTENCE: Sentences for more than one crime in which the time of each is to be served at the same time, meaning that all time served is credited to all sentences.

CONSECUTIVE SENTENCE: Sentences for more than one crime in which the time of each is to be served successively, meaning that time served for each sentence is served one after another.

CONTINUANCE: When court hearings cannot take place as scheduled, the hearing date is changed to a future date. This is a very common occurrence in the criminal justice system.

CONVICTION: Legal judgment that a criminal defendant has been proved guilty beyond a reasonable doubt.

DEFENDANT: The person against whom the indictment has been filed.

DEPOSITION: An oral statement, made under oath by a witness. Counsel for the case have an opportunity to question witnesses to discover what each witness knows and will testify to at trial. The deposition may be used later in the trial.

EVIDENCE: Any kind of matter, presented at trial through witnesses, records, or documents for the purpose of persuading the court or jury of the correctness of the contentions of the parties involved.

GRAND JURY: Made up of persons who hear the government's evidence against a person who is suspected of committing a crime to determine whether there is sufficient evidence to bring that person to trial.

INDICTMENT: The formal charging of the defendant with a particular crime by a grand jury.

INFORMATION: The formal accusation charging the defendant with a particular crime but brought by the U.S. Attorney, rather than by the grand jury.

JUDGMENT: The official and authentic decision of a Court adjudicating with finality the respective rights and claims of the parties in a lawsuit.

PERJURY: Deliberate false testimony under oath. Under current Federal Law, perjury carries a penalty of up to 5 years.

PLAINTIFF: The one who brings the suit, asking for the enforcement of a right or the recovery of relief from wrong.

PLEA: A defendant's official statement of "guilty" or "not guilty" to the charges made against him/her.

REASONABLE DOUBT: The idea that the evidence in a criminal trial must show that the defendant is guilty to the point that the jury is convinced and morally certain that the defendant did commit the crime.

RESTITUTION: Payments by offenders to victims as redress for the damage done in committing a crime.

SENTENCE: Sanction formally pronounced by a judge upon a defendant after his/her conviction.

SUBPOENA: A court order directing a witness to appear in court and give testimony. Failure to honor a subpoena constitutes contempt of court.

SUPPRESS: To put a stop to a thing actually existing; a motion to suppress evidence or a confession asks the Court not to allow the use of such evidence or confession in the case.

VENUE: The geographical location in which a case is tried.

VERDICT: The formal decision or finding made by the jury upon the matter submitted to them at the trial.

VICTIM IMPACT STATEMENT: A statement from the victim to be given to the sentencing judge. Items in the statement should include the impact of the crime on the victim emotionally, physically and financially.