

## **Frequently Asked Questions by Victims and Witnesses**

One of the responsibilities of citizenship for those who have knowledge about the commission of a crime is to serve as witnesses at the criminal trial or other hearings held in connection with a criminal prosecution. The federal criminal justice system cannot function without the participation of witnesses. The complete cooperation and truthful testimony of all witnesses are essential to the proper determination of guilt or innocence in a criminal case.

If you have to serve as a witness, remember that your assistance is greatly needed and appreciated by our office and the community.

### **1. Why am I a witness? I didn't see a crime occur.**

Witnesses are not limited to "eye witnesses." You may have seen or heard the crime happen, or you may know something about it. You may also know something about a piece of evidence, or know something that contradicts another witness' testimony.

You may not think that what you know about the case is very significant. However, small pieces of information are often required to determine what really happened. If you wonder why you are testifying in a particular case, ask the Assistant U.S. Attorney handling the case.

### **2. Will I have to bring anything with me?**

If you need to bring anything as evidence, you will be instructed to do so in the subpoena or by the Assistant U.S. Attorney prosecuting the case.

### **3. What if the defendant's attorney or investigator asks to talk to me?**

You have the right to decide whether you want to discuss the case with any attorney or investigator for either the United States or the defense. Be sure you know who you are talking to when you discuss the case. Don't be afraid to ask for identification. If you decided to speak about the case, the most important thing to remember is to tell the truth. You may set the terms for any interview, including having the prosecutor present.

### **4. Will I be paid for my time spent as a witness?**

You will receive a \$40 witness fee for each day you are required to be in court, or attend a pretrial interview, including travel days. You will not be reimbursed for lost wages. In addition, all legitimate travel expenses related to your testimony will be paid for, or reimbursed by, the government. You will be reimbursed for travel by the least expensive method available. If your testimony requires you to travel by plane or stay overnight, a Victim Witness staff member will arrange your travel and lodging through the government travel agency and your airfare and lodging costs will be paid directly by the government. **DO NOT MAKE ANY TRAVEL ARRANGEMENTS UNTIL YOU HAVE SPOKEN WITH THE U.S. ATTORNEY'S OFFICE. IF YOU MAKE YOUR OWN TRAVEL ARRANGEMENTS WITHOUT CONSULTING WITH THE U.S. ATTORNEY'S OFFICE, WE MAY BE UNABLE TO REIMBURSE YOU IN FULL FOR YOUR COSTS.**

You will be reimbursed for mileage, taxi fare, tolls, and parking. Receipts are required. If two or more witnesses travel in the same privately owned vehicle, only one reimbursement for mileage will be made. You will also receive a standard per diem to cover your food costs. The per diem in Wyoming is \$23.00 for travel days and \$46.00 for full days. IF YOU TRAVEL TO COURT AND RETURN HOME THE SAME DAY, YOU WILL NOT RECEIVE THE PER DIEM. You will be provided with a form when you testify which you will use to claim reimbursement for your expenses. You will receive payment by mail. Please contact the Victim-Witness Program staff to determine your specific entitlement under the law.

RENTAL VEHICLES AND OTHER SPECIAL EXPENSES WILL NOT BE REIMBURSED WITHOUT JUSTIFICATION AND APPROVAL IN ADVANCE.

#### **5. What about my employer?**

Many witnesses question how to approach their employer about their absence from work during testimony. If requested, we will contact your employer and outline your responsibility as a subpoenaed federal witness. Employers may not retaliate against you because of your absence.

#### **6. What will happen if I fail to appear?**

If you fail to appear, you may be cited for contempt of court. An arrest warrant could be issued. If you have concerns about appearing, it is important that you contact the Assistant U.S. Attorney assigned to the case or the Victim-Witness staff as soon as possible.

#### **7. Do I have to testify in front of the defendant?**

If you are testifying before the grand jury, no defendant is present. If you are testifying at a criminal trial, the defendant must be present in court to hear what all the witnesses say about him or her. The representative for the defendant is called the defense attorney, and he or she will ask you questions after the Assistant U.S. Attorney is done questioning you.

#### **8. Who can be with me in court?**

You may bring friends or relatives with you to court, and they can probably sit in court while you testify, unless they are also witnesses. A Victim-Witness Program staff member may also be present in court with you.

#### **9. What if I am threatened by the defendant or others?**

Threatening a witness is a separate federal crime, and a matter which we take very seriously. However, it actually happens very rarely. In emergency situations, call the police immediately. In other instances, contact the case agent and Assistant U.S. Attorney assigned to the case.

#### **10. How long will I be in court?**

It is impossible to predict how long witnesses will need to be at the courthouse, or exactly how long particular testimony may take. The Assistant U.S. Attorney prosecuting the case (sometimes via the

Victim-Witness staff) will try and give you a general idea of how long you may be on the stand. We will also try to minimize the total time you are needed at court, but it is important that you arrange your schedule to allow maximum flexibility. You may have to wait several hours or more for your turn to testify, and unexpected events can delay court proceedings. You may want to bring reading materials, or something else to occupy your time, while you wait to testify. In Casper, we recommend that you not park on the street at a meter. In Cheyenne, we recommend that you not park on the street in an area with time-limited parking (e.g., 2-hour parking or 15-minute parking). The U.S. Attorney's Office cannot pay for parking tickets.

**11. What should I do if I have children who need care while I am gone?**

Try to find a relative, friend or neighbor to care for your children. You should make sure that he/she has a flexible schedule, as your testimony may take longer than expected. The courthouse does not have child care facilities and is not an appropriate place for young children. If you are having difficulties securing child care, please contact the Victim-Witness staff for assistance.