

## INFORMATION FOR WITNESSES

You have been named as a witness in a criminal proceeding and will be subpoenaed to come into court to relate some facts within your knowledge.

The criminal justice system could not function without the assistance of witnesses, which includes crime victims. Information provided by victims and witnesses help identify and apprehend the offender. Likewise, the testimony and input of victims and witnesses is constitutionally required for a successful prosecution. The facts of which you have knowledge, the way you communicate them to the court, and the general manner in which you discharge your duty as a witness may all determine whether or not justice is served in your case.

## THE SUBPOENA

A subpoena is a court order requiring you to be present at the time and place stated. Because you are a witness, a subpoena will be mailed or delivered to you. It is often a good idea to bring the subpoena with you so that you can easily check whether you are in the right place and identify the matter for which you are present. Failure to appear as ordered will make it impossible for the Prosecuting Attorney to effectively prosecute your case and can be cause for issuance of a warrant for your arrest.

## LOCATION OF THE COURTHOUSE AND PROSECUTING ATTORNEY'S OFFICE

The Hancock County Courthouse is located at the intersection of State Road 9 and US 40 in downtown Greenfield. The Prosecuting Attorney's Office is on the East side of the courthouse at 27 American Legion Place.

## THE TRIAL

At each step of the trial, the (deputy) Prosecuting Attorney will discuss your role with you. Because of the requirement that each witness testify only to facts within his or her own knowledge, you will probably be asked to remain outside the courtroom until you testify. Even though your case is scheduled for an exact time, the calendar is crowded and sometimes preceding hearings last longer than anyone predicted. We make every effort to prevent your having to wait or make extra trips to the courthouse, but some delay seems to be inevitable.

You may receive a telephone call from a (deputy) Prosecuting Attorney in advance of the trial date to discuss your testimony. If you are not contacted prior to the trial date, the prosecutor will talk with you when you arrive at the courthouse on the date of the trial. You may also be contacted by the defense attorney or an investigator from his or her office. If you would like the assistance of our office in talking to him or her, please do not hesitate to call the (deputy) Prosecuting Attorney assigned to your case at (317) 477-1139.

## COURTROOM PROCEEDINGS

One of the fundamental rules in a criminal case is that both the prosecution and the defense have the opportunity to question the witness. When the prosecutor calls on you to testify, he will question you about the specific facts within your knowledge. After that examination is completed, the defense attorney will have the opportunity to ask you questions relating to the same set of facts. Questions asked by both sides are directed toward achieving one goal--to determine the truth in the case.

Don't let cross-examination upset you. It may appear at times that the opposing lawyer is trying to question your truthfulness, but (s)he has the right to test your memory and knowledge of the relevant facts to form a basis for comparison of your testimony with that of others. From time to time, the court may order a continuance of the hearing of a case. When this happens, a new trial date will be set, and the Prosecuting Attorney's Office will make every effort to see that you are informed in time to avoid unnecessary trips to court. In order for us to be able to reach you, it is very important that you keep us informed of your current telephone number, cell phone number, home address, and work address. Please let us know if you move or change your phone number.

## SOME POINTS TO REMEMBER AS A WITNESS IN COURT

**DRESS CONSERVATIVELY AND BE COURTEOUS:** You want to be sure that your appearance and manner do not distract the judge or jury from careful consideration of your testimony.

**CONTROL YOUR TEMPER:** If you lose your temper on the witness stand, you invite more extensive cross-examination. Courts and juries are concerned with the facts of the case; emotion may cloud the issue.

**BE ATTENTIVE:** If the judge or jury gets the impression that you are bored or indifferent, he or they may tend to disregard your testimony.

***SPEAK CLEARLY AND LOUDLY:*** Everyone in the courtroom must be able to hear distinctly what you have to say. While the experience of testifying may be unnerving, the judge or jury can only consider what they are able to hear and may judge your truthfulness by the confidence in your voice. Don't be afraid--you are not on trial.

***ANSWER ALL QUESTIONS DIRECTLY:*** It is the responsibility of the attorneys to bring forth your testimony by asking questions:

- a. Answer only the questions asked.
- b. If you can answer a question with a simple yes or no, do so.
- c. If you don't know the answer to a question, say so.
- d. If you don't understand the questions, don't try to answer--ask that it be explained.

## COMPENSATION

The clerk of the court in which you are a witness will mail your witness fee and you will be reimbursed for mileage at the federal rate per mile. You will be required to sign a claim voucher in the Prosecuting Attorney's Office, if you are a witness for the State of Indiana, for payment of the amounts owed you.

The claim vouchers are filed on the 15th of the month as required by the Auditor's Office and payment is usually made on the 10th of the following month.



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