

Subpoenaed witnesses have personal **information** about a **crime** which has been committed. Witnesses often **think** that what they **know** about an incident may not be **significant**. Small **pieces** of information, however, can be critical in **determining** what actually **happened** and the **outcome** of a case.

Many victims and **witnesses** are **unfamiliar** with court **procedures**. They may be fearful or feel emotional **stress** about their role and **responsibilities**.

Tips on Testifying is offered to **address** some of these concerns.



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Tips
On
Testifying

Testify Win
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Upon Receipt of a Subpoena

Read the subpoena carefully. It will give you directions on when and where you are required to appear. The subpoena may also be “duces tecum,” which means that you need to bring something to court with you.

Prior to Appearing in Court

Review written or taped statements you have made about the case. You may request a copy from the attorney handling the case.

Don't rehearse or memorize what you are going to say. Instead try to visualize what actually happened—the place, time, objects, persons present, identifying characteristics or statements made—so you will be confident of your answers.

Dress conservatively. Wear clean clothing in good repair.

Other Helpful Tips

Do not be afraid to say that you have discussed the facts of the crime with other people such as the police officer, investigator or attorney.

You are not required to speak to anyone else about your testimony if you don't want to. If anyone contacts or threatens you in an effort to influence your testimony, contact the victim services provider or prosecutor immediately. Tampering with a witness is a crime.

If asked whether you are being paid for coming to court, be straightforward and state that you are being reimbursed for your expenses by the state. According to law, witnesses can receive limited compensation for loss of wages, mileage and some other related expenses.

Witnesses cannot be disciplined by employers for responding to a subpoena.

Changes in court appearance dates and times often occur. Please notify the victim service provider or prosecutor's office of any changes in your address and telephone numbers so you may be notified of any potential or actual changes.

Testifying Guidelines

- ▶ Walk confidently to the witness stand and speak clearly so everyone in the courtroom can hear.
- ▶ Sit comfortably in the witness chair and do not make noises with your hands, feet or chair. Don't chew gum or cover your mouth with your hands.
- ▶ State your answers truthfully and accurately in your own words.
- ▶ Think before you speak. If you don't understand a question, say so and ask to have it repeated or rephrased. Never answer a question you do not understand.
- ▶ Correct wrong or unclear answers immediately. If you feel a question cannot be answered "yes" or "no," tell the attorney and ask for more explanation.
- ▶ Give definite answers if possible. If you don't know, say so. Don't speculate. If you must approximate times or distances, state clearly that you are estimating.
- ▶ Be polite, serious and even-tempered. Some attorneys may try to make you angry. Stay calm—do not argue or become sarcastic.
- ▶ Stop immediately if the judge interrupts you or an attorney objects. Do not resume until the judge tells you to continue.