

## **SUGGESTIONS FOR TESTIFYING**

*The following suggestions are offered to assist you in becoming a more effective witness:*

### ***Dress neatly.***

A neat appearance and proper dress in court are important.

### ***Be prepared.***

Before you testify, don't try to memorize what you are going to say but try to picture the scene, the people involved, the objects there, the distances between objects and people and what happened. If you review the facts in your own mind, it will be easier to recall the events when you are asked about them.

### ***Avoid distracting mannerisms.***

Never chew gum or smoke in the courtroom. Keep your hands still and away from your face and mouth.

### ***Be serious in the courtroom.***

Avoid laughing or talking in the courtroom. Walk confidently to the witness stand. While taking the oath, stand upright, pay attention and say "I do" clearly. Always address the judge as "Your Honor."

### ***Listen carefully to all questions.***

If you do not understand a question, ask that it be explained.

### ***Wait for "objections".***

If one of the attorneys makes an objection to a question, do not answer until the judge has ruled. If the objection is "sustained" you may not answer; if the objection is "overruled" you may answer. If you are confused, ask the judge for directions.

### ***Take your time.***

Give the question as much thought as you need to understand it and to formulate your answer. Don't rush into an answer, but on the other hand, don't hesitate to answer a simple question.

### ***Speak clearly and loudly.***

Always speak slowly, clearly and loudly enough so that all the jurors and the judge can hear you. Do not nod your head indicating "yes" or "no"; you must always give audible answers so that the court report can make an accurate record. Avoid using street language or slang.

### ***Do not volunteer information.***

Answer only the question asked of you. If you are interrupted in the middle of your answer, you may ask the judge permission to finish.

### ***Explain your answer if necessary.***

If a question cannot be answered truthfully and completely with a "yes" or "no" answer, you have the right to explain your answer.

### ***Do not guess.***

Give positive, definite answers whenever possible. Avoid saying "I think" or "I believe" if you are certain. If you are asked a question about something you do not know, do not be afraid to say "I don't know." Sometimes people have difficulty in remembering events which happened long ago. If you are asked a question about something you do not remember, it is perfectly proper to say "I don't remember." Never make up an answer if you are not sure.

***Do not give your opinion.***

The judge and jury are only interested in facts. Don't give your opinion about something unless you are asked.

***Remain calm and courteous.***

Even if the attorney questioning you seems rude or makes you angry, remember to stay calm and don't lose your temper. Never argue with the attorneys or the judge. Don't appear arrogant or respond with "smart aleck" remarks; it may diminish the impact of your testimony.

***You must answer all questions.***

You cannot refuse to answer a question. Do not ask the judge if you must answer a question. If it is an improper question, the Assistant District Attorney will object.

***Freely admit your conversations with others about the case.***

If a defense attorney asks the question "Have you talked to anyone about the case?" tell the truth. It is perfectly proper to talk to the Assistant District Attorney before you are called to testify. And you most likely spoke to a police officer about the case. Don't be evasive. Answer frankly if you have talked with others about the case.

***Be yourself and try not to be nervous.***

Don't be afraid to look the jury in the eye and tell your story. Remember, no one knows better than you do what happened. Jurors are also people and are naturally sympathetic to the witness and want to hear what he/she has to say.

***Don't be afraid to cry.***

If you are the victim of a particularly violent crime, having to recount what happened may bring back frightening memories. Especially if you are an emotional person, you may feel an uncontrollable urge to cry. Crying is a natural reaction which should not concern or embarrass you. The judge and jurors understand the trauma you have been through.

***Avoid jurors during recesses.***

Under no circumstances should you approach a juror even on a matter which doesn't concern the trial. Avoid laughing or talking about the case in the Courthouse, at lunch, or anywhere that you may be overheard.

***Tell the truth.***

This is the most important point of all. Even a so-called "white lie" can completely discredit a witness and significantly weaken the entire case. You are sworn to tell the truth and it is a crime to lie under oath. If you tell the truth, accurately and without exaggeration, you have nothing to fear on cross-examination.

***Do not discuss your testimony.***

After you have testified, leave the witness stand with confidence, knowing that you have presented the truth to the best of your ability. You are encouraged to remain in the courtroom for the remainder of the trial, since this shows the jury that you are interested in the outcome of the case. Do not discuss your testimony with other witnesses who have not yet testified; to do so could violate a court order and damage the case.

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<sup>i</sup> Taken from *The Victim Witness Handbook* published by Network Of Victim Assistance (NOVA), Doylestown, Pennsylvania