

How to be a good witness / tips on testifying.

The Importance of Serving as a Witness

You have a very important job to do as a witness in a criminal action. For a jury or judge to make a correct decision, they must decide on facts stated by witnesses who have sworn to tell the truth. Witnesses sometimes assume they don't know anything relevant about the case. In reality, you may know a very important fact about the case although the information seems unimportant to you.

What Should I Wear?

Dress comfortably and professionally for your trial appearance. You should wear the same type of clothing you would wear to a job interview, professional meeting or church. Please do not wear a hat, shorts, tube tops, jeans or flip-flops. Your physical appearance plays a role in the way the jury and judge will receive your testimony, so be sure to dress in a manner that shows respect for the court while boosting your own confidence.

- **TELL THE TRUTH.** Listen carefully to the questions posed to you. Be sure you understand the question before you answer it. Give an answer to the best of your ability and knowledge.
- **Let the judge know if you do not understand the question.** Never guess at the meaning of a question. If you don't understand a question, don't try to answer it. Doing so may only result in confusing the court, the jury and the attorneys. It may also extend the time you are on the witness stand because the lawyers must go back and correct any misinformation given. The judge will likely ask the attorney to rephrase the question so that you can understand it.
- **Do not guess or speculate.** If you do not know the answer or you cannot remember, just say so. If you give an estimate (such as with distance or time), indicate that your answer is only an estimate and not exact. On the other hand, give positive, definitive answers when you clearly remember.
- **Take your time.** Remember to think before you speak. You may be nervous, so don't answer questions before you fully understand them. Never answer a question you do not understand.
- **Answer the question.** Do not volunteer information unless you are specifically asked for it. If you make an error while testifying and later realize it, ask the court for permission to correct your error before you leave the witness stand. If you realize your error after you are excused from the witness stand, advise the deputy district attorney as soon as possible.
- **REMAIN CALM AND DO NOT LOSE YOUR TEMPER.** You will come across much better and much more credible if you remain calm and do not become defensive, hostile or argumentative. Never argue with the attorney asking the questions. If you lose your self-control, you will be much easier to trip up on cross-examination. During cross-examination, you will be required to answer questions that will challenge your credibility. It is possible that these questions may be aggressive and hostile, so do your best to maintain your self-control while answering the questions.
- **Never guess.** If you do not know the answer, say so. If you have enough information to provide a reliable estimate in response to questions about distances, time or speed and you estimate, make sure to say that your answer is only an estimate.
- **Provide only the facts** that you are certain are true based on your own knowledge or experience. It is not your job to speculate or supply information about someone else's testimony. You should only speak about things you witnessed personally or know from your own circumstances **What you KNOW is important; what you THINK is not relevant.**
- **Speak clearly.** Answer all questions clearly and loudly enough so everyone in the courtroom can

hear you. A low tone of voice not only detracts from the value of your testimony, but also may make the court and jury assume you aren't sure about what you're saying. Talk at a moderate rate, and don't slur or mumble your words.

- **Listen carefully.** Don't attempt to guess at questions you don't hear or understand. In those instances, ask that the question be repeated or explained. If you don't know the answer to a question, simply state that you don't know.
- **Answer questions directly.** Give a simple answer only to the question asked. If a question can be answered with a "yes" or "no," do so. If you make a mistake when answering a question, correct it immediately. Don't volunteer information.
- **Stop your testimony. Stop If You Hear "Objection!"** If there is an objection to a question asked or to your answer, stop speaking. The judge will either "sustain" the objection or "overrule" the objection. If the objection is "overruled," you may answer the question. The judge will direct you.
- **Do not discuss the case** with any other witnesses or jurors. Avoid discussing the case in public areas such as elevators or hallways.
- **Be yourself.** Be natural and relax. If you tell the truth and remember you are just talking to some neighbor on the jury, you will get along fine. Just be straightforward, honest and truthful.
- Please do not chew gum, smoke, eat or drink anything other than water in the courtroom
- Please do not bring your cell phone or pager into the courtroom; turn it off or place it in the silent mode.

Remember, conviction or acquittal is not your responsibility; you are in court only to truthfully tell the judge and jury what you know.