8. If you must estimate distances or measurements, etc., clearly state that you are estimating.
9. Answer questions simply and directly. If you are asked for a "yes" or "no" answer and you feel that your answer needs an explanation, tell the attorney that you would like to give an explanation or that the question can't be answered "yes" or "no".
10. Never argue with the defense attorney or the judge. It is the job of the prosecuting attorney to object to any improper questions asked by the defense attorney.
11. If an attorney objects to a question, do not answer until the judge tells you to answer or wait until a new question is asked of you.

Trick Questions

1. Take time to think through your answer before speaking.
2. Should you be asked if you were paid for coming to court (and you are receiving some reimbursement for mileage expense, etc., or you're receiving an expert witness fee), tell the defense attorney about this reimbursement fee. You will be paid only what is allowed by State Law, so don't be afraid to explain.
3. Do not be afraid to say you discussed the facts of the crime with other people. At a minimum you talked to a police officer or a lawyer or your name would not have become known to the state.
4. Remember to stay calm and not to lose your temper, even if the attorney seems rude or makes you angry. He or she is testing your ability to accurately remember facts about the crime.

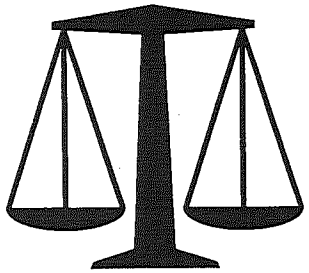
In a criminal trial, the State must prove the guilt of the defendant beyond a reasonable doubt.

In order to accomplish this purpose, the State relies upon its witnesses. Our system of separating the innocent from the guilty is for witnesses to speak the truth, and to do so as clearly and concisely as possible.

Pat Ciliberto

Form #323

Suggestions To Aid You As A Witness



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The Office of

Pat Ciliberto

SCOTT COUNTY ATTORNEY

Since most witnesses are unfamiliar with court surroundings, and since most people have certain fears or misconceptions about testifying, I want to make the following suggestions.

Keep in mind that the purpose of these suggestions is to help you testify more clearly and accurately, and to be more easily understood by the judge and the jury.

As a witness, you have a very important job to do – important not only to us and to you, but important to the American system of justice. In order for a jury or a judge to make a correct and wise decision, all of the evidence and testimony must be presented in a truthful manner.

Pat Ciliberto
Scott County Attorney

Scott County Government Center
200 Fourth Avenue West
Shakopee, Minnesota 55379-1220

(952) 496-8244

When You Receive a Subpoena

1. If you have been issued a subpoena read it carefully. A subpoena always gives directions on when and where you are to appear. The subpoena may also be a "duces tecum" which directs you to bring something with you. The item(s) you are to bring should be listed on the subpoena underneath the box checked "duces tecum."
2. If you are instructed to come to the County Attorney's Office, you will find us on the third floor of the Scott County Government Center, 200 Fourth Avenue West.
3. Contact the Scott County Attorney's Office Victim Witness Program at (952) 496-8242 to let us know you have received the subpoena or notice and to make sure we have your correct home and work telephone numbers in the event of last minute changes. We can also provide you with the additional information or answers to questions you may have.
4. Contact the witness hotline at (952) 496-8600 the work day before you are scheduled to appear and verify that your attendance is required. Oftentimes, cases are postponed or settled just before trial.

Before You Appear In Court

1. If you have previously given a formal statement to a police officer or an investigator and have a copy of that statement, please review it carefully before coming to court.
2. Try to mentally picture the matters about which you will be testifying, such as the place of the incident, the objects and people present, what happened, what was said, to whom, at what time, etc.
3. Don't memorize what you are going to say. A memorized statement is not believable to the jury and the defense attorney can easily shake your confidence in your testimony by finding one flaw in a memorized statement.
4. When you come to court, dress neatly and conservatively – remember the jury will be making its decision on first impressions.

Guidelines For Witnesses Testifying

1. Walk confidently to the witness stand.
2. Tell the truth. Describe the people, the events, or the places as you remember them.
3. Sit quietly and try to be relaxed while on the witness stand.
4. Think before you speak. Make sure you understand each question, then give an accurate answer. If you don't understand the question, say so or ask to have it repeated.
5. Speak slowly, distinctly, and loudly enough to be heard by the jury, judge, court reporters and attorneys.
6. Speak only facts. The judge and jury are interested only in facts. Don't give your conclusions or opinions unless specifically asked to do so by the attorney. If you have to correct your answer, do it right away.
7. If you can't recall certain facts don't be afraid to tell the court that you can't recall the fact.

Continued –