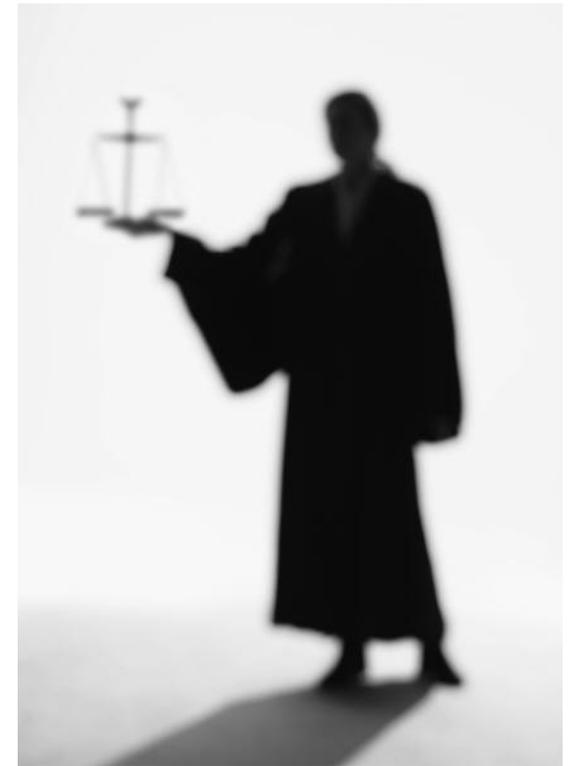


17. Try not to seem nervous. Avoid mannerisms that will make the judge or jury think you are scared, or not telling the truth or all that you know.
18. Above all – this is important – *do not lose your temper*. Remember that some attorneys on cross-examination will try to wear you out so you will lose your temper and say things that are not correct or that will hurt you or your testimony. Keep your cool.
19. If you don't want to answer a question, don't ask the judge whether you must answer it. If it is an improper question, the Prosecuting attorney trying the case will take it up with the judge. Don't ask the judge for advice.
20. When being questioned by defense counsel, don't look at the Prosecuting attorney or at the judge for help in answering a question. You are on your own. If the question is improper, the Prosecuting attorney will object. If a question is asked and there is no objection, answer it. Never substitute your ideas of what you believe the rules of evidence are.
21. Never argue with the defense attorney.
22. Do not nod your head for a "yes" or "no" answer. Speak so that the court reporter or recording device can hear the answer.
23. When coming from the witness stand after testifying, wear a confident expression, but do not smile or appear downcast.
24. Sometimes, not often, a defense attorney may ask this question, "Have you talked to anybody about this case?" If you say, "no", the judge or jury knows that isn't right because good prosecutors try to talk to a witness before he takes the stand. If you say, "yes", the defense lawyer may try to imply that you have been told what to say. The best thing to do is to say very frankly that you have talked with whomever you have talked with – Prosecuting attorney, victim, other witness, relatives – and that you were just asked what the facts were. *All that we want you to do is just to tell the truth as clearly as possible.*
25. Now, go back and re-read these suggestions, so you will have them firmly in your mind. We hope they will help. These aren't to be memorized. If you remember you are just talking to some neighbors on the jury, you will get along fine.

OKLAHOMA
DISTRICT ATTORNEYS COUNCIL
VICTIM-WITNESS SERVICES

*If you have any questions after reading this,
please contact your District Attorney's Office.*



**TWENTY-FIVE
SUGGESTIONS
TO A
COURT WITNESS**

Helpful Hints

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

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

As a witness, you have a very important job to do – important not only to us and to you, but most 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 must be presented in a truthful manner.

You already know that you take an oath in court to tell nothing but the truth. WE WANT YOU TO TELL THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH. But there are different ways to tell the truth. If one is halting, stumbling, hesitant, arrogant, or inaccurate, the judge and the jury may doubt that you are telling all the facts in a truthful way. The witness who is confident and straightforward will make the court and the jury have more faith in what he is saying.

The following pages are additional suggestions for your review before testifying.

District Attorney

1. Before you testify, try to picture the scene, the objects there, the distances and just what happened so that you can recall more accurately when you are asked. If the question is about distances or time, and if your answer is only an estimate, be sure you say it is only an estimate.
2. A neat appearance and proper dress in court are important.
3. Avoid distracting mannerisms, such as chewing gum while testifying, and while taking the oath, stand upright, pay attention and say, "I do", clearly.
4. Don't try to memorize what you are going to say. This is unnecessary, but do try to go over those matters upon which you will be examined in your own mind prior to trial.
5. Be serious in the courtroom. Avoid laughing and talking about the case in the presence of the jury or anywhere in the courthouse where you may be observed.
6. Speak clearly and loudly enough so that the farthest juror can hear you easily.
7. Listen carefully to the questions asked of you. No matter how nice the attorney may seem on cross-examination, he may be trying to discredit you. Understand the question, have it repeated if necessary, then give a thoughtful, considered answer. *Do not give a snap answer without thinking.* Don't rush into answering, but neither should there be an unnaturally long delay to a simple question if you know the answer.
8. Explain the answer, *if necessary*. Give the answer in your own words, and if a question can't be truthfully answered with a "yes" or "no", you have a right to explain the answer.
9. Answer *only* the question asked you. Do not volunteer information not actually asked for.
10. If your answer was not correctly stated, correct it immediately. If your answer was not clear, clarify it immediately.
11. The judge and the jury are interested only in the facts. Therefore, don't give your conclusions and opinions unless specifically asked.
12. Unless certain, don't say "That's all of the conversation" or "Nothing else happened." Instead say, "That's all I recall," or "That's all I remember happening." It may be that after more thought or another questions, you will remember something important.
13. Always be courteous, even if the lawyer questioning you may appear discourteous. Don't appear to be a cocky witness. This will lose you the respect of the judge and jury. Any lawyer who can make a witness mad will probably cause the witness to exaggerate, appear unobjective, and emotionally unstable. Keep your cool.
14. You are sworn to tell the truth. Tell it. Every material truth should be readily admitted, even if not to the advantage of the prosecution. Do not stop to figure out whether your answer will help or hurt your side. Just answer the questions to the best of your memory. Do not exaggerate.
15. Stop instantly when the judge interrupts you, or when an attorney objects to a question.
16. Give positive, definite answers when at all possible. Avoid saying, "I think," "I believe," or "in my opinion," if you can be positive. If you do know, say so. Don't make up an answer. You can be positive about important things that you naturally would remember. If asked about little details which a person naturally would not remember it is best just to say so if you don't remember. But don't let the defense lawyer get you in a trap of answering question after question with "I don't know."