

Preparing to Testify



Office of the Prosecuting Attorney
(269) 383-8900

TELL THE TRUTH

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- If you don't remember, say that you don't remember. Don't guess, don't make up an answer.
- If you don't know the answer, say you don't know. Don't guess, don't make up an answer.
- Don't exaggerate.

APPROPRIATE BEHAVIORS

- Wear clothes that would be acceptable for work or church. No t-shirts or torn clothing.
- Turn off electronic devices: cell phones, pagers, etc.
- Do not chew gum, candy, etc.
- Do not wear a hat.
- Do not make gestures to people sitting in the courtroom.

EXPECT DIRECT EXAMINATION AND CROSS EXAMINATION

- The lawyer who calls you to the stand will ask questions first. This is direct examination.
- When finished, the opposing lawyer will ask you questions in an attempt to clarify your answers or to perhaps discredit your testimony. This is cross examination.

ANSWERING QUESTIONS

- Answer questions to the best of your ability.
- Testify from what you remember today. Don't be concerned if it doesn't include every detail from your written statement.
- Answer all questions unless a lawyer makes an objection.
- Simply answer the question that is asked, don't volunteer information.
- Explain your answer if you feel it's necessary.
- Don't state your opinion unless you are asked to do so.
- If you didn't hear or understand the question, ask the lawyer to repeat the question.

LET THE LAWYERS AND JUDGE RESOLVE ANY OBJECTIONS

- It is up to the Judge to decide what to do when an objection has been made.
- Do not answer a question after a lawyer has objected until the judge tells you to do so.
- After an objection is resolved, ask the lawyer to repeat the question if you don't remember it.

SPEAKING IN COURT

- Speak clearly and loudly so everyone can hear.
- Answer out loud. Nodding or shaking your head to answer a question isn't an acceptable answer.

BE POLITE

- Avoid becoming angry or frustrated if questions seem repetitive.
- Wait to answer until the entire question has been asked.
- Do not interrupt the lawyers or the Judge.
- Don't argue with the lawyers.

ERRORS IN TESTIMONY

- If you make a mistake, clarify it as soon as possible.
- Tell the lawyer you need to clarify something that was stated incorrectly in your testimony.
- **Remember, you are under oath and sworn to tell the truth.**

FOLLOW THE JUDGE'S ORDERS

- You must remain available to testify if the Judge orders you to do so.
- You can only step down from the witness stand when the judge excuses you.
- You must follow any other directions given by the Judge.

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