

You are being called as a witness for the Prosecution. The following is information to help you testify at trial.

## **I. GENERAL**

### **1. Tell the truth**

- You must tell the truth at Court.
- If you believe in the bible or any other religious book, we will have that book at Court so that you can swear an oath on it.
- If you are not religious, you can make a solemn affirmation, which is a promise to tell the truth.
- If you are 13 years old or younger, the Judge is going to ask you some questions to make sure you're able to testify; you do not need to swear an oath or make a solemn declaration. You just need to promise to tell the truth.

### **2. Excluding Witnesses**

- The Court will usually make an order excluding witnesses – this means that witnesses cannot wait or listen in the courtroom until after they have given their evidence.
- Please check in with me at Court. You will be asked to wait outside until we are ready for you. Please wait in the general area outside the courtroom, as your name may be called without warning.
- If you are worried about seeing other witnesses or other people, please tell me about this so that we can find a safe place for you to wait.
- At a trial, after you have testified, you are welcome to stay and listen to other witnesses. If it is a Preliminary Inquiry, you are not allowed in the Courtroom. Please ask me about this if you are not sure.
- Feel free to bring a book or some other method of entertaining yourself while you wait.

### **3. Speaking in Court**

- Speak up! The microphones only record your voice, they do not make it louder.
- Speak slowly – we are all trying to write down what you are saying.

#### **4. Answering Questions**

- Tell the truth – answer as truthfully and accurately as you can.
- Do not memorize your answers.
- Do not attempt to exaggerate or mislead, as you will only create problems for yourself when you are cross-examined.
- Do not guess – answer only what you can remember, and if you cannot remember a certain fact, tell the Court that you don't recall.
- Numbers – if there are questions about measurements, times, or other numbers, give an estimate only unless you are absolutely sure of an exact answer. Tell the Court it is only an estimate. If you need to look at your statement to confirm a number, you are allowed to but you have to ask.
- Listen carefully to the question, and make sure you understand what you are being asked. If you don't understand the question, ask.
- Think about your answer. Make sure you know your answer before giving it.
- Pay attention to the person who asked you the question, whether it is a lawyer or a judge. Do not look at anyone else in the courtroom to help you with the answer.
- If you know the answer to the question, don't be afraid to say that you're positive. If you are sure, and one of the lawyers is suggesting something that is not accurate, it's your job to tell the lawyer he or she is wrong and what really happened.

#### **5. Objections**

- Sometimes the other lawyer or the judge will object to a question. This usually means we disagree on whether you should answer the question or not.
- Lawyers object by standing up. This is not like American television where a lawyer will jump up and yell, "I object!" We will stand up and wait for the judge to notice us.
- Stop talking. When you see another lawyer standing up, wait until the lawyers and judge discuss the question to see whether you can answer it. Do not answer until the judge says you can.

### **II. EXAMINATION IN CHIEF (the Crown Prosecutor asks you questions)**

1. I will ask you questions first.
2. My questions to you have to be open-ended. That means they will typically be questions like, "what happened next," or "what did you see?"
3. I cannot help you in answering the question.

4. I will give you a copy of your statement before Court to refresh your memory, however you cannot look at it while you are testifying unless you ask.
5. If there is a detail you have forgotten, but you know you wrote it down in your statement, ask me if you can look at your statement. Examples of things your statement might help you with are if you've written down specific times, descriptions or exact quotes.
6. Answer only the question I have asked you and no more.
7. Some of the questions I ask you may seem odd, but please still answer them to the best of your ability.
8. If I continue asking you the same questions repeatedly, it is because you haven't given me the information I am looking for. You are likely missing a specific detail. If this happens, stop and think for a minute about the details we've discussed. If you're still not sure, you can ask to look at your statement.

### **III. CROSS-EXAMINATION (Defence counsel asks you questions)**

1. If there is more than one person charged with an offence, there will likely be more than one lawyer. Each lawyer will get a chance to ask you questions.
2. The lawyer questioning you is only doing his or her job as best that they know how. Don't take the questions personally.
3. Stay calm. Do not get angry or hostile with the lawyer; answer as best as you can, and be firm in your answer. Don't be intimidated by the questions or the way they are asked.
4. If you don't know the answer, tell the lawyer that you don't know.
5. If you don't understand the question, tell the lawyer that and they will ask it a different way.
6. This lawyer can ask you leading questions, or questions that suggest an answer.
  - The lawyer will usually be looking for a "yes" or "no" answer.
  - If you feel that a "yes" or "no" answer does not tell the whole story, you can explain your answer.
7. The lawyer might say something to you like "I put it to you that..." or "I suggest that..." and then they will tell you what they think happened. Listen carefully to their version of the story. If their version is not what happened, tell the Court why you don't think their version is correct. If they are wrong, don't be afraid to speak up and say, "that's not the way it happened!"

### **IV. RE-EXAMINATION (Crown Prosecutor asking more questions)**

1. After the defence lawyer has finished asking you questions, I can ask you further questions to clarify your answers.

2. I am not allowed to speak with you prior to asking these questions.
3. I might not have any more questions.

#### **V. JUDGE'S QUESTIONS**

1. At any time during the trial the judge can ask you questions.
2. Call the judge "Sir" or "Ma'am" or "Your Honour"
3. The same rules apply when the judge asks you questions: answer honestly and as best as you can. If you don't know, say that you don't know.

#### **VI. COURTROOM MANNERS**

1. You may need to take a break, either to use the washroom or if you become upset. If at any time you need a break, please ask. We want you to be comfortable.
2. If you need anything else while you are testifying, such as a glass of water or tissue, please ask.
3. Witnesses have to stand up in the witness box. If you have a hard time standing because of an injury or any other reason, please tell me and we will ask the judge permission for you to sit.
4. The following are not allowed in the courtroom: hats, gum, and cell phones must be turned off.
5. Dress: Please dress in business casual, or like you would for a job interview, if possible. The courtrooms are usually chilly.

#### **VII. BEING NERVOUS OR AFRAID**

1. It is natural to be nervous when testifying – everyone in the courtroom knows this, and understands.
2. You are welcome to bring parents, any other adult, or any other support person with you to Court.
3. If you are afraid of something specific, please talk about this with me. For example, if you are afraid of the accused, there are things we can do to make it easier for you.
4. If you have any specific medical conditions, mental health issues, or handicaps that make testifying difficult for you, please talk to me about this. There are things we can do to make it easier for you.

**MOST IMPORTANTLY: TELL THE TRUTH**