

Rice County Attorney

A Criminal Trial: If You Testify

As a witness in a criminal prosecution, you play an important role in seeing that justice is done. Because our court system is unfamiliar to many, it often creates unnecessary fear and misconceptions among those called to testify. In an effort to relieve some of these concerns, we offer the following suggestions:

WHEN YOU RECEIVE A SUBPOENA OR NOTICE TO APPEAR FOR TESTIMONY

1. Please read your subpoena or notice carefully. It will tell you when and where to appear. It may also inform you of any additional items and documents you must bring.
2. Contact the prosecutor (the attorney who sent you the subpoena) at (507)332-6103 (*from Lonsdale call 507-744-5185, from Northfield call 507-645-9576*) to let him or her 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 additional information or answers to questions you may have.
3. An employer cannot discipline or discharge you because you are subpoenaed or requested to testify. Contact the prosecutor if you need assistance.

BEFORE YOU APPEAR IN COURT

1. Review any written or taped statements you have made regarding the incident. If you do not have a copy of your statement, one may be obtained from the prosecutor at (507)332-6103 (*from Lonsdale call 507-744-5185, from Northfield call 507-645-9576*). If there are mistakes in your statement, please call us.
2. Don't memorize what you are going to say. Instead, try to think about the things that you will be testifying to such as the place of the incident, people or things present, what happened, what was said and by whom, etc.
3. You do not have to discuss this case with anyone. If you are contacted by anyone regarding your testimony, you can decide if you want to talk to them or not. If anyone threatens you in an effort to influence your testimony, contact our office **immediately**. Tampering with a witness is a crime.
4. Contact the Rice County Attorney's Office at (507)332-6103 (*from Lonsdale call 507-744-5185, from Northfield call 507-645-9576*) the **day before** you are scheduled to appear and verify that your attendance is required. Often cases are postponed or settled just before trial.
5. If you need an accommodation because of a disability, please advise the prosecutor.

WHEN YOU TESTIFY

1. Your **only** responsibility is to tell the facts truthfully and accurately. The judge decides what the law is and the jury decides if the defendant is guilty or not guilty.
2. Wear neat and conservative clothing.
3. Listen closely to the questions you are asked. If you do not understand or hear a question, please ask to have it repeated.
4. If an attorney objects to a question, you should not answer until the judge tells you

- to or a new question is asked.
5. If you are asked to give a “yes” or “no” answer but feel more explanation is necessary, please tell the attorney that you would like to explain your answer.
 6. Answer only the question asked. Do not volunteer information not asked for by the question.
 7. When answering a question, tell the facts as you remember them. If you do not recall certain facts, do not be afraid to say so. Do not guess.
 8. You should not give your personal opinions or conclusions unless you are asked to by the attorneys or judge. If you must estimate distances, measurements, times, etc., clearly state that you are estimating.
 9. Please speak loudly and clearly so that you may be heard by everyone in the courtroom.
 10. Be polite. Never argue with an attorney or judge.
 11. If you have concerns about revealing your home or work address, discuss this with the prosecutor. You may not need to unless relevant to the case.
 12. Jurors who will be deciding the case may be in the same public areas (hallways, restrooms, parking lot). Avoid discussing the case in public areas.

Please contact us anytime you have additional questions or want further information.

Rice County Attorney’s Office

Rice County Courthouse

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