

# WITNESS INFORMATION

Witness Coordination (209) 468-2422

As a witness in court you play an important role. It is your testimony, along with the testimony of the other witnesses in this case, that will provide the judge or jury with the facts they need to reach a proper decision. The information on this sheet should answer many of the questions you may have about your role as a witness.

## BEFORE YOU APPEAR IN COURT

In California it is the District Attorney, not the victim or the police, who is responsible for deciding whether or not a person accused of a crime should be prosecuted in court. The District Attorney has the authority to prosecute a case even where a victim does not wish to file charges or wants to have a case dismissed. Once charges are filed, the District Attorney appears in court to present the evidence against the person accused of a crime. Before going to court the District Attorney must locate all of the witnesses and evidence that will be needed in court. This often means that a police *officer*, district attorney's investigator, or deputy district attorney will have to speak to the witnesses before court, even those witnesses who have already given a statement to the police or sheriff. The lawyer for the person on trial (who is called the "defendant") may also hire an investigator to talk to witnesses before court. If you have been the victim of a sexual assault, you may have an advocate and/or support person with you at the time you speak to any attorney or investigator.

If you are needed at a hearing or trial you will receive a subpoena telling you the date to appear in court and giving you further instructions. If you receive a subpoena and have any questions about it you can call the Witness Coordination Office of the District Attorney at the number listed above.

1. Let the District Attorney know if you change your address or telephone number. This is important so that we can notify you of any change in the date or time that you are to appear in court and so that we can give you information about what is happening with the case in which you are a witness.
2. Ask for identification from anyone who tries to talk to you about the facts of the case or about what you are going to say in court. Police officers, district attorney investigators, and deputy district attorneys have badges or identification cards that you should ask to see. You are entitled to know if the person talking to you is from a law enforcement agency or is the defendant's lawyer or investigator. Remember that you do not have to talk to any lawyer or investigator about this case before coming to court, however you can certainly do so if you wish. You should also know that both the district attorney and the lawyer for the defendant will have copies of the police reports and any statements given to the police by you or any other witness.
3. Report anyone who tries to prevent you from going to court. It is against the law for anyone to try to prevent you from going to court, or to threaten or intimidate you in any way to keep you from reporting a crime to the police or from helping the District Attorney bring a case to trial. If you feel anyone is trying to do this, call the police, tell them you are a witness in this case and what is happening to you so that it can be stopped.