

Your Voice in Criminal Court

court information
for adult witnesses



Ministry of
Public Safety
and Solicitor General



your role as a witness

You have an important role to play in the administration of justice. You have been called as a witness because of your knowledge about a court case. This booklet provides you with general information about the criminal court process and your role as a witness so that your voice may be heard in criminal court.

The Victims of Crime Act of BC ensures that victims have the right to information on the justice system, victim services and related legislation. Please ask your Victim Services worker if you need assistance with a **Victim Impact Statement**, an application for **Crime Victim Assistance**, or accompaniment to Crown counsel meetings and court dates.



You play an important role in the administration of justice.

When you are required to testify in court, you should receive a court document called a **subpoena** that



will indicate the location of the court, the date and time and courtroom number of the case. The subpoena will refer to R. v. <the name of the accused>. The letter “R” is short for “Regina” which means “Queen” in Latin.

The letter “v” is short for “versus” which means “against” in Latin. The Queen is Canada’s head of state; therefore her name is used to represent the community in any criminal trial.



It is important to prepare yourself for court.

preparing for court

It is important that you prepare yourself for court. For example:

- Do you need to arrange for childcare, transportation, or time off work?
- Do you need to review your police statement before testifying?
- Do you require any special consideration (e.g., translation services, wheelchair accessibility)



when you testify?

Ask your Victim Service Worker or Crown counsel to answer your questions and address your needs prior to attending court.

on the day of court

Dress comfortably and conservatively. Making a positive impression is important.

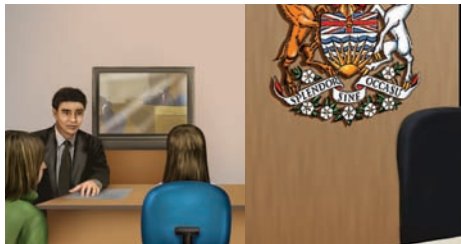
Report directly to Crown counsel's office with your subpoena and let them know you are here. Crown will let you know where to wait until called to testify.

Waiting to testify can be stressful. De-stressors include:

- Speaking with Crown counsel or a Sheriff if you are feeling unsafe



Making a positive impression is important.





- Relaxation exercises; concentrate on breathing slowly and deeply
- Talking with your support person about anything but the evidence you will be giving in court that day; you must not discuss any particulars of the case with anyone but Crown counsel because the suggestion that your testimony has been influenced by someone else may cause the case to be dismissed.



Do not discuss any particulars of the case with anyone but Crown counsel.

the criminal trial process

In criminal court, the Court Clerk calls the court to order, asking everyone to rise while the Judge enters the courtroom. The Clerk then reads the





charges, the Judge asks the accused how s/he pleads, and the accused responds.

Crown counsel will stand and ask for “an order excluding all witnesses.”

The Judge will then order all witnesses in the criminal case to leave the courtroom and not return until they are called to testify.



Crown counsel will present the prosecution case first. As a Crown witness, you will be called to testify as part of the prosecution case. If defence counsel presents any evidence, this will be

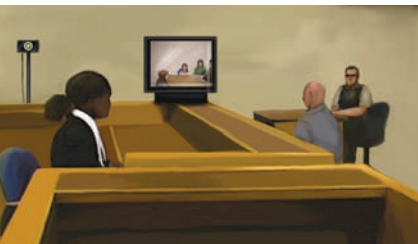
done after Crown has completed their case.



As a Crown witness, you will be called to testify as part of the prosecution case.

Once both lawyers have completed their presentation of witnesses and given their closing arguments, the Judge will usually render

a verdict. This might happen immediately or another time might be scheduled for the judge to deliver the verdict.



Courtroom etiquette is important to follow.

There are often many delays during the trial process. Expect to be at court the entire day if called to testify in the morning. You may also be required to attend additional days if there are delays and you have not completed your testimony.

in the courtroom

Please turn off your cell phone and/or pager prior to entering the courtroom. Other courtroom etiquette includes:

- no gum chewing
- no talking, yelling, outbursts
- no visible or audible signs of annoyance (e.g. rolling of the eyes or loud sighs)

When you enter the courtroom, you will be directed to the witness box. Remain standing



*You are making
a valuable
contribution.*

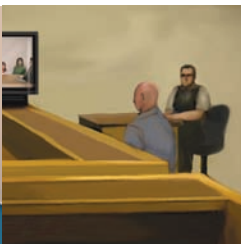


and wait for the Court Clerk to speak to you. The Clerk will ask you to state your name and to spell your last name. You will then be asked if you wish to **“swear an oath”** or **“affirm the truth.”**

Crown counsel will ask you questions first. This is called **direct-examination**. The Defence lawyer may then ask you additional questions. This is called **cross-examination**. The Judge may also ask you questions to clarify your answers.

When testifying,

- address the Judge as “Your Honour” or as “Judge”, except in Supreme Court where it is My Lord/My Lady
- look directly at the Judge, instead of the lawyers, when giving your answers
- ask the Judge for clarification if you do not understand the question



- speak clearly, slowly and keep your voice up as the Judge must be able to hear your answers
- listen carefully to the question asked, making sure the lawyer has finished talking; take a moment to organize your response; take a deep breath; and answer only the question being asked
- avoid arguing with the lawyers or the Judge
- avoid sarcasm, jokes and losing your temper
- keep calm and relaxed
- expect interruptions when testifying (e.g., lunch breaks, objections)
- you are not allowed to discuss your evidence with anyone, even Crown counsel, while you are under cross-examination, and the judge may warn you about this
- always tell the truth (no guesses!)



After you have given your evidence and are excused by the Judge, you may leave or stay in the courtroom. If you are expected to testify again later in the proceedings you will be asked to leave the courtroom.

your voice

You are making a valuable contribution to our criminal justice system by testifying in court. Without you, justice may not be served. Without your voice, justice cannot prevail.





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Provided by the Victim Services and Community Programs Division, BC Ministry of Public Safety and Solicitor General in partnership with the Law Courts Education Society of BC.

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