

You have received a subpoena



Information for people who are subpoenaed to testify in criminal court

If you are a victim or witness to a crime, you are important to the court process. When you receive a subpoena (sub-pee-na), it means you have been given notice that you must go to court. The following information will help you prepare to attend court.

What is a subpoena?

A subpoena is an official notice from the court saying you must go to court at a specific time and place to testify. A subpoena is a legal document and you must take it seriously.

What does “having to testify” mean?

If the accused person enters a “not guilty” plea, you may be required to testify in court. Testifying means you have to tell a judge, in a courtroom, everything you have seen or all the information you know about the crime. You will have to testify at a preliminary hearing or at a trial because you know things about the crime that may help decide what happens with the case.

As a victim or witness testifying in court, you should know that:

- You may ask for a language interpreter or sign language interpreter to help you when you testify.
- If you are a person with a disability or special needs, you may ask for special assistance to make it possible for you to attend court.

- If you are under the age of 14, a support person may be allowed to be close to you when you are testifying.
- If you are under the age of 18, or have a physical or mental disability, you may have the right to testify by closed-circuit television, behind a screen or other device in the courtroom.

What will happen if I am subpoenaed and don't attend court?

If you receive a subpoena and don't attend court on the date you are ordered to do so, it is possible a warrant could be issued for you and you could be arrested.

What can I do if I have a good reason for not attending court?

If you have serious reasons for not going to court, you must discuss this with the Crown attorney in charge of the case. Only the Crown attorney can allow you to be excused from going to court. If you do not know how to reach the Crown attorney's office in your area, call toll free 1-866-635-1111, or in Winnipeg call 945-3594, for help.

Can I be fired from my job for having to attend court?

No. It is against the law for an employer to fire a person who has received a subpoena and must attend court. But, your employer does not have to pay you for the time you have missed at work.

I have safety concerns, what should I do?

Going to court to testify can make people anxious and frightened. Sometimes they are afraid for their personal safety. If you are concerned about your personal safety please contact the Crown attorney who is handling the case or the crime victim services worker nearest to you. Victim services numbers are listed at the end of the fact sheet.

Who is the Crown attorney?

Each criminal case is prosecuted by a Crown attorney who is a lawyer representing the Government of Manitoba. You do not need to hire your own lawyer. The Crown attorney will consider your interests as the victim, but it is important to remember that the Crown attorney is not your lawyer. The Crown attorney must prosecute a case fairly and be fair to all parties in the case including witnesses, victims and accused. The Crown attorney must also take into account the public interest.

What do I do when I have to go to court?

When you go to court, bring your subpoena with you. If the subpoena says you are to be in court at 9:00 a.m. you must be prepared to stay all day. If you gave a statement at the time of the crime, you will be allowed to review it on the day of court. When you are asked to testify, you will go to the front of the courtroom to be sworn in. The court clerk will ask you to take the Bible in your right hand, state your full name and swear to tell the truth. You must give your name and promise to tell the truth, but you do not have to swear on a Bible if you do not want to.

Can I sit in court and listen to the case before it is my turn to testify?

No. People who will have to testify cannot sit in the courtroom until they have finished testifying about the case.

What happens at trial?

In a criminal trial, the Crown attorney starts by telling or presenting his/her case against the accused. The Crown asks witnesses questions to find out what they know about the crime. After every witness has answered the Crown's questions, the lawyer for the accused (defence lawyer) can then ask questions, or cross-examine the witness. When the Crown is

finished calling witnesses, the defence lawyer then presents his/her case in defence of the accused. Once the defence lawyer has questioned his/her witnesses, the Crown may then ask those witnesses questions as well. Once you have testified and the judge says you can go, you may leave the courtroom.

How do I prepare for court?

It is your responsibility to make the necessary arrangements for such things as your job, babysitting, transportation and parking to make sure you are available when you are called to testify. If you have difficulty making these arrangements, please call your nearest Crown attorney's office or toll free at 1-866-635-1111.

How do I arrange to travel to court from out of town?

If you live outside the area or community where you are supposed to testify, you must tell the Crown attorney that you might need help with travel arrangements. The Crown attorney will decide if your testimony is needed enough to make you travel to court.

Information for victims of crime

As a victim of a crime, you may need some help before you have to go to court. Within the Manitoba criminal justice system, there are a variety of victim services. Some victim services are special and serve only the needs of victims of domestic violence (Domestic Violence Support Service), child victims (Child Victim Support Service), and victims registered under *The Victims' Bill of Rights* (Victims' Rights Support Service). For information about the Victim Impact Statement Program, the Compensation for Victims of Crime Program and other services that might be available, victim services programs across the province can help you.

Manitoba Justice – Victim Services

Crime Victim Services Workers

1-866-4VICTIM (1-866-484-2846)

Compensation for Victims of Crime

1-800-262-9344