

Dover New Hampshire Police Department

Legal Bureau

DEALING WITH ANXIETY PRIOR TO TESTIFYING:

A HANDOUT FOR VICTIMS & WITNESSES

Are you nervous about testifying?

It is not abnormal to feel nervous as the trial draws near. It is natural to feel nervous when you are called upon to testify in court. Accepting your nervousness is the first step in becoming relaxed. If you continue to feel nervous or anxious, close your eyes for a moment. Imagine yourself in a peaceful setting, inhale deeply and slowly let your breath out.

When you are called to the witness stand, others in the courtroom will be watching you. You are a new face to the proceedings and their observations of you are natural. You should not feel uncomfortable. Just remember, if you were in their place, you would be curious about who they are and what they have to say.

Recognition of your nervousness will help you overcome it. Please remember these reactions are natural in unfamiliar settings. It is also natural to experience all of these, just a few, or some reactions that are not listed here. These reactions are temporary and should disappear as you testify. Some reactions may include:

- Speaking more rapidly than normal
- Speaking in a softer voice – making it hard to hear or understand you
- Slumping
- Upset stomach
- Difficulty in catching your breath
- Inability to recognize anyone in the courtroom
- Sweaty hands or feelings of dizziness

Stress, over long periods of time, can show itself in many ways – even in the strongest of individuals. Should you continue to be anxious or just feel the need to discuss your feelings with someone who understands, please feel free to call us. We are here to assist you and to make you more comfortable with the important role that you are playing in the criminal justice system.

SUGGESTIONS FOR WITNESSES

WHAT HAPPENS TO A WITNESS IN COURT

- As a witness for the state, you will be questioned by the prosecutor and then by the defendant's attorney. He/She will cross-examine you (ask you additional questions).
- You may feel, during the questioning, that your testimony is under suspicion, or that your personal motives are doubted. However, the process of cross-examination is not meant as a personal attack toward you. It is intended to ensure that all sides of the case are told, and to establish the truth.
- The judge is there to assist you if you do not understand a question, and to see that you

- are treated respectfully. If you do not understand a question, don't be afraid to say so.
- Review your written statement for accuracy before taking the stand.

WHEN YOU ARE CALLED TO THE STAND

- Always tell the truth.
- You may be nervous; it is not uncommon to be nervous.
- You will be required to take an oath to tell the truth. Remember the seriousness of this oath the entire time.
- Perjury (telling a deliberate lie under oath) is punishable by imprisonment for up to seven years.
- Listen carefully to the questions. Be sure you understand each question before answering it. If you do not understand, ask that the question be repeated or rephrased.
- Take the time you need to consider the question before answering it.
- If asked a "yes" or "no" question, answer and then ask to explain the answer if you feel you need to.
- Sometimes it is necessary to make an estimate. If you make an estimate, make sure that everyone understands that you are estimating.
- The judge and jury are interested only in the facts. Don't give your opinions or make conclusions unless they are specifically asked for.
- When answering questions, speak clearly so you will be heard and your answers can be recorded by the court reporter.
- Do not joke or answer sarcastically.
- If an attorney objects to a questions, do not begin your answer until the judge instructs you to do so.
- Be polite while answering questions, do not lose your temper.
- If you realize you have given misinformation immediately advise the judge, so you can be allowed to correct the error. If you have already left the stand, tell the prosecutor.
- Do not discuss your testimony with other witnesses without first obtaining permission from the court.
- If you have other questions about your case, or about your responsibilities as a witness, please speak with the prosecutor prior to taking the stand.

TIPS FOR TESTIFYING IN COURT

- A neat appearance and proper dress in court are important.
- Avoid any distracting mannerisms such as chewing gum while testifying. When taking the oath, stand upright, pay attention, and say "I do" clearly.
- Before you testify, try to picture the scene, any objects of importance, and distances involved as an aid to accurately recall when asked questions about the scene. If you can only estimate, be sure to say it is an estimate.
- Do not try to memorize what you are going to say because your testimony will not be as believable to the judge if it sounds rehearsed.
- Never answer a question you do not fully understand.
- Explain your answer if necessary. Give the answer in you own words, and if a question can't be truthfully answered with a "yes" or "no", you have a right to explain the answer.
- Answer directly and simple, only the question asked of you, and then stop. Do not volunteer information which is not requested.

- If your answer was not correctly stated, correct it immediately. If your answer was not clear, clarify it immediately.
- The judge is interested only in the facts. Do not, therefore, give personal opinions or conclusions.
- Always be courteous, even if others questioning you are discourteous. Do not be "cocky". This will cost you the respect of the judge.
- You are sworn to tell the truth. Tell it. Every material truth should be readily admitted, even if not to the advantage of the side which called you as a witness. Do not stop to figure out whether your answer will help or hurt your side. Just answer the questions to the best of your memory without exaggeration.
- Stop instantly when the judge interrupts you, or when an attorney objects to a question. Do not try to sneak your answer in or finish the sentence you've started.
- Give positive, definite answers. Avoid saying "I think," "I believe," or "in my opinion," if you can be positive. If you do know, say so, but do not make up an answer. You can be positive about important things which you naturally would remember. If asked about little details which a person naturally would not remember, it is best just to say so if you do not remember. But do not let the defense attorney get you in a trap of answering question after question with "I do not know."
- Try not to appear nervous. Avoid mannerisms which will make the judge think you are scared, not telling the truth, or not telling all that you know.
- Above all, do not lose your temper. Remember that some attorneys on cross-examination will try to wear you out so you will lose your temper and say things that are not correct, or that will hurt your testimony.
- If you do not want to answer a questions, do not ask the judge whether you must answer it. If it is an improper question, the attorney trying the case will take it up with the judge. Do not ask the judge for advise.
- Do not look at the attorney or the judge for help in answering a question. If the question is improper, the attorney will object. If the judge wants you to answer it, do so.
- Do not "hedge" or argue with the defense attorney.
- Do not nod your head for a "yes" or "no".