

Order of Court Proceedings

Voir dire: To “tell the truth,” a preliminary examination of prospective jurors to determine their interest in the case and to determine their qualifications and competency to serve as jurors. (Trial by Jury)

Swearing in of witnesses (Bench and Trial by Jury)

Opening Statements by the State (Prosecuting Attorney) then the Defense Attorney (Bench Trial and Trial by Jury)

State Presents Evidence and calls witnesses (Bench Trial and Trial by Jury)

Defense presents evidence and calls witnesses (Bench Trial and Trial by Jury)

Formal instructions of law are presented by the Judge to the jury (Trial by Jury). In a Bench Trial, the judge makes a decision on what the verdict is whether guilty or not guilty and then determines the defendant’s sentence.

Guilt Phase: The Jury deliberates to determine if the defendant is guilty or not guilty (Trial by Jury)

Punishment Phase: If the defendant is found guilty, the jury will then determine the defendant’s punishment. Both attorneys can present more evidence before the Jury deliberates (Trial by Jury)

Suggestions for the Day of Court

Please dress neatly and comfortably but not too casually.

Food and drinks are not allowed in the courtroom, but are allowed in witness waiting areas.

You may bring books or magazines to read while you wait to testify. If either side request “the rule,” the witness must stay outside the courtroom except when giving testimony. This prevents witnesses from hearing other witness’s testimony. There should be a witness room for you to stay in while you are waiting to testify. The victim/witness coordinator assigned to your case will advise you on where you may stay. Remember that you may have to share a room with other witnesses and you must not discuss the case with them. Doing so could cause a mistrial.

If you have questions or concerns prior to trial or during trial, please address them to your victim/witness coordinator.

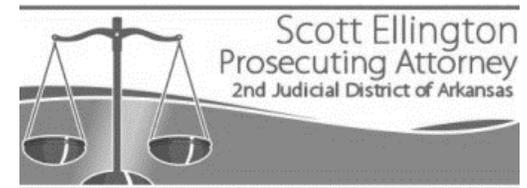
If you have small children that are not witnesses please try to make arrangements with a baby sitter before the day of court.

While in the courtroom you must remain silent. Do not express outward emotions in the court room. This could cause a mistrial.

The defense attorney may contact your prior to or during the trial to question you about the case. It is your right to choose whether or not to speak with the defense attorney.

When You Are Called As a Witness For the State

CRAIGHEAD COUNTY
PROSECUTING ATTORNEY’S
OFFICE
VICTIM/WITNESS ASSISTANCE
DIVISION



Craighead County Courthouse Annex
511 Union Street, Suite 342
Jonesboro, AR 72401
870-972-4779

Your testimony is important to the prosecution of a criminal case. When you are called as a witness, you will take an oath to tell the truth. This is all you are expected to do, but how you do it is important.

If you are halting, stumbling, hesitant, arrogant or inaccurate with your testimony the jury may doubt you. On the other hand, if you are confident and straight forward the jury will have faith in what you are saying.

The following are some suggestions which can help you become a more effective witness:

1. BE TRUTHFUL and attentive. Listen very carefully to the questions asked by either attorney and answer the question simply and concisely without exaggeration.
2. ANSWER only the question asked. Do not try to say everything at once, nor volunteer information that is not asked. Also, do not interrupt with an answer before the attorney is finished speaking.
3. Do not attempt to memorize what you are going to say and do not guess at the answers. Just answer truthfully and to the best of your knowledge.

4. SPEAK clearly and loudly. Do not nod or shake your head for an answer.

5. IF ASKED two or more questions before given an opportunity to respond, ask the presiding attorney which question he or she would like you to answer first.

6. IF the prosecutor or defense attorney objects to a question, do not answer the question until the judge rules on the objection. If you are confused, ask the judge for directions.

7. EXPLAIN your answer if a question cannot be answered truthfully or fully with a “yes, sir/ma’am,” or “no, sir/ma’am.”

8. ANSWER all questions. You must answer all questions whether you want to or not. If the question is improper, the prosecuting attorney will object. Never argue with the lawyer or judge. Remain calm and courteous.

9. YOU MUST look at the defendant when you are giving his or her identification to the Court. Briefly state the defendant’s sex, location in the courtroom and the color of clothing he or she is wearing.

10. DO NOT FORGET your conversations

with the prosecutor, defense attorney and/or their staff. Answer truthfully if asked whether or not you have talked with either attorney, law enforcement officials, your family or others.

11. BE YOURSELF, be sincere and dress neatly.

12. BE PREPARED. Arrange with your victim/witness coordinator to go over all statements you have previously made prior to trial. Try to recall the scene, the distance and everything that has happened. If a question is asked about distances or time and you can only give an estimate, be sure to say it is only an estimate.

You may be anxious and nervous about testifying in court, but this is to be expected. However, the Craighead County Prosecuting Attorney’s Office, Victim/Witness Assistance Division provides Court School to anyone who is called as a witness for the State. In Court School, the victim/witness coordinator will familiarize you with the courtroom and courtroom procedures hoping to ease any fears you may have. No rehearsing of testimony is allowed during Court School. If you are interested in Court School please contact your victim/witness coordinator.