

Will I have to go to court as a Witness?

Often the defendants plead guilty and you will not need to go to court to give evidence. However if the defendant pleads not guilty, or guilty but denies an important part of an offense, the case will have to go to trial and the court will usually have to hear evidence from witnesses in order to decide if the defendant committed the offense.

You can agree to be a witness, or the court can order you to be a witness. If you receive a subpoena, it will indicate the date and time you must be in court, the location and for which side. You may be asked to meet with either the defense lawyer or the prosecutor at some point before the trial to review your evidence, depending which side has called you as a witness.

If you have a valid reason for not going to court in response to a subpoena, such as major surgery, call the prosecutor immediately. If you do not show up, a warrant might be issued for your arrest.



Going to court

The trial begins with the prosecution explaining the facts of their case to the court. The prosecution will call each of their witnesses to support their case against the defendant. Once the prosecution has presented their case, the defense will call their witnesses.

Being a witness at the trial

When you are called, you will be brought into the court and shown to the witness box. You will give your evidence in person in court after you swear to tell the truth. Once you swear to tell the truth, you are under oath. If you are a witness for the prosecution, the prosecution lawyer will ask you questions first, then the defense lawyer will ask you questions. If you are a witness for the defense, the defense lawyer will ask you questions first, then the prosecution lawyer will ask you questions. This process is known as "cross examination".

Once you have given your evidence, the court will let you leave the witness box. You will usually be free to leave the court but you should wait until you are told to do so. You may prefer to stay and watch the rest of the trial, but you should check with the clerk first to let you know if that is alright.

If you knowingly do not tell the truth under oath, you commit perjury. Perjury is a serious criminal offense. If you perjure yourself in court, you could face a prison term.



Serving as a Witness

Frisco Police Department
7200 Stonebrook Pkwy.
Frisco, TX 75034
972-292-6000

Officer Name

Case Number

What is a witness?

A **witness** is someone who has firsthand knowledge about a crime or dramatic event through their senses (e.g. seeing, hearing, smelling, touching) and can help certify important considerations to the crime or event. A witness who has seen the event firsthand is known as an *eye-witness*. Witnesses are often called before a court of law to testify in trials.

Report what you know

Witnessing a crime may cause you to feel a number of emotions (for example, you may be upset, shocked or angry), which is quite normal. Everyone reacts differently to what they have seen. You may be uncertain as to whether you want to report what you saw or know about a crime, but the police understand this and they will reassure you.

You may not want to get involved if you know that there are other witnesses who can report the crime, however, the police need as much information as possible. Even if there are other witnesses, your report can still help. You may have seen or heard something the other witnesses did not.

Police understand that crime can be very upsetting and will take you and all reports seriously. They must prioritize what they can and cannot do, and may not have the staff to investigate all the crimes reported to them. Your information may help the police spot any trends (for example, car vandalism in a particular area).



Making a statement

A statement is a written or video-recorded account of what happened. It may be used as evidence in court.

When you make a statement, a police officer will talk to you and ask you questions to try to construct a picture of what happened. In most cases, the police officer will request you to write a written statement. The officer will ask if everything is correct. If something is incorrect, it is important that you tell the officer so it can be corrected. After you agree that the statement is correct, the officer ask you to sign the statement to indicate that it is an accurate account of what you think happened.



Making an arrest

The police use all the information they have to try to catch the offender, but it is important to remember that they cannot always do this. Serious offenses such as theft, burglary and most assaults carry a power of arrest, which means that the police can arrest the suspect and take them to the police station. Depending on the investigation and evidence, a suspect may be arrested at the scene of the crime, or days, weeks or months later.

When the suspect is arrested, they will be told their rights, as they have the right to have legal representation prior to answering any questions. Then the police can interview them.

Sometimes, after interviewing the suspect, the police may determine that additional investigation is needed due to insufficient evidence to charge the suspect, and the suspect will be released. The suspect may also be released on bail until a court hearing.



Will it go to court?

When a suspect is charged with a criminal offense or summoned to appear in court, they become known as the “defendant”. Whether there is sufficient evidence against the defendant to have a realistic chance of getting a conviction and if it is the public interest to prosecute, will depend on the particular case, but generally, the more serious the offense, the more likely it will be prosecuted.

The prosecutor must make sure that the right person is prosecuted for the right offense, and must act in the interest of justice, not only to obtain a conviction. If the prosecutor determines that a prosecution should not proceed, the case can be stopped.