

# Being a witness in court

This factsheet is designed to inform you of what you are likely to face as a witness in Court and assist you to understand your role to enable you to feel better prepared.

**Further information can be obtained by contacting the VSS Helpdesk on 1800 VICTIM (1800 842846)**

As a witness in Court, you have been called to give evidence because you have important knowledge about a case. Giving evidence in court can be both distressing and frightening, however it can also be an empowering and positive experience.

You will not need to hire a lawyer yourself as the Office of the Director of Public Prosecutions staff will allocate a lawyer (solicitor) who will prepare and work on the case and a Prosecutor who will present the case in court. The person who has been accused of committing the crime is referred to as the Defendant.

## 1. Things to think about before Court

Most people find the idea of going to Court scary or daunting. You may arrange a tour of the courts, which are open to the public through your counsellor, prosecutor or investigating police officer which will help you get a better idea of what to expect.

Before giving evidence, you will probably need to think back to the events or event you will be required to give evidence about. Try to remember details like dates, times, description, actual words as best you can. Don't worry if you can't remember everything. Ask the Prosecutor or investigating police officer before court if you can read through your statement to refresh your memory.

There are a range of protections available to witnesses in Court such as a screen

placed between you and the Defendant or the opportunity to deliver your evidence via closed-circuit television. You can talk to the investigating police officer or solicitor/Prosecutor about what may be available for you before the trial begins.

If you think you will need an interpreter on the day you give evidence, let the solicitor/Prosecutor know.

## 2. In Court

Court hearings are listed in the entrance of the court under the name of the Defendant (not the victim or Witness) and there is also a list in *The Advertiser* and on the internet of those cases being dealt with in the District or Supreme Court ([http://www.courts.sa.gov.au/sheriff/cause\\_lists/index.html](http://www.courts.sa.gov.au/sheriff/cause_lists/index.html)). On the day, you will need to go to the waiting area outside the court room indicated on the list and wait to be called. Waiting can be boring so take some light reading (e.g. magazines, puzzles for children etc.).

The process for a victim of crime or vulnerable witness to give their testimony may be different, as it is aimed to protect them from the defendant. The lawyers will be able to tell you what you will need to do.

When you are called you will be shown to the witness box by a court officer.

A court officer will ask you to swear on the Bible or Koran or promise (affirmation) to

tell the truth. If you prefer to make a promise instead of swearing on the Bible or Koran inform the court officer.

The Prosecutor will ask you questions about what happened when the offence took place ('evidence in chief'). The lawyer for the Defendant will then ask you questions ('cross-examination'). The Judge may sometimes ask you questions about your evidence.

Try to give your evidence clearly and remain as calm as you can.

There is no rush - consider each question carefully before answering. If you don't understand a question, say so and ask for it to be repeated. If you can't remember events, say so. Don't guess answers.

Crying is a natural response when talking about something that is distressing. No one will get angry with you.

You can ask the Judge for a break if you need (e.g. toilet break).

Do not discuss the case with anyone during the breaks if you are in the middle of giving your evidence.

If you would like someone to be with you when you give evidence in court, you can talk with the VSS Helpdesk about how to arrange a Court Companion through VSS.

### 3. After Court

After you have completed giving your evidence the Judge will 'excuse' you. It is your choice to either leave or to remain in court until the case is finished.

If the Defendant is found guilty, your Victim Impact Statement will be presented to the court to assist in sentencing.

Sentencing usually occurs at a later date and you may wish to be present. Ask the Prosecutor to notify you when sentencing is to occur.

If the Defendant is found not guilty or acquitted, he/she will be free to leave the court.

You might want to plan to do something special after giving evidence in court (e.g. going out for a meal, movie, planning to meet a friend etc.).

By telling the truth you have done your part regardless of the outcome.

As a contribution towards loss of wages, travelling expenses etc. you may be paid for your attendance in court. Ask a court employee about this

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#### FURTHER INFORMATION

If you would like more information, please contact the VSS Helpdesk on

**1800 VICTIM (1800 842846)**  
or view our website at [victimsa.org](http://victimsa.org)

For more information about what to expect, you can go to the Court website:

**[courts.sa.gov.au/GoingtoCourt/Witness-Victim/Pages/default.aspx](http://courts.sa.gov.au/GoingtoCourt/Witness-Victim/Pages/default.aspx)**