

## Frequently Asked Questions

**What if someone threatens me as a witness?** Someone who unlawfully threatens witnesses is obstructing justice and committing a crime. If someone threatens you, call the investigating officer or the police immediately. In an emergency situation, call 911. Do so as soon as possible so that threats can be documented and appropriate action taken. After calling the police, please call the Victim Witness Specialist or Deputy District Attorney assigned to the case.

**What if the defense attorney or defense investigator contacts me?** It is always **your choice** who you speak with or whether you speak to anyone about the case. If you have any concerns about talking with anyone (lawyers, investigators, etc.), or concerns as to who someone is you should feel free to contact the Victim Witness Specialist or Deputy District Attorney assigned to the case.

**What if I am contacted by the media?** It is **your choice** to speak to the media. If you have questions or concerns please contact the Victim Witness Specialist or the Deputy District Attorney assigned to the case.

**What is the purpose of bond?** Bond is allowed in most all criminal cases, including felonies. It is not a form of punishment, but rather, its legal purpose is to assure the defendant's appearance in court at the next court hearing and to assure public safety. The amount of bond is set by the Judge, not the Deputy District Attorney. In setting the amount of bond, the judge is required to consider a number of factors, including the seriousness of the offense charged against the defendant, the defendant's prior criminal history, and the likelihood that the defendant will return to court to face the charges.

**Do I need to come to every court hearing?** No, the only time you are required to appear for a court hearing is if you have received a subpoena to testify. You have the right to attend any court hearing you want, it is your choice.

**What is a subpoena?** A subpoena is a court order directing you to appear in court at a particular time and place. It may be delivered by mail or in person, if you were subpoenaed in person this is referred to as personal service. Receiving a subpoena by mail or in person does not mean that you are charged with an offense. Its purpose is to bring you to court to testify.

Usually you are notified well in advance of the court date. If you change your address or telephone number, immediately notify the Victim Witness Specialist at the number indicated on the subpoena. We may need to contact you if there is a change in the date or time you are to appear. You may also contact us in the event that you have questions regarding your appearance.

If you were personally served you must appear at the date and time listed on your subpoena. If you have questions, please contact the Victim Specialist assigned to the case.

Inform your employer that you have been called to testify and you may have to appear. Your employer cannot discharge, punish, or threaten you for attending a criminal proceeding when you have been subpoenaed. If you are experiencing difficulties with your employer regarding a court appearance, please contact the Victim Witness Specialist assigned to the case.

**What should I do if I receive a subpoena from the defense attorney?**

Please let the Victim Specialist know that you have received a subpoena from the defense. You will need to contact the defense for any updates for their subpoena, we will not be able to excuse you from their subpoena or make changes to the date and time they have indicated you need to appear in court.

**I received a subpoena and I live out of state, what should I do?**

Please contact the Victim Specialist listed on your subpoena. DO NOT make your own travel arrangements. If we need you to testify, we will discuss travel arrangements with you and make them if necessary.

**What is a plea agreement?** A plea agreement is a way a case can be resolved instead of going to trial. The Deputy District Attorney makes a plea offer that takes the following factors into consideration: the crime, the defendant's criminal history, the victim's input for crimes that fall under the VRA, and how this type of case is normally resolved. The task of the criminal justice system is to secure justice and reduce crime in the community. Most cases must be evaluated to determine what result will best accomplish justice for the victim, the defendant, and the community.

**If needed as evidence, when will my property be returned?** The District Attorney's Office will assist you in getting your property back after it is no longer needed as evidence. Please talk to the Victim Witness Specialist if you have special concerns.

**Will I be compensated for my court appearance?** Colorado Law only provides witness reimbursement for mileage. Witnesses traveling from another state also receive a daily witness allotment of twenty dollars a day to assist with food expenses. When you check in at the Victim Witness Waiting room, please bring your subpoena so the Victim Witness Specialist can verify the address from which you have traveled. Please check with the Victim Specialist for further assistance when you come in to testify.

**What do I need to know about testifying?** Witnesses often feel apprehensive about their appearance in court because they don't know what to expect. The following suggestions should be helpful:

- \*Always tell the truth.
- \*Listen carefully to each question you are asked. If you do not understand a question, ask to have it repeated or clarified.
- \*Think before you answer a question. Testify only to facts you observed or know. If you can only give estimates of times, distance, etc., be sure to say they are estimates.
- \*Answer only the questions you are asked. Do not volunteer information, opinions or conclusions that are not asked for.
- \*Stop if either attorney stands up and objects to a questions. Do not answer the question until you are instructed to answer by the attorney or the judge.
- \*Speak clearly, slowly, and loudly when answering a question. Do no nod or shake your head for a "yes" or "no" answer; answer out loud. Remember to not chew gum.
- \*Remain calm. Do not argue or lose your temper with an attorney or the judge.
- \*Dress professionally, neatly, and comfortably. Acceptable clothing is similar to something you would wear to a job interview.
- \*Remember to please turn off your cell phone.

**You will take an oath to tell the truth. This is all that will be expected of you. Do not hedge or exaggerate your answers. Just be straightforward, honest and truthful. Remember, conviction or**

**acquittal is not your responsibility; you are in court only to truthfully tell the judge and jury what you know.**

**What if the case is dismissed?** You may feel that justice has failed if the defendant is acquitted. Our system of criminal justice calls for guilt beyond a reasonable doubt to convict someone. However strong the evidence seems to you, it may not be enough to remove the reasonable doubt from the minds of the judge or jury. Your help as a witness is very important, even if the defendant is acquitted.

**Can convicted defendants appeal even if they have pled guilty?** Yes. Defendants may waive or give up certain rights when they enter a guilty plea, but they can never waive all of their fundamental constitutional rights and may challenge the plea itself, the conviction, or the sentence under certain circumstances. It is possible that the case in which you testify will be appealed if the defendant is convicted. This is a right guaranteed to the defendant. An appeal is the process with a convicted defendant requests review by a higher court of his or her conviction. They may appeal the conviction process itself, the sentence, or any post-conviction order by the district court in the case. The appeal process can take a long time and may be confusing. The appeals unit at the District Attorney's Office handles all county court appeals. All felony level appeals are handled by The Office of the Attorney General. You can receive information and other support service during the appeals process on felony level cases from the Victim Assistance Unit at the Attorney General's Office at 720-508-6717.