

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. This fact sheet is designed to inform you of the usual process and assist you to understand your role to enable you to feel better prepared. You could arrange a tour of the courts, which are open to the public through your counsellor, prosecutor or investigating police officer. You will not need to hire a lawyer yourself as the Office of the Director of Public Prosecutions¹ members will allocate a lawyer (solicitor) who will prepare and work on the case and a Prosecutor² who will present the case in court. The person who has been accused of committing the crime is referred to as the Defendant³.

Before Court

- 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 etc. 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.
- It may be possible to have a screen placed between you and the Defendant or deliver your evidence via closed-circuit television; but you will need to talk to the investigating police officer or solicitor/Prosecutor about arranging this before the trial begins.
- Talk to the solicitor/Prosecutor if you think you will need an interpreter on the day you will be required to give evidence.
- 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 [case listings] of those cases being dealt with in the District or Supreme Court. 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.).

In Court

- When you are called you will be shown to the witness box by a court orderly.
- A court officer will ask you to swear on the Bible or promise (affirmation) to tell the truth. If you prefer to make a promise instead of swearing on the Bible inform the court orderly.
- The Prosecutor will ask you questions about what happened when the offence took place ("evidence in chief"). The lawyer for the Defendant or Defence Barrister⁴ will then ask you questions ("cross-examination"). The Judge may sometimes ask you questions about your evidence.



¹ Office of the Director of Public Prosecutions (ODPP) is the independent prosecuting authority in South Australia.

² A Prosecutor is a lawyer who is employed by the ODPP to prosecute or present the matter in court. Remember that the prosecutor is the State's representative (not yours) as all crimes are considered to be committed against the State.

³ The Defendant or accused is the person charged with the offence.

⁴ The defendant is entitled to legal representation to defend them by privately hiring a lawyer or obtaining the services of someone from the Legal Services Commission if they are eligible for legal aid. A Defence Lawyer may represent the defendant in court or may arrange for a Barrister to do this.

- 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.

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 Statement⁵ 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.
- 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.

This fact sheet briefly covers information relevant for people going to court. It is likely that you will have questions about your specific situation and may wish to speak to someone. Please contact Victim Support Service on (08) 8231 5626 or visit our website at www.victimsa.org. Witnesses going to the District or Supreme Courts can also contact Witness Assistance Service for more information on (08) 8207 1529.

Further Information

If you would like more information, please contact Victim Support Service on (08) 8231 5626 or view our website at www.victimsa.org

⁵ A Victim Impact Statement is a statement prepared by you that explains the ways in which the crime has affected you and your family. You can obtain a Victim Impact Statement form from South Australia Police or write one yourself in the form of a letter to the Judge.
Court Support can be arranged through the Victim Support Service Court Companion Program. A Court Companion's role is to offer support and companionship when you are required to give evidence in court.