

Sacramento County
District Attorney's Office
Community Prosecution
Unit

COURTROOM TESTIMONY

OCTOBER 28 2005

COURTROOM TESTIMONY

■ I. GENERALLY

• A. PRE-COURT PREPARATION

- 1. Obtain clean copies of the entire report and review prior to coming to Court
- 2. Know both your report and other officer's reports

COURTROOM TESTIMONY

■ I. GENERALLY

• A. PRE-COURT PREPARATION

- 3. Anticipate defenses that may be raised
 - A. Identify weaknesses in case
 - B. Identify strengths in the case

- 4. Contact Prosecutor prior to Court date, if feasible and determine what questions he/she will ask
 - A. Determine what issues are being contested
 - B. Discuss Problem areas

COURTROOM TESTIMONY

■ I. GENERALLY

• A. PRE-COURT PREPARATION

■ 5. Identify Defense Counsel

- A. Tactics
- B. Attitude
- C. Tricks
- D. Prior contacts with defense counsel
- E. Do NOT talk to defense counsel in the Hallway
 - 1. Tell them you will answer all questions one time, where the words you speak are accurately reported by a certified court reporter

COURTROOM TESTIMONY

- I. GENERALLY
- B. ATTIRE FOR COURT
 - 1. Look professional
 - A. First impressions/appearances have lasting impressions
 - 1. Well groomed

COURTROOM TESTIMONY

- I. GENERALLY
 - B. ATTIRE FOR COURT
 - 3. Males
 - A. Uniform
 - B. Shirt, Tie, Sport coat
 - C. No jeans, tennis shoes

COURTROOM TESTIMONY

- I. GENERALLY
 - B. ATTIRE FOR COURT
 - 4. Females
 - A. Uniform
 - B. Appropriate Business attire
 - C. No jeans, tennis shoes

COURTROOM TESTIMONY

■ I. GENERALLY

• C. ATTITUDE WHEN ENTERING COURT

- 1. Confident, NOT Arrogant
 - A. Do not appear to be bothered by having to come to court
 - B. No sullen looks

COURTROOM TESTIMONY

■ I. GENERALLY

• C. ATTITUDE WHEN ENTERING COURT

■ 2. Taking the Oath

- A. Raise Right hand and stand at attention
- B. Display Sincerity and Seriousness of Taking the Oath to Tell the Truth
- C. When you say, "I Do", be Firm and loud enough that the jury hears your words

COURTROOM TESTIMONY

■ I. GENERALLY

• C. **ATTITUDE WHEN ENTERING COURT**

■ 3. Being Seated At the Witness Stand

- A. State your full name
- B. Spell your last name.
- C. Loud enough voice so everyone can hear what is being said
 - 1. Do not appear to be bored or annoyed

COURTROOM TESTIMONY

■ I. GENERALLY

• C. **ATTITUDE WHEN ENTERING COURT**

■ 4. Reports

- A. Clean Report
- B. No Notes or Doodles
- C. Defense counsel can EMBARRASS you if there are nasty notes or doodles that indicate a bias against the Defendant

COURTROOM TESTIMONY

■ I. GENERALLY

• C. ATTITUDE WHEN ENTERING COURT

■ 4. Reports

- A. If taken to the Witness stand
- B. Do not hold in hand
- C. Place on witness stand
- D. Do NOT refer to the report after each question
 - 1. Be Prepared to testify without the use of the report unless so needed to REFRESH your RECOLLECTION

COURTROOM TESTIMONY

- **I. GENERALLY**
 - **C. ATTITUDE WHEN ENTERING COURT**
 - 4. Reports
 - C. If NOT taken to the Witness Stand
 - 1. Leave with the Prosecutor

COURTROOM TESTIMONY

- **I. GENERALLY**
 - **D. TAKING THE OATH**
 - 1. Raise right hand while at Attention
 - A. Take the Oath **SERIOUSLY**
 - 2. Take A Seat In The Witness Stand
 - A. Get Comfortable
 - B. State Your Full name
 - C. Spell Your **Last Name**

COURTROOM TESTIMONY

- **I. GENERALLY**
 - **E. TESTIFYING**
 - 1. Look At The Attorney Who IS Asking Questions
 - 2. Answering Questions
 - A. Answer to The Attorney Asking The Questions
 - B. Answer to The Jury
 - C. Do NOT GUESS

COURTROOM TESTIMONY

■ I. GENERALLY

• E. TESTIFYING

■ 3. DO NOT TALK TO JURORS

- A. REPORT ALL JUROR CONTACT TO D.A.

COURTROOM TESTIMONY

- **I. GENERALLY**
 - **E. TESTIFYING**
 - **4. Ambiguous Questions**
 - A. Tell the Attorney You Do Not Understand the Question
 - 1. "Could you Rephrase The Question?"
 - 2. "I do not understand the Question."

COURTROOM TESTIMONY

■ I. GENERALLY

• E. TESTIFYING

- 5. Questions that Require More than a Yes/No Answer to Be Truthful
 - A. Start to Explain the Answer
 - B. If the Attorney Cuts you Off, respond in the following manner:
 - 1. "I can not give a truthful answer with either a yes or a No answer"
 - 2. Look to the Judge if the Attorney Demands that You Give a Yes or No Answer and Ask Him/Her

COURTROOM TESTIMONY

■ I. GENERALLY

• E. TESTIFYING

■ 6. Difficult Defense Attorney's

• A. Nasty

- 1. ALWAYS be polite and Professional
- 2. DO NOT ACT NASTY OR ARROGANT
- 3. DO NOT GET MAD
- 4. Tell the Truth AT ALL TIMES
- 5. DO NOT LOSE YOUR COOL

COURTROOM TESTIMONY

- I. GENERALLY
- E. TESTIFYING
 - 7. Demonstrations/Charts
 - A. If a chart or drawing will better explain the answer to a question, use a diagram, chart to elaborate on your testimony

COURTROOM TESTIMONY

- I. GENERALLY
 - E. TESTIFYING
 - 8. DO NOT TALK TO DEFENDANT'S
 - A. Sixth Amendment Right to Counsel concerns
 - 9. PROBATION/PAROLE
 - A. DO NOT mention the "P" words unless so instructed by the Court in a Jury Trial.

COURTROOM TESTIMONY

- I. GENERALLY
 - E. TESTIFYING
 - 10. MISTAKES
 - A. IF MISTAKE IS MADE, ADMIT IT
 - B. TELL THE TRUTH AT ALL TIMES

COURTROOM TESTIMONY

■ I. GENERALLY

- F. **PAST RECOLLECTION
RECORDED - EVIDENCE CODE
SECTION 1237**
 - 1. §1237. Writing Previously Made by
Witness.

COURTROOM TESTIMONY

■ I. GENERALLY

• F. PAST RECOLLECTION RECORDED

- 1. (a) Evidence of a statement previously made by a witness is not made inadmissible by the hearsay rule if the statement would have been admissible if made by him while testifying, the statement concerns a matter as to which the witness has insufficient present recollection to enable him to testify fully and accurately, and the statement is contained in a writing which:

COURTROOM TESTIMONY

■ I. GENERALLY

• F. PAST RECOLLECTION RECORDED

- 1. (1) Was made at a time when the fact recorded in the writing actually occurred or was fresh in the witness' memory;
- 2. (2) Was made (i) by the witness himself or under his direction or (ii) by some other person for the purpose of recording the witness' statement at the time it was made;

COURTROOM TESTIMONY

■ I. GENERALLY

• F. PAST RECOLLECTION RECORDED

- 3. (3) Is offered after the witness testifies that the statement he made was a true statement of such fact; and
- 4. (4) Is offered after the writing is authenticated as an accurate record of the statement.

COURTROOM TESTIMONY

■ I. GENERALLY

• F. PAST RECOLLECTION RECORDED

- 2. (b) The writing may be read into evidence, but the writing itself may not be received in evidence unless offered by an adverse party.

COURTROOM TESTIMONY

- I. GENERALLY
 - G. **POST COURT**
 - 1. Critique of performance
 - A. Self
 - B. Prosecutor
 - C. Defense Counsel

COURTROOM TESTIMONY

- I. GENERALLY
 - G. **POST COURT**
 - 2. Methods to Improve
 - A. Investigation
 - B. Report Writing
 - C. Court Room Testimony
 - D. Court Room Demeanor

THE END.

