

Getting Ready for Court



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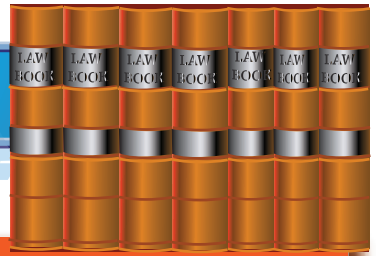
Graphic design and illustrations: Vis-à-Vis Graphics

Research and writing: Vicky Hammond

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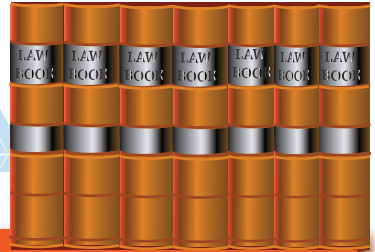


Why do I have to go to court?



You are a witness because you have firsthand information about something that happened to you, or about something that you saw or heard. Only you can tell your own memory of what happened and answer questions about it.

The police have done an investigation. They believe a crime has been committed and they have charged someone with that crime. Now the accused person has to go to court for a judge to decide if the law has been broken. As a witness, you may have to testify more than once, depending on where the trial will be held.



If the trial is held in Provincial Court, you will testify once. When the trial is over, the judge will decide if the accused person is guilty or not guilty.

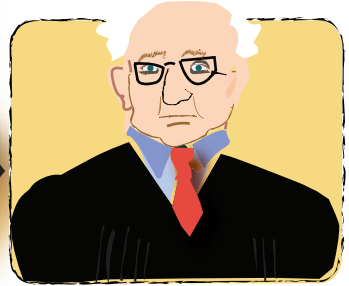
If the trial is in Court of Queen's Bench, you will probably have to testify twice. First, you will testify at a Preliminary Inquiry for the Judge to decide if there is enough evidence for a trial. If the Judge decides there is, you will testify again at the trial in Court of Queen's Bench. The trial will be at least a few months after the inquiry, and may be longer.

In Court of Queen's Bench, a Judge or jury decides if the accused person is guilty or not guilty. In cases involving a jury, the Judge instructs the jury on the law and how to apply it to the case.

If the trial shows proof that the accused person broke the law, he or she will be found guilty. If there is no proof, or not enough proof, the accused person will be found not guilty. It is the Judge's job, or the jury's, to make that decision. Your job is to tell the truth about what you know.

Who will be there?

The **Judge** decides if the law has been broken and, if so, what should be done about it. He or she listens very carefully to everything said in court, and may take notes or ask you questions.



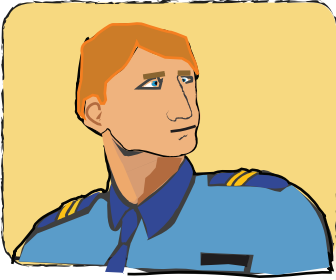
The **Court Clerk** makes sure that everything said in court is recorded and helps make sure that court runs smoothly.



A **Victim Services Worker** will help you get ready to testify in court. The Victim Services Worker can go to court with you for support. If you want, the Victim Services Worker may be able to sit next to you while you testify.



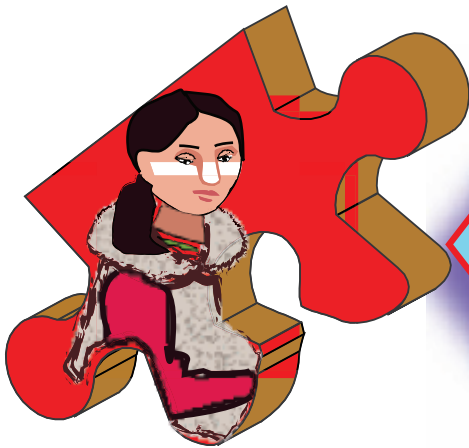
Who will be there?



The **Police Officers** you already talked to might be in court the same day as you. Some of them could be witnesses, too. There may also be a **Sheriff Officer** or a Police Officer at court just to keep everyone safe.



The **Crown Attorney** is the lawyer who helps you tell the court your story. You may have met him or her before to talk about court. He/she will be the first lawyer to ask you questions in court.



Witnesses are people who tell the Judge, in their own words, about things that happened to them or that they saw or heard.

Who will be there?

Defence Counsel is the lawyer who works for the accused person. He or she will also ask you questions to check the facts about what happened.



The **accused person** is charged with breaking the law. The Judge (or a jury) will decide if there is enough proof to find the accused guilty.



*In Court of Queen's Bench, it may be a jury deciding if the accused person is guilty or not guilty. A **jury** is twelve people chosen from the general public. The jury does not ask witnesses any questions.*



Anyone can come to watch court unless the Judge says the courtroom is closed. You can ask your Victim Services Worker and the Crown Attorney to find out if court can be closed when you are a witness.

How are you feeling about court?

How are you feeling about going to court? If you are a bit nervous, that's totally normal. You are only human, right? Let's look at some of the main things people worry about.

“People at school are going to be talking about this, and asking me stuff I don't want to talk about.”

You can't stop people talking among themselves, but you don't have to talk about it if you don't want to.

It's easier than you think. Just don't – and don't worry how they feel about it. At this time, you need to think of your own feelings.

You can say **“I don't want to talk about it.”**

Or **“Sorry, I'm not allowed to talk about it.”**

Or you can change the subject and say

“Oh, I don't want to think about it. What are you doing this weekend?”

If someone presses you, you can be a bit more determined too. You can say, **“Look, I'm just not going to talk about this...you might as well drop it.”**

By the way... learning to resist peer pressure is a really cool skill for life in general.



How are you feeling about court?

“I’m worried about what will happen to the accused person – this is too much responsibility for me.”

You did not get the accused person into this court situation. If they did something wrong, that was not your choice. The police decided to bring charges against the accused person, and you can’t change that. Your only responsibility in this matter is to tell the truth in court. The Judge decides the outcome of court — not you.

“I really don’t want my parents to hear me testify. It’s too personal.”

Talk over your feelings about court with the Victim Services Worker who is helping you get ready to testify. If you don’t want your parents to be in the courtroom, your Victim Services Worker can explain that to them for you.

“I’m afraid someone is going to be really angry at me if I testify.”

If you are afraid to testify, it is really important that you tell the Crown Attorney and Victim Services. They will take your fear seriously and do whatever they can to help you manage the situation.

How are you feeling about court?

The Victim Services Worker can arrange for you to visit the courtroom before your court date when there is no one using the room. You can see where everyone sits and where you will be the day of court. Victim Services may also show you pictures or videos about court to help you prepare. You can also talk to your Victim Services Worker about a comfortable place to wait for your turn to testify.

There are some things the Crown Attorney can use to help you feel more comfortable in court. They are called testimonial aids. Let's look at them...

*Remember, the Victim Services Worker is there to **help you** through court. You can **trust** her or him and talk openly about your worries.*



Testimonial aids

Some witnesses worry when they hear that the accused person and members of the public will be in court. Testimonial aids can help you feel more comfortable when it is your turn to testify. Let's look at some of these aids and think about the pros and cons.

A Support Person

A support person is an adult you trust and feel comfortable with. He or she walks into the courtroom with you and sits close by while you testify. You can choose your own support person, but usually it can't be someone who is also a witness. A support person is not allowed to talk to you or smile at you until you are finished testifying.

Pros:



You will probably feel calmer and more confident.



You won't have that **"all alone"** feeling, especially if you are using a screen or a closed circuit TV that prevents you from seeing family or friends who are there to support you.

Con:



Some teens think it might look like they are scared or immature.

It doesn't though...most adults would have a support person if they could. I sure would.



Testimonial aids

A Witness Screen

There are different kinds of screens. Some are one-way screens that fit around the witness stand. In some courtrooms, it could be a portable cloth screen or even a room divider like the ones you see used in offices.

The screen is set up between you and the accused person. Depending on what type of screen it is, the people in court may or may not be able to see you, but you won't see the accused person. Everybody can hear your answers. You will be able to see the Judge and the lawyers. A support person can be with you.

Pros:



You don't have to see the accused person or be affected by expressions on his or her face.



You won't be distracted by people in the courtroom so you can concentrate on listening to the questions and giving the answers.

Cons:



You might not be able to see friends or family members who are there to support you.



Some witnesses don't like the feeling that people can see them, but they can't see those people.



Some witnesses feel alone and isolated behind a screen.



Testimonial aids

A Screened Area in Courtroom

Some modern courtrooms have a screened area where witnesses can give their testimony. You can see the Judge and the lawyers, but not the accused person or the public. A camera will show you on a TV screen in the courtroom which the accused person and the public can see.

This is a good option, but it is often not available. A support person can still be with you if you are in a screened area.

Pros:



The same as for the witness screen, but less closed in.

Cons:



You will not be able to see friends or family members who are there to support you.

Video-Recorded Statements

When you talked to the police about what happened to you or what you saw or heard, they may have recorded your statement with a video camera. If so, that video could be played in court so you would not have to tell the whole story again. You would still have to go to court, watch the video played in court, and answer questions about it.

Pros:



It can make answering questions easier because the video may help you remember.



The Crown Attorney won't have to ask you to give details that are in the video statement.

Cons:



If you were upset when the video was recorded, it may be difficult to watch.

Testimonial aids

Closed Circuit TV (CCTV)

Some courts have a special room set up with a camera and a microphone. There is a TV screen in the courtroom so people can watch you testify. The Crown Attorney and Defence Counsel might be in the CCTV room with you, or you might see and hear them on a TV screen in the CCTV room. If you have a support person, they can be with you.

Pros:



The same as the witness screen, but even more private.

Cons:



You will not be able to see friends or family members who are there to support you.



Sometimes there can be unexpected problems with the equipment and you might have to use a screen after all.



Testimonial aids

Video Conference

Sometimes a witness can testify from a video-conference centre in his or her own community. It works the same way as the CCTV room in court.

Pros:



You don't have to leave your home community or go into a courtroom.

Cons:



Not all communities have this equipment.

Closed Court

The Judge may decide to keep the public out of the courtroom while you testify. The lawyers and the accused person would still be there. You could still use a screen and have your support person close by.

Pros:



Only the people who have to be in court are there.

Cons:



You may not be able to see friends or family members who are there to support you.

You can talk about these aids with your Victim Services Worker and the Crown Attorney. They will tell you which ones may be available and answer your questions about how they work. You will need to decide ahead of time if you want to use a testimonial aid because the Judge has to give permission.

Getting ready

You will feel more calm and in control if you plan your court day ahead of time.

Hmmm... what to wear...

It could be a long day, because there is usually a lot of waiting, so you need to be comfortable. You also need to look neat and clean. You can wear what you would wear to school as long as your appearance is neat.



You might want to pack a ****Personal Court Survival Kit****. Take snacks, water and things to do — your tunes, a magazine or a book, an electronic game — whatever will keep you in your comfort zone.

Get these things ready to go the night before court, so you're not stressing out trying to find your stuff at the last minute.

Getting ready






Who will go to court with you?

Who will come inside the courtroom with you when it is your turn to go in?

Your Victim Services Worker will meet you at court. Do you know where you are going to meet?

What time will you meet?

*There are Courtroom rules of course. There are **always rules**, aren't there? These rules will seem very familiar:*

-  *No hats*
-  *No chewing gum*
-  *No games, phones or music players turned on*
-  *No fooling around*
-  *Everybody stands until the Judge tells them they can sit down.*






Waiting to testify



Witnesses are not allowed in the courtroom until it is their turn to testify. Someone will come tell you when it's your turn.

Waiting areas can be different. In some courts there are witness waiting rooms. In others, you may be waiting in a hallway or even outside in a car. Your "Survival Kit" will definitely come in handy!

It's normal to feel nervous while waiting to testify. Remind yourself:

-  I'm going to do my best and that's all anyone can do.
-  No one likes going to court, it's normal to be nervous.
-  This will be over soon and then I'm going to (think about your after-court plans).

On your way to the witness stand, take in a big, deep breath and let it out slowly like you are blowing out a lot of candles. It really helps! Don't forget to use the bathroom before you go into the courtroom — that really helps too.

Your support person and the Victim Services Worker will go into the courtroom with you.

Time to testify

When you go to the witness stand, there will be a microphone there. It will not make your voice louder. It's connected to recording equipment because everything said in court has to be recorded.

If you are using a testimonial aid, you might not see the whole courtroom. Before you start, the Court Clerk will make sure the recorder is working properly. The Clerk or the Judge might ask you some questions, such as your name or what town you're from to make sure you are speaking loudly and clearly enough.

Then the Clerk or the Judge will ask you to promise to tell the truth, or affirm to tell the truth, or swear you in. Talk to your Victim Services Worker about your options to make sure that you understand.

*The **truth** is the most important thing — it's what Court is all about.*



Time to testify

The Crown Attorney will ask you questions first. You can take time to think before you answer.

When the Crown Attorney is finished, the Defence Counsel will also ask you questions about what you know. Listen carefully to the questions so you know what is being asked.

The Judge might also ask you some questions.

You will have to say exactly what happened, and that can mean using words that you are not comfortable with. Sometimes you may be asked to repeat something that was said to you, and you must give the exact quote, even if the words are hard to say.



*Believe me, the judge and the lawyers know that you have the **toughest job** in the courtroom and they have a lot of respect for the **courage** it takes to be a witness.*

If you have a support person with you, he or she can't answer for you or help you answer, but you can be certain that they are cheering for you in their mind.

When the Judge says you are finished, you can leave the courtroom. Sometimes you can stay and observe the rest of the proceedings – check with the Crown Attorney. **You've done your part!**

What if?

Every witness worries... What if I have a problem when I am on the witness stand? What if I don't understand? What if I can't remember? What if I just can't handle it?

First of all, remember that no one expects you to be Superhuman. The Judge and the lawyers understand that giving testimony can be stressful. Let's look at how to deal with specific examples.

If you don't understand a question, say:

“I don't understand what you are asking me.”

If you need to hear the question again, you can say:

“Could you repeat that for me please.”

If you can't remember something, say:

“I don't remember.”

If you don't know the answer to a question, you can say:

“I don't know.”

As long as you tell the truth to the best of your ability, you will be fine except for those feelings of nervousness and shyness that affect all witnesses. You can ask for a minute to calm yourself down with a couple of deep breaths at any time.

Try not to be embarrassed if a few tears come — that's a normal reaction to stress. They will have tissues handy. If you need a tissue or a drink of water, ask the Clerk and he or she will help you.

And finally, it might help you to know that if you are feeling really upset or sick, you can ask for a short break. You will have to go back in and finish your testimony, so keep that option as a last resort. Just knowing you can do that if you have to should help you get through to the end.

The Judge decides



Your testimony (telling what you know and answering questions in court) is one piece of a complex puzzle that the Judge or the jury must put together to see the whole truth. Other witnesses add their pieces by giving testimony as well.

After everyone has given their testimony, both lawyers speak one last time. The Crown Attorney summarizes the evidence against the accused person and presents how the evidence proves an offence has been committed. The Defence Counsel speaks too, presenting how he or she thinks the evidence does not prove an offence has been committed.

If you are testifying at a preliminary inquiry, no decision is made about guilt. The Judge decides if there should be a trial in Court of Queen's Bench or not. If the decision is "Yes", you will have to go to court once more. Victim Services will tell you when, but it probably won't be for quite a while.

The judge decides

If you are testifying at a trial, the Judge or jury decides if the accused person is guilty or not guilty. In cases involving a jury, the Judge carefully explains the law to them and instructs them on the job they have to do. The law says that guilt has to be decided on the basis of proven facts. The decision is called a verdict.

If the verdict is **“not guilty”** it doesn’t mean the Judge or the jury didn’t believe you, or didn’t like you. It means that there was not enough evidence to prove the law was broken.

If there was enough evidence to prove the law was broken, the verdict will be **“guilty”**.

The decision can take some time and is not always made on the same day as you go to court. Victim Services can tell you when there is a decision.

What happens to the accused person?

If the verdict is **“not guilty”**, nothing happens to the accused person.

If the verdict is **“guilty”**, the accused person goes back to court to find out what the Judge says will happen next. You don’t have to go unless you want to. Victim Services can tell you what happened.

What happens to the accused person?

The accused person may have to see a Probation Officer. Their job is to help the accused person follow the orders and conditions the Judge places on them. Those rules could include staying away from you, your home and your school. The accused person might have to see a Counsellor. He or she might have to stay away from alcohol or certain places. If the accused person breaks the rules, he or she may have to go to court again for not following a court order.

The Judge might send the accused person to jail. If that happens it is because the Judge believes it is the best thing to do given the case. There are opportunities for education and counselling in jail, which may help the accused person. Victim Services can tell your parents how to be informed of when the accused person will be released from jail.

Victim Impact Statement

You might be asked if you want to write a Victim Impact Statement. This is a letter to the Judge saying how you feel about what happened and how it has affected your life. Your Victim Services Worker can help if you want to write one. The statement would be read in court before the Judge decides what to do with the accused person.



*It might feel **okay** to put all those feelings in an envelope and give them to the Judge!*

It's over!

Unwinding and Celebrating

Making an after-court plan to celebrate gives you something to look forward to. You deserve a treat and you will need to unwind and shake out the tension.

What could it be?

A favourite dinner with loved ones?

A funny movie?

Dancing? or sport?

An outing or a trip?

What's your plan ?

**Congratulate
Yourself!**

A new beginning

Letting go can feel really good. Tomorrow is a new day. What can you do to let go?



One idea is to fill a balloon with air, release it into the sky — releasing all your stress — letting the wind carry it away.

If you need to talk with someone about what has happened, talk with your parents, Victim Services, or an adult you trust. **They may be able to help by talking with you or arranging counselling for you — you are not alone.**



Notes

A series of 20 horizontal dashed orange lines for writing notes.