HANDBOOK FOR VICTIMS/WITNESSES OF VIOLENT CRIMES

Thank you for your cooperation and hard work as a victim/witness.

TABLE OF CONTENTS

Illinois Crime Victims'

Bill of Rights

1) The right to be treated with fairness and respect for their dignity and privacy and to be free from harassment, intimidation, and abuse throughout the criminal justice process.
2) The right to notice and to a hearing before a court ruling on a request for access to any of the victim's records, information, or communications which are privileged or confidential by law.
3) The right to timely notification of all court proceedings.
4) The right to communicate with the prosecution.
5) The right to be heard at any post-arraignment court proceeding in which a right of the victim is at issue and any court proceeding involving a post-arraignment release decision, plea, or sentencing.
6) The right to be notified of the conviction, the sentence, the imprisonment, and the release of the accused.
7) The right to timely disposition of the case following the arrest of the accused.
8) The right to be reasonably protected from the accused throughout the criminal justice process.
9) The right to have the safety of the victim and the victim's family considered in denying or fixing the amount of bail, determining whether to release the defendant, and setting conditions of release after arrest and conviction.
10) The right to be present at the trial and all other court proceedings on the same basis as the accused, unless the victim is to testify and the court determines that the victim's testimony would be materially affected if the victim hears other testimony at the trial.
11) The right to have present at all court proceedings, subject to the rules of evidence, an advocate and other support person of the victim's choice.
12) The right to restitution.

INTRODUCTION

If you are a victim or a witness of a crime, the McHenry County State's Attorney's Victim/Witness Program can be of assistance to provide you with services while you are involved in the criminal justice system. As a victim of a crime, you may be experiencing all sorts of feelings to include confusion, frustration, fear, and anger. Victim//Witness Coordinators can help you to deal with these feelings. We will explain your rights as a victim or witness, and help you to have a better comprehension as to how the legal system works.

A responsibility of citizens involved in a crime is to serve as witnesses at the criminal trial or any of the other hearing as needed in conjunction with the criminal prosecution. The state cannot function without participation of witnesses and victims. It is imperative to have full cooperation and truthful testimony of all witnesses in order to properly determine guilt or innocence of a crime.

This office is concerned that all victims and witnesses are treated fairly and with dignity throughout their contact with the criminal justice system.

This office has taken several steps in order to make the participation by victims of crimes and witnesses more effective. This handbook should answer many of your questions and should give you sufficient information to understand your rights and responsibilities.

General Information for Victims and Witnesses

1. **YOU ARE ENTITLED TO UNDERSTAND WHAT IS HAPPENING IN THE CASE IN WHICH YOU ARE INVOLVED.**

   If you have any questions regarding the case which you are involved, feel free to contact the Victim/Witness Coordinators Monday through Friday 8:00 AM to 5:00 PM at 815/334-4159. In addition, the Assistant State's Attorney or other people involved in the investigation of this case may be contacting you at different times during the court proceedings.

2. **YOU HAVE THE RIGHT TO BE FREE FROM ANY THREATS.**

   If anyone threatens you or you feel you are being harassed due to your involvement in this case, you should immediately contact your local police department or the State's Attorney's Office. It is against the law to threaten, intimidate, harass, or mislead a witness in criminal proceedings. Victims and witnesses have the right to be free from harassment or intimidation by the defendant or others.

The court may release the defendant while they are awaiting trial under conditions that satisfy the court for all hearings and for the trial. The court may require the defendant to post a bond pending the trial. Please do not be surprised if you see the defendant on release prior to the trial. If you have any questions or concerns regarding the conditions of the release please contact the Victim/Witness Coordinator or Assistant State's Attorney handling this case.

If you are threatened or harassed while you are attending any court proceeding, you should immediately contact the Assistant State's Attorney or an officer in the courthouse.

3. DISCUSSING THE CASE WITH OTHERS

The McHenry County State's Attorney's Office receives calls from witnesses asking about their rights if a defense attorney or investigator contacts them. Witnesses do not belong to either side of a criminal case. Thus, even though you may first be subpoenaed by the prosecution or by the defense, it is proper for the other side to try to talk to you. While it is the prosecution that is asking for your cooperation in this case, you may be contacted by the defense lawyer or an investigator for the defendant for an interview. While you may discuss the case with them if you wish to do so, you also have the right not to talk to them. The choice is entirely yours.

If you do agree to an interview with a representative of another entity or defense, here are some suggestions on how to deal with it:

First and foremost, you should always tell *"the truth, the whole truth, and nothing but the truth".*

If you are asked to give a statement or to discuss the case, you have the right to know if the person asking you is working for the prosecution or the defendant. You have the right to see and keep a copy of that person's business card.

If you give a statement to a lawyer or an investigator for the government or the defense, you do not have to sign the statement. However, any statement that you make during an interview, even if not signed, may be used to try to challenge or discredit your testimony in court if you testimony differs from that statement. This applies even to oral statements that are not reduced to writing at all.

If you decide to sign a statement, make sure you read it over very carefully beforehand and correct any mistakes.

Ask to have a copy of any statement that you make. Whether you sign the statement or not, you may tell the lawyer or investigator that you will refuse to give a statement unless you receive a copy of it.

If you elect to have an interview with the defendant's lawyer or investigator, you may want to have present an additional person chosen by you to witness the interview. If you have an interview with the defendant's lawyer or investigator, please let the McHenry County State's Attorney's Office know about the interview before it happens.

Before the trial begins, you may discuss the case with anyone you wish. The choice is yours. Be sure you know to whom you are talking when you discuss the case. We encourage you not to discuss the case with members of the press, since you are a potential witness in a criminal case and the rights of the State and the defendant to a fair trial could be jeopardized by pretrial publicity.

Once the trial begins, witnesses may not tell each other what was said during the testimony until after the case is over. Thus, do not ask other witnesses about their testimony and do not volunteer information about your own.

4. SCHEDULING YOUR APPEARANCE IN COURT

There are several kinds of court hearings in a case in which you might be asked to testify. These include a preliminary/arraignment/plea hearing, a motion hearing, and an appearance in court for trial or sentencing. It is difficult to schedule court hearings at a time convenient for everyone involved. Most court hearings require the presence of witnesses, law enforcement officers, the defendant's lawyer, Assistant State's Attorney, and the judge as well as the defendant.

THEREFORE WHEN THE COURT SETS A TIME AND PLACE FOR SUCH A DATE IN THE CASE YOU ARE INVLOVED IN, YOU MUST BE THERE PROMPTLY.

Your presence is not necessary at all court hearings unless subpoenaed or during the trial, however you have a right to attend all of the hearings if you wish to do so. If you have been sent or served a subpoena, a formal order to appear, you should know that there are serious penalties for those who do not comply with that order.

If you know in advance anything that might keep you from making a court appearance, let the Victim/Witness Coordinator know immediately so that an attempt may be made to adjust the schedule. However, scheduling is at the discretion of the court. Despite the best efforts of everyone concerned, court hearings do not always take place on schedule, the hearing or trial is sometimes postponed or continued to a new date. When possible, the Victim/Witness Coordinator or Assistant State's Attorney handling the case in which you are involved will discuss with you any proposed scheduling change. Also, whenever

possible, the State's Attorney's Office will notify you in advance of any postponements of your appearance in court.

5. HOW CASES TURN OUT

Many criminal cases are concluded without a trial being held. In many cases, the evidence of the defendant's guilt is so strong that they plead guilty to the crime. Guilty pleas and other ways the case may end without a trial are discussed below.

A. Guilty Plea

The defendant may choose to plead guilty. By pleading guilty, the defendant waives his or her right to a trial. Generally, the guilty plea constitutes a conviction.

B. Plea Agreement

The Assistant State's Attorney may enter into an agreement with the defendant whereby if the defendant pleads guilty to certain charges, the defense will ask the court to dismiss other charges, or will take another position with respect to the sentence imposed or some other action. Sometimes the defendant will agree to plead guilty to one or more of the charges or to a less serious or related offense. This process of obtaining a defendant's agreement to plead is recognized by the courts a proper way of disposing of criminal cases. In fact, the United States Supreme Court held that agreed upon pleas are to be encouraged.

The defense usually benefits in several ways by entering into an agreement for a guilty plea to certain charges rather than going to trial against a defendant on all charges. The State also benefits as a result of guilty pleas. One benefit is the guarantee of a conviction. Criminal cases always involve risks and uncertainties. Even a case that appears to be very strong may not result in a conviction if there is a trial. In many cases, there is a possibility that certain evidence may not be admitted. The Assistant State's Attorney will consider this in deciding to agree to a plea. Another benefit of plea agreements is the prompt and certain imposition of the sentence, which is a major goal of the criminal justice system. A third benefit is that they help obtain pleas and convictions of other defendants. Often, the Assistant State's Attorney will require, as a condition of a plea, cooperation of the defendant in further investigation or prosecution of others. Also, since there is no trial and no witnesses are called to testify, the identity of informants and witnesses can remain undisclosed. This preserves an informant's usefulness in other investigations, and prevents inconvenience and emotional stress that witnesses might experience when they have to testify.

In deciding to offer or accept certain pleas, the Assistant State's Attorney considers the effect of the criminal offense on the victims, the criminal history of the defendant, the seriousness of the offense, and the interest of society in seeing all crimes punished with certainty. The Assistant State's Attorney will also consider whether the proposed plea will expose the defendant to a maximum punishment that is appropriate even though the defendant may not plead guilty to all charges.

C. Declination and Dismissal

A case referred to the State's Attorney may not be acted upon, which is called a declination, or may be dismissed after it has been filed with the court. There are several reasons why cases may be declined or dismissed.

An Assistant State's Attorney has discretion to decline to prosecute a case based on several considerations. The Assistant State's Attorney must decline if the evidence is too weak. The Assistant State's Attorney is ethically bound not to bring criminal charges unless the admissible evidence will probably be sufficient to obtain a conviction. However, even when the evidence is sufficient, the Assistant State's Attorney may consider that there is not a sufficient interest served by prosecution, but that the defendant is subject to prosecution in another court (including a court for the prosecution of juvenile delinquents).

A dismissal may occur when the Assistant State's Attorney asks the court to do so. The Assistant State's Attorney may do so because the court has excluded critical evidence or witnesses have become unavailable. In other situations, evidence which weakens the case may come to light after the case has started. The court may dismiss a case over the objection of the Assistant State's Attorney when it determines that the evidence is insufficient to find the defendant guilty.

6. IF YOUR PROPERTY IS BEING HELD AS EVIDENCE

Sometimes law enforcement officers take and store property belonging to witnesses and victims as evidence in a trial. This might be property taken by law enforcement officers at the crime scene or that was stolen. If your property is being held as evidence by law enforcement officers and you would like to regain your property before the case is over, you should notify the Victim/Witness Coordinator who is assigned to your case. Sometimes arrangements can be made for early release of property. That is a determination to be made considering the value of the property as evidence at trial. In any event, when the case is over, you should be able to have your property returned to you promptly.

7. RECOVERING FINANCIAL LOSSES

Often, crime means a real financial loss for the victim. Perhaps you had cash or valuable property stolen (and not recovered), have property that was damaged, medical expenses, or a loss of income because you could not work, or the nature of the crime may be that you have been defrauded of money belonging to you. If any of these things have happened to you, please check to see if you have insurance that will cover the loss. If you have no insurance or only partial coverage, there are three possible ways of trying to recover your losses. Unfortunately these three ways, described below are not always effective in many cases.

A. Compensation

Illinois Crime Victim's Compensation Program, administered by the Illinois Attorney General's Office, provides financial assistance to victims and survivors of victims of criminal violence. Payments are made for medical expenses, including expenses for mental health counseling and care; loss of wages attributable to a physical injury; and funeral expenses attributable to a death resulting from a compensable crime. Other compensable expenses include eyeglasses or other corrective lenses, dental services and devices, and prosthetic devices. If this is an option you are interested in pursuing, speak to your Victim/Witness Coordinator. Applications must be submitted to the Attorney General's Office who will determine your eligibility. The State of Illinois requires that victims and survivors apply for compensation within 2 years of the crime. The Victim/Witness Program at the State's Attorney's Office can provide you with an application form and assist you with your application to the Illinois Attorney General's Compensation Fund.

B. Restitution

When an offender gives back things they stole from a victim, or otherwise makes good the losses they have caused, they have given restitution to the victim.

From the point of view of effective law enforcement, the time to seek restitution is when the defendant is found guilty or pleads guilty. If that is the final result of the case- which is never a sure thing-the trial judge may consider, by law, restitution as part of the offender's sentence. The decision, however, is the judge's. The judge might determine that the defendant does not have enough money to repay the debt to the victim, or the judge may decide sentence the offender to jail or prison, in which case the defendant may not be able to earn money to pay back the victim.

You should discuss restitution with the Assistant State's Attorney or Victim/Witness Coordinator assigned to your case. You should cooperate fully with the State's Attorney's Office and the Department of Court Services (Probation Department) by giving them information regarding the financial impact the crime had on you. Without this information, the judge cannot make an informed decision on your need for restitution.

C. Civil Damages

A victim may try to recover his or her losses by a civil lawsuit against the defendant. Such a private lawsuit is completely separate from the criminal case. In fact, the jury in a civil case may find that the defendant owes the victim money, even though a different jury in the criminal case may find the defendant not guilty. This is because the burden of proof in a criminal case is much higher than that of a civil case.

The difficulty in trying to obtain civil damages from the defendant is the same as in trying to get restitution; whatever money the defendant once had may now be gone. You may need a lawyer to bring such a suit. This is a decision which must be made by you; the State's Attorney's Office cannot assist you in this matter.

WHAT HAPPENS IN A FELONY CASE?

Any offense punishable by death or imprisonment for more than one year is called a felony. Felonies are the most serious crimes. The prosecutors and the courts handle felony cases differently from misdemeanor cases (cases that have shorter possible sentences).

This part of the handbook is intended to explain the way a felony case moves through the court system. Each step is explained in the sections below. Witnesses are not needed at every step in the process. Most witnesses are asked to come to court only for pretrial motions hearings, witness conference, or trial.

Not every step is taken in every case. In fact, many cases end before they reach the trial step. Even so, you may with to know all the possible steps that the case may go through.

1. INITIATING CHARGES BY COMPLAINTS

Some felony cases begin when the McHenry County State's Attorney (or usually an Assistant State's Attorney), working with a law enforcement officer, files a criminal complaint. This complaint is a statement under oath of facts sufficient to support probable cause to believe that an offense against the laws of the county has been committed by a defendant. If the local law enforcement department

accepts the complaint, a summons or arrest warrant will be issued for the defendant. In some cases, the defendant may have been arrested without a warrant, in which case the defendant is presented to the local law enforcement at the time the compliant is filed. Victims and witnesses of county offenses may be interviewed by a law enforcement officer before the filing of a complaint. In those situations, the law enforcement officer will report the statements of the victim or witnesses to the Assistant State's Attorney reviewing the case. Sometimes the Assistant State's Attorney may wish to interview the witnesses in person.

2. RIGHTS COURT

This is a defendant's first hearing after arrest. It takes place before a judge usually the day following the arrest. Witnesses are not needed for testimony at this hearing. The hearing has three purposes. First, the defendant is told his or her rights and the charges are explained. Second, the defendant is assisted in making arrangements for legal representation, by appointment of an attorney by the court if necessary. Third, the court determines if the defendant can be safely released on bail.

3. GRAND JURY HEARINGS

A grand jury is a group of at least 16 but not more than 23 citizens from the same judicial district who meet to examine the evidence against people who may be charged with a committing a crime. The work of the grand jury is not made available to the public or in most cases, to the defendant. Only an Assistant State's Attorney, a stenographer, and witnesses who have been subpoenaed to produce evidence and/or testimony meet with the grand jurors.

Although a grand jury proceeding is not a trial, it is a serious matter. Witnesses are put under oath. Their testimony is recorded and may later be used during the trial. It is important to review carefully what you remember about the crime before you testify before the grand jury. Before testifying before the grand jury, you will probably meet with the Assistant State's Attorney. This will help you get ready for your grand jury appearance.

After hearing the evidence presented by the Assistant State's Attorney, the grand jury will decide whether the case should be prosecuted. Grand jury charges against a defendant are called "indictments". If the grand jury finds that the case should not be prosecuted, they will return a "no true bill", which means that no indictment will be issued.

Not every witness in a serious crime is called to testify by the grand jury. Sometimes the grand jury will issue indictments on the basis of an officer's testimony alone. If you are called to testify, the Assistant State's Attorney should be able to give you an approximate time when your testimony will be heard.

Unfortunately, it is not always possible to schedule testimony to the minute. Your appearance may involve some waiting to be called before the grand jury itself, so we recommend that you bring some reading material along with you.

4. ARRAIGNMENT ON THE INDICTMENT

In this hearing, a Judge formally informs the defendant of the charges, which are contained in the indictment, and his or her bail conditions are reviewed. Witnesses are usually not needed at this hearing. At this hearing the date is possibly set for the case to be heard at trial. In most cases, the case will not be set for trial for some time. This lag time is considered the discovery phase of the case where both sides share information regarding the investigation and charges.

5. HEARINGS ON MOTIONS

Before the trial, the court may hear motions made by the defendant or the State. These may include motions to suppress evidence, to compel discovery, or to resolve other legal questions. In most cases, witnesses are not needed at the motions hearings. If a witness is needed at this hearing, they will receive a notice or a subpoena from the State's Attorney's Office.

6. THE WITNESS CONFERENCE

At some time before the trial date, the Assistant State's Attorney or the Victim/Witness Coordinator assigned to the case may contact you by letter or phone asking you to appear at a witness conference to prepare you for trial. The purpose of this witness conference is to review the evidence you will be testifying about with the Assistant State's Attorney who will be trying the case.

7. TRIAL

In most felony cases, the only contact witnesses have with the prosecutors comes at the witness conference and at the trial. Normally, when the trial date has been set, you will be notified by a subpoena- a formal written order from the court to appear.

You should be aware that a subpoena is an order of the court, and you may face serious penalties for failing to appear as directed on that subpoena. Check your subpoena for the exact time at which you should appear. If for any reason you are unable to appear as the subpoena directs, you should immediately notify the Victim/Witness Coordinator.

Felony trials do not always go on as scheduled. Sometimes the defendant may plead guilty at the last minute, and the trial is therefore canceled. At other times, the defendant asks for and is granted a continuance. Sometimes the trial has to be postponed a day or more because earlier cases being heard by the court have taken

longer than expected. When possible, the Assistant State's Attorney or Victim/Witness Coordinator assigned to the case will discuss with you any proposed scheduling change.

Although all of the witnesses for trial appear early in the day, most must wait for some period of time to be called to the courtroom to give their testimony. For this reason, it is a good idea to bring some reading material or handwork to occupy your waiting time. If you are waiting in a courtroom, you should remember that it may be against the rules to read in court.

A felony trial follows the same pattern as the trial of any other criminal case before the court. The prosecution and the defense have an opportunity to make an opening statement, and then the Assistant State's Attorney will present the case for the prosecution. Each witness called for the prosecution may be cross-examined by the defendant or the defendant's counsel. When the prosecution has rested its case, the defense then has an opportunity to present its side of the case. The prosecution may then cross-examine the defendant's witnesses. When both sides have rested, the prosecution and the defense have an opportunity to argue the merits of the case to the judge or, in a case that is being heard by a jury, in what is called a "closing argument". The judge or the jury will then make findings and deliver a verdict of guilty or not guilty of the offense charged.

After you have testified in court, you should not tell other witnesses what was said during the testimony until after the case is over. Thus you should not ask other witnesses about their testimony, and you should not volunteer information about your own.

8. SENTENCING

In a criminal case, if the defendant is convicted, the judge will set a date for sentencing. The time between conviction and sentencing is most often used in the preparation of a pre-sentence investigation report. This report is prepared by McHenry County Court Services. At the time of sentencing, the judge will consider both favorable and unfavorable facts about the defendant before determining the appropriate sentence to impose.

The function of imposing a sentence is exclusively that of the judge. In some cases, the judge has a wide range of alternatives to consider. The judge may place the defendant on probation (in which the defendant is released in the community under supervision of the court for a period of years), or place the defendant in jail for a specific period of time, or impose a fine, or formulate a sentence involving a combination of these sanctions.

The court will also consider requiring the defendant to make restitution to victims who have suffered physical or financial damage as a result of the crime. If you are a victim, you should cooperate fully with the State's Attorney's Office and

Department of Court Services in preparing a Victim Impact Statement. A Victim Impact Statement is a written description of your physical, psychological, emotional, and financial injuries that occurred as a direct result of the crime. A Victim Impact Statement is read by the victim or another representative and the judge who will be sentencing the defendant.

Victims and witnesses may attend the sentencing proceedings and may also have the opportunity to address the court at this time. The Assistant State's Attorney will tell you if such an opportunity exists for you and will talk to you about such a presentation.

TESTIFYING IN COURT

Twenty Five Reminders As You Prepare to Testify

In the event your case does proceed to trial, the following information will assist you in preparing to testify:

1. Before you testify, try to picture the scene, the objects there, the distances and exactly what happened so that you can recall the facts more accurately when you are asked. If the question is about distances or time, and if your answer is only an estimate, be sure you say it is only an estimate. Beware of suggestions by attorneys as to distances or times when you do not recall the actual time or distance. Do not agree with their estimate unless you independently arrive at the same estimate

2. *SPEAK IN YOUR OWN WORDS*. Don't try to memorize what you are going to say. Doing so will make your testimony sound "pat" and unconvincing. Instead, be yourself, and prior to trial, go over in your mind those matters about which you will be questioned.

3. A neat appearance and proper dress in court are important. The trouble with an appearance that seems too casual or too dressy is that it will distract the jury during the brief time you're on the stand, and they won't concentrate on your testimony.

4. For the same reason, avoid distracting mannerisms such as chewing gum while testifying. Present your testimony clearly, slowly, and loud enough so that the juror farthest away can easily hear and understand everything you say.

5. Jurors who are or will be sitting on the case in which you are a witness may be present in the same public areas where you will be. For that reason, you should not discuss the case with anyone. Remember, too, that jurors may have an opportunity to observe how you act outside of the courtroom.

6. When you are called into court for any reason, be serious, avoid laughing, and avoid saying anything about the case until you are actually on the witness stand.

7. When you are called to testify, you will first be sworn in. When you take the oath, stand up straight, pay attention to the clerk, and say "I do" clearly.

8. Most important of all, you are sworn to TELL THE TRUTH. Tell it. Every true fact should be readily admitted. Do not stop to figure out whether your answer will help or hurt either side. Just answer the questions to the best of your memory.

9. Do not exaggerate. Don't make over broad statements that you may have to correct. Be particularly careful in responding to questions that begins with "wouldn't you agree that…?" The explanation should be in your own words. Do not allow an attorney to put words in your mouth.

10. When a witness gives testimony, they are first asked some questions by the lawyer calling him or her to the stand; in your case, this is an Assistant State's Attorney. This is called the "direct examination". Then the witness is questioned by the opposing lawyer (the defense counsel) in "cross examination". Sometimes the process is repeated two or three times to help clear up any confusion. The basic purpose of direct examination is for you to tell the judge and jury what you know about the case. The basic purpose of cross examination is to raise doubts about the accuracy of your testimony. Don't get mad if you feel you are being doubted in cross examination, that is the defense counsel's job. *DO NOT LOSE YOUR TEMPER*.

11. A witness who is angry may exaggerate or appear to be less than objective, or emotionally unstable. Keep your temper. Always be courteous, even if the lawyer questioning you appears discourteous. Don't appear to be a "wise guy" or you will lose the respect of the judge and the jury.

12. Although you are responding to the questions of a lawyer, remember that the questions and answers are really for the jury's benefit. Always speak clearly and loudly so that every juror can easily hear you.

13. *DO NOT* nod your head for a "yes" or "no" answer. Speak so that the court reporter (or recording device) can hear the answer.

14. Listen carefully to the questions you are asked. Understand the question, have it repeated if necessary, and then give a thoughtful, considered answer. *DO NOT GIVE AN ANSWER WITHOUT THINKING.* While answers should not be rushed, neither should there be an unnaturally long delay to a simple question if you know the answer.

15. Explain your answer if necessary. Give the answer in your won words, and if a question can't be truthfully answered with a "yes" or "no", explain the answer.

16. Answer *ONLY* the question asked you. Do not volunteer information not actually asked for.

17. If your answer was not correctly stated, correct it immediately. If you answer was not clear, clarify it immediately. It is better to correct a mistake yourself than to have the attorney discover an error in your testimony. If you realize you have answered incorrectly, say, "May I correct something I said earlier?"

18. The judge and the jury are interested in the facts that you have observed or personally know about. Therefore, don't give your conclusions and opinions, and don't state what someone else told you, unless you are specifically asked.

19. Unless certain, don't say "That's all of the conversation" or "nothing else happened". Instead say, "That's all I recall" or "that's all I remember happening". It may be that after more thought or another question, you will remember something important.

20. Sometimes, witnesses give inconsistent testimony, something they said before doesn't agree with something they said later. If this happens to you, don't get flustered. Just explain honestly why you were mistaken. The jury, like the rest of us, understands that people make honest mistakes.

21. Stop instantly when the judge interrupts you, or when an attorney objects to a question, and wait for the judge to tell you to continue.

22. Give positive, definite answers when at all possible. Avoid saying, "I think", "I believe", or "in my opinion" if you can be positive. If you don't know, say so. Don't make up an answer. You can be positive about important things which you naturally would remember. If asked about little details which a person naturally would not remember, it is best just to say so if you don't remember.

23. When being questioned by defense counsel, don't look at the Assistant State's Attorney or at the judge for help in answering the questions. You are on your own. If the question is improper, the Assistant State's Attorney will object. If a question is asked and there is no objection, answer it. Never substitute your own ideas of what you believe the rules of evidence are.

24. Sometimes an attorney may ask this question: "Have you talked to anybody about this case?" If you say "no", the judge or jury knows that doesn't seem right, because a prosecutor usually tries to talk to a witness before they take the stand and many witnesses have previously talked with to one or more

police officers, or federal law enforcement agents. It is perfectly proper for you to have talked with the prosecutor, police, or family members before you testify, and you should, of course, respond truthfully to this question. Say very frankly that you have talked with whomever you have talked with, the Assistant State's Attorney, the victim, other witnesses, relatives or anyone else. All that we want you to do is to tell the truth as clearly as possible.

25. After a witness has testified in court, they should not tell other witnesses what was said during the testimony until after the case is over. Thus, do not ask other witnesses about their testimony and do not volunteer information about your own.

CONCLUSION

We hope this handbook has answered many of your questions as to how the criminal justice system operates and what is expected of you in your role as a victim or witness. As explained in this handbook, witnesses and victims have important responsibilities in this process, and their full cooperation is essential if the system is to operate effectively. Your contribution, in time and energy, is very much appreciated by everyone in the State's Attorney's Office.

If you have any questions or problems related to your case, please contact your Victim/Witness Coordinator.

McHenry County State's Attorney
Patrick D. Kenneally's Victim/Witness Program
2200 N. Seminary Ave.
Woodstock, IL 60098
PH: 815/334-4159
FAX: 815/337-0872