



MICHAEL D. SCHRUNK, DISTRICT ATTORNEY, MULTNOMAH COUNTY  
ROOM 600, COUNTY COURT HOUSE, PORTLAND, OREGON 97204

## TIPS FOR WITNESS

### WHAT DOES A WITNESS DO WHEN RECEIVING A SUBPOENA?

Upon receipt of the subpoena, you should call the Subpoena Clerk. The clerk will tell you what time and where to report. Cases are sometimes set over, and this information can also be given when you call. This subpoena may not be legally binding unless handed personally to a witness.

Arrive at the place specified in your subpoena at the time requested. If for any reason you cannot appear, notify the District Attorney's Office as soon as possible. If you arrive late, make your presence known to the Deputy District Attorney in the courtroom immediately.

If a witness receives this subpoena while outside the State of Oregon it may or may not be valid.

### DOES THE STATE PAY WITNESSES?

Yes. Witnesses are compensated for mileage and a given fixed witness fee. The fee is set by law and is designed to lessen the inconvenience and expense of testifying, although it is a minimal amount. A witness often will have to make some sacrifice in time and expense, but the Criminal Justice System could not operate without the cooperation of those who are called to testify.

Witness must bring their subpoena to court with them to be compensated. It should be signed by the Deputy District Attorney in charge of the case and returned to the front desk at the District Attorney's Office, Room 600.

### ARE YOU REQUIRED TO TALK TO EITHER A DEFENSE ATTORNEY OR INVESTIGATOR?

No. You have the right to either discuss or not discuss the case with any representative of the defendant. If you decide to discuss the case, you should determine precisely who the attorney or investigator represents. To avoid any confusion, ask the person the name of their client. You may want to take notes of the conversation or have it recorded. If you have any questions or you feel you want a Deputy District Attorney present during the interview, please contact this office for assistance.

### HOW DOES A WITNESS TESTIFY?

When your name is called by the clerk of the court, you will be asked to step forward, take an oath of truth, and be seated on the witness stand.

If you have been called by the State, the Deputy District attorney will first ask you questions concerning the case.

Witnesses must remember to tell the truth when testifying by telling the court or the jury quite accurately what you know. If you don't understand the question, ask the attorney who asked it to either repeat it or clarify it for you. Answer only the question asked and do not embellish or wander in your answer.

If there is a jury, address your testimony to the jurors, rather than the attorney asking the questions.

Following the prosecutor's questions, the defense attorney will conduct his cross-examination. Relax during cross-examination; there is nothing to worry about. Remember, the purpose of cross-examination is to test your perception, recollection and credibility.

You should remain seated until excused from the stand by the Judge, since further questions may follow direct and cross-examination. If you wish to leave the area, after you have testified, you must obtain permission from the Judge.

### MAY WITNESSES BE IN THE COURT ROOM BEFORE AND AFTER TESTIFYING?

Witnesses may watch the proceeding unless excluded by the Judge. In any event, witnesses should not discuss their testimony among themselves.

### CONCLUSION

Those of you who have been victims of a crime and have gone to court know how important it is to have witnesses take their time and make the effort to testify in your behalf.

The Criminal Justice System is far from perfect. It works best, however, when witnesses on both sides of the case are willing and prepared to testify to the facts surrounding the incident at issue.

If you have specific questions about the witness process that were not answered, please write or call the District Attorney's Office.

Our Victim's Assistance unit is available to help with problems related to your case. Their phone number is (503) 988-3222. Transportation for special cases, elderly and disabled, can be arranged through this office.

DATE		SIGNATURE	
I CERTIFY THAT I SERVED THE ORIGINAL OF THIS SUBPOENA ON		BY	DEPUTY.