

Witness Assistance

Why am I a witness? I didn't see the crime occur.

Witnesses are not limited to "eye witnesses." You may not have seen or heard the crime happen, but may still know something about it. You may also know something about a piece of evidence, something about someone involved in the case, or something that contradicts another person's testimony.

You may not think that what you know about the case is very significant; however, small pieces of information are often required to determine what really happened. If you wonder "why" you are testifying in a particular case, ask the Assistant Prosecutor handling it; there is probably a common-sense reason.

Your presence and willingness to testify may be the deciding factor in determining what will be done in the case. Many defendants hope that you or other witnesses will not show up. Your mere presence at the Courthouse before the trial may cause the defendant to plead guilty.

What if someone threatens me?

Concerns about your well-being and safety after being victimized or witnessing a crime are normal. If you have any fears or receive any threats concerning your involvement in a case, you should immediately contact the law enforcement agency that investigated the case, or the Prosecuting Attorney's Office. In an emergency situation, call 9-1-1. Do so as soon as possible so that the threats can be documented and appropriate action taken. There are laws to protect you against people who attempt to bribe, intimidate, threaten, or harass you.

What if the defense attorney contacts me?

In representing a client, a defense attorney may contact you and want to talk to you about the case. Keep in mind that you do not have to talk to anyone about the crime, including the defense attorney or their investigator prior to testifying in court. If you choose to do so, always request proper identification and an explanation of the purpose of the interview. Afterward, please inform the Assistant Prosecutor handling the case. If you have any concerns about talking with a defense attorney or their investigator, you are encouraged to contact the Assistant Prosecutor in charge of your case and to have him/her with you at the time of the interview.

Do I have to testify in front of the defendant?

The defendant must be present in court to hear what all the witnesses say about him. The lawyer for the defendant is called the defense attorney and will ask you questions after the Assistant Prosecuting Attorney does.

Who will be with me in court?

You may bring friends or relatives with you to court, and they can probably sit in the courtroom while you testify, unless they are also witnesses. (Witnesses testify one at a time and generally wait outside the courtroom for their turn. This is called "sequestration"). Our Victim Advocate may also be with you, if you request.

How long will I be at court?

Your court room time, while actually testifying, may not take long; it depends upon many factors. Most of the time you will just be waiting for your turn to testify. You and your family and friends are encouraged to bring a book or magazine to read while you wait.

How many times will I have to appear in court?

No one can tell in advance how many times or how long you will have to be in court. The process of justice takes time. The number of times you may be called to appear in court and the delays you may encounter are the result of many factors, including pre-trial motions or other scheduled events with your case, or congestion on the judge's court calendar.

In general, your first and only appearance for misdemeanor offenses will be for the actual trial. In a felony case, the first time you appear as a witness may be for the preliminary examination. On rare occasions, pre-trial motions by the defense attorney or by the prosecuting attorney may require additional hearings before the trial begins, which may require witness testimony.

What if my employer won't let me come to court?

If you are lawfully subpoenaed to court, an employer cannot prevent court attendance. When appropriate, our office will contact your employer to discuss the importance of your role as a witness. We can also provide you with a note, on our letterhead, confirming the days/hours when you were in court.

How do I contact the Crime Victim Rights Office?

You may contact the Ionia County Crime Victims Rights Office by dialing (616) 527-5302 and asking for Angie Sprank.

Can I get witness fees whether or not I attend on the date(s) stated in the subpoena? What if I can't attend on the date stated in the subpoena?

Whether a witness receives any witness fee is within the discretion of the court. A court can order that you receive witness fees (\$6 per morning or afternoon court session that you are ordered to attend), plus mileage (\$0.10 per mile, round trip). If you have a date conflict, you should contact our office immediately to discuss your conflict. In *some cases*, the Prosecuting Attorney handling the case can put you "on call" (so that you can go to work or school on the day you are subpoenaed, and you will be called at a pre-arranged phone number an hour or so before you are needed in court). Witnesses receive witness fees and mileage only when they appear in court at the scheduled time. You will not receive a witness fee or mileage if your case (or your individual appearance) was "called off" or if you do not appear.

How do I know if my case has been "called off?"

Call our office anytime, or the night before you are supposed to appear.

What if I need an interpreter?

Foreign language interpreters and interpreters for the hearing and/or speech impaired are available. If you are in need of interpreting services while in attendance at court, contact the Prosecutor's Office or the Court as soon as possible.