

PREPARING FOR THE TRIAL

Before the trial, you may want to meet with the prosecutor to discuss the case. If you have questions about the criminal justice process and what to expect in court, you can call Homicide Survivor Support Group or your Homicide Advocate for more information.

The Victim Witness Center provides a place for you and your family to wait while not in the court room and when the jury is deliberating. We want to help as the case progresses through the court system. Advocates can help prepare you for difficult testimony and inform you if and when sensitive photographs of the crime scene and the victim will be displayed, so you will be prepared and can leave the courtroom if you choose. Some families wish to view photos of their loved ones or the crime scene. Others choose not to. This is a very personal decision and one that we leave to each family. Some families choose to appear at every setting of the case, yet others choose to appear only when testimony is being given. There are no rights or wrongs. Every person responds differently. You must decide what is right for you.

If the defendant maintains in pleading not guilty, the case will be set for trial. Be prepared for postponements or continuances after a trial date has been set.

Jury selection may take days before the trial actually begins. Most survivors want to attend the trial although they know it will be an emotionally draining experience. Because trials can take several days or weeks, victim families may have difficulty taking off work to attend. We will be happy to provide a letter to your employer if that would help.

The defense attorney's goal is to minimize the victim sympathy factor during the trial. The defense attorney wants any sympathy to be focused on the defendant and not on the victim or victim's family.

At times, defense attorney's attempt to exclude members of the victim's family by designating them as witnesses and asking the Judge to invoke the "rule of sequestration" - a rule stating that witnesses cannot listen to each other testify and must therefore be "sequestered" out of the courtroom. The close relatives of homicide victims are nearly always allowed to attend all court proceedings, however, and a parent of a witness of a young child is allowed to attend court with the child. Not all defense attorneys attempt this tactic.

If you did not witness the crime and therefore, would not testify until sentencing, ask the prosecutor to advocate that you be allowed in the courtroom. Even if you are sequestered, you should be allowed to remain in the courtroom after you have testified, and your prosecutor may be able to make this rule less troublesome to you by calling you to testify very early in the trial.

Be aware of the following general courtroom guidelines:

- Be respectful
- Avoid distracting mannerisms such as chewing gum, whispering, getting up and down to leave and re-enter the court room unnecessarily.
- No verbal expressions or remarks.
- Do not stare at the defendant or attempt to provoke a response.
- Be courteous and allow the Jurors to leave the courtroom first. Do not approach them at any time.
- Allow the Deputy Sheriff to remove the defendant from the area before you approach the elevators.
- Do not discuss the case in the presence of the jury, halls, restrooms, elevators, or public places. Your behavior out of the courtroom is as important as your behavior in the courtroom.
- Never speak to the Judge or a Juror, even if you encounter them in the hall or at lunch. They must remain bias-free as they hear the evidence.
- Be prepared for the emotional impact of hearing the defendant say “not guilty”. Even though you know you would not be in trial unless he was pleading “not guilty”, many victims report a jarring emotional response when they actually hear the words.
- If you feel you may lose control of your emotions during the trial, leave the courtroom. Just take a break until you get your composure. It is important that you do not lose your temper. Remember it is the defense attorney’s job to evoke emotion from the jurors in regards to the defendant. Your presence or demeanor in the courtroom must not be intended to influence the Judge or Jury.
- If you have questions or concerns during the trial, write them down and give them to the prosecutor or victim advocate.
- Victim advocates from the prosecutor’s office or from Homicide Survivors are usually available at your request to attend court with you and answer questions at appropriate breaks.
- Expect to hear things in the courtroom that will make you angry or uncomfortable. Please refrain from reacting or commenting as it could jeopardize your case.
- You may hear gruesome details for the first time. You may see photos you have never been shown before. You may also hear the defense attorney attempt to show that your loved one was responsible for his or her own death, or contributed to or escalated the violence in some way.
- The defense attorney has a responsibility to do all he can within the law to represent his client’s legal interests. Therefore, the trial of the case which is so important to you may seem at times like attorney’s, who try to best each other in courtroom drama. The

skill and effectiveness of the attorneys matters in the trial of a case. It is up to the Judge or Jury to determine the truth.

- In the criminal justice system, family members learn that the crime has been committed “against the state” and not against them or their loved one. Perceptions of injustice and lack of respect for their loved one often cause further distress for homicide survivors. Their loved one becomes “the body”, “the victim” or “the deceased” and is rarely referred to by name, which can seem dehumanizing to the victim’s family. Sometimes the victim’s character might be called into question during the trial, causing dismay for loved ones who are present. However, recent changes to the law allow a photograph of the victim as he or she appeared in life can be shown to the jury, and we will ask your family to help us find an appropriate photo to help humanize your loved one to the Jury.