

Resources (continued...)

Women's Centres provide a variety of services, such as advocacy, accompaniment to court, referrals, and information. There are eight Women's Centres in Nova Scotia:

- Tri-County, Yarmouth: 902-742-0085
- Antigonish Women's Resource Centre: 902-863-6221
- Sydney Every Woman's Centre: 902-567-1212
- Sheet Harbour-Lea Place: 902-855-2668
- New Glasgow-Pictou County Women's Centre: 902-755-4647
- Lunenburg-Second Story Women's Centre: 902-543-1315
- Cornwallis-The Women's Place Resource Centre: 902-584-7195
- Truro-Central Nova Women's Centre: 902-895-4295



Being a Witness in a Family Violence Case



In most family violence cases, the victim is the main witness for the crown.

You must go to court as a witness if you are served a document called a "subpoena."

It is a crime for anyone to harass, threaten or attempt to influence a witness. Anyone who does so could face a penalty of ten years in jail.

This brochure provides general information only. It is not meant to replace legal advice from a lawyer.

The Subpoena

If the Crown Attorney calls you as a witness, you will receive a subpoena, a legal document ordering you to appear in court. This means you have to go, even if you do not want to testify. A subpoena tells you what court to go to, the date and time you have to be there, and whether you have to bring any documents or records with you. If you do not attend court the judge may issue a warrant for your arrest.

A police officer or a "process server" (somebody who delivers court papers) will deliver your subpoena in person. Sometimes (though rarely) another person who is likely to contact you will be served your subpoena.

Before you appear in court

You will meet the Crown Attorney, who can answer any questions you may have about the court process or being a witness. You can also call the Crown Attorney if you have any questions.



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5523B Young Street,
Halifax, Nova Scotia, B3K 1Z7
www.legalinfo.org
Tel: Administration, publications and
Speakers' Bureau 902-454-2198

Tel: Legal Information Line and
Lawyer Referral Service 455-3135 or 1
-800-665-9779

Tel: Dial-a-law 1-902-420-1888
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YOU HAVE QUESTIONS.
WE HAVE ANSWERS.



Preparing to give evidence

Take some time to think of the sequence of event surrounding the offence. Try to remember details such as dates, times, people who were present, what was said, and other relevant facts.

Make notes, and ask the Crown Attorney if you can bring them along. If you made a statement, ask to review it to refresh your memory. If you have already given evidence at a preliminary hearing you may read the court record of your evidence out loud during the hearing.

You should not discuss your evidence with anybody before or during the case other than the Court Attorney.

What if I want to change an earlier statement?

If you want to change your statement speak with the crown attorney.

What if I'm worried I might be charged with a crime?

If you want to change your statement speak with a lawyer.

Checklist

- Do I know where the court room is?
- Have I brought my subpoena?
- Have I brought all the documents mentioned in my subpoena?
- Have I brought any items that the Crown Attorney, the defence lawyer, or the police have asked me to provide?
- Have I brought something to read or do while waiting to give evidence?
- Am I dressed neatly and tidily?

If you are frightened of seeing the accused or his or her supporters, the Crown Attorney may be able to arrange for you to wait in a private room. You can have a friend, family member, or other supporter come to court with you.

The People in the Court Room

Judge: presides over the trial.

Court Clerk: records the trial, swears in witnesses, schedules court dates and fills out paperwork.

Sherriff: is responsible for the security of the courtroom. He or she may sit close by the accused.

Crown Attorney: this lawyer represents the state and presents the case against the accused. Also called the "Crown" or "Crown Prosecutor."

Defence Lawyer: this lawyer represents the accused.

Witnesses: People are in court to provide information about the case. Each witness will wait outside the courtroom until he or she is called to give evidence in court. You are one of the witnesses.

Accused: The accused will be in the courtroom, and will sit in the "prisoner box," which is usually located away from the witness box.

Jury: If there is a jury, it will be 12 members of the public.

Members of the public and media may be present, but there will be no cameras, television cameras, or recorders in the courtroom unless the judge gives permission.

How Questioning Works

Only three people can question you: the Judge, the Crown Attorney, and the defence lawyer. If the accused is not represented by a lawyer, he or she can question you.

The Crown Attorney will ask questions first. This is called "examination-in-chief" or "direct examination." Then the defence lawyer will ask questions. This is called "cross-examination." Then, the Crown Attorney may ask you new questions. This is called "re-direct."

When it is your turn to testify

Go to the front of the courtroom and sit in the witness box. The court clerk will ask you to promise to tell the truth. You will be asked for your name and address. If you are afraid to give out your name and address, the judge may allow you to give a more general address, or no address. You will be asked what happened. During questioning, you might be asked questions that you feel are personal or embarrassing, but the court needs to know what happened. You can ask to take a short break if you need to. If you refuse to answer questions when the judge asks you to, you can be found in contempt of court, and sent to jail.

The accused will be there throughout the trial. If it is hard to look at him or her, look at the Crown Attorney or the judge or jurors. If the accused or one of his or her supporters is intimidating you (by making intimidating or threatening gestures, for example), speak to the Crown Attorney, who will tell the judge.

You will be asked to point out who assaulted you. This is the only time you have to look at the accused.



Questioning Dos and Don'ts

DO listen carefully to questions. Don't answer a question if the judge tells you not to.

DO speak clearly and loudly so that the judge and lawyers can hear you.

DON'T be afraid to ask for a question to be repeated or worded differently if you don't understand.

How long will it take?

A legal proceeding may take hours, days, or months. You can collect witness fees (which are not meant to replace employment income), mileage, and sometimes receive an expense allowance. Visit www.legalinfo.org to find out more about your obligations and options for ongoing court cases.

See our other family violence materials (available in print and online): *Peace Bonds and Family violence*, *Emergency Protection Orders*, *Elder Abuse*, *Sexual Assault*, and *Family Violence*

Resources

Call the Crown Attorney dealing with your case found under "Public Prosecution" in the Government Blue Pages in your phone book, or online at <http://www.gov.ns.ca/pps/contact.htm>

Victims' services support victims of crime by providing information, support, and assistance as a case moves through the criminal justice system. Victims' Services is a government organization that can be found online at www.gov.ns.ca/just/victim_Services/programs.asp

- Head Office: 1-888-470-0773
- Dartmouth: 902-424-3307
- Kentville: 1-800-565-1805
- New Glasgow: 1-800-565-7912
- Sydney: 1-800-565-0071

Transition houses provide residential and outreach services to abused women and their children. Call the Transition House Association of Nova Scotia (THANS) at 902-429-7287, or visit www.thans.ca.