

Your Role as a Parent or Guardian to the Child Victim or Witness

- ✓ Please try to remain calm and to control your own anxiety, in doing so you will make it easier for your child to testify.
- ✓ Do not try to handle or investigate the case, if your child is the victim to the crime being prosecuted. This is not your role; leave it to the professionals and if you have any concerns with the way the case is being handled please contact the Investigator, Victim/Witness Coordinator or Prosecutor assigned to the case.
- ✓ Please remember that no matter what the outcome of the case is, you still know what the truth is and the verdict does not change that.
- ✓ Remember that your most important role is to provide love, comfort and support to your child during this difficult time. If your child is the victim in this case, please tell him or her that reporting the incident was the right action to take and you are proud of them for doing so. Also you should consider professional counseling for your child to help him or her deal with any long lasting trauma from the victimization. Please contact our office and we can provide you with information regarding counseling assistance.

Order of Court Proceedings

Voir dire: To “tell the truth,” a preliminary examination of prospective jurors to determine their interest in the case and to determine their qualifications and competency to serve as jurors. (Trial by Jury)

Swearing in of witnesses (Bench and Trial by Jury)

Opening Statements by the State (Prosecuting Attorney) then the Defense Attorney (Bench Trial and Trial by Jury)

State Presents Evidence and calls witnesses (Bench Trial and Trial by Jury)

Defense presents evidence and calls witnesses (Bench Trial and Trial by Jury)

Formal instructions of law are presented by the Judge to the jury (Trial by Jury). In a Bench Trial, the judge makes a decision on what the verdict is whether guilty or not guilty and then determines the defendant’s sentence.

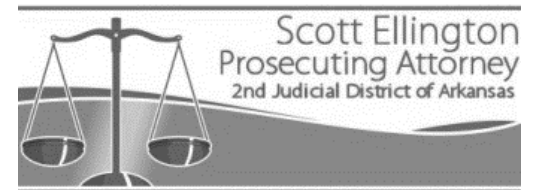
Guilt Phase: The Jury deliberates to determine if the defendant is guilty or not guilty (Trial by Jury)

Punishment Phase: If the defendant is found guilty, the jury will then determine the defendant’s punishment. Both attorneys can present more evidence before the Jury deliberates (Trial by Jury)

Our office also provides Teddy Bears for the children in hopes that it might make it easier for them to testify on the day of the trial. The children are allowed to take the Teddy Bears with them on the witness stand when they testify.

WHEN YOUR CHILD IS CALLED AS A WITNESS FOR THE STATE

CRAIGHEAD COUNTY
PROSECUTING ATTORNEY’S
OFFICE
VICTIM/WITNESS ASSISTANCE
DIVISION



Craighead County Courthouse Annex
511 Union Street, Suite 342
Jonesboro, AR 72401
870-972-4779

When criminal charges are filed and the person that is accused of the crime does not plead guilty, a criminal trial is held. If your child was a witness or the victim to the criminal act, then chances are your child will be called to testify.

There are two types of criminal trials that can be held. One is a **bench trial** and the other is a **trial by jury**.

If a **bench trial** is held, the outcome of the case will be decided by the Judge alone. The Judge will listen to the evidence and testimony that is presented and make a ruling of guilty or not guilty. If a **trial by jury** is held, a group of 12 citizens who have been randomly selected will listen to the evidence and testimony and come to a decision of guilt or innocence. In both types of trials, the Judge oversees the court proceedings.

Please remember to tell your child that they will answer questions under **oath**. To testify under **oath** simply means to tell the truth and that is all that we ask your child to do. It is important to keep in mind that if your child is a reliable witness (tells the truth in a clear and detailed manner) the prosecution will have a better case against the offender. Following a list of suggestions that will assist you in preparing your child to testify:

Do not go over your child's testimony before trial. Also **do not** discuss the facts of the case with your child or in front of your child. If you do so, it could be damaging to the case because it may appear that your child has been coached and that his/her testimony has been influenced. We want your child's testimony to be in his/her own words. The defense attorney may attempt to question your child before the trial. **It is your right to choose whether or not you want to speak with the Defense Attorney.**

- ❖ Your child may be anxious and nervous about testifying in court, but this is to be expected. However, our office can provide Court School to children who are called as witnesses for the State. The Victim/Witness Coordinator who is assigned to the case will schedule a time to conduct Court School if needed. In Court School, the Victim/Witness Coordinator will inform your child (witness) of where he/she will be sitting, who will be present in the courtroom, and will explain courtroom procedures. **Please note that in Court School there is absolutely no rehearsing of the child's testimony, the child is simply told to tell the truth on the day of trial and only what he/she remembers to have taken place.** Court School is simply conducted to familiarize the child with the courtroom in hopes of easing fears. ***If you are interested in Court School, please contact the Victim/Witness Coordinator assigned to the case.***
- ❖ If your child is a victim of sexual assault, he or she may have even more difficulty talking about what happened in court due to fear and embarrassment. Please tell your child that revealing the victimization was the right step to take.
- ❖ Please tell your child that you believe them and that no matter what the defendant or defense attorney says, you know that he/she is telling the truth.
- ❖ Please tell your child that the most important thing to do is tell the truth.
- ❖ Tell your child that if he/she is confused about a question that is asked by either attorney, to say so.

Suggestions for the day of Court

- ❖ One the day of the trial, you and your child need to eat a nutritious meal. Please try to relax as much as possible as well.
- ❖ Please dress neatly and comfortably, but not too casually.
- ❖ Bring a book for yourself, some quiet toys for your child and some snack food since there may be a long period of waiting before your child testifies. If either side requests "the rule," the witnesses must stay outside the courtroom except when giving testimony. This prevents other witnesses from hearing other witness's testimony. There should be a witness room for you and your child to stay in while you are waiting to testify. The Victim/Witness Coordinator assigned to your case will advise you on where you may stay. Remember that you may have to share a room with other witnesses and you must not discuss the case with them or with your child. Doing so could cause a mistrial.
- ❖ If you have any questions or concerns prior to trial or during trial, please address them to the Victim/Witness Coordinator. If you have other small children that are not witnesses, please try to make arrangements with a baby sitter before the day of court because you will want to devote your time to your child witness.