

# What to Expect at a Criminal Trial

When a case against an alleged perpetrator goes to trial in criminal court, the victim is often asked to testify. The idea of testifying may feel overwhelming or intimidating for some survivors of sexual violence. Everyone responds differently to sharing their experience publicly, and testifying in court is no exception. Learning more about the process and what support is available can help you feel more comfortable and prepared. Keep in mind that civil trials have different procedures than criminal ones. If you are involved in a civil trial please be sure to talk to your lawyer about any questions you may have.

## Know your rights

As the victim of a crime, you have certain rights. Many of these rights relate to the criminal justice process, and more specifically to the trial process. Most states have a Victims' Bill of Rights that can differ depending on where the court case is being heard. There are some rights that apply across many states, according to the **Office of Justice Programs**. These rights include but are not limited to:

- The right to apply for **crime victim compensation**
- The right to attend criminal justice proceedings
- The right to certain protections from intimidation and harassment throughout the trial
- The right to be heard and participate in criminal justice proceedings

You can learn more about victim rights in your state from the **Office for Victims of Crime**.

## Find the support that works for you

Going through a criminal trial can be a challenging experience for anyone. There are resources available that can help you find the support you need.

- **Support from someone you know.** Most states will allow you to have a loved one or friend present during proceedings. This may help you feel more comfortable during the hearing and trial processes.
- **Support from a trained advocate.** In some areas, a **local sexual assault service provider** or other **crime victim assistance organization** can provide you with an advocate to support you during the trial or resources to make the process less intimidating.
- **Support from state crime victim compensation programs.** All states have a **victim compensation program** to help victims of crimes manage financial challenges that may arise. Find contact information and other important details about applying for compensation in your state from the **National Association of Crime Victim Compensation Boards**.

## Who will I be talking to?

When you are asked to testify during a trial, you are being asked to answer a lawyer's questions under oath in front of a judge and/or jury. It may be helpful to understand the role that each person will play in the courtroom.

- **Defense attorney.** This lawyer represents the alleged perpetrator. It can feel like this person is "against" you at times, but it's important to remember they are simply performing their job. If you can, try not to take their words or tone personally. They will ask you questions during the part of the trial known as "cross examination," which occurs after the direct examination.
- **Prosecuting attorney.** This lawyer represents the state in the case against the alleged perpetrator, also referred to as "the defendant." They are also responsible for arguing why the court should convict the defendant. While the prosecutor is often on your "side," it's important to remember that they are not your lawyer. Prosecutors have a duty to the general public, the state, and the laws that the perpetrator violated—not necessarily to your personal interests. The prosecutor will ask you questions during the portion of the trial known as "direct examination." More than likely, the prosecuting attorney(s) will review the questions they plan to ask you in advance and help you prepare.
- **Your role as a witness.** Your role during the proceeding is to answer the each lawyer's questions and any questions the judge might ask. This can feel limiting at times. Often, survivors are also provided an opportunity to submit a victim impact statement, where you can describe in your own words how surviving the crime has affected your life. This statement may be considered by a judge or parole board when making their decisions.

Rules about victim impact statements vary from state to state. Learn more about victim impact statements from the **National Center for Victims of Crime**.

## Courtroom logistics

Before you arrive to court proceedings, there are some logistics you may want to consider.

- Check to see if there is a safe, quiet place to wait within the courthouse. In some states, they have designated victim/witness waiting areas.
- You are considered a witness in the trial, and it's possible that you will not be allowed in the courtroom until a specific time. This could lead to long waiting periods. Pack water, a snack, and something to keep you occupied, like a book or music.
- Discuss any safety concerns you may have with the legal professionals representing you. They may be able to arrange protective measures like a police escort or a no-contact order.
- Some higher profile cases may catch the attention of the media and social media users. It's possible that there may be harmful or negative comments made by people who are not informed about the case. It can be difficult to ignore these comments, but it's important to focus on controlling what you can. Remember to practice good **self-care** during this time. Learn more about how some people **use technology to hurt others** and consider these **tips for survivors on consuming media**.
- Be wary of posting on social media during the trial, as anything you post could be used against you. Talk to a victim advocate or the prosecuting attorney about what you can and cannot say on social media to be sure it doesn't impact the case in any way.

## Tips for taking the stand

It can be nerve-racking to speak in public, as well as in a courtroom. It's important to discuss concerns you might have with the legal professionals who are representing you and supporting your interests. The following tips can help you stay focused and calm throughout your testimony.

- Allow yourself to take brief pauses. If at any time you're feeling overwhelmed, ask the judge or prosecutor for a short break.
- Stay hydrated; bring a water bottle and take sips of water throughout.
- If you feel yourself getting angry or frustrated, take a moment to pause.
- Keep your eyes focused on the person asking you questions, rather than looking at the perpetrator or their supporters.
- Always tell the truth. If you don't remember something exactly, it's important to say so. If you say something you didn't mean to, or you think something came across in a way you didn't intend, you can clarify your statement. Ask the judge, "May I go back to something I previously said?"
- Answer the questions – and nothing more. Don't volunteer additional information unless you are asked.
- If you don't understand a question, say so. You can always ask the attorneys to repeat or rephrase a question so you can better understand it.
- Every trial is different. If you have specific questions about testifying, check in with a victim advocate or the prosecuting attorney.

## After the trial

The end of a trial may bring a sense of relief, or it may not offer the closure you were expecting. Keep in mind that your testimony and participation is often critical to building a case against a perpetrator, but it is only one aspect of all the information that is considered by a judge or jury.

After hearing from the witnesses and the attorneys, the judge will set a day and time to announce the sentence in what is called the sentencing hearing. These hearings can be held the same day the trial ends, or it can be days, weeks, even months later. You don't have to attend if you don't want to. If a judge and/or jury find the defendant not guilty or issue a punishment you feel is not reflective of the crime, it may be difficult to hear. If the alleged perpetrator is acquitted, it does not mean that person is innocent or that the jury doesn't believe your story. Rather, it means there isn't enough evidence to make either decision beyond a reasonable doubt.

### Legal Disclaimer

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