# Office of the Saint Paul City Attorney

# Trials and Frequently Asked Questions

* **Why am I being asked to come to court?**

Your name has been provided to our office as a victim or witness to an incident which resulted in criminal charges and involved the defendant named on the subpoena. The prosecutor (lawyer) handling the case believes that you have information that will be helpful to show what happened on the day of the incident.

* **What is a subpoena?**

A subpoena is a Court order requiring you to appear at a given place, date and time to testify in a criminal case.

* **Why is this case set for trial?**

This case is set for trial because the defendant has pled not guilty to the alleged crime(s). People charged with crimes have the right to ask the prosecutor to prove to a jury or a judge that they are guilty of committing a crime beyond a reasonable doubt.

* **With whom do I talk about the case?**

Your subpoena lists the name & phone number of the Victim Witness Coordinator who has been assigned to the case.

* **Can I talk to the Prosecutor?**

Generally the prosecutor will not directly talk to victims and witnesses about the facts of the case.  Information you provide to the Victim Witness Coordinator will be shared with both the prosecutor and defense attorney.

* **What happens on the day of trial?**
* On the day of trial, you will meet with your Victim Witness Coordinator. You can talk with the Victim Witness Coordinator about any additional information that you want the prosecutor to know.
* The prosecutor will talk to the defense attorney to see if the defendant wants to handle the case without a trial and will make an offer to settle the case.
* The defense attorney then discusses this offer with the defendant.
* The prosecutor and defense attorney will then meet with the judge and talk more about the case.
* If the defendant wants to take the offer, the defendant will plead guilty and no trial is necessary. *This is the outcome of the vast majority of cases set for trial*.
* If the defendant does not want an offer, the trial will begin after the attorneys talk more with the judge about possible issues during the trial. Sometimes due to scheduling problems, a new trial date may have to be picked.
* **What happens during a trial?**
* Before the trial begins, a jury must be picked. A jury is 6 people who will listen to the facts of the case and decide the outcome of the case.
* Sometimes a defendant will ask a judge to listen to the facts and decide the outcome of the case without a jury.
* After picking the jury, the prosecutor will have witnesses testify about the facts of the case in order to show that the defendant committed the crime. The defendant’s attorney can ask questions of these witnesses too.
* The defendant then has the chance to have their own witnesses testify about the facts, but sometimes will choose not to have anyone testify.
* After all the testimony, the attorneys get the chance to summarize the facts of the case and ask the judge or jury to decide in their favor.
* The jury or judge will then review all of the facts and decide if they believe the defendant should be found guilty of the crime.
* If a defendant is found guilty, the judge will schedule a sentencing hearing.
* **How long will the trial take?**

In general, most trials last 3-4 days, but you may not have to be there each day. In some cases, you may be placed on “stand-by” and not be required to come to court until you receive a call from the Victim Witness Coordinator.

* **What if I don’t want to come to court or to testify – do I still have to?**
* If you have received a subpoena, *you must comply, whether or not you are interested in prosecution of the case*.
* The subpoena is valid until the prosecutor or judge releases you.
* *Work, school, lack of childcare, or other obligations are not justifications for ignoring a subpoena*.
* Your school or employer may not penalize you for complying with a subpoena.
* If you are medically unable to attend court, confirmation from your doctor may be required.
* The prosecutor may request a warrant for your arrest be issued if you do not appear.
* **Why does my subpoena have a different date on it than the other witness(es)?**

This is a scheduling decision made by the prosecutor.

* **Will I have to see the defendant in court/ will I be alone?**

The only time that you have to be in the same room as the defendant is at the actual trial when you are testifying. At all other times, you can ask for a separate waiting area. You can bring friends or family with you to support you.

* **Will I have to talk in front of people?**

Yes, if the case doesn’t settle, you will need to answer questions in front of the jury, attorneys, judge, and defendant. There may be additional people in the courtroom who are not connected with the case.

* **How should I dress for court?**

You should dress as professionally as you are able.

* **Can I keep my name and address confidential?**

Sometimes, a judge may allow a request made on the witness’s behalf to not disclose identifying information in Court. If your name and address were included in the original police report, it is already part of the public record.

* **How can I drop the charges?**

Once a police report is filed and a case charged in Court, only the prosecutor or the judge can dismiss the case.

* **Can I tell the judge how this crime affected me?** If a defendant is convicted, the victim of the crime can, if they want, tell the judge orally or in writing their feelings on the impact of the crime and the resolution of the case. On domestic violence cases, a probation report is required before sentencing. Victims are encouraged to provide input to probation for this report. The victim’s feelings may be shared through a Victim Impact Statement.
* **What about the witness fee?**
* If you have to come to Court after receiving a subpoena, you can get a $20 witness fee plus mileage for each day that you appear in court. If you live outside of Minnesota, you will only be paid mileage from the Minnesota border to the Ramsey County Courthouse and back.
* The prosecutor will request the witness fee for you, and a check will be mailed to you at the address as shown on the subpoena in 6 – 8 weeks. Your social security number is required to provide payment.