

WITNESSES

If you are a witness in a case:

- Please come to the Courthouse at least 15 minutes before the scheduled hearing. You will have an opportunity to speak to the Prosecutor before the hearing and if you cannot locate him, please tell the clerk or bailiff that you would like to have a word with him.
- If you will not be needed to testify at the scheduled court date you will usually be notified in advance. Occasionally, the defendant will enter a guilty plea or waive a hearing at the last minute. We will do our best to contact you as soon as we can. If your address and/or telephone number have recently changed you should contact the Prosecuting Attorney's Office to make sure that they have current information in the event it becomes necessary to contact you.

If you are contacted by the defendant:

- If the defendant contacts you and attempts to influence, intimidate, harass you or tries to persuade you to either testify falsely or not testify at all, please contact the appropriate law enforcement agency or the Prosecuting Attorney's Office **IMMEDIATELY!**

If you are contacted by the Defense Attorney or an Investigator employed by the Defense Attorney:

- The Prosecuting Attorney's Office is precluded from advising any witness not to speak to a Defense Attorney or Investigator about a case. However, if the Defense Attorney or Investigator contacts you and you would like for the Prosecuting Attorney or someone from his office to be present when you speak to the Defense Attorney or Investigator, this can be arranged. Please contact the Prosecuting Attorney's Office to make arrangements.

Things to keep in mind when you testify:

- **TELL THE TRUTH!** This is the most important rule to remember.
- **Be Prepared.** You will usually know well ahead of time that you will be testifying in Court. If you gave a written statement to the police, the Prosecutor will have a copy which you may review to refresh your memory on some details. Think ahead of time about the answers you will give to the questions you expect to be asked of you.
- **Listen to the question** and answer the question asked. Do not volunteer additional information. Avoid beginning your answer before a question is finished.
- **If you do not know the answer** to the question, it is okay to say "I don't know."

- **If you do not remember the answer** to the question, it is okay to say "I don't remember." **HOWEVER!** Do not use "I don't know" and/or "I don't remember" responses to try to evade giving answers to the question.
- **Testify as to what you know**, not what someone else told you.
- **Do not speculate** or guess as to what you think your answer might be or should be.
- **If you do not understand the question**, please indicate that you do not understand the question and asked that it be rephrased.
- **If there is an objection, stop speaking immediately!** The judge will make a ruling as to whether you must answer the question and will instruct you accordingly.
- **Give verbal answers to questions.** In most instances your testimony is being recorded. Head shakes or nods are not picked up by recording equipment. Also, when appropriate, use "yes" and "no" instead of "uh-huh" or "huh-uh."
- **Relax and speak clearly.** You have nothing to fear when giving truthful answers. When you are asked questions, give your answer as clearly as possible.
- **Expect to be questioned by several people.** One of the basic rules in a criminal case is both sides may question a witness.
- **Don't let the Defense Attorney upset you.** He or she is only trying to test your knowledge and grasp of the facts. Be nice, notwithstanding the demeanor of his or her question. If the Defense Attorney cuts you off from completing your answer, which is rude, but, not uncommon, you will have an opportunity to give a complete answer when the prosecutor re-questions you.

Witness' Right to Notification:

If you are a crime witness and would like to be notified of various stages of a pending case, you will need to obtain a notification request form, fill it out and send it to, or drop it off at the Prosecuting Attorney's Office.

Rights of Victims and Witnesses

As provided by Section 595.209, Revised Statutes of Missouri

1. For victims, the right to be present at all criminal justice proceedings at which the defendant has such a right, including juvenile proceedings where the offense would have been a felony if committed by an adult;

2. For victims, the right to information about the crime, as provided for in subdivision (5) of this subsection;
3. For victims and witnesses, to be informed in a timely manner, by the prosecutor's office of the filing of charges, preliminary hearing dates, trial dates, continuances and the final disposition of the case. Final disposition information shall be provided within five days.
4. For victims, the right to confer with and to be informed by the prosecutor regarding bail hearings, guilty pleas, pleas under chapter 552, RSMo, or its successors, hearings, sentencing and probation revocation hearings and the right to be heard at such hearings, including juvenile proceedings, unless in the determination of the court the interests of justice require otherwise;
5. The right to be informed by local law enforcement agencies, the appropriate juvenile authorities or the custodial authority of the following:
 - a) The status of any case concerning a crime against the victim, including juvenile offenses;
 - b) The right to be informed by local law enforcement agencies or the appropriate juvenile authorities, of the availability of victim compensation assistance, assistance in obtaining documentation of the victim's losses, including, but not limited to and subject to existing law concerning protected information or closed records, access to copies of complete, unaltered, unedited investigation reports of motor vehicle, pedestrian, and other similar accidents upon request to the appropriate law enforcement agency by the victim or the victim's representative, and emergency crisis intervention services available in the community;
 - c) Any release of such person on bond or for any other reason;
 - d) Within twenty-four hours, any escape by such person from a municipal detention facility, county jail, a correctional facility operated by the department of corrections, mental health facility, or the division of youth services or any agency thereof, and any subsequent recapture of such person;
6. For victims, the right to be informed by appropriate juvenile authorities of probation revocation hearings initiated by the juvenile authority and the right to be heard at such hearings or to offer a board of probation and parole of probation revocation hearings initiated by the board and of parole hearings, the right to be present at each and every phase of parole hearings and the right to be heard at probation revocation and parole hearings or to offer a written statement, video or audio tape in lieu of personal appearance, and the right to be informed by the custodial mental health facility or agency thereof of any hearings

for the release of a person committed pursuant to the provisions of chapter 552, RSMo, the right to be present at such hearings, the right to be heard at such hearings or to offer a written statement, video or audio tape in lieu of personal appearance;

7. For victims and witnesses, upon their written request, the right to be informed by the appropriate custodial authority, including any municipal detention facility, juvenile detention facility, county jail, correctional facility operated by the department of corrections, mental health facility, division of youth services or agency thereof if the offense would have been a felony if committed by an adult, post conviction or commitment pursuant to the provisions of chapter 552, RSMo, of the following:

- a) The Projected date of such person's release from confinement;
- b) Any release of such person on bond;
- c) Any release of such person on furlough, work release, trail release, electronic monitoring program, or to a community correctional facility or program or release for any other reason, in advance of such release;
- d) Any scheduled parole or release hearings regarding such person and any changes in the scheduling of such hearings. No such hearing shall be conducted without thirty days' advance notice;
- e) Within twenty-four, any escape by such person from a municipal detention facility, county jail, a correctional facility operated by the department of corrections, mental health facility, or the division of youth services or any agency thereof, and any subsequent recapture of such person.
- f) Any decision by a parole board, juvenile releasing authority or circuit court presiding over releases pursuant to the provisions of chapter 552, RSMo, to release such person or any decision by the governor to commute the sentence of such person or pardon such person;
- g) Notification within thirty days of the death of such person;

8. For witnesses who have been summoned by the prosecuting attorney and for victims, to be notified by the prosecuting attorney in a timely manner when a court proceeding will not occur as scheduled.

9. For victims and witnesses, the right to reasonable protection from the defendant or any person acting on behalf of the defendant from harm and threats of harm arising out of their cooperation with law enforcement and prosecution efforts;
10. For victims and witnesses, on charged cases or submitted cases where no charge decision has yet been made, to be informed by the prosecuting attorney of the status of the case and of the availability of victim compensation assistance and of financial assistance and emergency and crisis intervention services available within the community and information relative to applying for such assistance or services, and of any final decision by the prosecuting attorney not to file charges;
11. For victims, to be informed by the prosecuting attorney of the right to restitution which shall be enforceable in the same manner as any other cause of action as otherwise provided by law;
12. For victims and witnesses, to be informed by the court and the prosecuting attorney of procedures to be followed in order to apply for and receive any witness fee to which they are entitled;
13. When a victim's property is no longer needed for evidentiary reasons or needs to be retained pending an appeal, the prosecuting attorney or any law enforcement agency having possession of the property shall, upon request of the victim, return such property to the victim within five working days unless the property is contraband or subject to forfeiture proceedings, or provide written explanation of the reason why such property shall not be returned;
14. An employer may not discharge or discipline any witness, victim or member of a victim's immediate family for honoring a subpoena to testify in a criminal proceeding or for participating in the preparation on a criminal proceeding;
15. For victims, to be provided with creditor intercession services by the prosecuting attorney if the victim is unable, as a result of the crime, temporarily to meet financial obligations;
16. For victims and witnesses, the right to speedy disposition of their cases, and for victims, the right to speedy appellate review of their cases, provided that nothing in this subdivision shall prevent the defendant from having sufficient time to prepare such defendant's defense.

The attorney general shall provide victims, upon their written request, case status information throughout the appellate process of their cases. The provisions of this subdivision shall apply only to proceedings involving the particular case to which the person is a victim or witness;

17. For victims and witnesses, to be provided by the court, a secure waiting area during court proceedings and to receive notification of the date, time and location of any hearing conducted by the court for reconsideration of any sentence imposed, modification of such sentence or recall and release of any defendant from incarceration.

General Information and Procedure for Bad Checks

FIRST AND FOREMOST: ***Cashing a check is a privilege. Insist upon proper identification.***

These instructions and information will assist you and the Prosecuting Attorney's office in efficiently handling bad checks. If you do not want the maker of the check prosecuted, you should NOT bring the check to the Prosecuting Attorney's Office, but, should consult your own attorney or private collection agency.

What to Look for When Receiving Checks

You should train your staff to look for the following when accepting checks. This could be the difference in accepting a bad check (including a forged check) or one that will clear the bank.

1. Look at the date that is written on the check and make sure that it is correct.
2. Make sure the address and phone number printed on the check is correct and current.
3. Ask for I.D. The main source of I.D. that we will need for our collection procedures, or to prosecute, is the driver's license. Asking for this on I.D., you can get 3 of the most important numbers we need to proceed in our office.

- a) Write down the Driver's License number including the state it was issued in.
 - b) Write down the date of birth on the check.
 - c) Write the Social Security Number if different from the Driver's License number.
 - d) If the I.D. contains a photograph, compare the photograph with the person wiring the check. If it appears to be the same person, make a notations on the check to indicate that the person matched the photograph on his or her license, e.g., simply abbreviate, "pml," which stands for "person matches license."
4. Compare the signatures.

We know that it may be difficult for you to ask regular customers for this information each time they write a check, so we suggest that you keep a card file with all of this information on it. Also, information such as their place of employment, and any additional identification that you may ask for could be helpful.

Procedure

Upon receipt of check(s) from your bank, complete a Bad Check Information and Complaint Form, attach the check and submit immediately to this office.

Do not accept any payment after the check is submitted to this office. If payments are mailed to you, you must bring such payments to the Prosecuting Attorney's Office immediately.

If this office does not receive payment, we will then determine if criminal charges can be filed and sustained. If charges are filed, it is your duty to cooperate and come to Court and testify, if necessary.

In the event of a conviction, should the Court order restitution, it will be paid to the Circuit Clerk and distributed to all victims when the total amount due has been collected. Should a defendant pay restitution prior to his or her court appearance, it will be collected in this office and sent directly to you.

Absent unusual facts, we will not prosecute checks in the following situations:

1. If person who accepted check is unknown or not available.
2. If person who accepted check cannot identify check writer.
3. If the check writer's date of birth, social security number, or drivers' license number are all unknown.
4. If the check is more than 90 days old.
5. If you have an agreement to take partial payments on check.
6. If you have an agreement to hold the check.
7. If the check is not dated or was post-dated.
8. If the check is a two-party check.

Requirements:

1. Get one or more of the following:
 - a) Date of Birth
 - b) Social Security Number
 - c) Driver's License Number, including State of Issuance.
2. Require check to be written in your presence.
3. Check must be legible.
4. Require current address.
5. Checks taken by employees should always be initialed.

6. DO NOT ACCEPT OUT OF STATE CHECKS unless you are willing to assume the risk of loss.

Please contact the Prosecuting Attorney's Office if you have questions or if we can help you in any way.