

**Office of the Minneapolis City Attorney**  
**Trials and Frequently Asked Questions**

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

This case is set for trial because the defendant has pled not guilty to the crime he/she is accused of committing. Persons accused of a crime have the right to demand a trial, wherein the State has the burden of proving to a jury or a judge that the accused person is actually guilty of committing that crime beyond a reasonable doubt.

- **What happens at a trial?**

1) Meet with prosecutor: victims and witnesses meet with the prosecutor and/ or assistant at the time and location designated on your subpoena. You will have the opportunity to provide additional input about the incident and discuss different resolution possibilities at this time.

2) Trial Judge: the prosecutor and defense attorney for the case meet with the trial judge and discuss possible settlement options. The defense attorney then discusses these options with the defendant.

a) Negotiation: If the parties agree to a settlement, the defendant enters his/ her plea in front of a judge and no trial is necessary. *This is the outcome of the vast majority of cases set for trial.*

b) Trial: if no settlement is reached, the trial begins. A defendant has the right to a trial by jury, whereby 6 - 7 members are selected from a pool of candidates. A defendant may waive this right and request that the trial judge decide the case. The prosecution presents relevant evidence at the trial, including victim/ witness testimony; in order to prove the defendant's guilt. The defendant has no obligation to provide any evidence. If a defendant is convicted, the judge will decide upon a sentence.

c) Victim Impact Statement: upon a conviction, victims of the crime have the right, but not the obligation, to communicate orally or in writing directly to the court their feelings on the impact of the crime and the resolution of the case.

3) Probation: after a conviction, if a period of probation supervision is part of the defendant's sentence, it may be required that the defendant meet with an investigating probation officer. In domestic assault cases, a probation report is required before sentencing, and victim input is requested.

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

Your subpoena lists the name and telephone number of the contact person with whom you will speak. Due to evidentiary guidelines, a prosecutor may decide that they cannot personally speak to you about the facts of a case. On most cases, a Victim/ Witness Assistant is available to obtain your input. If referrals and confidential support are needed on domestic assault cases, a domestic abuse advocate may be contacted on your behalf.

- **How long will the trial take?**

Once the negotiating period begins, discussions may take anywhere from a few minutes, to several hours, to several days. There are many unpredictable factors that may delay a settlement and waiting is part of the process. In general, settlements are reached by the end of the morning of the first day of trial. If the case has not been resolved before the lunch break, the prosecutor will speak with you about scheduling arrangements. You may need to return that afternoon, or on another day in order to provide testimony. In general, trials last 3-4 days, and your presence is typically not required for the entirety of the proceeding.

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- **Will I be/ why was I subpoenaed?**  
Subpoenas are automatically issued to known material witnesses (those in sight or sound of the alleged offense). Direct observation of or involvement in the crime means that you have evidence to provide. Witnesses also include those who have been involved in relevant events occurring soon after the incident (including telephoning the police or observing injuries), or those who have been involved in a previous offense with this defendant. The attorneys and the trial judge decide what testimony is relevant and who is required to appear for trial.
- **What if I don't want to come to court or to testify – do I still have to?**  
If you have received a subpoena, which is a court order to appear, *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 lawful court order. If you are medically unable to attend court, confirmation from your doctor may be required. There may be legal consequences for ignoring a court order.
- **Where are the other witnesses?**  
Individuals such as police officers, doctors, and 911 operators, who are witnesses as the result of their profession, are scheduled for court appearances differently than victims and other witnesses. In certain circumstances, the prosecutor will permit “standby” status for certain victims and witnesses. All subpoenaed parties are required to appear for court at such time that the prosecutor or judge deems necessary.
- **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 will be required to be in the same room as the defendant is at the actual trial when you are testifying. At all other times, you may request a separate waiting area. Courtrooms are open to the public and you may bring supportive friends or family with you. In domestic assault cases, domestic abuse advocates are available upon request.
- **Will I have to talk in front of people?**  
If the case is not settled and your testimony is required at trial, you will need to answer questions in front of the jury, the attorneys, the judge, and the defendant. “Live” testimony is required and written or videotaped testimony cannot be substituted. In general, most trials aren't like on television: there isn't a room full of spectators watching you testify.
- **How should I dress for court?**  
You should dress as professionally as you are able.
- **Can I keep my name and address confidential?**  
In specific circumstances, a judge may allow a request made on the witness's behalf to not disclose identifying information in open court. If however, 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?**  
The State of Minnesota, as represented by the Minneapolis City Attorney's Office, is prosecuting this case. Your input is encouraged and will be considered, but only the prosecutor or a judge may dismiss the case.
- **What about the witness fee?**  
The standard witness fee is currently \$20 plus mileage per day that you appear in court pursuant to your subpoena. A request is submitted by the prosecutor on your behalf, and check in your name will arrive at the address as shown on the subpoena in 6 – 8 weeks.