



# Col. John Chivington & Sand Creek a Historical Mock Trial

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## Witness Guidelines

In order to do an effective job as a witness in a historical mock trial, you will have to learn as much as possible about the testimony you will be expected to give during the trial. It will not be a simple task and will require considerable preparation.

You will likely discover that you, as a witness, are more valuable to one side of the case than to the other. Some witnesses will be called to testify for the prosecution, while others are called to testify for the defense. Some witnesses may be called by both, in which case they will testify twice.

Whether you are a defense witness or a prosecution witness, the preparation for testifying is essentially the same:

First, you must determine what type of witness you are. There are two basic types of witnesses: (1) witnesses who are directly testifying about what they saw or heard, and (2) expert witnesses who are considered "experts" in a particular field — like medical doctors, engineers, and scientists.

Second, you must determine what you are going to say on the witness stand. The attorneys should assist you in this part of your preparation, so that what you plan to say supports their side of the case.

Third, you and the attorneys should think about possible questions that you might be asked under cross-examination. (Cross-examination is the period of questioning where you are being questioned by the attorneys opposed to the attorneys who called you to testify.) Preparing for cross-examination is particularly difficult since you can't be completely sure what questions you'll be asked.

During cross-examination, if you don't know the answer to a question, you have two options:

1. You can simply say, "I don't recall", or "I'm not sure".
2. You can use your own logic, and respond with something like, "That makes sense", or "I suppose so", or "I guess that's possible."

Finally, you need to familiarize yourself with the three phases of testimony:

- DIRECT** examination: this is when you are questioned by your side's attorneys
- CROSS** examination: this is when you are questioned by the other side's attorneys
- RE-DIRECT** examination: this is when you are re-questioned by your attorneys

Regardless of what you say during your testimony, you should speak clearly, know your part well, and speak with confidence. Your grade for the mock trial will be determined by your ability to speak clearly, your familiarity with your role, and your behavior during the trial itself.