**Handout #1: Examples of a Line of Questioning**

**Example #1**: The witness has testified to driving down a street and observing a collision between two other cars. The cross-examination will show that the collision occurred quickly and unexpectedly, and that the witness was too far away to accurately observe what really happened.

Q. Mr. Jones, Maple Avenue runs north-south and Elm Street runs east-west, correct?

A. Yes.

Q. The accident you say you observed was at that intersection?

A. Yes.

Q. When the accident happened, you were driving toward the intersection on Elm Street, correct?

A. Yes.

Q. You were about one-half block from the corner when it happened, isn’t that so?

A. Yes.

Q. It’s fair to say that you weren’t expecting an accident that day, isn’t it?

A. Yes.

Q. So, you were driving the way you usually would just before the accident, weren’t you?

A. Yes.

Q. You had a passenger in the car?

A. Yes.

Q. You were talking with him while driving, correct?

A. Yes.

Q. Ms. Jones, each block in this city is one-eighth of a mile long, isn’t it?

A. I guess.

Q. So each block is about 600 feet long, isn’t it?

A. That sounds about right.

Q. That means that you were about 300 feet from the corner when the accident happened, weren’t you?

A. I guess that would be the math.

Q. Three hundred feet is the length of a football field, isn’t it?

A. Yes.

Q. Both Maple and Elm have buildings on both sides of the street, don’t they?

A. Umm…yes.

Q. As you were driving toward the corner, you couldn’t see traffic on Maple other than at the intersection, could you?

A. No.

Q. That’s because the buildings were blocking your view?

A. Yes.

Q. So, you couldn’t see the two cars involved in the accident until they were actually in the intersection could you?

A. No.

Q. Ms. Jones, there was other traffic on Elm Street as well as Maple that morning, wasn’t there?

A. Yes.

Q. You were watching that other traffic as you were driving?

A. Yes.

Q. Elm Street has a good amount of traffic during the rush hour, doesn’t it?

A. Yes. Q. There were probably cars going in both directions on Elm Street, weren’t there?

A. Probably.

Q. Some of those cares were in your lane, while others were in the opposite lane, weren’t they?

A. That’s possible.

Q. And some of the cares were in front of you, while others were behind you, weren’t they?

A. That’s possible, but I am not sure.

This line of questioning demonstrates that the witness was 1) a good distance away from the accident, 2) couldn’t see the cars involved until they were in the intersection, and 3) probably had traffic blocking her view at the critical moments. Her observations are rendered less reliable than they first appeared to be.

**Example 2**: A robbery victim has testified that he was robbed at knifepoint in an alley, and has identified the defendant as the robber. The cross-examination will show that the robbery happened suddenly and unexpectedly, that the robber was lighted from behind, and that the victim was focusing on the knife, not the robber’s face.

Q. Mr. Archer, all this happened around 11:00 at night?

A. Yes.

Q. It was dark?

A. Yes.

Q. The robber pushed you from behind into the alley?

A. Yes.

Q. You never saw the robber until after you were in the alley, right?

A. That’s right.

Q. And there weren’t any street lights in the alley, now were there?

A. Ummm…no.

Q. The robber was facing into the alley?

A. That’s right. Q. And you were facing toward the street?

A. Yes.

Q. Then you noticed he had a knife in his hand?

A. Yes.

Q. Describe the knife.

A. It had a shiny blade, about six inches long, and a wooden handle.

Q. Mr. Archer, you must have been concerned that he might use the knife against you!?

A. Yes, I was!

Q. You kept your eyes on the knife?

A. I suppose so.

Q. Then he said, “Give me your wallet” and you gave it to him?

A. Yes.

Q. He then ran down the alley, away from the street?

A. Yes.

Q. From the time he said, “give me your wallet” to the time he ran past you down the alley that took about ten seconds, right?

A. I am not sure about that.

Q. During that time, he always had the knife where you could see it?

A. Yes.

This line of questioning shows that 1) the victim kept looking at the knife (during the few seconds it took to complete the robbery), 2)the victim was understandably not concentrating on the robber’s face , and 3) the area was not lighted –which is the key to a credible identification.

Texts are taken from *Trial Techniques* by Thomas Mauet, pp. 264-275.