



Cross-examination Preparation #2

Cross-examinations - Preparation #2

For this demonstration, we will turn the cross-examination of May Donoghue into a questions outline.

1. The Element is that May ordered a Scotsman's Float.
2. The Theme is that this case has too many uncertainties to pin the blame on Stevenson.
3. The Scene is May tucking into her dessert, ginger beer poured onto ice cream.

4. The first point to make in the Scene is (only) that May didn't see anything unusual. You will make the bigger point – May can't tell what happened – with a series of these points.

Here is the outline of a cross-examination.

HL1: Now, I want to discuss what happened just before Mr. Minchella poured the ginger beer from the bottle into the dish.

Q1: There was a dish at your place setting, right? Yes.

Q2: With ice cream, right? Yes.

Q3: Vanilla ice cream? Yes.

Q4: Which you could tell because it was cream-coloured? Yes.

Q5: It seemed to be what Audrey had ordered for you, right? Yes.

HL2: Now, I want to discuss what happened with the green bottle in Mr. Minchella's hand.

Q1: He tipped it to pour its contents into your dish, right? Yes.

Q2: Liquid came from the bottle, right? Yes.

Q3: You could see that, right? Yes.

Q4: You only saw liquid come out of the bottle, right? Yes.

Q5: If you had seen something else, you would have reacted, right? Yes.

Q6: By checking it out, right? Yes.

Discussion: This question sequence shows how you take only very little steps to build your proposition – which bigger proposition you never put to the witness. In the second of the sequences, the witness might hesitate. Might disagree.

You cut it short if you fear the witness disagreeing or giving a different answer than 'yes'.

Exercise for subscribers

Prepare the Question Outline in the same format as above to cover the Five-and-Out sequences for all these points with May Donoghue:

- She tasted some ice cream.
- It seemed fine.
- There was nothing to alarm her.
- Or Audrey.

Remember – baby steps, Counsellor!