



## Direct Examinations Preparation #3

### **Direct Examinations - Preparation #3**

For this demonstration, we will create an outline of the direct examination of Mr. Minchella testifying for the defence (Mr. Stevenson) using the formula from the post. Within this, we will only break one element into scenes and one scene into points.

#### 1. Elements:

- Stevenson bottles and distributes ginger beer in and around Paisley, Scotland.
- Stevenson packages the ginger beer in opaque glass bottles.
- Mr. Minchella owns and operates the Wellmeadow Café, one of Stevenson's customers.
- Minchella occasionally buys ginger beer from other suppliers, who sometimes use Stevenson's bottles to package their product without Stevenson's permission.

- A friend of a customer of Minchella consumed ginger beer in the Café.
  - The friend claims that the ginger beer contained the remains of a snail, causing intestinal disorder and post-traumatic stress.
  - No one else saw the alleged snail.
2. Theme: This case has too many uncertainties to pin the blame on Stevenson.
3. Scenes in Element 5 (Donoghue consumed the ginger beer):
- Audrey MacIsaac and May Donoghue sit at the Café table, studying the menu.
  - Audrey orders the Scotsman's Floats. Minchella takes the order.
  - Minchella returns with a bottle of ginger beer and a dish of ice cream.
  - Minchella serves the dish and pours some ginger beer onto the ice cream
  - Audrey pours the rest of the ginger beer onto May's ice cream.
  - May reacts poorly to what she eats, sees, or both.
  - Minchella comes to the table to see what happened.
4. Points in Scene 4 (Minchella serves the dish and ginger beer):
- Audrey was the customer, not May.
  - The bottle could have come from another supplier.
  - When he poured part of the contents onto the ice cream, he did not notice a snail (or anything unusual).
  - May did not express any alarm.
  - Audrey did not express any alarm.
5. Opposition's points:

- The bottle was labelled ‘D. Stevenson’.
- The bottle was opaque, so neither Minchella nor May could visually inspect the contents.
- Minchella poured some – not all – the contents onto the ice cream.
- Minchella paid more attention to May and Audrey than to the bottle or the ice cream.

Discussion: All witnesses should make points. Each of the points above could be the subject of a Five-and-Out sequence. Each of the opposition’s points is foreseeable. Each could be the subject of a Five-and-Out sequence from the direct examiner to give the witness a chance to explain. In the next series of posts, we will ask and answer the questions in the sequences. For now, we are just identifying the points we plan to make.

### **Exercise for subscribers**

Prepare the Q&A in the same format as Exercise #2 to cover the Five-and-Out sequences for the points to make in the direct examination.

Then prepare the outline for Mr. Minchella in another scene.