

**Law 101 01/08/13**

- prior (inconsistent) statements of witness at trial
- NO - prior consistent statement - "buttress credibility - said it before - say it again.... unless...."

**3. OBJECTION - leading**

**5-611(C) Leading Question**

Do not - suggest an answer

Ie: What color was the red light.

Do - use facts in evidence

Ie: As you approached the intersection, was there a traffic control device?

You said there was a light controlling the intersection, what color was it.

Interrogation - tell the story. Sequential. Can always ask:

... and then what happened? ... what did you do? ... what did you see?

... taking you back to the date, time and place of the incident which is the subject of the suit, where were you? Why did you do that?

Flaw - trying to prove every element of the case through every witness

- using the witness to argue your point ... *Cf*... unless you can win.

Cross-exam - Do not rehash direct

Use known facts - medical records, deposition, irrefutable evidence

"Perceived cross-exam" - does not establish anything but looks good

Know why you are asking the question and what you want

Read materials on cross-examination

**4. OBJECTION - discovery violation**

**Civil**

Motion filed or prior order

Different from Interrogatories/deposition

Credibility

New allegation

Prejudice vs. Continuance

Appeal

**Criminal**

**District Court 4-262**

Brief overview

Prejudice v. Continuance

The agreement between OSA & OPD

**Circuit Court 4-263**

**5. OBJECTION - foundation**

- personal knowledge

- authenticity - 5-901, *et seq.*

Facebook, electronic

- expert