Create control
using the three rules of cross-examination.

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A witness's body language may tell as much as his verbal answers. At the end of the above examination, a carefully questioned witness, when asked if he is the best liar he knows, will not shrink, hesitate, or act defensively towards the jury. The witness will act as if he were proud of his status as a liar. The jury will not be proud of him.

§ 10.50 Proceeding from the General Question One Fact at a Time

Makes the Specific Answer Inescapable

The following line of questions illustrates the point that one fact at a time progresses logically and inevitably, both for the witness and the jury:

Q: When you got back to the apartment you noticed you were missing your lighter?
A: Yes.

Q: You discussed it missing that night?
A: Yes, a little.

Q: It was the lighter you had used to light a cigarette when you got into the van?
A: Yes.

Q: It was a metal lighter?
A: Sure.

Q: You realized that it had spilled from your purse?
A: Yeah.

Q: You figured out it was left in the van?
A: Yes.

Q: And that your fingerprints on that lighter were going to lead the investigation to you?
A: Yes.

§ 10.51 The General to the Specific Creates Interest

This method of questioning can make the mundane issue of the size of the carry-on bag in a drug courier profile case interesting:

Q: Airlines have regulations that are backed up by federal law on what size of bag you can carry on the plane, don't they?
A: Yes.

Q: It has to fit under the seat?
A: Yes.

Q: Or in the overhead compartment?
A: Yes.

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ROGER J. DODD tries and consults on cases of all types: personal injury, commercial, civil and criminal throughout the United States and beyond. He has active offices in Park City, Utah, Oklahoma, Georgia and Florida. With fewer and fewer trial lawyers with experience, he is called on continuously because of his more than 42 years of experience.

Mr. Dodd has been board certified by the National Board of Trial Advocacy in civil trial practice for more than 21 years and was certified in criminal trial practice for more than 20 years. One of his most recent consultations involved a case in London, England.

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