

A scenic mountain landscape with a lake and a cloudy sky. The foreground shows rocky terrain with sparse green vegetation. In the middle ground, a small, dark lake is nestled in a valley. The background features rolling mountains under a blue sky with scattered white clouds.

CROSS EXAMINATION:

STORYTELLING

Not Just

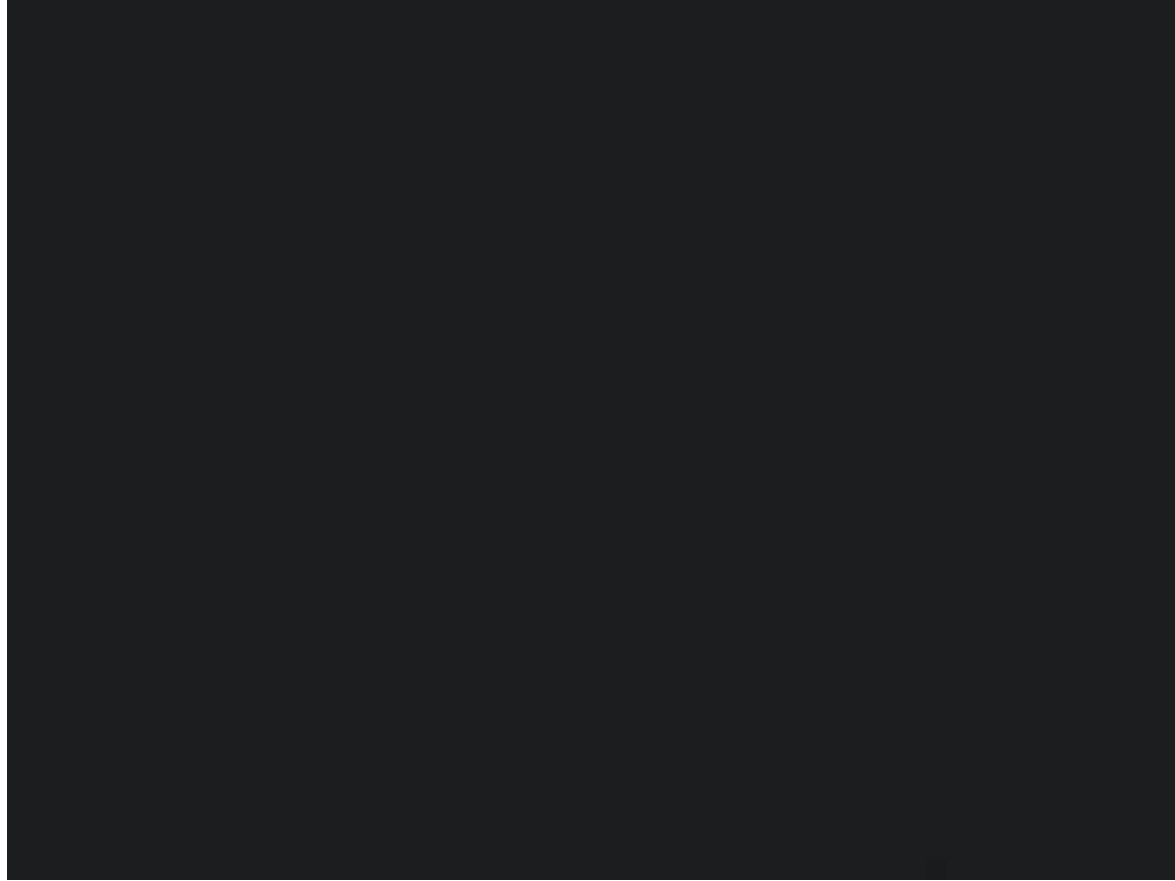
FIGHTING

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# Never Underestimate the Power of a Good Story



# We Think of Ourselves as Warriors





# Instead We Need to be Teachers



# FIGHTING



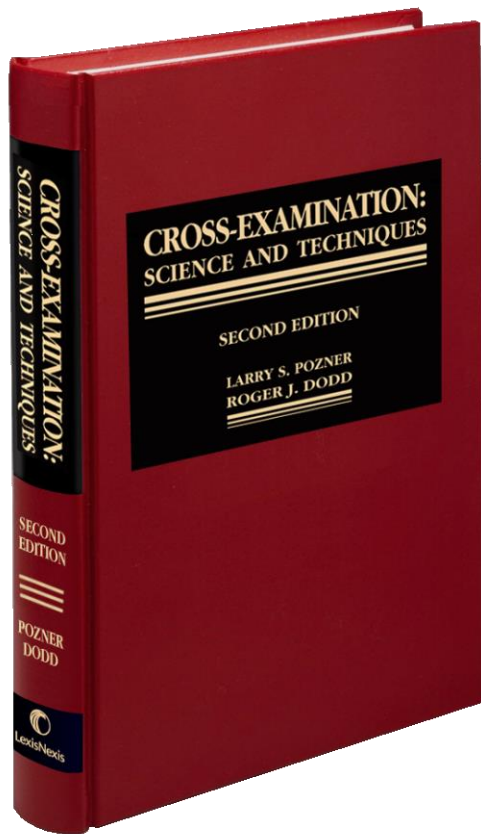
# STORYTELLING



GOOD LAWYERING IS ALL ABOUT THEFT

Larry S. Pozner & Roger J. Dodd

**Cross Examination: Science and Techniques**



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# PREPARATION AND CONTROL



# ANXIETY



# Destructive vs. Constructive

**Destroying their story**



**Building your story with your good facts**



Making sure you have every  
piece that helps build your story

# If You Are Using a Weapon







# The 4 Rules for Storytelling in Cross

- 1 Only Leading Questions
- 2 Only 1 new fact per question
- 3 Only short questions
- 4 Only leading to a specific conclusion

**ONLY LEADING QUESTIONS**

# Leading questions = answers

- How do you feel about drinking?
- Do you like to drink?
- **You like to drink?**
- You drink?
- You like it?

**ONLY ONE NEW FACT PER  
QUESTION**



# One new fact per question solves problems.

- Better witness control.
- Clarity of the answer.
- Easier impeachment.
- More detail
- Repetition w/out being repetitive

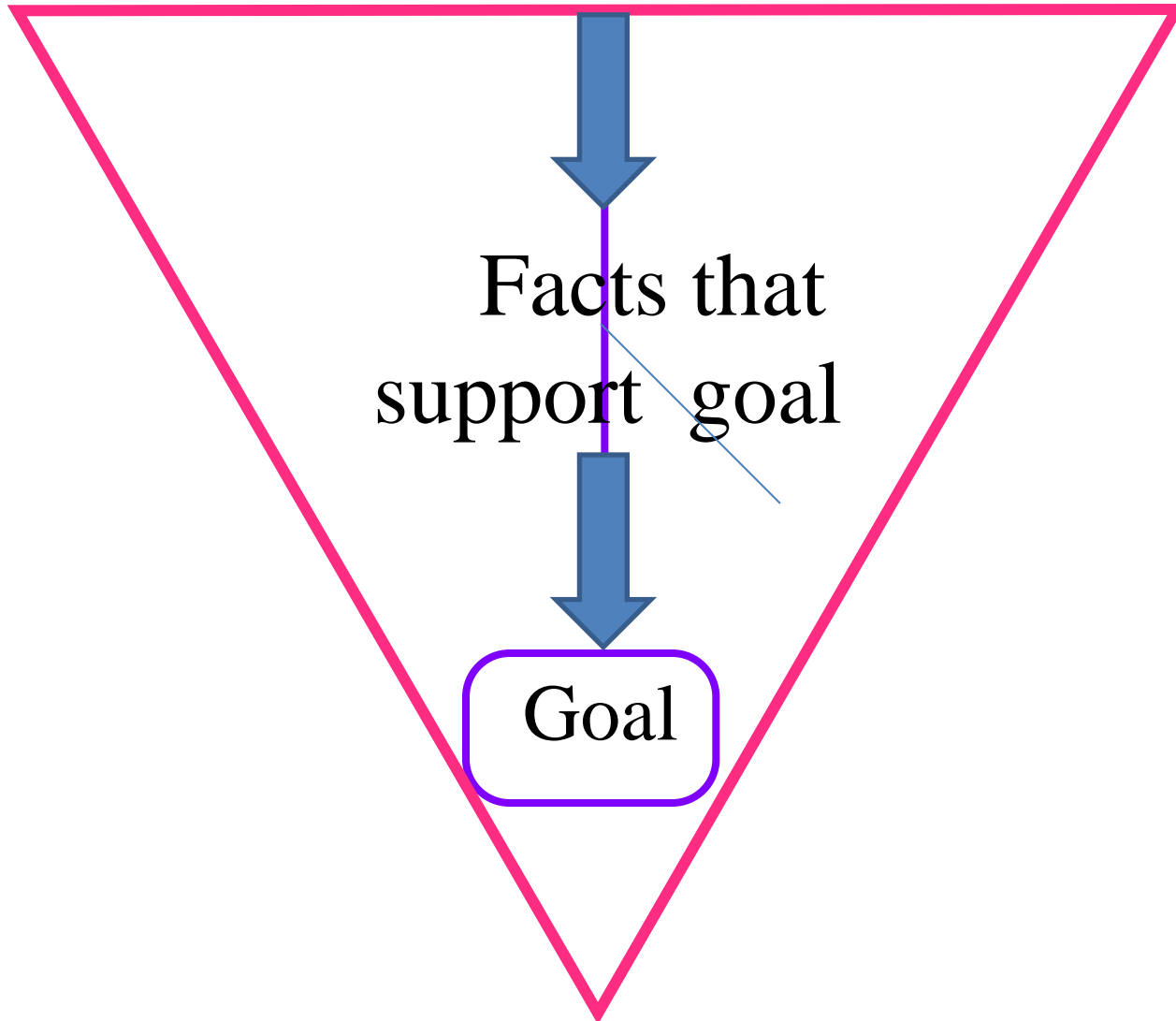
**ONLY SHORT QUESTIONS**

“He has never been known to use a word that might send a reader to the dictionary.”

-- William Faulkner  
(about Ernest Hemingway)

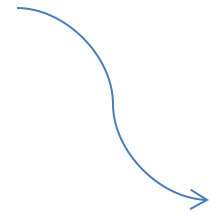
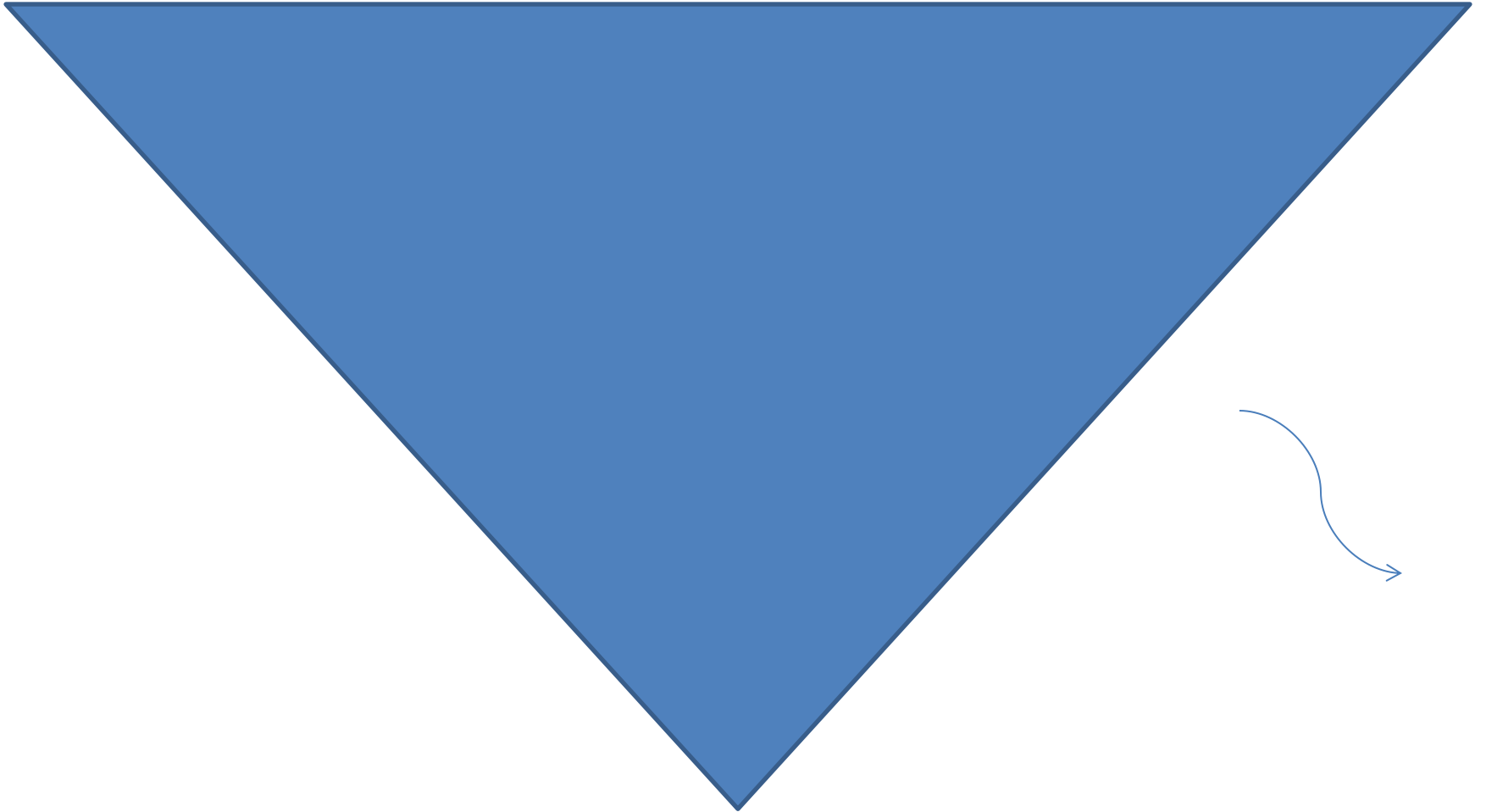
**ONLY QUESTIONS THAT LEAD TO A  
SPECIFIC CONCLUSION OR GOAL**

# ONLY QUESTIONS THAT LEAD TO A SPECIFIC GOAL

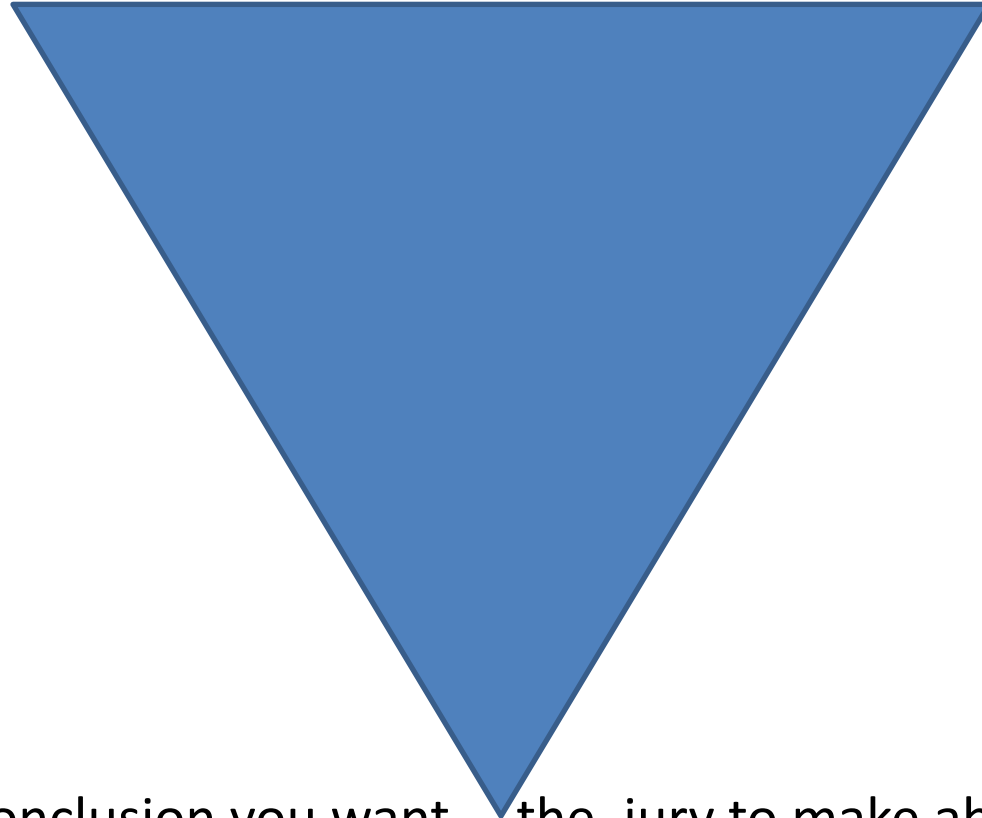




# A CHAPTER OF CROSS

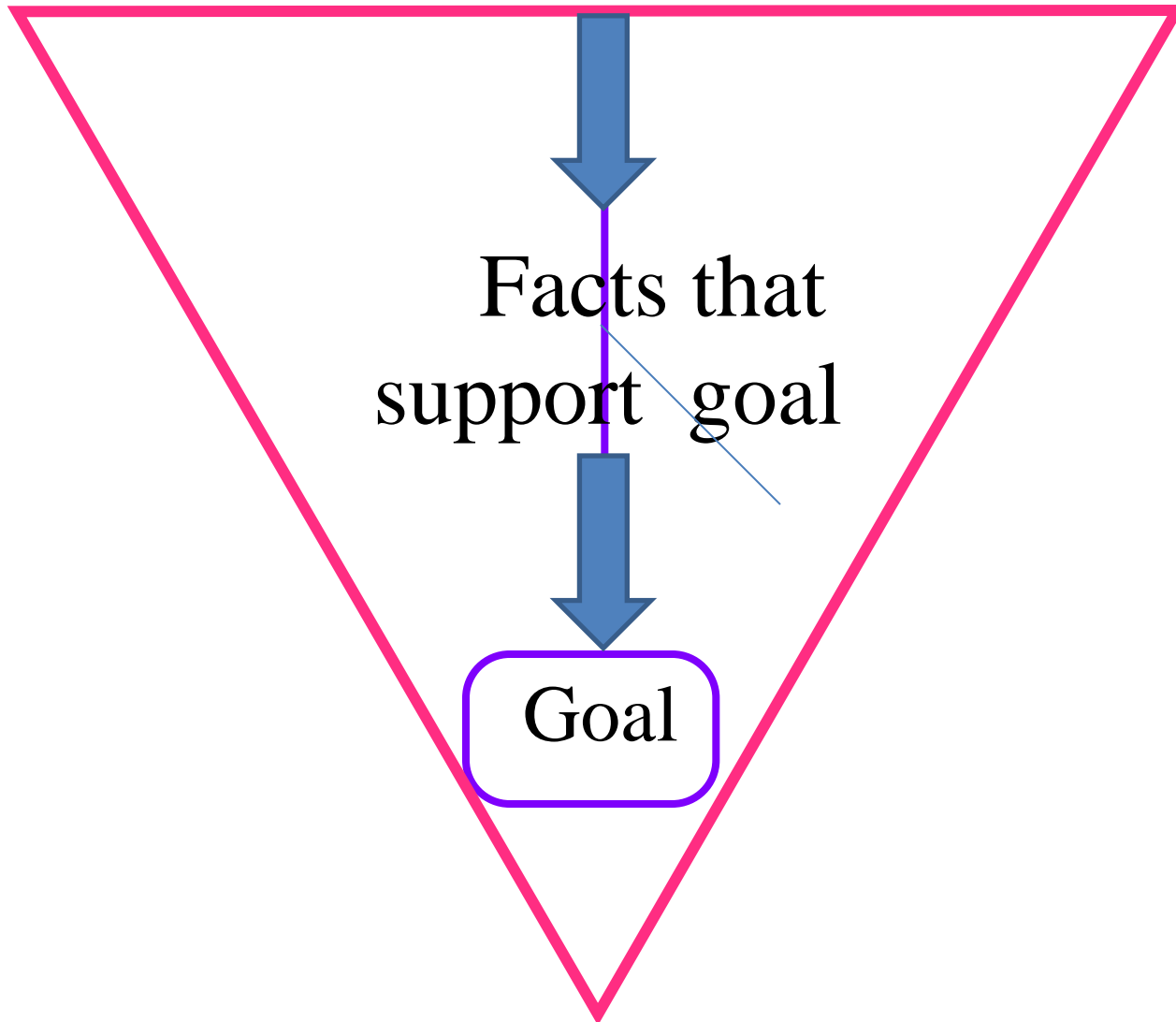


# A topic important to your theory



The conclusion you want the jury to make about  
that topic

# ONLY QUESTIONS THAT LEAD TO A SPECIFIC GOAL



## **What goes in**

What the witness **MUST** say  
sourced

What the **WILL** give you  
logic, personality,  
character, your  
experience

## **What stays out**

Anything that doesn't lead to  
your conclusion

What the witnesss can **NEVER**  
say  
one question too many

## HGN LIGHTS

28:23 strobe lights can cause HGN

26:7 you had strobe lights on your car

the lights are red and blue

they are bright

27:17 they are designed to be seen from a long way off

28:4 the strobe lights are very effective

they reflect off of everything

26:10 your car is parked behind Mr. W's car

26:10 those strobe lights are pointed at the rear of his car

23:3 you had him facing the rear of his car

your flashing lights were reflecting off of his car

**So, your lights caused his HGN**

your lights caused his HGN

# Worth and Value of Story

If you lie well enough you get out of prison

## WORTH AND VALUE

**1536 you called Aurora police on the phone**

**1536 you talked to Det. Dailey**

**1536 you called back a week later**

**1536 to ask if he had talked to DA**

**1536 told you he had**

**1536 He told you “They will not do anything, they won’t approach anybody, won’t do anything until they know what you have”**

**1538 You were worried about telling your story before you knew what it was worth**

**1539 You told him you were skeptical because once you said it they could do whatever they wanted**

**1538 Detective told you it wasn’t going to be worth anything unless you testified**

# Worth and Value II

1538 Told you that was what your protection was

1452 the DA was going to have to determine the “worth and value” of the information

worth and value means how much you get in exchange

the better the information, the more valuable it is

the more value you get

**So, if you lie well enough you get out of prison**

if you lie well enough you get out of prison



# Order of Chapters

Usually Chronological is **NOT** Best

# The Element of Surprise



# Good Cross Must Have a Theory and Themes

They must echo the theory and  
themes of your case

CROSS THAT DOESN'T FIT YOUR THEORY



WHAT IS YOUR  
THEORY OF THE WITNESS

# IS THE WITNESS...

- PROVIDING ACCURATE INFORMATION
- MISTAKEN
- MISINFORMED
- INCOMPLETELY INFORMED
- LYING

# IF THE WITNESS IS LYING

- IS HE CONIVING AND MALICIOUS





IS HE BEING USED OR CONTROLLED BY  
SOMEONE OR SOMETHING HE'S AFRAID OF

OR BECAUSE HE'S AFRAID OF SOMEONE.



# CROSS WITHOUT PREP



# Storytelling Means Fighting on Your on Territory

