Contents

Prela	ice to the third edition	Ψ.
Ackr	nowledgments	XV
Cha	pter 1	
Cro	ss-examination: preliminary	1
I	What is cross-examination?	1
П	The rules of evidence	2
Ш	Professional ethics	2
IV	Examination-in-chief	4
V	Re-examination	4
VI	Final speeches	5
VII	The reality underlying the trial	6
VIII	Presenting a story	8
IX	The role of cross-examination	8
Cha	apter 2	
	anatomy of a criminal trial	11
I	Alternative defences	11
II	Commission of crime as the issue	14
	A Result-crimes	14
	B Conduct-crimes	16
	C Object-crimes	16
Ш	Identity as the issue	17
	A Accused not at locus	18
	B Alibi	19
	C Accused at locus, but was not the offender	20

Coni	ents						Contents
Cha	apter 3					3 Independent witnesses	70
The reliability of evidence 21						4 Specially-motivated witnesses	71
11116	reliability of evidence	41			В	Subjects of lying	71
I	The problem of reliability	21	-		C	Forms of lying	72
Π	Errors generally	23				1 Affirmative and negative lies	72
	A Errors of observation	23				2 Reluctance and evasiveness	73
	1 The event	23				3 Omissions	74
	2 Conditions of observation	31				4 False qualifications	76
	3 State of witness	33		Ш	Dete	ection and exposure of lying	77
	B Errors of memory	36			A	Challenging the witness	79
	1 Forgetting	37				1 Personality	79
	2 Suggestion	38				2 Character	81
Ш	Errors in evidence of identity	41				3 Motives	83
	A Visual identification	43				4 Demeanour	86
	1 Recognition	43			В	Cl.allenging the evidence	92
	2 Resemblance	44				Inconsistency	93
	3 Distinctive characteristics	45				2 Impossibility	95
	4 Descriptions	45			0	3 Improbability	95
	5 Facial likeness systems	46		1)	4 Lack of realism	97
	6 Photographs	47		O			
	7 Identification out of court	48	70	Cha	apter	r 5	
	8 Identification parades	49		Eve	min	nation-in-chief	99
	9 Dock identification	50 📣 -	-	EXC	LIIIIII	lation-in-cinei	
	B Circumstantial evidence	5.1		I	Intr	oduction	100
IV	Exposing errors or unreliable evidence	53			A	Relationship to cross-examination	100
	A Rapport with witness	53			В	Aims of examination-in-chief	100
	B Professional detachment	55			C	Theory of case	101
	C Control of witness	55			D	Comprehension	103
	D Questions	55				1 Speech	103
	E Defined aims	57				2 Language	104
	F When to stop	59				3 Place	104
100014						4 People	104
Chapter 4					5 Sequence	104	
The credibility of evidence 61					6 Visual aids	105	
1116	credibility of evidence	61				7 Repetition	105
I	Introduction	61				8 Variation	105
II	Analysis of lying	66				9 Expansion	105
	A Witnesses who lie	66			E	Persuasion	106
	1 Prosecution witnesses	67				1 The story	106
	2 Defence witnesses	69				2 Realism	106

Con	ntents				Contents
	3 Visualisation	107		A Deciding to cross-examine: objectives	135
	4 Theme	107		B Witnesses liable to cross-examination	138
	5 Weaknesses	107		C Subjects of cross-examination	139
П	Witnesses	108		D Sequence of cross-examination	139
	A Selection of witnesses	108		E Brevity	143
	B Sequence of witnesses	109		F The story	144
	C Anxious witnesses	110		G Tactics: the alternatives	145
	D Unfavourable witnesses	111	Ш	Questions	151
Ш	Questions	112		A Purpose	151
	A Leading questions	112		B Form	151
	B Controlled questioning	114		C Control	152
	C Free narrative	116		D Leading questions	152
	D Purpose of question	117		E Clarity	153
	E Answer known	117		F Repeating answers	153
	F Rate of questioning	118		G Misleading questions	154
	G One point	118		H Series of questions	155
	H Brevity	118		Rate of questioning	156
	I Clarity	119	A	100	
	J Simplicity	119	\C	hapter 7	
	K Detail	119			× = =
TY 7	L Comment on answers	119	C	ross-examination: constructive techniques	157
IV	Anticipating cross-examination	120	I	Introduction	157
	A Disclosure of weaknesses	120	П	Emphasis	159
	1 Advantages of disclosure	121	Ш		161
	2 Disadvantages of disclosure	122	IV		164
	3 Conclusions	122	V	Alternative case	165
	B Reinforcing evidence	123	,	/ Homative case	
	1 Trust in witnesses	124	C	hapter 8	
	2 Reasonable evidence	126			
	Volume of evidence	129	C	ross-examination: destructive techniques	167
	4 Contradiction	129	т	Foundations	167
Ch.	ambau (I	A Destruction of evidence	168
Chapter 6				B Belief and disbelief in evidence	170
Cross-examination: foundations 131				C Trust in witnesses	170
0.0		131			173
I	Preparation	131		D Reasonable evidence E Contradiction	175
	A Time required	131		F Weight of the evidence	176
	B Theory of case	132	п	Challenging the witness	170
	C Outline of strategy	133	I		177
II	Strategy	135		A Personality	178
				B Character	1/0

Cont	ents		Contents
III	C Demeanour 179 D Motivation 180 Challenging the evidence 183 A Inconsistency 183 B Improbability 186 C Lack of realism 187 D The context 188 Tactics 190 A General 190 B Challenge 191	II Permitted topics III Leading questions IV When to re-examine V How to re-examine A General B Countering constructive cross-examination C Countering destructive cross-examination Chapter 11	246 247 249 251 251 251 252
	C Contradiction 192	Cross-examination: closing speeches	257
	D Direct tactics 192 E Indirect tactics 193 upter 9	I Aims of closing speeches II content of closing speeches A Introduction B The issues of fact	257 259 260 260
Cro	ss-examination: common problems 195	C The issues of law D Peroration	262 262
[The issues 195 A Crime as the issue 195 1 Result-crimes 196	Chapter 12	202
п	2 Conduct-crimes 3 Object-crimes 201 B Identification as the issue 1 Visual identification 2 Circumstantial evidence 3 Confessions and admissions 4 Alibi evidence 215 The witnesses 217 A Prosecution witnesses 217 1 Police 2 Complainants 3 Accomplices 4 Children 5 Expert witnesses 229 B Defence witnesses 221 233	Applications I Using this book II Planning cross-examination A Whether to cross-examine B Facts to cover C Constructive or destructive cross-examination D Cross-examining constructively 1 Emphasis 2 New meaning 3 New facts 4 Alternative case E Cross-examining destructively 1 Choosing the form of challenge 2 Challenging credibility 3 Challenging reliability	265 266 267 268 269 270 271 272 272 273 274 276
Chapter 10		4 Challenging identification evidence Postscript	278 280
Re-	examination 245	Lostochipt	
	Introduction 245	Index	281