

**D2**

**Direct**

**Morgan Bernard**

**Vivian Yip (Defense Attorney)**

**Your honor, the prosecution would like to call Morgan Bernard to the stand.**

**Mr. Bernard. Please state your name and spell your last name for the record.**

Morgan Bernard. B.E.R.N.A.R.D

**May I proceed, your honor?**

**Thank you.**

**Mr. Bernard, good evening.**

Good evening.

**Mr. Bernard, where do you live?**

I live in the city of Hollyville, about a mile from where Mr. Palmer lived.

**And for how long have you lived there?**

Since 2006

**Now since 2006, to what extent, if any, did you ever see any examples of someone either trying to harm Mr. Palmer or his property.**

From my perspective, there was always somebody out there who was either trying to harm Mr. Palmer or his property.

**Oh really. Can you describe one such time specifically?**

Sure. In 2007, for example, I once saw that the word liar had been burned into Mr. Palmer's lawn.

**And was there a second time?**

Well ya, for example there was this one time in February of 2009 when I jogged by Mr. Palmer's home and the word "hater" had been spray painted in glow-in-the-dark orange on the siding of this home.

**Any other times.**

Ya. Like I said already. There were lots of times. Protesters, for example, they were always waking me up in the morning with screaming and honking on their way to Palmer's house.

**Mr. Bernard, given all the times since 2006 that you recall seeing evidence of someone either trying to harm Mr. Palmer or his property, what do you say to those who think Mr. Bratton killed Mr. Palmer?**

I say I'm not at all sure about that.

**Really? Why's do you say that?**

Well that's because in the three year period that I've lived in that neighborhood, I've seen lots and lots of obsessive and crazy people with easy access to Mr. Palmer's house, people who I would describe as wanting to either harm Mr. Palmer or his property, and as a result, I think anyone of them could also be the ones who killed him.

**OK. Mr. Palmer, let's talk about someone else right now – specifically, the night of murder, April 13? Where were you at 9:15 PM on that night?**

I was at my house, just leaving for my nightly jog.

**Describe your route, please?**

It's a three mile circle around the neighborhood, starting and ending at the front door to my house.

**And where were you at 9:30 PM on the night of April 13?**

I was at what I call the one-mile-mark of my jog – in other words I was at a point about a mile from my house along the route that I was running.

**And what, if anything of significance, did you observe at that point in your jog?**

Well, at that point in my jog, there's this entrance to the neighborhood and just as I was getting there, I saw Mr. Palmer's lime green Beetle pull through this entrance and into the neighborhood.

**To what extent are you certain that what you saw was Mr. Palmer.**

I'm certain of it.

**And to what extent if any did you see anyone following Mr. Palmer?**

I didn't see anyone at all following Mr. Palmer and certainly not the defendant, Mr. Bratton

**So then, after you saw Mr. Palmer drive into the neighborhood, what did you do?**

I continued to jog as I had originally set out to do.

**Which means that at 9:45, you got where?**

That's when I got to Mr. Palmer's home

**And what, if anything unusual, did you notice there?**

There, I found Mr. Palmer's body lying in the driveway.

**And what did you do in response?**

I first looked around a bit and then I called 911.

**And when you were looking around before your 911 call, to what extent if any, did you see Mr. Bratton or his car?**

I didn't see either Mr. Bratton or his car.

**Thank you Mr. Palmer.**

## **Sample Direct Examination**

**Attorneys conduct direct examination of their own witnesses to bring out the facts of the case.**

**DIRECT examination questions for every witness should**

- 1. Call for answers based on information provided in the case materials.**
- 2. Reveal all the facts favorable to your position**
- 3. Ask the witness to tell the story rather. In other words, no leading questions (questions which call for a yes/no answer).**
- 4. Make the witness seem believable**
- 5. Keep the witness from rambling about unimportant matters**
- 6. Be phrased in such a way as to ensure that if the other side objects, the objection will not be sustained. In other words, when creating direct examination questions, think about how the other side might object.**
- 7. Last approximately three minutes (the rule is that all directs AND re-directs must be completed within 14 minutes). The clock stops when**
  - a. Witnesses are called to the stand**
  - b. Attorneys are making objections**
  - c. Judges are questioning attorneys or witnesses or offering their own observations.**
- 8. Be typed according to the format provided on the attached and not exceed 2 pages in length. The ideal, for most witness other than those deemed super important, is about a page and a half**

**Also, prosecution must remember to “move into evidence” the exhibit(s). To move an exhibit into evidence, prosecution attorneys, either at the end of the witness examination or before, will say the following:**

**“Your honor, prosecution asks that Exhibit A, entitled Front Yard Diagram of Preston Palmer’s House, be moved into evidence as People’s Exhibit 1 and request that the court so admit it.**