

**P3**

**Cross (sample – People v. Bratton)**

**Taylor Hudson**

**Vivian Yip (defense attorney)**

**Your honor, defense would like to call Taylor Hudson to the stand.**

**Ms. Hudson. Please state your name and spell your last name for the record.**

Taylor Hudson. H.U.D.S.O.N.

**May I proceed, your honor?**

**Thank you.**

**Ms. Hudson, you're 17 year Coffee Shop server, correct?**

**And as a 17 year old coffee Shop server, you see many customers each day at the coffee shop, don't you?**

**But you tend to forget most of them, right?**

That's right. 37/33-34

**But not Mr. Palmer – he wasn't the kind of customer you'd forget, was he?**

No. I remember him pretty well.

**In fact, Ms. Hudson, isn't true that when it comes to Mr. Palmer, to put it bluntly, you had a thing for him, didn't you?**

???

**What I'm getting at is this Ms. Hudson. In your eyes, isn't it true that Mr. Palmer wasn't just another customer but someone you viewed as *very* special?**

???

**Well Ms. Palmer, at the very least, it's true that, as you said in your witness statement, and I'm quoting here, "you got to know him pretty well."**

Yes, that's true. 37/16

**In fact, you got to know him so well that you knew exactly what time he would come into the shop, right?**

Yes

**And on what days?**

Yes

**And where he would sit?**

Yes

**And what he would order?**

Yes

**Heck, you even got to know him so well that you were able to say on what days he didn't come into the shop, right?**

Yes. 37/37

**And, in fact, you had such a special relationship with Mr. Palmer, that beyond everything else that's been mentioned to this point, you even knew where he was and what he was doing on the nights that he wasn't in the shop.**

Yes. 37/37-39

**Ms. Hudson, as a 17 year old coffee shop server, do you make it a point of finding out where all your customers live?**

???

**But you knew where Mr. Palmer lived, correct?**

Yes. 37-10

**Ms. Hudson, would you please take a look at the defendant, Mr. Bratton. You recognize him, right?**

???

**And you recognize him because as you said in direct, from time to time, like Mr. Palmer, Mr. Bratton was a customer of yours, right?**

Yes.

**But unlike Mr. Palmer, Mr. Bratton, as a customer of yours, he would on occasion treat you badly, correctly.**

Yes.

**Well certainly, on occasion, Mr. Palmer would come into you restaurant and treat you rudely?**

Yes. That's right.

**And as a result of that kind of treatment, unlike Mr. Palmer, Joe Bratton you don't like, did ya?**

???

**In fact, as you said in your witness statement, as a result of Mr. Bratton's rude treatment, Mr. Bratton you view as weird, right?**

???

**Ms. Hudson. Ms. Hudson, when you found out that Mr. Palmer had died, it hurt you didn't?**

???

**Hurt you badly even, right?**

???

**And it also made you mad, too, didn't it, to lose a very special friend like Mr. Palmer?**

???

## **Sample Cross Examination**

**Cross examination follows the opposing attorney's direct examination of the witness.**

**CROSS examination questions for every witness should**

- 1. Explore weaknesses in the opponent's case.**
- 2. Test the witness's credibility**
- 3. Establish some of the facts of the cross examiner's case.**
- 4. Call for answers based on information given in the Witness Statement or The Fact Situation**
- 5. Use leading questions, questions designed to get a yes/no answer.**
- 6. Never give the witness a chance to unpleasantly surprise the attorney**
- 7. Last approximately 2.5 minutes (the rule is that all crosses must be completed within 10 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, defense must remember to "move into evidence" the exhibit(s) if the prosecution fails to do so. To move an exhibit into evidence, prosecution attorneys, either at the end of the witness examination or before, will say the following:**

**"Your honor, defense asks that Exhibit A, entitled Front Yard Diagram of Preston Palmer's House, be moved into evidence as Defense Exhibit 1 and request that the court so admit it.**

**Your entire cross should be typed and model after the below**

- 1. Proper heading**
- 2. Times New Roman, size 12, BOLD for heading and questions**
- 3. Times New Roman, size 12, PLAIN for heading and questions**
- 4. ??? for when you do not know exactly how witness will answer**
- 5. Page number and line to follow answer – when appropriate**