**Impeachment – PRIOR INCONSISTENT STATEMENT**

\*Witness gives inconsistent statement

* It is your testimony that (state the inconsistency that the witness made)?
	+ OR – “You testified on direct examination that (state the inconsistency the witness made on direct)?
* DEPOSITION – You were deposed in preparation for this case?
	+ You were under oath during that deposition?
	+ You swore to tell the truth?
	+ The whole truth?
	+ Nothing but the truth?
	+ That’s the same oath you took today?
	+ During that deposition, you were asked questions?
	+ You were told to answer those questions fully?
	+ And to include all relevant information?
	+ You gave answers to the questions that you were asked?
	+ After that deposition, you had a chance to review a transcript of the questions and answers?
	+ You were given a chance to correct any mistakes in the transcript?
	+ And you signed that deposition transcript after reviewing it?
	+ By signing, you acknowledged the transcript was true, accurate, and complete?
	+ Calling the Court’s attention to page \_\_\_\_, line \_\_\_\_\_\_.
	+ You were asked this question and gave this answer:
		- Question:
		- Answer:
	+ Isn’t it true … (repeat your initial question)?
* STATEMENT, INTERVIEW, ETC. – You gave a statement to the police on (date)?
	+ This incident was still fresh in your mind?
	+ You wanted to tell the police your version of events?
	+ You wanted to be accurate?
	+ You wanted to be complete?
	+ You wanted to tell the police everything you knew?
	+ You were being honest?
	+ You were being truthful?
	+ After giving this statement, the police officer gave you an opportunity to review what you wrote?
		- OR – You had a chance to review what the officer wrote down?
	+ You were told to review the statement to be sure it was accurate?
	+ You signed that statement after reviewing it?
	+ By signing, you acknowledged the statement was true, accurate, and complete?
	+ Calling the Court’s attention to page \_\_\_, line \_\_\_.
	+ You stated (read the relevant statement).
	+ Isn’t it true … (repeat your initial question)?

**Impeachment – OMISSION**

\*Witness says something not stated in deposition or statement

* It is your testimony that (repeat the omitted fact the witness testified to)?
	+ OR - “You testified on direct examination that (state the omission the witness made on direct)?
* DEPOSITION – You were deposed in preparation for this case?
	+ You were under oath during that deposition?
	+ You swore to tell the truth?
	+ The whole truth?
	+ Nothing but the truth?
	+ That’s the same oath you took today?
	+ During that deposition, you were asked questions?
	+ You were told to answer those questions fully?
	+ And to include all relevant information?
	+ You gave answers to the questions that you were asked?
	+ After that deposition, you had a chance to review a transcript of the questions and answers?
	+ You were given a chance to correct any mistakes in the transcript?
	+ And you signed that deposition transcript after reviewing it?
	+ By signing, you acknowledged the transcript was true, accurate, and complete?
	+ Isn’t it a fact that nowhere in that deposition did you state (repeat omitted fact)?
	+ In fact, today is the first time you stated that?
	+ Your lawyer told you to say that? (If the witness is the defendant)
		- OR – (The defendant’s) lawyer/ The prosecutor told you to say that?

**Document Dance (how to move an exhibit into evidence)**

* Let the record reflect I am showing opposing counsel what has been marked as People’s Exhibit 1/Defense’s Exhibit A for identification.
* May I approach the witness?
* (Speaking to witness) I’m handing you what has been marked as People’s Exhibit 1/Defense’s Exhibit A for identification. Do you recognize this?
* What do you recognize it to be?
* How do you recognize it?
* **DEPENDING ON WHAT THE EVIDENCE IS:**
	+ **Illustrative** – aids the testimony, like a photo or map
		- Does this photograph accurate depict how (whatever it is) appeared on (date)?
	+ **Substantive** – of consequence to the action, like a gun found in a murder trial
		- Is this (whatever it is) in the same or substantially similar condition as when you saw it last?
* Has this (photograph/object) been changed or altered in any way?
* Your honor, the prosecution/defense moves what has been previously marked as People’s Exhibit 1/Defense’s Exhibit A for identification into evidence as People’s Exhibit 1/Defense’s Exhibit A.