**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.