

DOCUMENT 6

CROSS EXAMINATION – PRACTICAL APPLICATION

OBJECTIVE

Cross examination is not a speech. It is not a debate. It is a process of obtaining facts, exposing assumptions, and revealing what the witness did not observe, investigate, or verify.

LD CONTEXT

The Liberty Dialogues teaches that assumptions often replace proof. Cross examination is one of the most effective tools for exposing those assumptions in front of a jury.

EXAMPLE #1 – COMMERCIAL ACTIVITY

Question: Officer, you did not observe me transporting passengers for hire, correct? Answer: Correct. Question: You did not observe me transporting goods for compensation, correct? Answer: Correct. Question: You did not conduct any investigation to determine whether commercial activity existed, correct? Answer: Correct.

WHY THIS MATTERS

The jury hears that assumptions may have been made without investigation.

EXAMPLE #2 – OFFICER SAYS 'I DON'T KNOW'

Question: Did you determine whether I was engaged in any business activity? Answer: I don't know. Response: Thank you, Officer.

Do not argue. The answer often helps you more than an argument would.

EXAMPLE #3 – VOLUNTEERED INFORMATION

Officer: I believed he was operating unlawfully because... Response: Thank you, Officer. My question was whether you personally observed commercial activity.

Bring the witness back to the question. Do not chase the volunteered statement.

COMMON MISTAKE #1

Asking questions when you do not know the likely answer.

COMMON MISTAKE #2

Arguing with the witness after receiving a helpful answer.

COMMON MISTAKE #3

Explaining your question before asking it.

PRACTICAL RULE

One fact. One question. One answer. Then stop.

FINAL PRINCIPLE

The purpose of cross examination is not to defeat the witness. The purpose is to reveal facts, omissions, and assumptions relevant to the burden of proof.