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Larry Pozner, Roger J. Dodd

Working from the three principal rules of cross, Pozner and Dodd explain the difference between constructive and destructive cross, identify effective impeachment techniques and show how to make your crosses advance your theory of the case.

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A witness's body language may tell as much as his verbal answers. At the end of the above examination, a carefully questioned witness, when asked if he is the best lare he knows, will not shrink, heatste, or act defensively bowards the jury. The witness will act as if he were proud of his status as a liar. The jury will not be proud of him. § 10.50 Proceeding from the General Question One Fact at a Time Makes the Specific Answer Inescapable The following line of questions illustrates the point that one fact at a time progresses logically and inevitably, both for the witness and the jury: When you got back to the apartment you noticed you w missing your lighter? Cross-Examin Scienc Technic You discussed it missing that night? Examination: It was the lighter you had used to light a cigarette when you got into the van? Science and It was a metal lighter? Techniques You realized that it had spilled from your purse You figured out it was left in the van? The General to the Specific Creates Interest thod of questioning can make the mundane issue of the size of the ag in a drug courier profile case interesting: Airlines have regulations that are backed up by federal law on what size of bag you can carry on the plane, don't they? It has to fit under the seat? Or in the overhead compartment?

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Undermining the opponent's case and discrediting the opponent's witnesses have historically been viewed as primary goals of cross-examination. However, counsel can also use cross-examination constructively to control the opponent's witnesses so that the witnesses will advance the attorney's own theory of the case. This use of cross-examination can be devastatingly effective, yet many attorneys fail to deploy it.

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ABOUT THE AUTHORS



LARRY POZNER proudly traces his roots to the Colorado Public Defender system. His career has included a broad range of criminal cases, a strange mix of commercial matters,

and several years representing the Denver Broncos Football franchise.

Mr. Pozner is a past president of the National Association of Criminal Defense Lawyers. He is listed in the Best Lawyers in America in Bet-the-Company Litigation and in Criminal Defense, both street crimes and white collar. He teaches cross-examination and trial tactics throughout America and Canada.



ROGER J. DODD tries and consults on cases of all types: personal injury, commercial, civil and criminal throughout the United States and beyond. He has active offices in Park City, Utah. Oklahoma, Georgia

and Florida. With fewer and fewer trial lawyers with experience, he is called on continuously because of his more than 42 years of experience.

Mr. Dodd has been board certified by the National Board of Trial Advocacy in civil trial practice for more than 21 years and was certified in criminal trial practice for more than 20 years. One of his most recent consultations involved a case in London, England.

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