

Public Defenders Conference - 14 March 2020

10 Practical Points on Cross-examination

1. Purpose
2. Basic method
3. Preparation
4. Untruthful cf unreliable evidence
5. Police statements/brief and evidence-in-chief
6. *Browne v Dunn*
7. Client not giving evidence
8. Props
9. Experts
10. Re-examination

Things to look for

1. Internal inconsistencies
2. Inconsistencies with other, especially objective evidence
3. Poor opportunity to observe - light, duration, distance, angle
4. Contamination and information from different sources
5. Reference to or reliance on things post-dating incident
6. Capacity to recall given personal characteristics, time since incident, whether contemporaneous records available
7. Assumptions
8. Reconstruction