

Under the Spotlight: Witness Examination and Cross-Examination

Scenario 2



Mateo Sanchez

Witness Sheet -
Prosecution

Mateo Sanchez is the witness for the **prosecution**.

On Tuesday at 4:30 p.m., police officer Mateo Sanchez recorded Maria Amiri speeding in a school zone and saw that she did not come to a full stop at a stop sign. He gave her a ticket. She is accused of "**dangerous driving**." After speaking with her lawyer, Maria pleaded not guilty, claiming that she was being chased by an aggressive driver, William Weston.

Mateo is called as a witness at Maria's trial.

Since this trial involves several witnesses, we recommend the script below for the examination of the police officer to speed things up.

Script

- **Lawyer for the prosecution** : "The Prosecution calls Mateo Sanchez to the witness stand."

The witness is escorted to the witness stand by the court bailiff. .

- **Court clerk (to the witness)** : "Raise your right hand. Do you solemnly affirm to tell the truth, the whole truth and nothing but the truth? Say: "I do solemnly affirm."
- **Mateo Sanchez (while raising his right hand)** : "I do solemnly affirm."
- **Court clerk (to the witness)** : "Please state your name and address for the Court."
- **Mateo Sanchez** : "My name is Mateo Sanchez and I live at 104 Justice Square in _____(city where the school is located)."
- **Lawyer for the prosecution (to the witness)** : "Describe your police intervention with Ms. Amiri."

- **Mateo Sanchez** : “I was parked at the corner of Green Street and Sackville Street with my speed detector. Ms. Amiri’s car was the first one I saw on the road. I recorded her speed at 72 km/h in a 30-km/h school zone. I also saw her cross an intersection without stopping or slowing down at the stop sign. I turned on my flashing lights and made her pull over. I explained her offense related to dangerous driving and gave her a ticket.”
- **Lawyer for the prosecution** : “How was your field of vision when you recorded Ms. Amiri’s speed?”
- **Mateo Sanchez** : “My field of vision was very clear. There was nothing obstructing my detector from recording her speed.”
- **Lawyer for the prosecution** : “Who was present or nearby during the infraction?”
- **Mateo Sanchez** : “Just Ms. Amiri and myself. There were a few children playing in the school playground a block away from the scene of the offense.”
- **Lawyer for the prosecution** : “I have no further questions for the witness, Your Honour.”
- **Judge** : “Does the Defence wish to cross-examine the witness?”

The lawyer for the defence assigned to this step rises and thanks the judge.

- **Lawyer for the defence** : “Could you describe for us how Ms. Amiri behaved when you stopped her?”
- **Mateo Sanchez** : “After we pulled over on the side of the road, I saw Ms. Amiri stick her head out the window and look around. She seemed to be looking for someone or something. She seemed agitated, like she was scared.”
- **Lawyer for the defence** : “I have no further questions for the witness, Your Honour.”

Continue with the trial according to the general script and the calling of the next witness.

Maria Amiri

Witness Sheet - Defence

Maria Amiri is one of the three witnesses for the **defence**.

On Tuesday at 4:30 p.m., Maria Amiri was given a ticket for speeding in a school zone and failing to stop at a stop sign. She was then charged with “**dangerous driving**.” After speaking with her lawyer, Maria pleaded not guilty to the crime, claiming that she was being chased by an aggressive driver, William Weston.

Maria has chosen to testify in her defence against the charges brought against her.

Informations Maria wants to share during the trial

- I’m 18 years old.
- On the day of the incident, I stopped at the Early Bird convenience store after work to buy milk.
- While waiting to pay, I heard Mr. Weston, whom I had never seen before, shout at the young cashier: “You’re completely useless! You’re wasting my time!”
- I told him to stop shouting at the cashier and to be respectful.
- In an aggressive tone, he said to me: “Mind your own business. I’m going to deal with the cashier, then we’ll settle this outside!”
- I felt threatened by what he said to me.
- I’m not a violent person, so I decided to forget about the milk and leave the store.
- I went straight to my car to drive home.
- Mr. Weston came out of the store and ran towards my car.
- He banged on my car window and shouted: “Why are you leaving? I told you to wait for me!”

Informations Maria wants to share during the trial (cont.)

- I drove off to get away from him.
- I thought the situation was over, but when I stopped at a red light I saw that Mr. Weston had caught up to me.
- He was honking at me and shouted out of his window: "Stop! I want to talk to you!"
- As soon as the light turned green, I floored the gas pedal to get away from him.
- A little further on, I could see in my rear-view mirror that he was catching up to me.
- That's when I heard a police siren.
- I saw Mr. Weston immediately slow down and turn down the next street.
- The police officer told me I was travelling at 72 km/h in a 30 km/h school zone.
- He also told me that I had crossed an intersection without stopping or slowing down at a stop sign.
- I tried to explain the situation to the police officer, but he still gave me a ticket.
- This is the first time I've gotten a ticket. I'm usually a good driver who respects the law!

William Weston

Witness Sheet -
Defence

William Weston is one of the three witnesses for the **defence**.

On Tuesday at 4:30 p.m., Maria Amiri was given a ticket for speeding in a school zone and failing to stop at a stop sign. She was then charged with “**dangerous driving**.” After speaking with her lawyer, Maria pleaded not guilty to the crime, claiming that she was being chased by an aggressive driver, William Weston.

William is called as a witness at Maria’s trial.

Information William wants to share at the trial

- I’m 19 years old.
- On the day of the incident, I stopped at the Early Bird convenience store after work to buy some snacks.
- The cashier entered the same item twice after I’d told her to pay attention because I don’t like wasting my time.
- That’s when another customer, whom I had never seen before, told me to speak respectfully to the cashier.
- I didn’t understand why she was telling me this, so I told her to mind her own business and to wait for me outside so that we could discuss the situation.
- I can be impulsive.
- When I left the store, I saw that she was driving off.
- So I ran to her car and knocked on the window to get her attention.
- I’m the kind of person who wants to explain myself when I have a disagreement with someone.
- Despite this, she left without talking to me. I found that very rude.
- I decided to get in my car and catch up to her.

Information William wants to share at the trial (cont.)

- I managed to catch up to her at a red light. I honked and shouted from the window for her to pull over so that we could discuss the situation.
- As soon as the light turned green, she really sped up, like she was trying to get away from me.
- I sped up a bit too, so that I could catch up to her, but she was driving a lot faster than the speed limit.
- A little further on, I saw the flashing lights of a police car that seemed to have caught Ms. Amiri speeding.
- So I turned down the next street and went home.

Annalee McVee

Witness Sheet - Defence

Annalee McVee is one of the three witnesses for the **defence**.

On Tuesday at 4:30 p.m., Maria Amiri was given a ticket for speeding in a school zone and failing to stop at a stop sign. She was then charged with “**dangerous driving**.” After speaking with her lawyer, Maria pleaded not guilty to the crime, claiming that she was being chased by an aggressive driver, William Weston.

Annalee is called as a witness at Maria’s trial because she witnessed the altercation between Maria and William.

Information Annalee wants to share at the trial

- I’m 16 years old.
- I’ve been working at the Early Bird convenience store for about two months.
- I usually work from 4 to 8 p.m. during the week.
- I’m usually calm and I really want to do my job well.
- I’ve seen Mr. Weston a few times and he often seems like he’s in a bad mood.
- He once said to me: “You’re really slow, and you’re wasting my time.”
- Around 4:15 p.m. on the day of the incident, Mr. Weston came to the cash to pay for some snacks.
- I always feel a little nervous when I start my shift.
- By mistake, I entered one of Mr. Weston’s items twice.
- He got mad and said: “You’re completely useless! You’re wasting my time! Fix this right now.”
- Ms. Amiri, whom I had never seen before, told him to stop shouting at me and to speak to me respectfully.

Information Annalee wants to share at the trial (cont.)

- In an aggressive tone, he said to her: "Mind your own business. I'm going deal with the cashier, then we'll settle this outside."
- Ms. Amiri left the store right away, leaving behind her carton of milk.
- I was really stressed by the situation, so I quickly corrected the total and handed Mr. Weston the machine so he that could pay for his purchase.
- While he was paying, he seemed really angry and was talking to himself. I heard him say: "Why can't she mind her own business? I'm going to make her understand."
- When he left the store, I saw that Ms. Amiri had gone back to her car.
- Mr. Weston then ran to the car and knocked on her window.
- Ms. Amiri drove off fast without opening her window.
- Then, Mr. Weston ran to his car and drove off quickly in the same direction as Ms. Amiri.
- I was stressed until the end of my shift.
- It didn't occur to me to talk to my manager about the incident.

Witness Reference Sheet

Answer
Key

Name: _____

Group: _____

Summarize the information on the Witness Sheet in the appropriate boxes. It's not necessary to write everything down. Simply note what's most important, in the form of bulleted lists. The same information may be relevant for several boxes.

General circumstances

Who? What? When? Where? Etc. What happened before and after the incident in question.

- *Tuesday around 4:30 p.m., at the Early Bird convenience store.*
- *William was being rude to the cashier.*
- *Maria asked William to speak to the cashier respectfully.*
- *He told Maria in a threatening voice to wait for him outside.*
- *He banged on Maria's car window as she was leaving.*
- *He followed Maria by car, honking at her and shouting at her to stop.*
- *Maria drove off fast to get away from William.*
- *Got stopped by the police.*

At the time of the incident

What happened at the time of the alleged act? Who did what?

- *Maria saw that William was chasing her.*
- *William was honking at her and shouting at her to stop.*
- *Maria was told by police that she sped up to 72 km/h in a 30 km/h school zone.*
- *As soon as the police turned on the flashing lights, William slowed down and took another street.*
- *Maria tried to explain the situation to the police officer.*
- *The police officer gave her a ticket.*

Witness's name

Maria Amiri

The character

Specific details of your role. What you need to remember about your character (e.g., age, relationship with the accused, attitude, inability to recall certain details, etc.).

- *18 years old.*
- *She had never seen William before the incident at the convenience store.*
- *Example: She had to speak up because William was being disrespectful to the young cashier.*
- *Example: In most situations she remains calm.*
- *Example: She always tries to adopt non-violent behaviour.*

Important points for the witness

Elements that the witness should declare during the examination to help their party's case (e.g., a convincing fact against the accused, a means of defence, etc.).

- *She saw that William was being aggressive towards the cashier.*
- *William threatened her by asking her to wait for him outside.*
- *He banged on her car window.*
- *He chased her.*
- *He honked several times and shouted at her to stop.*
- *She usually drives safely. This is the first time she's gotten a ticket.*

Witness Reference Sheet

Answer
Key

Name: _____

Group: _____

Summarize the information on the Witness Sheet in the appropriate boxes. It's not necessary to write everything down. Simply note what's most important, in the form of bulleted lists. The same information may be relevant for several boxes.

General circumstances

Who? What? When? Where? Etc. What happened before and after the incident in question.

- *Tuesday around 4:30 p.m., at the Early Bird convenience store.*
- *William asked the cashier to correct a mistake.*
- *Maria asked William to speak to the cashier respectfully.*
- *He told Maria to mind her own business and to wait for him outside.*
- *He followed Maria by car so that they could discuss the situation.*

At the time of the incident

What happened at the time of the alleged act? Who did what?

- *William asked Maria to wait for him outside so that they could discuss the situation.*
- *He followed Maria by car because she left without talking to him.*
- *He sped up because Maria seemed to be trying to get away from him.*
- *He turned down the next street when he saw the police car's flashing lights. What happened next had nothing to do with him.*

Witness's name

William Weston

The character

Specific details of your role. What you need to remember about your character (e.g., age, relationship with the accused, attitude, inability to recall certain details, etc.).

- *19 years old.*
- *He had never seen Maria prior to the incident.*
- *Example: He can be impulsive and impatient.*
- *Example: He often wants to explain himself to others.*

Important points for the witness

Elements that the witness should declare during the examination to help their party's case (e.g., a convincing fact against the accused, a means of defence, etc.).

- *He asked Maria to wait for him outside.*
- *He tried to catch up to Maria by car when he saw her leaving.*
- *He honked and shouted out the window for Maria to pull over.*
- *He drove faster to catch up to Maria when she sped off as soon as the light turned green.*
- *When he saw the police turn on the flashing lights, he turned down the next street.*

Witness Reference Sheet

Answer
Key

Name: _____

Group: _____

Summarize the information on the Witness Sheet in the appropriate boxes. It's not necessary to write everything down. Simply note what's most important, in the form of bulleted lists. The same information may be relevant for several boxes.

General circumstances

Who? What? When? Where? Etc. What happened before and after the incident in question.

- *Tuesday around 4:15 p.m., at the Early Bird convenience store.*
- *She made a mistake by entering one of William's items twice.*
- *Maria was waiting in line at the cash.*
- *William became aggressive when she made a mistake. He said to her: "You're completely useless! You're wasting my time. Fix this right now."*
- *Maria asked William to speak to her respectfully.*
- *He said to Maria: "Mind your own business. I'm going to deal with the cashier, then we'll settle this outside."*

At the time of the incident

What happened at the time of the alleged act? Who did what?

- *Annalee wasn't at the scene of the incident, but she saw what happened shortly before Maria was stopped by the police.*
- *William banged on Maria's car window as she was leaving.*
- *Maria drove off quickly without lowering her window.*
- *William got in his car and sped off in the same direction as Maria.*

Witness's name

Annalee McVee

The character

Specific details of your role. What you need to remember about your character (e.g., age, relationship with the accused, attitude, inability to recall certain details, etc.).

- *16 years old.*
- *She had only been working at the convenience store for two months.*
- *She is calm and wants to do her job well.*
- *She often feels nervous when she starts her work shift.*
- *She was stressed after the incident in the convenience store.*

Important points for the witness

Elements that the witness should declare during the examination to help their party's case (e.g., a convincing fact against the accused, a means of defence, etc.).

- *William spoke to Annalee and Maria in an aggressive tone.*
- *He threatened Maria by telling her that they'd settle their issue outside.*
- *Maria seemed anxious and upset when she left the convenience store. She forgot her carton of milk.*
- *William seemed very angry as he sped off in the same direction as Maria.*

Members of the subgroup: _____

Group: _____

This document provides examples (among others) of what students could write on their papers. The questions are based on the suggested situation and could be raised during a criminal trial.

The Examination

Name of your witness: Maria Amiri

- A. Carefully read the three Witness Sheets you have.
- B. Identify and summarize the information on the Witness Sheets that is to your advantage. It provides the version of the facts that you'll try to prove during the examination. Write this information below:

Maria was the victim of threats to cause injury by William. In the convenience store, he told her to wait for him outside so that they could settle their issue. He came and banged on her car window. He followed her by car even though she was trying to get away. He honked several times and shouted at her to pull over. Because of these threats, Maria fled by car. This is the defence of duress.

- C. In no particular order, but keeping your objective in mind, write a minimum of 6 questions to ask your witness during the examination, using their Witness Sheet. For each question, write down the expected answer.

Important! You must obtain as much useful information as possible from the witness, since the judge can only use what was seen and heard during the trial. Your questions during the examination must also be open, relevant and pertain to the facts that the witness saw or heard personally: consult pages 13 and 14 in your Student Workbook

| Questions | Expected answers |
|--|---|
| Examples of good examination questions | |
| <ul style="list-style-type: none"> What were you doing on the day of the incident? Tell us about the incident you witnessed inside the convenience store. Why did you intervene with Mr. Weston? How did you feel when Mr. Weston answered you? What did you do after Mr. Weston answered you? Why did you quickly leave the convenience store? What happened when you left the convenience store? How did you react when you noticed that Mr. Weston was following you? Do you often drive over the speed limit? | <ul style="list-style-type: none"> I worked on the day of the incident. After work, I went to the Early Bird convenience store to buy milk. I heard Mr. Weston insult the cashier and... Because I wanted to defend the cashier. Everyone deserves respect. I got scared because his tone of voice was threatening. I left my milk behind and quickly went to my car. I don't like violence, so I wanted to avoid escalating the conflict. I was also scared. I didn't want him to hit me. Mr. Weston came out of the convenience store and ran towards my car. He banged on my window and... I got even more scared of him and sped up to try to get away. No, this was exceptional. I'm a good driver. |

| Questions | Réponses attendues |
|--|---|
| Examples of poor examination questions | |
| <ul style="list-style-type: none"> • <i>Was Mr. Weston acting in an aggressive way?</i> • <i>Do you think that Mr. Weston would have hit you if you hadn't left?</i> | <ul style="list-style-type: none"> • OBJECTION! The question is leading. (In an examination, yes or no questions cannot be asked.) • OBJECTION! The question is asking the witness to give their opinion. |

- D.** Practise the examination with a student from another subgroup who will act as a witness. Ask them the questions you prepared as if you were at the trial. Then revise the questions that did not work as planned! As soon as your questions are written, move on to the cross-examination questions.

Members of the subgroup: _____

Group: _____

This document provides examples (among others) of what students could write on their papers. The questions are based on the suggested situation and could be raised during a criminal trial.

The Cross-Examination

Witness's name: Maria Amiri

- E. Write a minimum of 4 questions to ask this witness during the cross-examination, basing yourself on their Witness Sheet. For each question, write down the expected answer.

It's possible that the witness will give different answers during the trial. It will be important to carefully listen to their answers since you will not have an opportunity to practise your questions with them before the trial.

Important! During the cross-examination, your questions can be leading and serve to attack the witness's credibility. However, they must also be relevant and pertain to the facts that the witness saw or heard personally.

| Questions | Expected answers |
|--|---|
| Examples of good cross-examination questions | |
| <ul style="list-style-type: none"> After telling Mr. Weston to speak to the cashier respectfully, did you have a conversation with him? Do you think that your intervention made Mr. Weston angry? Why didn't you call the police or call for help? And why didn't you do this once you saw that Mr. Weston was following you? | <ul style="list-style-type: none"> No. I didn't want to talk to him because I was scared. Maybe, but I wanted him to be respectful with the cashier. Because I thought that by leaving, the situation would stop there. I panicked and I didn't know what to do in the moment. I just wanted to lose him. |

| Questions | Expected answers |
|---|--|
| Examples of good cross-examination questions (cont.) | |
| <ul style="list-style-type: none"> <i>Is it true that you heard Mr. Weston tell you to stop because he wanted to talk to you while you were at a red light?</i> <i>Were you aware that you driving</i> <i>72 km/h in a 30 km/h school zone?</i> <i>Do you think you were driving dangerously?</i> | <ul style="list-style-type: none"> <i>Yes. That's what I heard.</i> <i>I know that I sped up to get away from Mr. Weston, but I didn't know exactly how fast I was driving.</i> <i>The police said I was going 72 km/h.</i> <i>Yes, but I was afraid of being assaulted.</i> |
| Examples of poor cross-examination questions | |
| <ul style="list-style-type: none"> <i>Have you ever hit someone when driving?</i> | <ul style="list-style-type: none"> OBJECTION! The question is not relevant. (In the cross-examination, questions still have to be relevant.) |

- F.** Practise the cross-examination with a student from another subgroup who will serve as a witness. Improve your questions, if necessary.
- G.** After assigning the roles, write down the questions you think are the most relevant on another sheet of paper. Write them in order of priority. Then give your sheet to the lawyer for your party (Prosecution or Defence).

Members of the subgroup: _____

Group: _____

This document provides examples (among others) of what students could write on their papers. The questions are based on the suggested situation and could be raised during a criminal trial.

The Examination

Name of your witness: William Weston

- A. Carefully read the two Witness Sheets you have, starting with the one for your witness.
- B. Identify and summarize the information on the Witness Sheets that is to your advantage. It provides the version of the facts that you'll try to prove during the examination. Write this information below:

William is an impulsive man who doesn't like to waste his time. He lost patience
with the cashier at the Early Bird convenience store and Maria asked him to speak
to her more respectfully. He asked Maria to wait for him outside. Because she didn't
wait for him, he went and knocked on her car window. Then, he followed her by car.
Maria felt threatened by these actions and reacted by driving faster to get away.

- C. In no particular order, but keeping your objective in mind, write a minimum of 6 questions to ask your witness during the examination, using their Witness Sheet. For each question, write down the expected answer.

Important! You must obtain as much useful information as possible from the witness, since the judge can only use what was seen and heard during the trial. Your questions during the examination must also be open, relevant and pertain to the facts that the witness saw or heard personally: consult pages 13 et 14 in your Student Workbook.

| Questions | Expected answers |
|---|---|
| Examples of good examination questions | |
| <ul style="list-style-type: none"> What did you do on the day of the incident? Tell us about the incident that took place inside the convenience store. How did you speak to the cashier? What did Ms. Amiri say to you? What did you do when Ms. Amiri left the convenience store? How did Ms. Amiri react when she saw you? When Ms. Amiri drove off, what did you do? Were you respecting the Highway Safety Code while following Ms. Amiri? | <ul style="list-style-type: none"> I worked on the day of the incident. After work, I went to the Early Bird convenience store to buy some snacks. When I went to the cash to pay, the cashier counted the same item twice and.... I was a little impatient. That I should be respectful towards the cashier. I quickly followed her outside to talk to her. She was surprised and drove off without opening her window. I followed her in my car so that we could talk and I tried to ask her to stop. I may have gone over the speed limit a bit when she really sped up. |
| Examples of poor examination questions | |
| <ul style="list-style-type: none"> Do you think that Ms. Amiri was afraid of you? Are you responsible for Ms. Amiri's ticket? | <ul style="list-style-type: none"> OBJECTION! The question is leading. (In an examination, yes or no questions cannot be asked.) OBJECTION! The question prompts the witness to give his opinion. (However, he could be asked to describe her reactions to his actions.) |

- D. Practise the examination with a student from another subgroup who will act as a witness. Ask them the questions you prepared as if you were at the trial. Then revise the questions that did not work as planned! As soon as your questions are written, move on to the cross-examination questions

Members of the subgroup: _____

Group: _____

This document provides examples (among others) of what students could write on their papers. The questions are based on the suggested situation and could be raised during a criminal trial.

The Cross-Examination

Witness's name: William Weston

- E. Write a minimum of 4 questions to ask this witness during the cross-examination, basing yourself on their Witness Sheet. For each question, write down the expected answer.

It's possible that the opposing witness will give different answers during the trial. It will be important to carefully listen to their answers since you will not have an opportunity to practise your questions with them before the trial.

Important! During the cross-examination, your questions can be leading and serve to attack the witness's credibility. However, they must also be relevant and pertain to the facts that the witness saw or heard personally.

| Questions | Expected answers |
|--|--|
| Examples of good cross-examination questions | |
| <ul style="list-style-type: none"> Do you think the cashier liked the way you spoke to her? Why did you run up to Ms. Amiri's car? Why did you insist with Ms. Amiri even though she didn't seem to want to speak with you? | <ul style="list-style-type: none"> I don't know. She must be used to handling dissatisfied customers. So that we could talk about what she said to me. Because I had to understand what she said to me. |

| Questions | Expected answers |
|---|---|
| Examples of good cross-examination questions (cont.) | |
| <ul style="list-style-type: none"> • <i>Had you clearly indicated to Ms. Amiri your intention to speak with her.</i> • <i>Did you in any way threaten Ms. Amiri physically?</i> • <i>Do you sometimes have conflicts with others because of what you've said?</i> • <i>Are you someone who loses their temper?</i> • <i>Why did you turn down the next street when you saw the police, even though you wanted to speak with Ms. Amiri?</i> | <ul style="list-style-type: none"> • <i>Yes. When we were at the red light, I clearly told her that I wanted us to pull over and talk about what happened and why.</i> • <i>Not at all! I'd never do that.</i> • <i>Sometimes. I always give my opinion even if it displeases others.</i> • <i>Sometimes I'm impulsive, but I don't lose my temper.</i> • <i>I didn't want to get in the way during the police intervention.</i> |
| Examples of poor cross-examination questions | |
| <ul style="list-style-type: none"> • <i>Do you have a lot of friends?</i> | <ul style="list-style-type: none"> • OBJECTION! The question is not relevant. (In the cross-examination, questions still have to be relevant.) |

- F.** Practise the cross-examination with a student from another subgroup who will serve as a witness. Improve your questions, if necessary.
- G.** After assigning the roles, write down the questions you think are the most relevant on another sheet of paper. Write them in order of priority. Then give your sheet to the lawyer for your party (Prosecution or Defence).

Members of subgroup: _____

Group: _____

This document provides examples (among others) of what students could write on their papers. The questions are based on the suggested situation and could be raised during a criminal trial.

The Examination

Witness's name: Annalee McVee

- A. Carefully read the three Witness Sheets you have.
- B. Identify and summarize the information on the Witness Sheets that is to your advantage. It provides the version of the facts that you'll try to prove during the examination. Write this information below:

William made a very rude comment to Annalee. She then heard William say he was going to settle things with Maria outside the store. She saw Maria try to get away from the conflict, but William followed her to her car and knocked on her window to get her attention. When Maria left without talking to him, he quickly drove off in the same direction as her.

- C. In no particular order, but keeping your objective in mind, write a minimum of 6 questions to ask your witness during the examination, using their Witness Sheet. For each question, write down the expected answer.

Important! You must obtain as much useful information as possible from the witness, since the judge can only use what was seen and heard during the trial. Your questions during the examination must also be open, relevant and pertain to the facts that the witness saw or heard personally: consult pages 13 and 14 in your Student Workbook.

| Questions | Expected answers |
|---|---|
| Examples of good examination questions | |
| <ul style="list-style-type: none"> <i>Tell us about the events you observed at the convenience store.</i> <i>How did you feel when Mr. Weston said that you didn't know what you were doing?</i> <i>How did you feel when Ms. Amiri told Mr. Weston to be respectful towards you?</i> <i>How did Mr. Weston react when Ms. Amiri spoke to him?</i> <i>Can you describe Mr. Weston's tone of voice?</i> <i>How did Ms. Amiri react then?</i> <i>What did you see outside the store?</i> | <ul style="list-style-type: none"> <i>When I entered the same item twice, Mr. Weston said to me...</i> <i>I felt hurt and it stressed me because I care about doing my job well.</i> <i>I was kind of relieved that someone else also found his words disrespectful.</i> <i>He got angry, told her to mind her own business and to wait for him outside.</i> <i>It was aggressive and impatient.</i> <i>She seemed scared and left the store without her milk.</i> <i>I saw Ms. Amiri go back to her car. Mr. Weston banged on her window, then quickly followed her by car.</i> |
| Examples of poor examination questions | |
| <ul style="list-style-type: none"> <i>Do you think Mr. Weston would have hit her?</i> <i>Do you think that Mr. Weston is responsible for Ms. Amiri's ticket?</i> | <ul style="list-style-type: none"> OBJECTION! The question is leading and prompts the witness to give her opinion. (In an examination, yes or no questions cannot be asked. The witness could be asked to describe the speed and manner Mr. Weston drove away from the convenience store.) OBJECTION! The question prompts the witness to give her opinion. |

- D. Practise the examination with a student from another subgroup who will act as a witness. Ask them the questions you prepared as if you were at the trial. Then revise the questions that did not work as planned! As soon as your questions are written, move on to the cross-examination questions.

Members of the subgroup: _____

Group: _____

This document provides examples (among others) of what students could write on their papers. The questions are based on the suggested situation and could be raised during a criminal trial.

The Cross-Examination

Witness's name: Annalee McVee

- E.** Write a minimum of 4 questions to ask this witness during the cross-examination, basing yourself on their Witness Sheet. For each question, write down the expected answer.

It's possible that the opposing witness will give different answers during the trial. It will be important to carefully listen to their answers since you will not have an opportunity to practise your questions with them before the trial.

Important! During the cross-examination, your questions can be leading and serve to attack the witness's credibility. However, they must also be relevant and pertain to the facts that the witness saw or heard personally.

| Questions | Expected answers |
|---|--|
| Examples of good cross-examination questions | |
| <ul style="list-style-type: none"> Do you often have to deal with disrespectful customers? Have you ever seen Mr. Weston at the convenience store before? Has he ever behaved aggressively? Did Mr. Weston threaten to hit, injure or kill Ms. Amiri? Why didn't you call your manager after the incident? | <ul style="list-style-type: none"> Maybe once per shift. Yes, a few times. No, he was just impatient. No, not really. He just said that they'd settle their issue outside and that he was going to make her understand. I forgot. I was too stressed. |

| Questions | Expected answers |
|---|---|
| Examples of poor cross-examination questions | |
| <ul style="list-style-type: none"> <i>Are you well trained to work at the convenience store?</i> | <ul style="list-style-type: none"> OBJECTION! <i>The question is not relevant. (In the cross-examination, questions still have to be relevant.)</i> |

- F.** Practise the cross-examination with a student from another subgroup who will serve as a witness. Improve your questions, if necessary.
- G.** After assigning the roles, write down the questions you think are the most relevant on another sheet of paper. Write them in order of priority. Then give your sheet to the lawyer for your party (Prosecution or Defence).