

Procedure for Impeaching a Witness with Statement/Affidavit

Narrative

1. Mr. X, you just stated _____. (*You have to clarify the statement to give them a chance to correct their answer.*)
2. Do you remember giving a statement in this case?
3. And that statement was a true and correct version of the facts as you understood them to be?
4. And you had a chance to review that statement?
5. And when you were done giving and reviewing the statement, you signed the statement?
6. (*Ask permission from the presiding judge to show opposing counsel the affidavit from the Case Materials provided and return to your spot.*)
7. Ask the witness to follow along from their copy (*provided at the witness stand*) as you reference their affidavit.
8. What you are looking at is your sworn statement, correct?
9. And at the end of your statement, that is your signature, right?
10. (*Direct them to the page and line number in the statement you are about to reference.*)
11. A. For a Contradiction, state: On page/line ____, you stated ____, correct?
(*always read if for them*)
B. For an Omission, state: Please show me in your sworn affidavit where you said _____.
12. (*Now diverting their attention away from the statement and back to you, return to where you were located.*)
13. A. For a Contradiction, state: So when I asked you ____, the correct answer was actually (whatever is in the statement).
B. For an Omission, state: (There are different ways to say this. Two of several options are provided here.)
 1. So when you said ____, that was the first time you have ever made that statement.
 2. So you did not find it important to add _____ to your sworn statement?