

Cross-Examination Checklist

General Areas of Investigation and Document Retrieval

1. Summary of Expected Testimony

- 1.1 Testimony Which Can Be Disproved
- 1.2 Inconsistencies/absurdities
- 1.3 Contradiction with Other Witnesses
- 1.4 Helpful Testimony

2. Personal History

- 2.1 DOB
- 2.2 Occupation
- 2.3 Education
- 2.4 Employment History
- 2.5 Finances
 - Assets
 - Tax Returns
 - Loan Applications
 - Employment Applications
 - Business Applications
 - Personal Corporation Documents
 - Legitimate Income
 - Money
- 2.6 Family
- 2.7 Citizenship
- 2.8 Forfeiture

3. Criminal History

- 3.1 Convictions
- 3.2 Other Crimes
- 3.3 Facts Behind Convictions
 - Docket Sheet
 - Indictment
 - Detention Orders
 - Bail Reconsideration Motions
 - Discovery
 - Suppression Pleadings
 - Bond Papers
 - Motions Filed in Witnesses Case
 - Witnesses Sentencing Memorandum
 - Names of Criminal Associates
 - Source of Legal Fees
 - Probation/Parole
 - Aliases
 - Nick Names or Street Names

4. Impeachment - Government Benefits

4.1 Plea Agreement Benefits

- Witness Protection
- Extent of Cooperation
- Pre-sentence Report
- Request for BOP Drug Program
- Forfeiture

4.2 Sentence Reductions

4.3 Payments

4.4 Prison Facilities

4.5 Parole Consideration

4.6 Immigration Help

- Promise for Visa, Green Card
- Promise Not to Deport
- Help with Family Immigration Status

4.7 Promise of Non-prosecution

- Criminal Cases
- State Prosecutions
- Forfeitures
- Tax Liability
- Family Members

4.8 Failure to Prosecute on New Crime after Plea

4.9 Expectation of Future Benefits

4.10 Rule 35 Motion

4.11 5k1 Motion

5. Case-Specific Impeachment

5.1 Bias

- Relationship to Defendant
- Relationship to Others

5.2 Ability to Observe

6. General Impeachment

6.1 Drug Use

6.2 Mental Infirmary

6.3 Acts Proving Poor Veracity

6.4 Acts Proving Bad Character

7. Witness Conspiracy Theory

7.1 Dates and Places of Incarceration with Witnesses

7.2 Contact with Other Witnesses

8. Adverse Character Witnesses

9. Prior Inconsistent Statements

10. Additional Documentation

- Tax Returns
- Pretrial Detention Pleadings
- Objections to PSI
- Rule 35 Motions
- Rule 35 Transcripts
- Order Reducing Sentence
- Criminal Complaint
- Plea Agreement
- News Paper Articles
- Grand Jury Testimony
- Government Discovery Letters
- Motions to Suppress
- 404b Notice
- Firearms Research
- Financial Statements
- Detention Order
- Transcripts
 - Transcripts of Testimony in Other Cases
 - Bail/Pretrial Detention Hearing Transcript
 - Sentencing Transcript
 - Guilty Plea Transcript
 - Sentencing Transcript in Prior Cases

General Areas of Cross-Examination

Motivation

- Criminal Indictments
- Convictions
- Sentence
- Revocations
- Modifications
- Forfeiture
- Covering for Associates
- Covering for Family

Revenge

- The Defendant
- The Defendant's Family
- The System
- The Informant's Family

Financial

- Expenses
- Rewards
 - Tax Cases
 - Drug
 - Fees
 - Living Expenses
 - Moving Expenses

Usual Incentives

- No Prosecution
- Immunity
- Witness Protection
- Dismissal
- Plea/Sentencing
- Expenses/Reward

Areas of Cross

- The Oath
 - Prior Perjury
 - Tax Returns
 - Driver License Applications
 - Immigration Applications
 - Guilty Pleas
 - Bail Hearings

- Perception
 - Competency
 - Alcohol
 - Drug History
 - Mental History
 - Medical Treatments

- Memory
 - Detail Confusion
 - Prior Inconsistent Statements

- Prior Inconsistent Statements
 - Agents Reports
 - Grand Jury Transcript
 - Motion Hearings
 - Guilty Pleas
 - Bail Hearings
 - Preliminary Hearings
 - His Motions/Letters
 - His Pre-sentence Report
 - His Sentencing Letters

Criminal History

Convictions

Assets

Plea Agreements

 This Case

 Other Cases

 Tax Liabilities

Passes Given on Crimes Committed after Plea Bargain

Expectation of Future Benefits

Other Bad Acts Bearing on Truthfulness

Bias, Interest, Motive and Corruption

 Promises

 Money

 Sentence

 Forfeitures

 Co-defendants

Bad Character for Truthfulness

 Character Witnesses

 Other Acts Reflecting on Veracity

 Acts Reflecting on Character

Specific Contradictions

 Other Witnesses

 Other Evidence

 Other Informants

Background of Informant

 Violations of Prison Rules

 Violations of Probation

 Community Agreements

 Rap Sheet

 Immunity Letters

 Detention Orders

 Home

 Community

 Friends

 Dates and Places of Incarceration

Handling of Informant by Agents

 DEA Special Agents Manual

 Other Agency or Police Dept Regulations

 Cover up Other Crimes by CI

 Use of per Diem to Compensate CI

Particular Case Facts

 Dishonesty

 False Statements