

Criminal Evidence Workshop

Mini-problem A

Note: We will conduct this exercise on the first day of class. This means you must be prepared to go forward.

Every student will cross-examine **Mary “the hooker” Jones**, the government’s chief witness in the following case: You represent **Jimmie “the animal” Prado**, who is accused of trafficking in crack cocaine. Jones claims that she was a street dealer selling crack cocaine for Prado’s cocaine organization. On August 11, 2016, she was arrested by under-cover narcotics detectives for selling crack on the corner of NW 2nd Avenue and 11th Street in the Overtown area of Miami. She sold 3 vials of crack to one undercover officer. While being handcuffed she said: “Don’t you crackers have anything better to do?”

Her public defender informed her that the penalty for trafficking in crack cocaine is a mandatory minimum sentence of 10 years, up to a maximum of 20 years. After spending 2 days in solitary confinement at the downtown women’s jail, she agreed to testify against Prado. The prosecutor immediately went to court and convinced the judge to release her from custody without posting bail. She signed a plea agreement promising to testify against Prado in return for the prosecutor recommending a three-year probation sentence.

Your investigator discovered that Jones was romantically involved with Prado, but they broke-up when she found him in bed with one of her girlfriends. Jones also has a five-year-old daughter named Samantha. Jones has no other family, and lives in a crack house. Her child was put into foster care with the Florida Department of Children and Families.

Strategy: This is a witness testifying because she made a deal with the prosecutor. She seeks a reward for her testimony. You must expose her deal and other weaknesses. Get into

her head. Role play. Think like her and brainstorm why she is testifying. What is her motivation? What does she have to gain? Your job is to expose all her fears and hopes to the jury. There is no need to be hostile, but rather firm and get the responses to your questions. All that stands between your client and prison is your cross-examination.

Cross-examination is one of the most difficult trial skills to master. This exercise is designed to test your tactical ability to punch holes in the believability of a witness. Be prepared to explain the purpose behind each line of questions you ask, how it fits into your theory of the case and advances your goal.