

## **IMPEACHMENT PROBLEM 2: MARIE WILLIAMS**

**PART 1:** Assume that Ms. Williams has testified at trial on direct examination that when she confronted Mr. Jackson with her suspicions that he had hired an arsonist, Mr. Jackson looked away from her and said, “Marie, you know the trouble I’m in.”

(a) For Flinders, conduct a cross-examination and impeachment of Ms. Williams.

(b) For Mismo, conduct a redirect examination to the extent necessary to rehabilitate.

*Note: Because the inconsistent statement as written in Williams’ deposition is not straightforward, you have to read enough to put the inconsistent statement in context.*

To set up impeachment: *(taken directly from her deposition)*

You just testified about your accusing Mr. Jackson of hiring an arsonist.

You told Mr. Jackson that you suspected him of paying Mr. Avery to burn down the building.

You just testified that all Mr. Jackson said in response to your accusation was “Marie, you know the trouble I’m in.”

CONFIRM the lie told at trial: *(you are reframing her testimony so it is a direct contradiction to her deposition.)*

So you are testifying today that Mr. Jackson never denied your accusation of arson. That he never said he didn’t do it?

Impeachment:

Isn’t it true that you have previously testified under oath that Mr. Jackson denied your accusation of arson and said he didn’t do it?

If she answers “no”, CREDIT her deposition.

CONFRONT her with her prior inconsistent statement at p. 13, lines 1-7.