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Cross Examination for Prosecutors: Crafting Cross With Impact

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**CROSS EXAMINATION FOR PROSECUTORS:
CRAFTING CROSS WITH IMPACT**

Lecture and Materials Presented by

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Cross-examination is generally considered to be the most difficult branch of the multifarious duties of the advocate Great lawyers have often failed lamentably in it, while marvelous success has crowned the efforts of those who might otherwise have been regarded as of a mediocre grade in the profession It requires the greatest ingenuity; a habit of logical thought; clearness of perception in general; infinite patience and self-control; power to read men's minds intuitively, to judge of their characters by their faces, to appreciate their motives; ability to act with force and precision; a masterful knowledge of the subject-matter itself; an extreme caution; and, above all, the *instinct to discover the weak point* in the witness under examination It involves all shades and complexions of human morals, human passions, and human intelligence. It is a mental duel between counsel and witness.

Francis L. Wellman, The Art of Cross Examination 28 (Collier Books, 4th ed., 1962) (italics in original).

Lecture Outline

I. Cross Examination Purposes

- A. Support or strengthen your case using the other side's witnesses
- B. Impeach the opposition witnesses, reducing the value of their opposing testimony

II. Dramatic Opportunities at Trial

- A. There are precious few dramatic opportunities for prosecutors – and the number is dwindling all the time
 - 1. Voir Dire – really lends itself better to pre-education than drama per se
 - 2. Opening Statement – constrained to what you believe in good faith will be adduced at trial, cleansed of argument (and much of the drama) – But cases often settle after a dramatic opening statement if you can creatively walk that line – Juries often think of opening statement as argument in spite of repeated cautionary instructions
 - 3. Direct Examination – as sole bearers of the burden of proof, the focus is on the elements – the witness is the star of the show during Direct and the prosecutor blends into the background – little prosecutor drama here – the drama during Direct comes from the witnesses
 - 4. Objections – if well-timed and well-selected, objections can yield a few dramatic moments – but one cannot rely on objections providing many if any dramatic moments
 - 5. Closing Argument – the classic prosecutor opportunity to incorporate some drama into the trial – but the impact of recent case law has severely curtailed prosecutor's dramatic opportunities on Closing
- B. In a sense, we are always on stage during the trial – having a cigarette outside of the courthouse when the jurors are out there too – flick the butt – facial expressions – manner of dress – tone of voice – choice of words – deference to Court and opposing counsel – courtesy toward jurors – courtesy toward witnesses
- C. But, Cross Examination is the mother lode for prosecutor drama – but if the truth were told, many more prosecutors prepare a script for nearly every Direct Exam than ever have prepared even a single script for Cross Exam

III. Cross Examination Characteristics

- A. Prosecutors use Cross less frequently than defense attorneys, since we focus instead on proving up the elements of our case through Direct Examination – this is not a reason for ignoring Cross – it is a reason for working harder to develop effective Cross as a critically important part of the Prosecution’s case
- B. The Questioner is the Star of the Show on Cross – Keep the Jury’s Focus on You – Craft a Cross where the Jury Cannot Wait to Hear your next Question
 - 1. Opposite of Direct Examination (where all the drama is in the Answer)
 - Q: What happened next?
 - A: I heard the woman scream, and I could see the blood already starting to pool beneath her body.
 - 2. The “Story” and the drama are in the Question on Cross and not in the Answer
 - Q: After you heard the woman scream, you could already see the blood pooling beneath her body, couldn’t you?
 - A: Yes, I could.
 - 3. Therefore, build drama into the question – the answer, then, is just the other shoe dropping – anticlimactic
- C. The manner and content of Cross should be designed to fit seamlessly with the theme, structure and elements of the State’s case – use tone of voice and inflection to telegraph your incredulity to the jury, if appropriate
- D. Cross Examination is often best practiced with short declarative statements rather than questions – fear not; the witness will sense the silence after the prosecutor’s statement as his/her time to “respond” – you don’t need to use the parroted phrases over and over (e.g., didn’t he? weren’t you? isn’t that true? isn’t that correct?) – use them sparingly, but try to use more declarative sentences, which the jurors will perceive as more positive and direct
- E. All questions (and declarative statements posing as questions) on Cross should be succinct and clear. You should never use compound or circuitous questions.
- F. You must have a good faith basis for each question on Cross, and you may not use your Cross questions to create hypothetical facts or raise unfounded innuendo

- G. Be respectful of the witness for so long as that makes sense, thereby avoiding juror sympathy for or empathy with the witness – you should not try to verbally “beat” a concession out of a witness ordinarily – be courteous but insistent -- Respectfulness also leads the witness to be less distrustful of you as a questioner
- H. Avoid following a chronological structure or any other structure that mirrors the Direct, which gives too much notice to the witness as to the direction the Cross will take

IV. Cross Examination Preparation

- A. Like all other parts of a trial, Cross is most effective when it has been carefully prepared – most of this preparation can be completed before the trial begins – but some of the preparation must be revisited after testimony from other witnesses and certainly after that particular witness’ Direct Examination – create a script outline
- B. Identify the testimony each opposing witness is willing to provide that supports the State’s case – admissions from opposing witnesses can be more valuable than the same testimony from your own supportive witnesses
 - 1. Elicit again on Cross any admissions or other helpful facts that were earlier disclosed on Direct – but be careful not to give the witness an opportunity to change the helpful answers to the detriment of your case
 - 2. Identify every helpful statement that witness made before trial and out-of-court, then have each such helpful statement listed and cited by page and line in your notes to aid impeachment by prior inconsistent statement, corroboration by prior consistent statement, refreshing recollection, or prior recollection recorded
 - 3. Example: An opposing witness may well be willing to say she saw Defendant at the scene or near scene on date or date and time in question or on other occasions, if relevant
 - 4. Example: Witness may have heard Defendant acknowledge his presence at the scene
 - 5. Example: Witness may have heard Defendant acknowledge some part of the incident
 - 6. Example: Witness may be willing to say he saw Defendant strike Victim, but will insist it was in self-defense – elicit that the Witness saw Defendant strike Victim – because self-defense implies that the Defendant and his supporters

acknowledge the assault happened, but claim it was justified – get them to acknowledge what they will:

Q: So, you saw the Defendant at the scene.

A: Yes.

Q: And you saw him there on May 15th.

A: Yes, I did.

Q: That was at about 2:30 in the afternoon when you saw the Defendant at the scene, wasn't it?

A: Yes, it was.

Q: When you saw him, he was on the church steps.

A: Yes, he was.

Q: And you watched as the Defendant slugged the Victim, didn't you?

A: Yes, I did.

Q: In fact, you saw the Defendant slug the Victim at least three times, correct?

A: Yes, correct.

Q: Then you watched as the Victim fell to the ground.

A: Yes, I did.

Q: Did you see the Defendant check to see if the Victim was hurt?

A: No, I did not.

Q: Did you see the Defendant call 9-1-1 or summon help for the Victim?

A: No, I did not. But the Victim hit the Defendant first!

Q: Your Honor, the States moves to strike that portion of the preceding answer, after "No, I did not," as non-responsive.

7. Whenever you can get an opposing witness to acknowledge something positive for the State's case, have them repeat it as many times as the Court will allow – re-phrase the question, ask the question again adding some detail, etc. – but be careful not to give the witness an opportunity to amend or back away from the helpful testimony
8. To the extent an opposing witness has provided damaging testimony, consider trying to have that witness on Cross qualify or back away from that “bad” testimony

C. Identify all possible areas of Impeachment for each opposing witness

1. Witness Predisposition (see CrimJIG 3.12)

a. Bias (Minn. R. Evid. 616)

- You are the Defendant's Uncle, aren't you?
- How long have you known the Defendant?

b. Prejudice

- Isn't it true the Victim once fired you from your job?
- Isn't the Victim now married to your ex-girlfriend?

c. Interest in the outcome of the case (e.g., relationship with Defendant, status as accomplice or co-Defendant)

- You and the Defendant have set a date to be married, isn't that true?
- Of course, you recognize the Defendant in this case, because he is your son, correct? [Don't ask the obvious: “And you would do anything to get little Harvey out of trouble, wouldn't you? -- Mom will say “No” and the question is not necessary in any event]

d. Impeachment by prior conviction (Minn. R. Evid. 609)

- Felony and probative value outweighs prejudice
- OR Conviction involved dishonesty or false statement [this category quite strictly construed of late]
- AND no more than ten years since conviction or release

e. Reputation for untruthfulness (Minn. R. Evid. 608(a))

2. Witness Abilities/Disabilities (CrimJIG 3.12)

- a. Opportunity to perceive
- b. Capacity to remember
- c. Ability to relate the facts
- d. Expert credentials/foundation/qualification/bases for opinions/reliance on learned treatises (Minn. R. Evid. 702, 703)

3. Witness Consistency/Inconsistency (CrimJIG 3.12, 3.15; Minn. R. Evid. 613)

- a. Prior Consistent Statements (Minn. R. Evid. 801(d)(1)(B))
 - Witness testifies at trial
 - AND prior statement is consistent with testimony
 - AND Court deems it helpful to trier of fact in evaluating declarant's credibility as a witness
- b. Prior Inconsistent Statements (Minn. R. Evid. 613(b), 801(d)(1)(A); CrimJIG 2.03) – witness testifies at trial and past statement was sworn
 - i. Lock witness into new version first
 - ii. Prior Recollection Refreshed (Minn. R. Evid. 612)
 - iii. Prior Recollection Recorded (Minn. R. Evid. 803(5))
- c. Internal inconsistencies within a single witness' version of events (trial and pretrial statements – sworn, unsworn, oral, etc.) (Minn. R. Evid. 613)
- d. Inconsistencies between or among an opposing witness and other witnesses or evidence in the case (testimony, documents, photographs, weather reports, etc.)
- e. Improbability of the witness' version when compared with common sense

V. Conducting the Cross Examination

- A. To Cross Exam or Not to Cross Exam: The first question to ask yourself is whether you should Cross Examine the witness at all
1. Can your case benefit by emphasizing some helpful testimony elicited on Direct?
 2. Can you reasonably expect to elicit some other favorable testimony, admissions or acknowledgments from this witness?
 3. Can you reasonably expect to lead this witness to back away from or qualify some of the hurtful testimony s/he provided on Direct?
 4. Did this witness provide valuable testimony for the defense that the witness will not qualify or back away from, but such that you should attempt to impeach the overall credibility of the witness?
 5. Is this witness central to the defense case?
 6. Is this witness impeachable – and if so, how effectively?
 7. Would it be effective to show the jury how unimportant you feel the witness was by simply asking no Cross questions at all?
 8. Do the benefits overall outweigh the risks of Cross for this witness, or are the risks of not Cross Examining this witness so immense that it must be tried
- B. The Beginning of Cross: Once you have decided that you should conduct Cross, start slowly, and set up the call-and-response where the witness becomes accustomed to answering your questions with a “Yes” – start with bland questions – these lead-off questions can introduce and start to emphasize (non-judgmentally and non-pointedly) some of the connections between the witness and the Defendant
- C. Elicit the Helpful Cross Next: After the lead-off “gimme” Cross, move into the helpful, corroborative Cross questions, “helping” the witness tell the jury what you know he is willing to say that is supportive of the State’s case, and having the witness repeat (over and over, if allowed, and if it can be accomplished without the witness changing the answer), helpful testimony that came out on Direct – In that way, before you have impeached the witness (thereby reducing the value of the witness in the eyes of the jury, and also thereby angering and cementing the witness against you), you have elicited the “good stuff”
- D. Then Plumb the Witness Predisposition Depths: After the “good stuff” is on the record, turn to the basic impeachment material, such as Witness Predisposition as discussed above – This sets up the sieve through which you want the jury to interpret the balance of this witness’ testimony – Witness Predisposition can be the core of your Cross with many witnesses, particularly where the witness has provided no or few prior statements from which to craft a more substantive Cross

- E. If Relevant, then Address Witness Ability/Disability Factors: If opportunity and ability to observe, remember or relate the facts are at issue, cover these in some depth at this point before launching into the substantive discrediting Cross – these Witness Ability factors will also be repeated as relevant when you elicit the other details
- F. Then Move into the Substantive Cross: Here is where the going can get a little rough – Develop some adverse witness control tools that can help you reel in slippery witnesses on Cross
1. Be prepared to control a slippery witness
 - a. [Continue asking the same question until the witness answers it – be assertive, but not snotty]
 - b. “Allow me to repeat my question”
 - c. “Perhaps you didn’t understand my question”
 - d. “Then your answer is ‘Yes’?”
 - e. “Excuse me” [cut off the rambling non-responsive answer]
 - f. “Do you understand my question?”
 - g. “Do you remember my question? What was my question, as you recall it?”
 - h. “If you would, please answer my question”
 - i. “[Mr./Ms. Witness], you are obliged to answer my question; please do so”
 - j. “Perhaps now you could return to answering my question”
 - k. “You will have an opportunity to explain your answers on re-direct, but your obligation here during Cross-Examination, is to answer my questions, and my question, once again, was”
 2. Control the witness yourself rather than deferring to the Court – appear in control to the witness and to the jury – as a last resort, however, you may try:
 - a. “Your Honor, please instruct the witness to answer my question(s)”

- b. “Your Honor, the State moves to strike the preceding non-responsive [or self-serving or irrelevant, etc.] answer”
- 3. Your preparation should have identified the several areas of substantive Cross for each opposing witness – these oftentimes will relate to prior statements, internal or external inconsistencies, reality checks and the like outlined in the Witness Consistency/Inconsistency section above
- 4. Where this substantive Cross focuses on credibility or Witness Ability/Disability factors, interweave the substance with the credibility and Ability/Disability facts

a. Example: Opportunity to Observe and Bias:

Q: Now, you indicated on Direct that you saw the Victim hit the Defendant first.

A: Yes.

Q: But, you would agree with me, wouldn't you, that you were at least fifty feet away when that happened?

A: Yes.

Q: And it was dark.

A: Yes, it was.

Q: With no street lights nearby.

A: That's right.

Q: And you are a very close friend of the Defendant, aren't you?

A: Yes.

b. Example: Ability to Recall and relate:

Q: You recall describing the scene just a few minutes ago when the defense attorney was asking you some questions?

A: Yes, I do.

Q: But the defense counsel didn't ask you what condition you were in on the night of the incident, did he?

A: No.

Q: Do you recall the incidents of that night clearly?

A: Yes, I think so.

Q: But isn't it true that you and the Defendant had together drank a case-and-a-half of beer that night?

A: Yeah, I guess so.

Q: A case-and-a-half is 36 cans of beer isn't it?

A: Yeah.

Q: So, you were pretty drunk when all this happened, weren't you?

A: Sorta.

Q: Were you under the influence of alcohol when you witnessed this incident?

A: Yeah – I suppose.

Q: Yes or no – were you under the influence when you witnessed this incident?

A: Yes.

Q: You'd agree with me, wouldn't you, that you don't remember as well when you've been drinking?

A: Yes.

Q: In fact, tell me what you had for breakfast or lunch on the day of this incident.

A: I don't remember.

- G. Always End Cross with a Bang and No Objection: You knew how to start your Cross, you should also know how to end it – always end on a strong point, preferably a point that bathes the witness’ testimony with unbelievability, e.g., a point involving interest in the outcome of the case or basic common sense improbability or a key prior inconsistent statement – and most of all end with a question that will not raise a successful objection – end strong – primacy/recency

VI. Special Considerations when Cross-Examining Expert Witnesses

- A. All the above approaches are appropriate for expert witnesses as well, but some special circumstances also pertain to experts
- B. Remember that preparation is always the key to successful Cross – with experts, use the procedural rules to guarantee that you have obtained all possible and available discovery prior to trial so you can prepare effective Cross:
1. Minn. R. Crim. P. 9.02, subd. 1(1): Defendant must disclose and permit inspection and reproduction of books, papers, documents, photos, tangible objects the Defendant intends to offer at trial or concerning which the Defendant intends to offer evidence at trial
 2. Minn. R. Crim. P. 9.02, subd. 1(2): Defendant must disclose and permit inspection and reproduction of results or reports the Defendant intends to offer at trial or concerning which the Defendant intends to offer evidence at trial or which were prepared by a witness whom the Defendant intends to call at trial when the results or reports relate to testimony of the witness
 3. Minn. R. Evid. 705 (Committee Comment - 1989): “Obviously, if there is to be effective cross-examination [of an expert witness] the adverse party must have advance knowledge of the nature of the opinion and the basis for it. The procedural rules provide for much of this information by way of discovery.” (citing Minn. R. Crim. P. Rule 9).
- C. The expert witness must be qualified as an expert by “knowledge, skill, experience, training, or education” (Minn. R. Evid. 702)
1. Cross could focus on paring away at these credentials or highlighting CV deficiencies
 2. Cross could also be used to bolster the State’s expert by having the defense expert acknowledge the importance of items on the State expert’s CV

D. Cross of the opposing expert can be used to:

- Query the defense expert on number and percent of cases where s/he testified for the defense (or State) – but discover those statistics in pretrial discovery – not in front of the jury
- Query the defense expert on the contract for his/her services with the defense, the fact the defense paid the expert's fee, the size of the fee
- Have the opposing expert acknowledge the status of various works relied on by the State's expert(s) as learned treatises
- Have the opposing expert acknowledge that the State's expert(s) relied on appropriate facts and findings in reaching their conclusions
- Highlight all of the areas of agreement between the State's case and the defense expert
- Highlight all of the areas of agreement between the State's expert(s) and the defense expert
- Provide an opportunity to read into the record as substantive evidence portions of learned treatises that support the State's case (Minn. R. Evid. 803(18))
- Query the defense expert on the bases for the expert's opinion – to the extent the defense expert did not review critical pieces of evidence, or focused on the trees instead of the forest, Cross could focus on how “important” and “appropriate” and “thorough” it would have been for the defense expert to have considered those critical pieces of evidence
- Query the defense expert on personal contact with the Victim or the Defendant or the evidence or etc., then highlight the fact the State's expert(s) did have that direct contact that the defense expert did not – “So, you did not have the opportunity to view the deceased, did you?” OR “Your analysis is based only on a review of the records that others prepared, isn't that correct?”
- Pose hypotheticals that contrast with the defense case or bolster the State case

E. Beware: Some experts are VERY good witnesses. They know their field better than you do and are very able and crafty witnesses – you may want to consider having an expert sit in the audience through the defense witness' testimony to help you craft your Cross of the defense expert – you may also find that in some cases discretion is the better part of valor – **be confident** and **be prepared** to Cross defense experts or **Beware** or **be silent**

VII. Special Considerations when Cross-Examining the Defendant

- A. It is a very special (and rare) opportunity to Cross the Defendant
- B. Of course, the Defendant has the right to remain silent and most often does so
- C. But, no matter how forcefully the defense insists that the Defendant will not take the stand, you should still prepare a Cross for the Defendant
- D. Special procedural rules allow you to have the Defendant “testify” before the jury (even though the Defendant does not actually take the stand) through taped interviews, witness’ recollections of the Defendant’s statements, the Defendant’s prior bad acts (sometimes, at least), and through other documentary and tangible evidence seized from the Defendant, including:
 - Minn. R. Evid. 404(b): Other bad acts of the Defendant may be admissible to show (for example) motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident – if properly noticed, clear and convincing, relevant and necessary to the State’s case
 - Minn. R. Evid. 609: Impeachment by evidence of conviction of a crime (see details illustrated above)
 - Minn. R. Evid. 801(d)(2): Admissions by party-opponents are admissible non-hearsay – this is the barn-door for Defendant’s prior statements
 - Minn. R. Evid 803: Various hearsay exceptions can apply to statements of Defendants
- E. Most of the same rules apply for Cross of the Defendant as apply for Cross of other witnesses
 - 1. Be prepared
 - 2. Identify all prior consistent and inconsistent statements

3. Elicit all helpful testimony the Defendant will give you:
 - a. In a self defense case, for example, the Defendant will admit:
 - he was at the scene
 - he (for example) pulled the trigger
 - the Victim was much smaller than the Defendant
 - he tried to or considered running after the crime
 - he had no injuries, but the Victim was seriously hurt or killed
 - he had reason to be angry at the Victim
 - he ignored possible avenues of retreat
 - he had a gun, Victim only had his fists
 - Victim did try to back away from the fight
 - etc.
 - b. In a consent defense sexual assault case, for example, the Defendant will admit:
 - he was at the scene
 - he penetrated the Victim
 - he left the scene thereafter
 - the Victim said “No,” but he didn’t take her seriously
 - etc.
4. Put the “gun” into the hand of the Defendant or have him show the jury what “happened,” so the jury can picture the Defendant in the act
5. Then move into the standard impeachment avenues, ability/disability and consistency/inconsistency – be prepared with page and line for all impeachment cites

6. Judiciously use tone of voice and accusatory word choice to telegraph your perspective to the jury, for example:
 - “You’d have to admit you are nearly twice the size of the victim”
 - “But in spite of the fact your father lay bleeding to death on the floor from the gunshots you fired, you left the house and smoked a bowl of dope before notifying the police” [This is an example where the next question on Cross could safely be, “Why?”]
7. Ordinarily, take your time with the Defendant on Cross, exploring all possible inconsistencies of note, bringing out all helpful admissions, and if appropriate, letting the Defendant’s own ego and anti-social traits “speak” to the jury
8. Don’t squander the possible opportunity to Cross a Defendant – be prepared for it every time

VIII. Debunking some of the Cross Examination Myths

A. Never ask “why” in Cross Examination

- Q: You knew at least some of the bullets hit your father, didn’t you?
- A: Yes.
- Q: And you knew he was laying on the hallway floor bleeding.
- A: Yes.
- Q: And you locked the doors when you left the house and left him lying there.
- A: Yes.
- Q: But you didn’t once call 9-1-1 or an ambulance or the police until more than four hours after you shot your dad, did you?
- A: That’s right.
- Q: Mr. Bruns, can you tell me one reason why not?

B. Never ask a question on Cross when you don’t know the answer

C. Always ask only “Yes” or “No” questions

IX. The Art of Cross Examination

We all have taken on the challenging and important task of being criminal litigators – certainly no job insecurity there. Prisons and jails are filled to overflowing. Court dockets are sometimes perilously close to breakdown. Through all of that, in each criminal case, without the freedom or ability to cast the “play” or create the facts, we prosecutors bear the immense responsibility of representing all citizens of the State in trying the Defendant for a crime, and defense attorneys bear the immense burden of safeguarding each client’s procedural and substantive rights and their very freedom.

Defense attorneys, for whom Cross Examination is their lifeblood at trial in their effort to highlight (or in some case, manufacture) reasonable doubt, take to Cross Examination like a duck to water.

For prosecutors, driven by the sole burden to prove each of the crime’s elements, often through Direct Examination, Cross Examination can become an afterthought, especially where appellate courts are constantly reducing the prosecutor’s freedom to be creative and dramatic at trial.

So, I challenge prosecutors to really focus on preparing Cross Examination and developing their Cross Examination skills. Cross is an integral part of the State’s case, another tool to prove your case. Don’t let it become an afterthought.

Even though many of us prosecutors are left-brained and linear, we can still be artists of Cross Examination.

X. Reference and Resource Materials

Books and Manuals

- Roger Haydock & John Sonsteng, Trial Theories, Tactics, Techniques (West 1991) (espec. Ch. 10: “Cross-Examination”).
- Michael D. Marcus, Trial Preparation for Prosecutors (Wiley 1989) (espec. Ch. 16: “Planning Cross-Examination of Defense Witnesses”).
- Thomas A. Mauet, Fundamentals of Trial Techniques (Little, Brown, 2d ed. 1988) (espec. Ch. VI: “Cross-Examination”).
- John Sonsteng & Roger Haydock, Trialbook (West 2d ed. 1995) (espec. Ch. 3, § 2: “Cross-Examination”).
- Francis L. Wellman, The Art of Cross Examination (Collier Books, 4th ed. 1962).

Minnesota Rules of Criminal Procedure (Selected)

- 7.02: Notice of Additional Offenses (Spreigl)
- 21: Depositions
- 26.03: Procedures During Trial

Minnesota Criminal Jury Instruction Guides (Selected)

- 2.01: Cautionary Instruction on Receipt of Testimony of Other Crimes
- 2.02: Cautionary Instruction on Receipt of Testimony of Other Crimes – Impeachment
- 2.03: Cautionary Instruction of Receipt of Prior Inconsistent Statement
- 3.12: Evaluation of Testimony – Credibility of Witnesses
- 3.13: Expert Testimony
- 3.15: Impeachment
- 3.16: Testimony as to Other Crimes
- 3.18: Accomplice Testimony
- 3.21: Evidence of Character

Minnesota Rules of Evidence (Selected)

- 401: Definition of “Relevant Evidence”
- 404: Character Evidence Not Admissible to Prove Conduct; Exceptions; Other Crimes
- 405: Methods of Proving Character
- 601: Witnesses – Competency
- 602: Witnesses – Lack of Personal Knowledge
- 607: Witnesses – Who May Impeach

Minnesota Rules of Evidence (Selected) (cont'd.)

- 608: Witnesses – Evidence of Character and Conduct of Witness
- 609: Witnesses – Impeachment by Evidence of Conviction of Crime
- 611: Witnesses – Mode and Order of Interrogation and Presentation
- 612: Witnesses – Writing Used to Refresh Memory
- 613: Witnesses – Prior Statements of Witnesses
- 616: Witnesses – Bias of Witness
- 701: Opinion Testimony by Lay Witness
- 702: Testimony by Experts
- 703: Bases of Opinion Testimony by Experts
- 704: Opinion on Ultimate Issue
- 705: Disclosure of Facts or Data Underlying Expert Opinion
- 801(d): Statements Which are not Hearsay (Prior Statements by Witness and Admissions by Party-Opponent)
- 803(5): Prior Recollection Recorded
- 803(18): Learned Treatises