

GRAND JURY IMPEACHMENT (SWORN TESTIMONY)

In this example, you are trying to show the inconsistent statements. During direct testimony, the witness has said that he had drunk three beers on the night of the incident. At the grand jury, the witness said that he had drunk 4-5 beers on the night of the incident.

- QUESTION: You've just told us that you had drunk three beers?
- ANSWER: Yes.
- QUESTION: Sir, you testified before a grand jury in this case?
- ANSWER: YES
- QUESTION: That was back on (month, day and year)?
- ANSWER: Yes.
- QUESTION: You were under oath?
- ANSWER: Yes.
- QUESTION: Just like you are today?
- ANSWER: YES
- QUESTION: Back on (date of grand jury testimony), you knew that it was important for you to be truthful?
- ANSWER: Of course.
- QUESTION: Just like today?
- ANSWER: YES
- QUESTION: And when you testified before the grand jury, you were asked this question and you gave this answer. (tell prosecutor page and line)

[READ FROM THE TRANSCRIPT]

"Question: How many beers did you drink that night? Answer: Four or five.¹¹
That was the testimony you gave under oath before the grand jury?"

{Even though you don't care which statement is credited, you may want to introduce a redacted copy of the grand jury transcript in your case to remind the fact finder of the witness' inconsistency.}