

ATTACKING CREDIBILITY OF A WITNESS

A. Competency of the Witness (F.S. §90.607, §90.608)

1. Understand:

- Can they, and do they, understand the Oath?

2. Perception:

- Do they have information or knowledge from their 5 senses? When, where, or how they perceived what they saw, heard, smelled, tasted or touched.
(their perspective)

3. Memory:

- Can they remember the event?

4. Communication:

- Can witness communicate their knowledge?

Each of the above can be used in closing to discredit a witness,
“The witness’ testimony is not creditable because _____”/

B. Impeachment

1. **Bias, Prejudice, Interest, Corruption**
 - Bias - irrational predisposition in favor
 - Prejudice - irrational predisposition against
 - Interest – outcome of case benefits them
 - Corruption – witness has been bribed

2. **Prior Conviction of a Crime** (F.S. §90.610)

3. **Prior Inconsistent Statement** (F.S. §90.614)
 - Must lay a foundation
 - Direct witness's attention to time, place, and circumstances of statement.
 - If reduced to writing, provide a copy of a written statement to witness.

4. **Reputation or Character of Witness** (F.S. §90.609)
 - Character relating to truthfulness