

## 5.1 ORAL STATEMENT

This is a personal injury suit. Plaintiff, Charles Smith, charges that on February 1, [-2], the defendant, William Barnes, was driving his car in excess of the speed limit and that his speeding caused the car to leave the road, injuring Smith, who was a passenger in Barnes's car.

The case is now on trial. Plaintiff calls Ralph Fletcher, a witness to the accident. Fletcher testifies that he had been sitting on the porch of his house at 4000 N. Clark Street for one hour when the Barnes car sped by. Fletcher says that the car was traveling 70 mph in a 55 mph zone. Fletcher says during that hour he drank a glass of iced tea, read the local newspaper, relaxed, and just watched the traffic.

You know from the police reports that a police officer, James Watson, interviewed Fletcher a few minutes after the accident. According to the report, Fletcher stated that the Barnes car was "traveling about 65 to 70 mph," and that he (Fletcher) "had just gone out on the porch moments before Barnes's car came by."

1. For the defendant, cross-examine Ralph Fletcher.
2. Assume that Fletcher on cross-examination denies making the statements to Officer Watson. For the defendant, prove up the impeachment.
3. For the prosecution, conduct any necessary redirect examination.