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Thorough? (Does it tell whole picture?)

Authenticated?

Is there an explanation for what was omitted?

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Do you have those texts?

May I have those texts?

" « · « " ¼° " μ ± · · " » · ¶ · « " ¼
were DMs?

Who else might have seen them?

Was anyone else copied?

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Details
About The
Sexual
Contact

Seemingly
Inconsistent
Behaviors

Inconsistent
Evidence/
Information

What They
Were
Wearing

Alcohol
Or Drug
Consumption

Probing Into
Reports Of
Lack Of
Memory

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Explain why you are asking it

Share the evidence that you are asking about, or that you are seeking a response to

Can you tell me what you were thinking when....

Help me understand what you were feeling when...

Are you able to tell me more about...

[Redacted Title]

- Evidence that is based on personal knowledge or observation and that, if true, proves a fact without inference or presumption.

[Redacted Title]

- Evidence based on inference and not on personal knowledge or observation.

Evidence is relevant if it has a tendency to make a material fact more or less likely to be true.

Is the item what it purports to be?

Is the evidence worthy of belief?

Weight is determined by the finder of fact!

1. At 1:18 am, Pat captured a video of Elliott and Sam. In the video, Sam had one arm around Elliott's shoulders, and Elliott's head was resting on Sam's shoulder. In the video, both Sam and Elliott, and at least 2 others, were loudly singing Happy Birthday, although the video cut out before the singers said the name of the person to whom they were singing.

- 2.

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Do you really need to assess either?

Why they are different

How to write about it

When a party attacks credibility of the other, but on a non-issue (delay in reporting, did not go to law enforcement, minimized the report in comments to a friend or family)

How to ask questions to get to the bottom of it without being offensive

How to apply your conclusions to the process

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Corroboration?

Plausibility?

They were convincing when they shared their story?

They could not have seen what they said they saw?

That makes no sense?

They seemed more trustworthy?

Some combination of the above?

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I can trust the consistency of the person's account of their truth.
It is probably true, and I can rely on it.

I trust their account based on their tone, and reliability.
They are honest and believable.
It might not be true, but it is worthy of belief.
It is convincingly true.
The witness is sincere and speaking their real truth.

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Did the witness correctly observe, process, interpret and recall the information?
Is there corroboration?

vs. Credibility: bias, collusion, motive in outcome, outright (proven) lying,
judging the person

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Corroborating evidence

Inconsistencies

Sufficient or insufficient explanation of inconsistencies

Logic, plausibility

Pattern or history

Past record

Motive to falsify

Bias for/against a party

Material omission

Ability to recollect events

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Dyer v. MacDougall, 201 F.2d 265, 268-69 (2d Cir. 1952) (acknowledging the conduct, manner, and appearance that make up a witness's demeanor).

Courtroom Psychology (1985): People with enlarged pupils are compassionate and those with beady eyes use cold logic; a person who looks up and to the left while thinking is metaphorical . . . a low pitched voice indicates confidence, while a high-pitched voice reduces believability.



1. Determine the material facts – focus only on material facts.

2. Determine which material facts are:

Undisputed – consistent, detailed and plausible, and/or agreed upon by the parties [e.g., Marcy and Jack attended a fraternity party on April 5, 2019]

Disputed – unsupported by documentary or other evidence, or are facts about which an element of doubt remains [e.g., Marcy alleged that Jack kissed her without her consent around 1am at the party, and Jack asserted he never kissed Marcy and went home early]

State clearly which facts are accepted, and which are rejected, and state the reasons why.

* « 7" 120° 0±. 0±" § . « 0. « " ±" 1" µ® ¶¶¶' § ž 0µ' 1/40±§ ° " ±. « 2° " " 0µ 1/4 ¶¶' 1" µα witnesses corroborated that he was at the party until 3 a.m. In addition, a photo was submitted by a witness showing Jack kissing Marcy. Therefore, I find that 120° ¶¶' 1" µ¶-2 ± 2 ©" 1" ±. ¶ cannot be credited as being more likely than not. 2 ¥" .µ, "

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