

CROSS-EXAMINATION IN CRIMINAL TRIALS. By MARCUS STONE. [London: Butterworths. 1988. xix + 224pp. Softcover: S\$71.76.]

ALTHOUGH the title of this book gives the impression that it is limited to cross-examination in criminal trials, it is clearly a text on witness examination as a whole geared around the main topic of cross-examination. What distinguishes this text from many others on advocacy is that it reads more like a novel than a handbook of technical skills. Yet it covers the many essential aspects of the advocate's role and approach to his art. The text brings across the author's experience of twenty years as a practitioner and twenty years as a judge in a most emphatic manner. A major difficulty for a writer on advocacy is the extent to which rules of evidence and procedure should be cited and explained. Many of these rules are highly technical and over-emphasis on these may disrupt what would otherwise be a free flowing and engaging work. In this book the author has kept his references to such rules to a minimum so that it is welcome reading for the beginner or experienced advocate. In it he will find a comprehensive analysis of the trial process.

As cross-examination is the hub of this book the author commences with a discussion on the nature and objectives of cross-examination and its place in the trial. This is followed by a discussion on the reliability and credibility of evidence. With regard to reliability the author illustrates common situations in which an eye-witness may have been mistaken as to what he saw or heard or otherwise perceived. The discussion on credibility is illuminated by a most interesting analysis of types of lies, the various motivations for lying and methods of dealing with witnesses who lie. Emphasis is laid on this area because, in the author's words: "lying is rife in criminal trials". As cross-examination must always be considered in the light of the examination in chief, the author devotes a chapter to its objectives, structure and style. As one would expect from the title a substantial part of the book is taken up with the fundamentals and techniques of cross-examination of various types of witnesses. Much emphasis is given to strategy including the various techniques that are appropriate to eliciting favourable evidence and impugning damaging evidence. The author gives an interesting insight into the psychology of witnesses under cross-examination and gives useful advice on how to deal with problems that arise from cross-examination. The remaining chapters deal with the topics of re-examination and the closing speech. An interesting account is given on how the closing speech should tie up the various lines of cross-examination and enhance its effect.

Perhaps the author could have used examples of questions and answers including actual court situations to illustrate the various techniques discussed. However, in view of the clarity of the text this is not a serious omission and the reader may always refer to the larger texts for more detailed treatment of any of the matters raised.