

Facing Sexual Assault Charges? How to Survive Cross-Examination

[Going to court](#) can be scary at the best of times, but if you are facing a potentially serious matter like sexual assault charges, it can be even more daunting.

In many sexual assault cases, it will be beneficial for you, the defendant (or the 'accused'), to take the witness stand and tell your side of the story through questioning by your own lawyer, which is called examination-in-chief.

You will then be asked questions by the prosecuting lawyer, which is known as cross-examination.

The answers you give can make a significant difference to the eventual outcome of your case.

In sexual assault cases, the questions you are asked can be extremely personal and confronting.

The prosecution may try to make you angry or confuse you, or may suggest or imply that you acted in a certain way.

It's important to remain calm during questioning, and to answer truthfully.

Listen carefully to the question and only answer that question.

If you can't recall something, say so – nobody can remember everything.

If you aren't sure about something, say so – it's better than answering incorrectly.

The prosecutor is not allowed to ask you whatever they want,

and there are certain [rules](#) governing what is considered to be inappropriate or appropriate types of questions.

If a prosecuting lawyer asks you a question that is not permitted, your lawyer can object.

If the objection is upheld, you won't have to answer and the prosecutor will have to find another question to ask.

Preparation is key

When it comes to surviving cross-examination, preparation is essential.

A good criminal lawyer will carefully explain the entire court process beforehand, and prepare you for the types of questions you might be asked during cross-examination.

They will also advise you about the prosecution's case, and what they are specifically looking to prove, so you can understand and avoid the pitfalls while explaining your side of the story calmly and honestly.

Here are a few things you should do to prepare for cross-examination when facing a sexual assault trial.

Learn about your charges

Make sure you understand the charges and what needs to be proved by the prosecution, as many convictions depend on specific legal principles being proven.

Terms like "aggravated" and "with intent" can be confusing and if you don't know what the prosecution is trying to prove it can be difficult to follow their line of questioning and present the facts of the matter in a way that will strengthen your defence and not play into the hands of the person questioning you.

It's also important if you are facing sexual assault charges

that you fully understand certain terms that you are likely to hear in court, including "consent".

Sometimes, commonly used words have a slightly different meaning when used in the context of the law, so make sure your lawyer explains what these terms mean from a legal standpoint.

You should also carefully read through the witness statements in the prosecution case so that you are fully aware of the nature of the allegations against you.

If you have participated in a police interview, your lawyer will have taken you through the strengths and weaknesses of your answers.

He or she will almost certainly ask you to explain any unfavourable answers that you gave— you may even be asked to explain those answers by your own lawyer when you are giving testimony on the witness stand in order to repair some of the damage done.

Your lawyer will also normally take a 'proof of evidence' from you, which contains your complete side of the story.

Spend time with your lawyer

Your lawyer will be able to give you a 'dress rehearsal' of the testimony that you are likely to give on the witness stand.

He or she will also be able to ask you questions that are likely to be asked by the prosecuting lawyer.

This can prevent you being taken unawares by a difficult question, or answering inaccurately or becoming flustered.

When you are a defendant in a sexual assault case, the questions you are asked can be extremely personal and the prosecutor may try to get a reaction by asking deliberately provocative questions.

You should practice maintaining your composure, as your credibility will be enhanced if you answer questions calmly.

Losing your temper or getting angry is likely to damage your case, and remaining calm should be of ultimate importance, no matter how much the prosecution might try to provoke you.

Refresh your memory

Sexual assault cases can take a long time to reach a trial, and by the time you take the witness stand a lengthy period of time might have elapsed.

Over time it's easy to forget specific details, which can lead to inconsistencies in your story and weaken your defence.

If you are a bit hazy on details, or even if you think you can remember everything, it's a good idea to read through the transcript of your police interview and/or your proof of evidence.

The prosecution lawyer may try to catch you out by saying something that is inconsistent with your interview (or with other evidence in the case) as a way to allege that you are lying, so it's important that you give all the details correctly and as best as you can remember them.

And again, if you can't recall or are unsure of something, say so – don't just guess.

Practice listening and only answering what you're asked

While you are being cross-examined by the prosecution lawyer remember to listen carefully to each question and only answer the questions you are asked, without giving any more information.

It can be tempting to elaborate on answers, especially if you're nervous, but make sure you listen very carefully to the question and only answer what you are specifically being

asked.

It is a good idea to practice this with your lawyer beforehand as many times we automatically answer questions that haven't actually been asked.

Providing more information than needed could lead you to damage your case without realising, so it's very important that you get used to this concept before you take the stand.

To be effective as a witness it's important that you understand the charges and evidence you are facing and what strengths and weaknesses exist in the prosecution's case.

It's also important that you are aware of the strategy your defence is going to take so you can make sure that you don't inadvertently undermine it out of nerves.

Practice and preparation are essential if you want to present a favourable image to the court and give yourself the best possible chance of a positive outcome.

[Sexual assault charges](#) can lead to serious consequences, so make sure you take them seriously.

Working with your lawyer and taking their advice can help the process seem less daunting and improve your chances of getting a good outcome.