

**FACT WITNESS QUESTIONS** (with the defendant while he/she was drinking)

RE THE NIGHT THE DEFENDANT WAS ARRESTED FOR DWI:

- Q. HOW MANY DRINKS DID THE DEFENDANT HAVE WHILE HE/SHE WAS WITH YOU?
- Q. WHAT WAS THE TIME AND TYPE OF EACH ALCOHOLIC DRINK YOU OBSERVED THE DEFENDANT CONSUME?
- Q. DID THE TWO OF YOU HAVE ANYTHING TO EAT?
- Q. WHERE WERE THE TWO OF YOU DRINKING?
- Q. HOW MANY DRINKS DID **YOU** HAVE OVER THE ENTIRE EVENING?
- Q. AT ANY POINT DURING THE EVENING WERE YOU TIPSY OR LIGHT HEADED?
- Q. WHO PAID FOR THE DRINKS?
- Q. WERE THE DRINKS PAID WITH CASH OR CREDIT CARD?
- Q. WHEN DID YOU FIRST DISCUSS THE FACTS OF THIS CASE WITH THE DEFENDANT?
- Q. WHY IS YOUR MEMORY SO GOOD REGARDING THE FACTS OF THIS CASE?
- Q. HAVE YOU DISCUSSED THE FACTS OF THIS CASE WITH THE DEFENSE ATTORNEY FOR THE DEFENDANT?
- Q. DO YOU NORMALLY COUNT YOUR FRIEND'S DRINKS WHEN YOU GO OUT?
- Q. WOULD YOU AGREE THAT THERE WERE TIMES IN THE EVENING WHEN YOU AND THE DEFENDANT WERE NOT TOGETHER?
- Q. WOULDN'T YOU AGREE THAT, THERE WERE TIMES WHEN THE DEFENDANT COULD HAVE HAD SOMETHING TO DRINK AND YOU WOULD NOT BE AWARE OF THAT CONSUMPTION OF ALCOHOL?
- Q. WAS THERE ANY TIME DURING THE EVENING THAT THE DEFENDANT'S SPEECH WAS SLURRED?
- Q. WAS THERE ANY TIME DURING THE EVENING THAT THE DEFENDANT'S WALK WAS NOT NORMAL?
- Q. WAS THERE ANY TIME DURING THE EVENING THAT THE DEFENDANT'S ATTITUDE WAS NOT NORMAL?
- Q. WAS THERE ANY TIME DURING THE EVENING THAT THE DEFENDANT'S MENTAL ABILITIES WERE SLIGHTLY AFFECTED?