

Better to just describe what happened

Q So you fell -- you started to fall forward before your foot hit -- before your right foot hit the step?

A I don't know how to answer that. I don't have the whole picture detail in my head of what happened when, except for walking forward, looking forward, going up steps. You know, as you naturally do, you feel one step after the other; and it just felt like when I went to step, that it wasn't there. It wasn't, like, in the system of when you're walking up steps that are even.

Q Are you saying that the step was sloped to one side or the other or forward or back?

A I don't want to say sloped.

Q All right. This question is deceptive, because it's going to lead to a whole lot more questions, but just briefly explain to me how the incident occurred.

A I was coming up the back steps from meeting an employee with paperwork. At approximately the third, fourth step up, I lost my balance.

Q How did you lose your balance?

A I fell forward.

Q And what, if anything, caused you to fall forward?

A I felt that the step was in front of me; and when I stepped down, I didn't feel -- I lost my balance and didn't feel the step. I just fell forward.

Q Was there anything on the step?

A Not to my knowledge.

Q There was no liquid or anything like that?

A Not to my knowledge.

Q Was there any snow or ice?

A No.

The witness is waffling

Q Is it your testimony that when you stepped up with your left foot and attempted to land your right foot that the right foot -- or I'm sorry -- that the step was not there when you expected it to be there?

A It's hard to describe -- I'm having a hard time describing it without -- is there a way to show you --

say not in sequence to the step before it.

Q Not in sequence? What do you mean by not in sequence?

A It's like you feel, like, when you're walking up steps, everything just -- you're kind of going from one to another, and everything feels the same. And when I went to that next step, when I fell, it felt like it just wasn't there. It was, like, a second of a difference when I stepped down.

Q So you didn't hit early. It wasn't there, so the step came late, so to speak? Withdraw that.

Is it your testimony that your foot did not -- that your right foot landed sooner than you expected it to land?

A Yes, sooner. That's a good way to describe it, yeah, sooner.

Q So your right foot stepped up from your left with your right and hit the step sooner than you expected it?

A Correct, yes.