FUNDAMENTALS OF TRIAL ADVOCACY COURSE

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CLOSING ARGUMENTS

Presented by:

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Closing Arguments Roadmap

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1 Threat in the courtroom _____

_____ causes Reasonable Doubt

Three areas of concern

1. _____
2. _____
3. _____

How do you fight _____

Six Ps Principles: Prior Planning Prevents Piss Poor Performance.

Roadmap for Preparing Closing Arguments (TSET):

1. _____
2. _____
3. _____
   a) _____
   b) _____
4. _____

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THEME:

What did the defendant do that deserves punishment?
What scares you about the case?
What are the defenses?
What are the issues?
Why do _____ care about the case?

STORY:

What story do you tell? _____

What do you need to translate to the jury?

1. _____
2. _____
3. _____

Paint a _____ of what happened:

Play up all 5 Senses: See, Smell, Hear, Feel, Taste

Use Quotes.

Combine Quotes and Photos

Jolt them with entertainment. Don't be boring.

ELEMENTS:

Review the Elements of the Counts.

Tell the jury the evidence proves beyond a reasonable doubt the defendant is guilty.

Separate the elements by:

1. _____

   Go over the elements the parties _____ about.

   Go over the _____ that shows it to be true.

2. _____

   Go over the _____

   Throw down your _____ again

   Show them why you WIN by going through the evidence/fact.

THEME

Things to Avoid and Things to Do:

Avoid:	To Do:
1. _____	1. _____
2. _____	2. _____
3. _____	3. _____

Defense's Closing Arguments:

Ignore _____ attacks on you, the victim, the officers and the witnesses.

Listen during defense closing for:

Things being said
Things not being said
Facts and evidence defense is agrees with the State
Facts and evidence the defense concedes to during closing
Facts and evidence the defense are not contesting
Whether or not the defense is correctly stating the law and the facts

Rebuttal

Yes!! You can and should prepare your rebuttal close.
Failing to Prepare = Preparing to Fail

Roadmap for Rebuttal:

1. **Theme**

   This isn't a case about (fairly stated comment of defense argument), this is a case about _____.

2. **Rebuild Credibility**

   Uncontested Elements

3. **Get to Gettin'**

   The only issue left for you to decide before you sign the guilty verdict is….

4. **Theme**

More things to Avoid:

Burden shifting
Vouching
Commenting on defendant's silence
Calling defendant and counsel names
Invoking emotional pleas on the jury
Unfairly describing the defense's theory of the case
Personal comments on the evidence

~ Always remember your goal ~

Destroy Confusion

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