



GRIC Protecting Our Communities Addressing Domestic Violence, Child Violence, and Sexual Violence



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Phoenix, Arizona

TIPS FOR DOMESTIC VIOLENCE WITNESS PREPARATION & THE USE OF TRIAL EXHIBITS

Presented by:

Lauren Ramirez
Assistant Mesa City Prosecutor
&
Patti Tracey
Assistant Mesa City Prosecutor

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ARIZONA PROSECUTING ATTORNEYS' ADVISORY COUNCIL
1951 West Camelback Road, Suite 202
Phoenix, Arizona 85015

ELIZABETH BURTON ORTIZ
EXECUTIVE DIRECTOR

**Tips for Domestic Violence
 Witness Preparation & The
 Use of Trial Exhibits**

PATTI TRACEY, CHIEF DEPUTY CITY PROSECUTOR
 LAUREN RAMIREZ, ASSISTANT CITY PROSECUTOR

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Best Practices

WITNESS PREPARATION

Although witnesses of domestic violence may be or become uncooperative, prosecutors must prepare them as much as possible. At a minimum, prosecutors should review with the witness the witness's prior testimony, the form and substance of questions that will be asked during direct and cross examination, the form and substance of the witness's answers, and any exhibits for which the witness will be used to lay the foundation.¹³¹

Prosecutors should avail themselves of all relevant statutory tools that may protect witnesses in the courtroom, such as the use of a support person, a therapy canine support dog, or other judicial courtroom control measures in order to make witnesses feel supported.

Witness Preparation Section
 July 11, 2017

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When does witness preparation begin?



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How do we interact with our victims?



5

How do we interact with our victims?



6

Practical Co

STATE V. DEFENDANT NAME HERE
CR 2019-0000000

VICTIM AGENDA - October 14, 2019

- I. INTRODUCTION
- II. VICTIM'S RIGHTS / ASSIGNED VICTIM ADVOCATE
- III. DEFENDANT'S CUSTODY STATUS / BAIL / RELEASE CONDITIONS
- IV. CHARGES (INDICTMENT / INFORMATION / COMPLAINT / CITATION)
- V. BURDEN OF PROOF
- VI. POSSIBILITY OF LESSER INCLUDED OFFENSES (AT TRIAL)
- VII. SENTENCING RANGES
 - FLAT TIME IF APPLICABLE (V. 80%)
 - CONCURRENT VS. CONSECUTIVE
- VIII. PLEA NEGOTIATIONS / SETTLEMENT CONFERENCES (POTENTIAL BENEFITS)
- IX. APPEAL RIGHTS OF DEFENDANT (TRIAL VS. PLEA)
 - RESTITUTION (CERTAINTY OF REST. IF PLEA - STOP, POSSIBLE)
- X. UPCOMING DATES
- XI. QUESTIONS?

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Victim Credibility

8

Protecting Our Victims

9

Recalcitrant Victims



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Child Witnesses



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Child Witnesses



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Use of Trial Exhibits



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What Exhibits?

- ▶ 911 call if any
- ▶ Body worn camera videos
- ▶ Jail calls
- ▶ FNE exam if indicated (ex. strangulation cases)
- ▶ Audio and/or video recording of victim interview
- ▶ Audio and/or video recording of defendant interview
- ▶ Audio and/or video recording of ALL interviews
- ▶ Orders of Protection
- ▶ Emails
- ▶ Aerial maps
- ▶ Forensic Interview
- ▶ Photographs of victim and injuries, the WHOLE house, the defendant, the weapon
- ▶ Medical records from Victim
- ▶ Prior police reports from other police responses
- ▶ Prior convictions (misd & felony)
- ▶ Voicemails
- ▶ Greeting cards
- ▶ Social media (Facebook, Snapchat, etc.)
- ▶ Text Messages
- ▶ What else?????

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Admission of Evidence

- ▶ Is it relevant?
- ▶ How am I going to use it?
- ▶ Is it admissible?



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Hearsay

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Is it Constitutional?

The Sixth Amendment

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6th Amendment – Confrontation Clause

► *Crawford v. Washington*, 541 U.S. 36, 124 S.Ct. 1354 (2004).

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6th Amendment – Confrontation Clause

▶ *Davis v. Washington*, 547 U.S. 81 S.Ct. 2266 (2006).



If you have an emergency, always
CALL 9-1-1

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6th Amendment – Confrontation Clause

▶ *Michigan v. Bryant*, 562 U.S. 344, 131 S.Ct. 1143 (2012).



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6th Amendment – Confrontation Clause

▶ *Ohio v. Clark*, 135 S.Ct. 2173 (2015).



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Use of Exhibits in Preparing Witnesses


