

# **DEFENSE ATTORNEY GUIDELINES**

* **CALL YOUR DEFENDANT IMMEDIATELY**

Address the following items: date of the trial, courtroom etiquette and procedures, the events of the crime, questions they might have.

* **ON COURT NIGHT, ARRIVE AT \_\_\_\_\_\_\_\_\_ AND MAKE SURE YOUR DEFENDANTS, PARENTS AND WITNESSES ARE THERE AS WELL. CHECK IN WITH THE COORDINATOR WHEN YOU ARRIVE.**
* **COME PREPARED TO BE THE FIRST CASE**

While you may initially be scheduled as the second or third case, things happen and last minute adjustments may be needed. It’s a good practice to plan to meet with your defendants, parents or any witnesses prior to court to be sure there are no surprises.

* **WHEN PREPARING YOUR CASE:**

Make sure you review all of the information in this packet. Also, be sure to **CONTACT YOUR MENTORING ATTORNEY BEFORE THE NIGHT OF COURT.** They will help you to review the case and during your presentation. Their name and telephone number are on the front of your case packet.

### **DO’S & DON’TS FOR PEER COURT ATTORNEYS**

Do:

* Follow the dress code: it will be enforced.
* Address the judge with respect as “Your Honor” or “Judge”.
* Speak loudly and clearly, have confidence in what you say.
* Be serious about the program and business-like in your conduct.
* Be as well informed as you can about the facts of your case

Don’t:

* Appear superior or smart aleck.
* Chew gum or candy.
* Mumble or speak too fast, this is very important.
* “Put down” the opposing party.

## **TIPS FOR THE DEFENSE**

* Be aware of how you and your defendant are coming across to the jury. Try to get the jury to relate to the defendant and his actions. Do not let questions and responses become boring or too lengthy- you will lose the respect of your jury.
* Decide before the trial how you are going to handle weaknesses in your case. Sometimes it can be to your advantage to bring them out yourself to lessen the shock to the jury or present them in a different light (as compared to what the prosecution will say).
* **In your pre-hearing interview, prepare your defendant to make a positive impression on the jury. Remember, the jury is evaluating the defendant’s attitude, demeanor and credibility as well as the circumstances of the crime about which he/she is testifying.**

### **OPENING STATEMENT**

* Explain to the jury what they will hear, see, and only what you will prove.
* An opening statement introduces the case to the jury. Since you have the first opening statement, make sure the jury understands the facts of the case from the victim’s point of view.

### **QUESTIONING**

* Testimony by telephone is permitted provided all parties, including the opposing side and the court, have been notified before court begins. This is an undesirable way of getting testimony.
* Form your questions around your main topics. Include information about the events, the thought process involved, the defendant’s feelings towards the crime, the punishment he/she received, etc.
* Ask only open ended questions (WHO, WHAT, WHEN, WHERE, WHY, ETC)
* Witness questioning during the trial will be in the following order:
* Direct examination
* Cross examination
* Questions by the jury
* Redirect examination (questions must relate to direct/cross examination)
* Recross examination (questions must relate to direct/cross examination)

#### **SOME FACTS RELATING TO SPECIFIC OFFENSES**

Through your line of questioning, try to establish the following items:

##### **Theft**

* Location of theft
* Value of stolen items / ability of defendant to pay for them
* Length of time on premises and in possession of stolen items
* Consideration of moral implications
* Reasons for committing offense

###### **Assault**

###### Severity of conduct

* Nature and extent of the injuries to victim (physical and psychological)
* Defendant’s history of violence

**Possession/ Use of a Controlled Substance**

* Type and amount of substance.
* Reason for possession: personal (amount consumed) or distribution/sales (plan)

### **EVIDENCE**

* If there is evidence, you can find this information in the police report. Contact the Teen Court Coordinator to get it from the police department at least ONE week in advance from your court night.
* You must tell the opposing side what you will be entering for evidence before the trial begins. You do not have to explain how you are using it. During the trial, if they object to your entering evidence, be sure you have legitimate grounds for submitting it and be prepared to argue why.
* When the judge asks that exhibits be marked or you choose to submit a piece, say, “Your honor, may I submit and have marked \_\_\_\_\_\_\_?” (surveillance video, pictures etc.)
* With approval from the judge, give the evidence to the clerk so it can be marked and recorded. Then you may take it back from the clerk and proceed using your evidence.
* Evidence can be submitted when you are questioning your witness or questioning the opposing sides’ witness. Evidence cannot be entered during your closing.
* Objecting to the submission of evidence is permitted based on grounds that include, but are not limited to the following: the unwarranted consumption of

time, highly inflammatory statements that will not be subject to cross-examination, or highly unreliable evidence in consideration to the context of the case.

### **OBJECTIONS**

* Don’t hesitate to object if you feel you have grounds.
* Some common objections:
* **Irrelevant or relevancy:** the opposing side brings out something you feel is unnecessary to the case
* **Badgering the witness:** the opposing side is being argumentative, unfair or rude to your witness
* **Asked and answered:** the opposing side asks a question that was already answered
* To object, state in a loud, clear voice “objection!” and the grounds you are objecting on. Your mentoring attorney can help you decide whether something is objectionable or not.

**CLOSING ARGUMENTS**

* A closing argument should summarize what was proved, emphasizing the points you want the jury to remember in the deliberating room.
* In your closing arguments, recap what you said in your opening statement.
* You should recommend a punishment for the defendant and explain to the jury why you feel this would be an appropriate sentence.

**WHEN THE SENTENCE IS READ, STAND WITH YOUR DEFENDANT. AFTER THE TRIAL IS OVER, MAKE SURE YOUR DEFENDANT SEES THE COORDINATOR OR TEEN COURT STAFF.**