

From Investigation to Trial

Chelsea Crawford, CP

1. Receive Investigative Case File

2. Review Investigative Case File

- a. Do you have everything?
- b. Is the evidence all electronic (documents, pictures, statements, interview reports, etc.) or are there physical items (gun, bullet fragments, rape kits, etc.) as well?
 - i. Ensure your file notes all the physical and electronic items in the case file.
 - ii. Was any physical evidence sent to a lab for forensic testing?
 1. Ensure all forensic reports are included in your case file.
 - iii. Ensure you have all Expert Reports.
- c. Double check with Agency/Case Officer all items in their file are a part of your file. Include:
 - i. Case Officer notes
 - ii. Officer reports, though they may not be the Case Officer.
 1. Other officer's notes
 - iii. Ensure you have anything and everything from everyone who was involved in the investigation.

Collecting all this information may seem remedial or tedious, but the smallest seemingly benign pieces of “evidence” can become the straw that breaks the camel’s back so to speak. We’ve all seen cases dismissed or overturned on small technicalities. Our job, our duty is to assist our attorney’s in obtaining justice for our communities.

Now that you have collected everything under the sun:

3. Organize Case File per office procedure

- a. Ensure you and your attorney are on the same organizational page. They need to be able to work with the case file as well.
- b. Simple is best, but can’t always be accommodated.
 - i. Use your good judgment.

4. Provide Discovery

- a. Continue to provide discovery. Often times the investigation will continue as you prepare for the preliminary hearing.

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- b. Keep record of each time you provide discovery to counsel and what it is you provided.
 - i. Date provided
 - ii. How it was provided.
 - iii. To whom it was provided.
 - iv. What was provided.

5. Prepare Evidence for Preliminary Hearing (Pre-Trial)

- a. Binders or manila folders?
- b. Work closely with your attorney.
- c. Ask questions. Be specific.

6. Preliminary Hearing

- a. Be fluid. Arguments change, evidence becomes more or less important.
- b. Be prepared.
 - i. Can you pre-mark your exhibits? If so, do. It saves time in court and everyone appreciates that.
 - 1. Have an Exhibit List
 - 2. Work closely with your court clerks. Give them a copy of your Exhibit List.
 - ii. Do you have copies of all your exhibits?
 - iii. Do you have all the physical evidence?
 - iv. Do you need a laptop?
 - v. Do you need a projector?
 - vi. Do you need a CD player?
- c. Communicate with your attorney.
- d. Prelim is a good rehearsal before trial. It's a quick run through with just the judge. If you see changes that need to be made before trial, take notes and make those changes.

7. Trial

- a. Work closely with attorney:
 - i. Who will they be calling to testify?
 - 1. Will this individual be used to introduce evidence (foundation)?
 - 2. Prepare physical, electronic, or other evidence to come in through this individual.
 - ii. What order will people testify? (This will help you organize the order in which evidence will be entered).

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- b. Be prepared. Much like the preliminary hearing:
 - i. Pre-mark your exhibits
 - 1. Have Exhibit List (will need to be updated each day of trial).
 - a. Work closely with the court clerk. Give them the most updated Exhibit List every day of trial.
 - i. Ensure when the jury goes to deliberate the Exhibit List is finalized and the court clerk has a copy.
 - ii. Have copies of all exhibits; paper copies and electronic copies for publishing to the jury.
 - 1. Video or audio files need to be on separate discs so they can be marked and entered individually.
 - 2. Documents (reports, certified court records, expert opinions, etc) should be printed one sided and stapled in the top left corner.
 - 3. Pictures should be printed one sided and in color. Each picture will be an exhibit. You cannot lump pictures into one exhibit.
 - iii. Have physical evidence. (Often physical evidence will remain in the Case Officer's custody until entered as evidence in trial.)
 - 1. Hopefully by this time you will have established good communication with the Case Officer. If not, do so. It will be in your best interest!
 - iv. Laptop (to run projector) w/ speakers for videos
 - v. Projector (to publish videos and pictures to the jury)
 - vi. CD player (to publish audio to the jury)
- c. It is good practice to debrief with attorney's and paralegals/legal assistants at the end of each day of trial. This provides good opportunity for communication with all team members. Each team member should evaluate each day's work performance, take notes, improve, and prepare for the next day of trial.