

CLOSING ARGUMENT

Basic Prosecutor Course, August 2016
Steve Garside – Layton City Attorney's Office

CLOSING ARGUMENT

PERCEPTION

- Dessert!!!

 or
- Five O'clock on Friday?

GOOD CLOSING ARGUMENTS ARE:

- Legally Correct
- Factually Correct
- Persuasive

WHY EVEN GIVE A CLOSING?

- Organize a disjointed presentation
- Remind them of the promises you made
- Reinforce who you are
- Explain legal issues
 - Circumstantial Evidence
 - Reasonable Inference
 - Jury Instructions
- Help them understand the facts and the law, and to remember the facts and the law
- Solidify the foundation/basis for conviction

- Give your jurors ammunition

WHEN . . .

- Do you begin to prepare?
 - Screening
 - Day dreaming
 - Witness preparation
 - Trial preparation
 - Goal – What do you want to say?
- Voir Dire
 - Hobbies; Professions

WHEN . . .

- Can you stop preparing?
 - No Substitution for Preparation
 - Challenge yourself
 - Practice
 - Early
 - Often
 - Detailed Outline

WHAT . . .

- NOT to include:
 - Defendant's decision not to testify.
 - Defendant's invoking Miranda.
 - "Golden Rule"
 - Inflammatory extraneous comments.

- Evidence not admitted
- Your personal opinions
- What to include:
 - The facts (story not summary)
 - The law/elements
 - Your theme
 - Defense theories
 - Explanations of difficult concepts
 - Factual, evidentiary, or witness weaknesses
 - Save for rebuttal?

HOW . . .

- Story
- Theme
- Picture Words
- Conviction
- Persuasion
- Credibility
- Five O'clock on Friday
- Ninety Seconds
- Organize
- Prioritize
- Variety of pace, tone, volume
- Your Style

- Avoid distractions

REBUTTAL

- "Save" something?
- Respond to everything?
- Recency and Primacy

MAKE IT DESSERT!