



NORTH CAROLINA DEFENDER TRIAL SCHOOL

Monday, July 10 through Friday, July 14, 2023
UNC School of Government, Chapel Hill, NC

*Cosponsored by the UNC-Chapel Hill School of Government
& Office of Indigent Defense Services*

Monday, July 10, 2023

- | | |
|------------------|--|
| 8:00-8:45 am | Check-in |
| 8:45-9:00 am | Welcome, Introduction, and Description of Program
Phil Dixon, Teaching Assistant Professor,
UNC School of Government, Chapel Hill, NC
Bob Burke, Indigent Defense Consultant and Trainer,
Beech Mountain, NC |
| 9:00-10:00 am | FACTUAL BRAINSTORMING/FACTBUSTING (PLENARY)
Joseph Ross, Assistant Federal Defender,
Raleigh, NC

At the conclusion of the plenary and workshop, participants will: <ol style="list-style-type: none">1. Know the elements of effective brainstorming/factbusting.2. Understand the importance of effective factbusting to creation of a rich pool of facts from which to develop a persuasive theory of the case and story.3. Be able to effectively bust the facts of a case. |
| 10:00-10:15 am | <i>Break</i> |
| 10:15am-12:30 pm | BRAINSTORMING/FACTBUSTING (WORKSHOP) |
| 12:30-1:30 pm | Lunch |
| 1:30-2:30 pm | BRAINSTORMING/FACTBUSTING (WORKSHOP) |
| 2:30-2:45 pm | Break |
| 2:45-4:00 pm | DEVELOPING YOUR THEORY OF THE CASE AND THEMES
BY TELLING YOUR CLIENT'S STORY (PLENARY)
Ira Mickenberg, Attorney & Consultant
Saratoga Springs, NY |

At the conclusion of the plenary, participants will:



1. Know and understand the definitions of, and differences between, a theory of the case (or defense story summary) and a theme.
2. Know and understand the purposes of a theory of the case/story summary and themes.
3. Know and understand methods for developing a theory of the case/story summary and themes.
4. Know the elements of storytelling.
5. Understand how storytelling elements (such as sequence, imagery, scenes, characters) and persuasive techniques (such as theory and themes, primacy and recency, chapters, hooks) and how to effectively use them.

4:00-4:15 pm

Break

4:15-5:00 pm

THEORY OF THE CASE/DEFENSE STORY (WORKSHOP)

After completion of these workshops, participants will have:

1. Developed a theory of the case/summary of defense story, and a full, persuasive story for a trial case.
2. Put in writing a theory of the case/story summary for their case that is consistent with the definition of a theory of the case.
3. Identified any supporting emotional theme or themes for their case.
4. Sketched out, in writing, a defense story for their case.

6:00 pm

Dinner @ Top of the Hill Restaurant & Brewery, Chapel Hill
100 E Franklin St #300, Chapel Hill, NC



Tuesday, July 11, 2023

9:00-11:00 am **THEORY OF THE CASE/DEFENSE STORY (WORKSHOP)**

11:00-11:15 am Break

11:15 am-12:15 pm **THEORY OF THE CASE/DEFENSE STORY (WORKSHOP)**

12:15-1:15 pm Lunch

1:15-2:15 pm **JURY SELECTION: A JOURNEY OF DISCOVERY(PLENARY)**
Kevin Tully, Chief Public Defender,
Office of the Public Defender, District 26, Charlotte, NC

After completion of this session and the workshops, participants will:

1. Know and understand the purposes of voir dire (develop rapport, inform, educate, learn, introduce theory of case).
2. Know and understand questioning and conversational techniques for accomplishing the purposes of voir dire, such as open-ended, life experience questions, “get it and spread it,” and other techniques.
3. Be able to effectively use jury selection techniques in their own case, conducting a voir dire of real jurors, with an eye towards deciding whether those jurors would be receptive to the theory of the case the participants will be advocating in their cases.

2:15-3:00 pm **JURY SELECTION (DEMONSTRATION AND DISCUSSION)**
30-minute demo and 15-minute debrief

3:00-3:15 pm Break

3:15-4:30 pm **BRAINSTORM VOIR DIRE (WORKSHOP)**



Wednesday, July 12, 2023

9:00-10:30 am **CONDUCT VOIR DIRE (WORKSHOP)**

10:30-10:45 am Break

10:45 am-12:15 pm **CONDUCT VOIR DIRE (WORKSHOP)**

12:15-12:30 pm **DEBRIEF JURY SELECTION**

12:30-1:30 pm Lunch

1:30-2:20 pm **OPENING STATEMENTS (PLENARY/DEMONSTRATION)**

Burcu Hensley, Assistant Juvenile Defender
NC Office of the Juvenile Defender, Raleigh, NC

At the conclusion of this session, participants will:

1. Know and understand that an opening statement must present a factual and persuasive defense story that drives and supports the theory of the case and emotional themes.
2. Know and understand basic techniques for doing an opening statement that is factual, persuasive, and drives the theory of the case and themes (Hook, headline, primacy and recency, context, storyline, creation of inferences, use of “theory and theme language”).

2:20-2:30 pm Break

2:30-3:00 pm **BRAINSTORM/PREPARE OPENING (WORKSHOP)**

After this workshop, participants will:

1. Be able to articulate what they want to accomplish with their opening statement, and how it advances their theory of the case and themes.
2. Be able to use basic techniques for the presentation of a factual and persuasive defense story that advances the theory of the case and themes (Hook, headline, primacy and recency, context, storyline, of inferences, use of “theory and theme language”).

3:00-5:00 pm **CONDUCT OPENINGS (WORKSHOPS)**



Thursday, July 13, 2023

9:00-9:55 am **CROSS-EXAMINATION (PLENARY/DEMONSTRATION)**
Johnna Herron, Assistant Public Defender
Guilford County, NC

At the conclusion of this session, participants will:

1. Know and understand that the goals of cross-examination, as well as the questions asked and language used, are determined by the theory of the case and supporting themes.
2. Know and understand techniques for effective cross-examination (chapters, transitions, use of “theory and theme language,” sequence, and leading, one-fact questions).
3. Know and understand techniques for impeachment with prior inconsistent statements and omissions.

9:55-10:10 am Break

10:10-10:40 am **BRAINSTORM/OUTLINE CROSS EXAMINATION (WORKSHOP)**

After this workshop, participants will:

1. Be able to articulate what they want to accomplish with their cross-examination, and how it advances their theory of the case.
2. Be able to make use of techniques for the effective cross-examination of a government witness that advances the theory of the case and themes.

10:40 am-12:30 pm **CONDUCT CROSS EXAMINATION (WORKSHOP)**

12:30-1:30 pm Lunch

1:30-2:20 pm **DIRECT EXAMINATION (PLENARY/DEMONSTRATION)**
Timothy Heinle, Teaching Assistant Professor
UNC School of Government, Chapel Hill, NC

At the conclusion of this session, the participants will:

1. Know and understand that all aspects of direct examination -- including the decision to call a particular witness (why is it important and what is important), the questions that should be asked, and the way those questions should be asked -- must flow from the theory of defense and emotional themes.
2. Know and understand basic techniques for doing a direct examination (preparation of witness, chapters, anchoring



questions, transitional questions, use of “theory of the case and themes language”, open-ended questions, practice, use of visuals, demonstrations).

2:20-2:35 pm

Break

2:35-3:05 pm

BRAINSTORM DIRECT EXAMINATION (WORKSHOP)

After this workshop, participants will:

1. Be able to articulate what they want to accomplish with their direct examination, and how it advances their theory of the case.
2. Be able to effectively prepare a witness for direct and cross and effectively use direct examination techniques to advance the theory of the case, defense story, and supporting themes.

3:05-5:00 pm

CONDUCT DIRECT EXAMINATION (WORKSHOP)



Friday, July 14, 2023

9:00-10:00 am **CLOSING ARGUMENTS (PLENARY/DEMONSTRATION)**
Sophorn Avitan, Assistant Public Defender
Office of the Public Defender, Charlotte, NC

At the conclusion of this session, participants will:

1. Know and understand that closing argument must be factual and persuasive and must flow from the theory of defense and emotional themes.
2. Know and understand basic persuasive techniques (use of “theory of the case and themes language,” primacy and recency, repetition, chapters (clarity), hooks, vivid language, pictures or images, trilogies) for closing argument.

10:00-10:15 am Break

10:15-10:45 am **BRAINSTORM/PREPARE CLOSING ARGUMENT (WORKSHOP)**

After this workshop, participants will:

1. Be able to articulate what they want to accomplish with their closing argument, and how it advances their theory of the case or defense story.
2. Be able to use basic persuasive techniques to effectively advance the theory of the case, defense story, and supporting themes in closing argument.

10:45 am-12:45 pm **CONDUCT CLOSING ARGUMENT (WORKSHOP)**

12:50-1:00 pm Conclusion

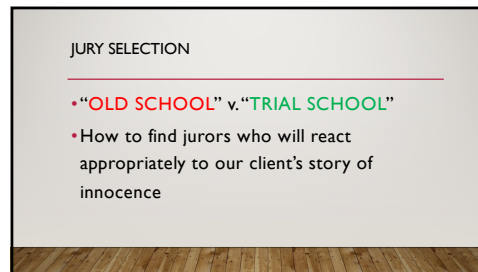


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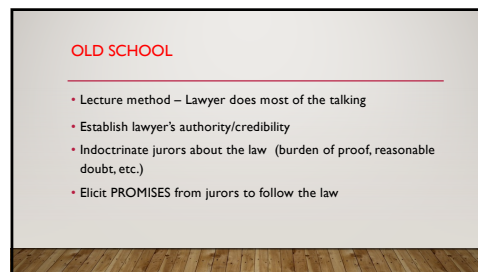
Pending approval by the NC State Bar



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2



3

OLD SCHOOL

PROBLEMS

- Tells us almost **NOTHING** about the jurors
- We end up falling back on **STEREOTYPES** and gut feelings
- Banking on jurors **ASPIRATIONAL** promises

4

OLD SCHOOL

STEREOTYPES

LOVE	HATE
Women	Men
Blacks	Caucasians
Young	Old
Poor	Wealthy
Teachers/Social Workers	Bankers/Cops

5

OLD SCHOOL

“It is **arrogant** and **stupid** to choose jurors based on stereotypes of gender, race, age, ethnicity or class.”

- Ira Mickenberg

6

OLD SCHOOL

ASPIRATIONAL PROMISES

Studies show:

- Jurors decide cases based on prejudices, preconceived notions, and feelings, regardless of the LAW or what any judge /lawyer tells them, even if they honestly believe otherwise.
- Asking about future behavior results in aspirational answers.

7

TRIAL SCHOOL

- LISTENING – Jurors do most of the talking
- Establish jurors' authority – empower them to act to do right
- Indoctrinate jurors about story of innocence
- Elicit opinions/feelings that help us predict how jurors will emotionally react

8

TRIAL SCHOOL

Studies show:

- The best predictor of what a person will do in the future is not what they say they will do, but what they have done in the past in analogous situations.
- Attitudes and feelings (emotions) are based on personal experiences

9

TRIAL SCHOOL

COMMAND

SUPERLATIVE

ANALOGY

10

TRIAL SCHOOL

COMMAND

-- TELL us about...

-- DESCRIBE for us...

-- SHARE with us...

11

TRIAL SCHOOL

SUPERLATIVE

-- The BEST...

-- The WORST...

-- The MOST SERIOUS...

-- The MOST RECENT...

12

TRIAL SCHOOL

ANALOGY

-- Life Experience

-- Personal

-- Dealing with a topic central to client's story of innocence

13

TRIAL SCHOOL

EXAMPLES OF CSA "QUESTIONS"

(Self Defense) -- **TELL** us about the **MOST** force you ever had to use to defend yourself

(Alcohol) -- **SHARE** with us about the person who showed the **BIGGEST** change in behavior after drinking alcohol

(Police) -- **DESCRIBE** for us the **WORST** encounter you or someone close to you have had with police

14

TRIAL SCHOOL

What if my judge won't let me do this?!

15

TRIAL SCHOOL

If judge tries to stop this:

- Prophylactic setup
- Remind judge the Government did this
- Cite case law
- In order to provide effective assistance of counsel need to judge potential jurors' fairness
- Offer to be done sooner

16

TRIAL SCHOOL

If judge tries to stop it and all else fails...

Go in through the back door!

- Can you be fair?
- What makes you say that?
- Based upon how you feel about _____?
- How did you come to your opinion or feelings about _____?
- What had the biggest influence on your opinion or feelings about _____?

17

TRIAL SCHOOL

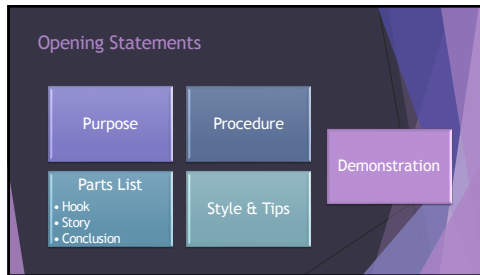
MAL DAVIS CASE

- What are our emotional pitches?
- What facts/characters might jurors have emotional reactions to after hearing our story?
- What analogous life experiences might we want to have them share with us?

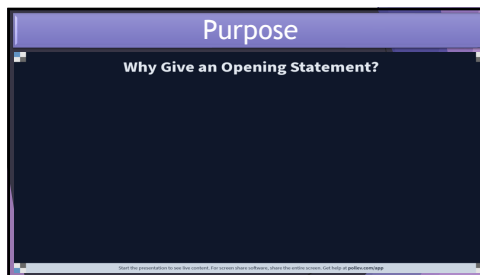
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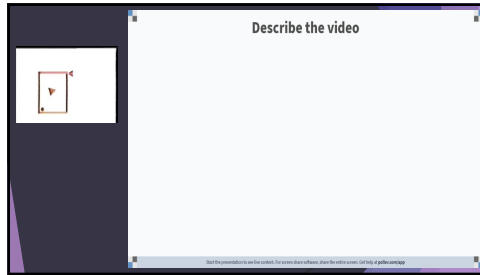
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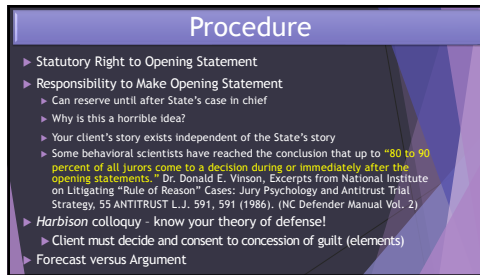
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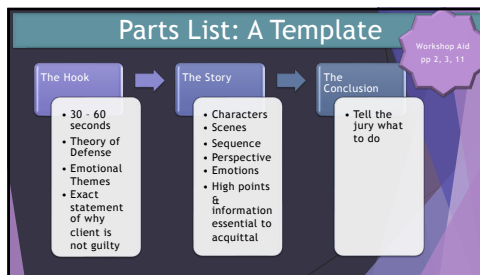
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5



6

Parts List: A Template

The Hook

- Makes the jury feel your story is right and should be accepted
- Mal Davis is not guilty of murder. He was at the mercy of a cop that was drunk, corrupt, and a top-notch bully. Mills ordered Mal to take him to Jelly's house, Mills threatened Mal to cooperate, and Mills forced Mal to call Jelly. Mills made the deal with Jelly while Mal covered several feet away. Mal is not guilty of murder because he had nothing to do with this drunk and corrupt bully's agenda.

7

@ When poll is active, respond at polllev.com/ncojd200
 or Text **NCOJD200** to **22333** once to join

What is the theory of Defense?

The criminal incident never happened.

The criminal incident happened, but Mal didn't do it.

The incident happened, Mal did it, but it wasn't a crime.

The criminal incident happened, Mal did it, it was a crime, but not the crime charged.

The criminal incident happened, Mal did it, it was the crime charged, but Mal's not responsible.

The criminal incident happened, Mal did it, it was the crime charged, Mal's responsible, but who cares?

8

What are some other possible themes?

9

Parts List: A Template

The Story

- 3 Main Characters: Mills, White, Mal
- 3 Main Scenes: Bar, Parking Lot, Porch
- Sequence: Chronological, starting at the bar
- From whose perspective will you tell the story? 3rd person omniscient / following Mills

10

Parts List: A Template

The Conclusion

- Tell the jury what you want them to do
- Then sit down
- No thank you's or legal talk
- Keep their attention on the theory of the case

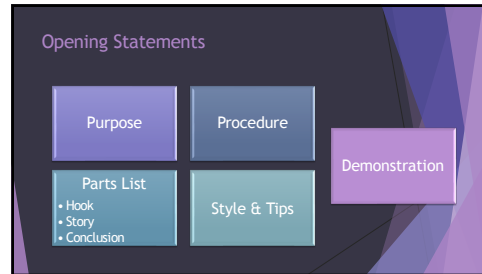
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Parts List: A Template

The Conclusion

- Mal Davis is not guilty of murder. ~~After hearing all the evidence, you will find that~~ Mills was a drunk, corrupt bully who forced Mal to cooperate with his agenda. ~~You will find that~~ it was Mills that set up the drug sale, not Mal. ~~You will find that~~ Mills called all the shots. ~~And you will find that~~ the right verdict for Mal Davis is not guilty.

12



13

Style & Tips

- ▶ Principals of primacy and recency:
 - ▶ Front load the strong stuff
 - ▶ Start on a high note, end on a high note
- ▶ Drop the legalese. Drop the big words, too. Tell the story to an 8-year-old on a playground
- ▶ Don't write it out. Just tell the story. The jury won't believe your client's story if you don't believe your client's story.
- ▶ Approach the trial as if you are a screenwriter creating a movie script. Your opening is the full-length trailer (no cliffhangers!)
 - ▶ Hero? Villain? Plot?
- ▶ Do not overpromise.
- ▶ Use graphic, colorful, descriptive language.
 - ▶ Visit the scene
- ▶ Your body language can help tell the story.
 - ▶ Everyone please stand up

14

Style & Tips

- ▶ Your body language can help tell the story.
 - ▶ Everyone please stand up

The diagram shows a central hexagon labeled 'Emotions' surrounded by six other hexagons: 'Relieved', 'Angry', 'Outraged', 'Fear', 'Confused', and 'Surprised'.

15

An abstract graphic featuring a dark grey/black curved shape on the left containing the word "Demonstration" in white. To its right is a complex geometric shape composed of overlapping triangles in various shades of blue and purple. The background is a solid light blue.

[illegible]

17

[illegible]

Parts List: A Template

The Hook

- Mal Davis is not guilty of murder. He was at the mercy of a cop that was drunk, corrupt, and a top-notch bully. Mills ordered Mal to take him to Jelly's house, Mills threatened Mal to cooperate, and Mills forced Mal to call Jelly. Mills made the deal with Jelly while Mal covered several feet away. Mal is not guilty of murder because he had nothing to do with this drunk and corrupt bully's agenda.



Chili's	
3/15/2001	
Baron 2000	
Wgt Item	10.00
2.00 Steak	
4.00 Curry	20.00
3.00 Chutney	17.00
Tax	1.00
Total	58.00

Officer White:

- Don't call for backup "until we make the score."
- "I know where else we can make a buy."

Helen Cruz:

- Mills got angry and loudly said "some very hateful things" to the informant.
- Mills had "a hot temper when it came to work and was really angry that the drug dealer did not show up."
- White got into a big argument w/ informant and urinated on the hood of informant's car.

Bob Hale (manager @ Chili's):

- Mills had a reputation as a "pretty nasty guy. You wanted to stay out of his way."
- Other officer was "kind of young and seemed to look up to Mills."
- 7:15 pm - 11:00 pm

Autopsy report BAC .11



"Now you go to jail sucker!"

Cross Examination

Johnna Herron
Assistant Public Defender, Guilford County

1

What is the point of cross examination?

- Get helpful information out of the witness
- Discredit hurtful information from the witness
- Discredit the witness

2

What is the point of cross examination?

- This is not the time to make your closing argument
- Get the facts you need to make your closing argument later

3

Topics to Address

- Facts that support your theory
- Facts that discredit the State's theory
- Facts that attack the witness's credibility

4

Cross Examination Basics

- Ask leading questions
- Ask one fact per question
- Keep questions simple and short
- Never ask the "burrito question"

5

Leading Questions

- Do NOT start with "who," "what," "when," "where," "why," or "how"
- Are NOT simply questions that require a "yes" or "no"
- Are sentences that can (but need not) end with, "right?" or, "correct?"
 - Drop the "tag" at the end and use your tone to ask the question

6

Leading Questions

- Q: Why didn't you check the gun for fingerprints?
 - A: Well, guns typically have rough surfaces, and fingerprints don't stick very well to them, so we don't usually find fingerprints on guns anyway.
- Q: Did you check the gun for fingerprints?
 - A: No, it's usually not helpful to do that.
- Q: You didn't check the gun for fingerprints?
 - A: No.

7

Just the Facts

- One fact per question
 - If you find yourself with multiple facts per question, break it up into multiple questions
 - Don't be afraid to break down complex or unfamiliar concepts into simple questions
- Stick to facts – not characterizations
- Never ask a question if you don't know the answer

8

One Fact Per Question

- Q: You found heroin and cocaine?
 - A: No.
- Q: You found heroin?
 - A: Yes.
- Q: You found cocaine?
 - A: No.

9

Characterizations

- Q: The car was going too fast?
 - A: Well, I wouldn't say that. Everyone drives that speed on that part of the road.
- Q: That was irresponsible, wasn't it?
 - A: I think it would have been more irresponsible to drive significantly slower than all the other cars on the road.
- Q: When the silver car hit the green car, it pushed it all the way up onto the curb?
 - A: Yes.
- Q: And the debris landed as far as 50 feet away?
 - A: Yes.

10

Simple and Short Questions

- Q: Officer, on the date in question, did you have the occasion to come upon a white powdery substance that you suspected was (and ultimately confirmed to be) cocaine hydrochloride?
- Q: You found cocaine?

11

The "Burrito Question"

- Never ask the "burrito" question
- This gives the witness a chance to explain

12

The "Burrito Question"

Q: You had rice?

A: Yes.

Q: You had black beans?

A: Yes.

Q: You had chicken?

A: Yes.

Q: You had cheese?

A: Yes.

Q: You had salsa?

A: Yes.

Q: You had guacamole?

A: Yes.

Q: You had sour cream?

A: Yes.

Q: And you put all that in a tortilla?

A: Yes.

13

The "Burrito Question"

Q: So you had a burrito?

A: No, I had a taco.

14

The "Burrito Question"

Ask about all the facts you need leading up to that question, but stop before you start a question with "So..."

Wait until closing argument to argue your point with the facts you've gathered

15

The "Burrito Question"

- What should you do if you accidentally ask the "burrito question"?
- Pivot!
- Ask questions that differentiate the witness's explanation from your conclusion (if you can)

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The "Burrito Question"

- Q: So you had a burrito?
 - A: No, I had a taco.
- Q: But the tortilla was twelve inches in diameter, right?
 - A: Yes.
- Q: When you wrapped it up, you tucked in both ends of that tortilla?
 - A: Yes.
- Q: You only ate one of them as your meal?
 - A: Yes.

17

Organization

- Use the "chapter" method
- Use signposts
- Remember primacy and recency
- Be flexible – listen to the witness and adapt as needed

18

The "Chapter" Method

- Write down all the facts you need to get from the witness for your closing argument as bullet points
 - It helps to do this in a Word document so you can rearrange them
- Sort each fact into a broader topic you want to address (your "chapters")
- Organize your chapters so that they will have the most impact
- Signposting: when you change topics, let everyone know

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The "Chapter" Method

- Listen to the direct examination and note anything you want to add to a chapter
- Have each chapter on a separate page so they can be rearranged on the fly
- It's okay to deviate from your written points if the witness gives you an unexpected answer you need to explore
 - The written points will then help you get back on track when you're done!

20

Controlling the Witness

- Interrupting the witness mid-answer usually won't work
- Try asking easy questions first to get in the flow of short answers
- Do your best to get a "yes" or "no"
 - If the witness doesn't answer the first time, ask again
 - If you ask 3 times with no answer, move on

21

Impeachment

- Refer to NC Rules of Evidence 607 through 613
- Common topics of impeachment
 - Prior inconsistent statements
 - Prior convictions
 - Bias or interest

22

Prior Inconsistent Statements

- You can ask a witness if they said something different at another time
 - Remember, the prior statement is not evidence itself!
- If the witness denies the prior statement, you may use other evidence to prove it
 - Transcript of prior testimony, video or audio recording, testimony of another witness, etc.
- State is entitled to a copy of the impeaching evidence upon request
- Note: be careful of "putting on evidence" if you do not intend to do so
- Refer to NC Rule of Evidence 613

23

Procedure for Prior Inconsistent Statements

- Have the witness reaffirm the statement you are impeaching
- Establish the prior statement occurred
- Build up the veracity of the prior statement
- Confront witness with prior statement
- Resist the urge to keep going!
 - You will only allow the witness to explain away the inconsistency

24

Prior Convictions

- "What, if anything, have you been convicted of in the last ten years that carries a maximum punishment of sixty days or more?"
- If witness doesn't name all convictions, follow up!
- Decide whether the witness's record is bad enough that it's worth asking
- Refer to NC Rule of Evidence 609

25

Bias or Interest

- If the witness has a reason to lie (or err on the side against your client when they don't know), you may ask about it
- Common biases
 - Witness doesn't like client or likes alleged victim
 - Witness (or loved one) could face consequences from admitting the truth
 - Witness has a financial or other interest in outcome of case

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Other Forms of Impeachment

- You may ask about facts that contradict the witness's testimony
- You may cross examine on prior dishonest acts, but cannot prove it by extrinsic evidence
 - Refer to NC Rule of Evidence 608(b)
- You may ask experts about treatises that contradict their methods or opinions

27

Some Style Points

- Use theory and theme language
- Watch out for verbal "tics"
- Don't be a bully
- Make eye contact with jurors during important points

28

Mal Davis Case

- What are some facts we would want to get out of Officer White?
- What are some chapters we would include in our cross examination of Officer White?

29

Demonstration

30

Direction Examination – Session Summary

Timothy Heinle, UNC School of Government

Direct exam allows you to deliver your message to your audience. Tell your story. Control your narrative.

Choose witnesses

- Driven by your case theory. Each witness should advance your theory in at least one way.
- Identify a witness' strengths and weaknesses. Cut anticipated attacks off in advance.

Tell your story

- Use the chapter method to prepare your direct. Chapters can be
 - a place or moment in time (e.g., Harris Teeter the night of June 10), or
 - facts or themes (e.g., childhood bullying, desperation, or lack of sleep).
- Decide the order of your chapters and questions.
 - Chronologically may be appropriate but can also be boring/mimic the State's case.
 - Maybe start with a topic (e.g., fear of police) rather than an event.
 - Or move through events non-chronologically (e.g., testifying about the shock of being tackled by store security before describing his day in general, including shopping).

➔ Tip! Write facts you want brought out in different chapters on separate sheets of paper. Rearrange them to find the most effective sequence. Then create your transition statements and questions.

Question styles

Move beyond "leading questions on cross, open questions on direct." There are degrees to open-ended questions. Ask open but controlled, purposeful questions.

1. Wide open: "Tell us about your family." "Did anything happen that night?"
 - a. Risky (witness could give a harmful or boring response).
2. Less open: "Describe the air quality." "How far from the kitchen were you?"
 - a. Still open, but it allows you to exercise some control over the direction of the response.
3. Close-ended but non-leading: "Did you smell smoke?" "Could you clearly see her?"
 - a. Some will incorrectly say this is a leading question. Retreat to slightly more open, less-directed style questions, then fluctuate. Find the line and walk it.

Your style may vary by witness. For example, you may give a forensic expert more wide-open questions, allowing them to testify freely. Whereas for your client, you may prefer to use more controlled questioning, while still allowing the client's voice to shine through.

Bring scenes to life

- Use transition statements (e.g., "I want to discuss your typical day").
- Incorporate demonstrative evidence (e.g., a map; photograph of room).
- Take your time. Do not just use conclusory questions and move on. Flesh out details.
- Use descriptive words to activate the listener's five senses (e.g., in a self-defense case, asking the defendant to describe the taste of blood in her mouth before she hit back).

Prepare

Practice testimony with witnesses, out loud, whenever possible. Help each other be more effective. Explain their purpose. Simulate trial so they are not surprised by the feeling of pressure in court.



Conceived in a labor camp and
born in a refugee camp...
Storytelling came naturally to me.

1



2



3



4



5



6



7



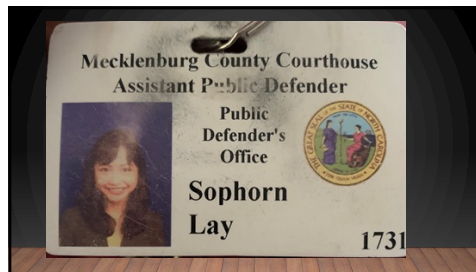
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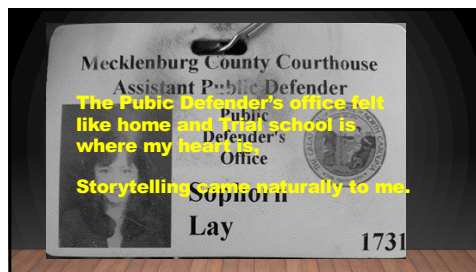
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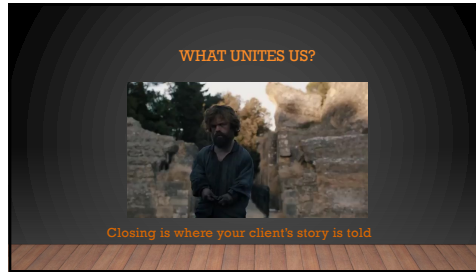
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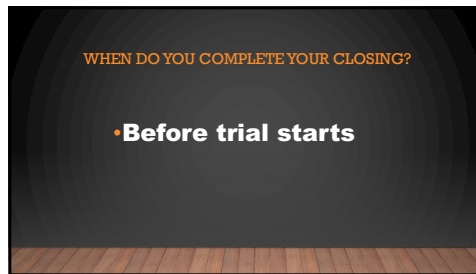
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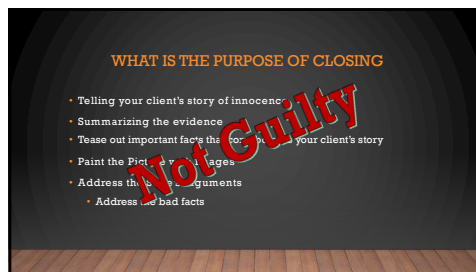
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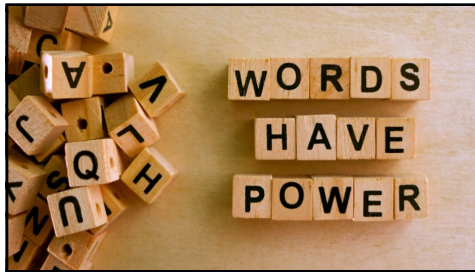
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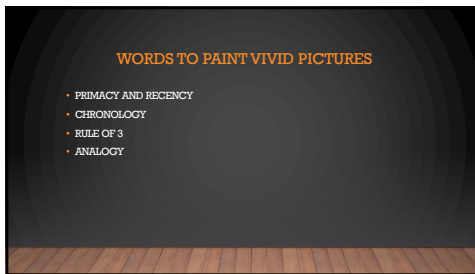
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17



18



19

- Set the Scenes
- My storytelling journey
 - 1. Refugee camps in Cambodia
 - 2. Educated in the South
 - 3. Being at home as a public defender
- Mai Davis
 - 1. Before Mills that Day
 - 1. Addicted since 18 years old
 - 2. 7 out of the last 9 years in prison
 - 3. Vulnerable and Afraid of Cops
 - 2. Met Mills
 - 1. Pulled away from fighting several Black men
 - 2. Forced to buy drugs
 - 3. After Mills
 - 1. Sitting in jail for just doing what an officer told him to do

CHRONOLOGY

- Officer Mills
 - 1. Chilly
 - 1. Drunk
 - 2. Rowdy- itching for a bust
 - 2. Magnolia Terrace
 - 1. Aspen growing
 - 2. Starting fight
 - 3. Kidnapped Mills
 - 3. Jelly's House
 - 1. No backup
 - 2. Reckless arrest
 - 3. Got himself killed

20

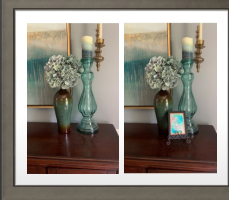
RULE OF 3/TRILOGY

- In Photography

21

RULE OF 3

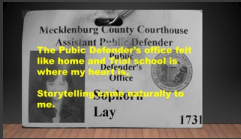
- In Photography
- In Décor
- Closing
 - Start with your hook
 - Remind them of your hook
 - Close with your hook



22

TRILOGY IN STORYTELLING

- Story telling came natural to me.



23

TRILOGY IN STORYTELLING

- Story telling came natural to me.

24



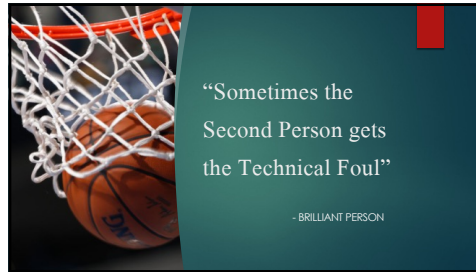
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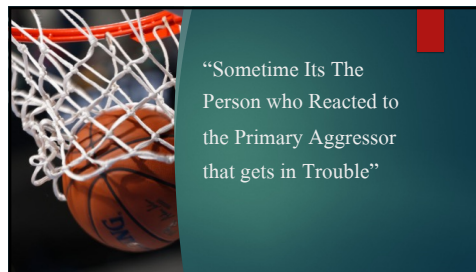
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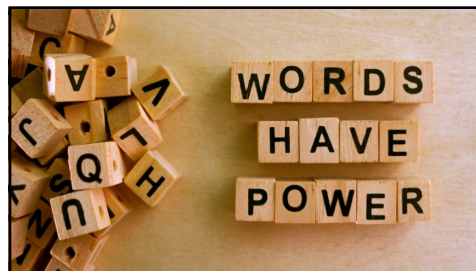
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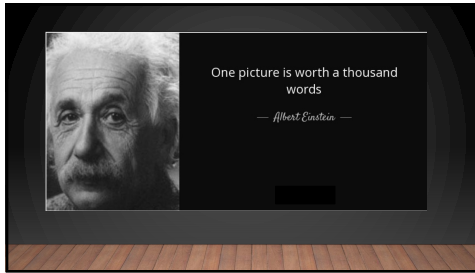
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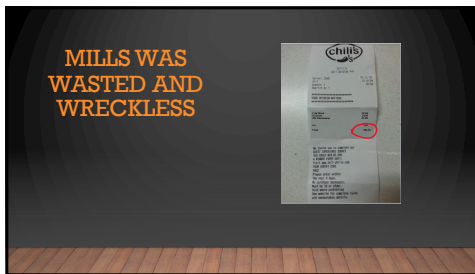
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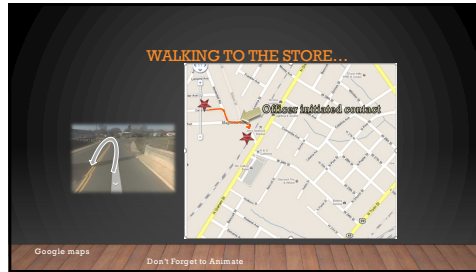
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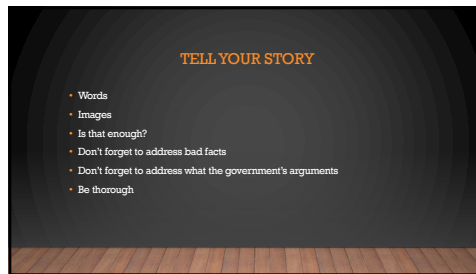
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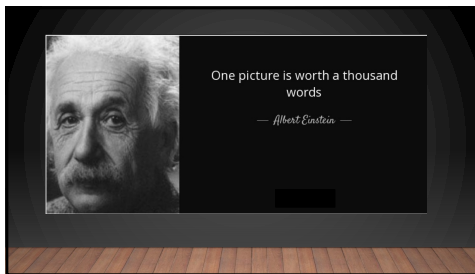
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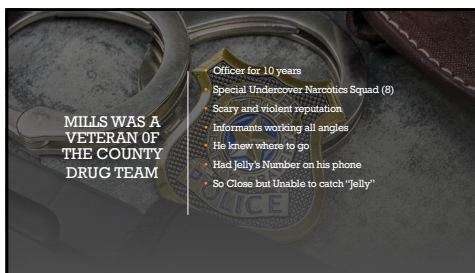
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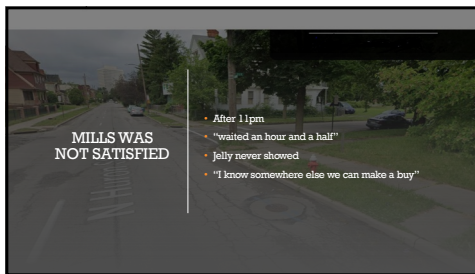
44

NARRATIVE	
Type	Did the reporting officer take a statement from the suspect?
Confidential	No
Reporting Officer	Entered Date/Time
065351	05/26/20 1309
Did the reporting officer have correspondence, memo, or email related to this incident?	
No	
Brief description of reporting officer role or involvement in the case:	
Reporting Officer	
Do you have officer generated audio and/or video reference this case (i.e. DMVR, Body Worn, interview room)?	
Yes	
List type of audio/video (i.e. DMVR, Body Worn, interview room) and vehicle number, if applicable:	
I, Officer White, am 23 years old, and has been a patrol officer with the county police department for two years. On March 12, 2020, at 7:30 P.M. I was off duty and having dinner at Chili's with my friend, Officer Pete Mills. Officer Mills was 34 years old and had been in the Special Undercover Narcotics Squad for eight years and was also off duty. Officer Mills brought his girlfriend, 23 year old sister Cruz, with them to dinner.	
By 11:00 P.M. we were still at their table in Chili's. We had finished dinner and had "a drink, maybe two at most," when Mills was approached by a man who Mills later told us was a known and reliable drug informant. They had a private conversation in the bar, and Mills then went back to his table, where I and Ms. Cruz were waiting for him. He told us that we had to leave immediately because he was going to make a big undercover buy and arrest a notorious dealer named "Felix". Mills told us "he is not to tell his backup or tell anyone else in the police department about this "until we make the swap." We drove in Mills's unmarked SUV to the corner of Huron Avenue and Elm Street, where the informant was supposed to meet us with the cash. This did not happen and we did not see the informant or the cash. We did not see the informant or the cash. We did not see the informant or the cash.	

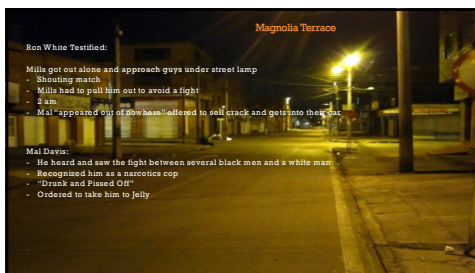
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46



47



48

WHAT MAKES MORE SENSE?

- Mal didn't recognize a narcotics cop
- - with 27 prior convictions,
- - spending 7 out of the past 9 years in prison.
- - Manager at Chili's recognized him, knew of his bad rep
- Mal saw the fight underneath a streetlamp then approached the white man?
- Mal couldn't tell the car was a cop's car?

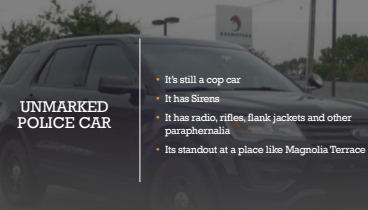
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49

[illegible]

**UNMARKED
POLICE CAR**

- It's still a cop car
- It has Sirens
- It has radio, rifles, flank jackets and other paraphernalia
- Its standout at a place like Magnolia Terrace

- 
- UNMARKED
POLICE CAR**
- It's still a cop car
 - It has Sirens
 - It has radio, rifles, flank jackets and other paraphernalia
 - Its standout at a place like Magnolia Terrace

50

[illegible]

Run White Testified:

Mills got out alone and approach guys under street lamp

- Shooting match
- Mills had to pull him out to avoid a fight
- 2 am
- Mal "appeared out of nowhere" offered to sell crack and got into their car.

Mal Davis:

- He heard and saw the fight between several black men and a white man
- Recognized him as a narcotics cop
- "Drunk and Flustered"
- Ordered to take him to jail

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51



Mal Davis was NOT selling crack
- no car
- no phone
- didn't have the number for Jelly

52



JELLY SHOT AND KILLED
OFFICER MILLS

53



Not Guilty

54
