
OPENING STATEMENTS

BURCU HENSLEY

ASSISTANT PUBLIC DEFENDER

WAKE COUNTY

OPENING STATEMENTS

Purpose

Procedure

Parts List

- Hook
- Story
- Conclusion

Style & Tips

Demonstration

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Style & Tips

Do not edit
How to change the design



Why Give an Opening Statement?

① The Slido app must be installed on every computer you're presenting from

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DESCRIBE THE VIDEO (NEXT SLIDE)



Do not edit
How to change the design



Describe the Video

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Procedure

- Statutory Right to Opening Statement
- Responsibility to Make Opening Statement
 - Can reserve until after State's case in chief
 - Why is this a horrible idea?
 - Your client's story exists independent of the State's story (burden?)
 - Some behavioral scientists have reached the conclusion that up to
“80 to 90 percent of all jurors come to a decision during or immediately after the opening statements.” (NC Defender Manual Vol 2)

Procedure

- *Harbison* colloquy – know your theory of defense!
 - Client must decide and consent to concession of guilt (elements)
- Forecast versus Argument

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Parts List: A Template

Workshop Aid
pp 2, 3, 11

The Hook

- 30 – 60 seconds
- Theory of Defense
- Emotional Themes
- Exact statement of why client is not guilty



The Story

- Characters
- Scenes
- Sequence
- Perspective
- Emotions
- High points & information essential to acquittal



The Conclusion

- Tell the jury what to do

Parts List: A Template

The Hook: Makes the jury feel your story is right and should be accepted

Abuse. Accusations. Lies. John Forbes never had sex with Darlene. Darlene and her mother have been abused for years. From the fear of abuse comes accusations and lies, and these alternate realities become a way of life. When confronted about her behaviors at school, Darlene lies and falsely accuses her teachers, principal, and even the school nurse. When confronted at home, she lies and falsely accuses

John. John, with an IQ of 56, is naive to the lies and does not understand the accusations. He does not understand the need to speak up for himself. John Forbes never had sex with Darlene.

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What Are Some Other Possible Themes/Hooks?

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Parts List: A Template

The Story

- 3 Main Characters: Darlene, Rollo, John   
- 2 Main Scenes: Home, 2nd Interview
- Sequence: Chronological
- From whose perspective will you tell the story? 3rd person omniscient

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

Parts List: A Template

The Conclusion

- John Forbes is not guilty of rape. ~~After hearing all the evidence, you will find that Darlene, abused at home, lied and accused John. You will find that John did not understand what he was being accused of. You will find that he could not speak up for himself. And you will find that the right verdict for John Forbes is not guilty.~~

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Style & Tips

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. (Hack: Use their words)
- "The evidence will show..."

Style & Tips

- 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. ← Pretrial motions? Do your homework!
- Use graphic, colorful, descriptive language.
 - Visit the scene
- Your body language can help tell the story.
 - Everyone please stand up

Style & Tips

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





DEMONSTRATION



SOMEWHERE HIGH SCHOOL SUSPENSION REPORT

Date: **March 2024** Port # _____

STUDENT INFORMATION

Student Name: **Darlene Hampton** Student ID: _____
Grade: _____ Homeroom: _____ Date of Birth: _____

INCIDENT INFORMATION

Date of Incident: _____ Time: _____ ☐ AM ☐ PM

Location: _____

Description of Incident: _____

POLICY / RULE VIOLATION

Violated Policy / Rule: _____

Policy Reference: _____

ADMINISTRATIVE ACTION

Type of Suspension: ☐ In-School Suspension ☒ Out-of-School Suspension

Dates of Suspension: From: _____ To: _____

Number of School Days: _____

Additional Actions / Conditions: _____

One month suspension

ADMINISTRATOR COMMENTS

ADMINISTRATOR SIGNATURE

Administrator Name: _____ Signature: _____

Title: _____ Date: _____

STUDENTS ARE EXPECTED TO KNOW AND FOLLOW ALL SCHOOL RULES.



SOMEWHERE POLICE DEPARTMENT POLICE REPORT

Report Number: _____ Date: _____ Time: _____ Reporting Officer: _____

INCIDENT INFORMATION

Location: _____ City: _____ State: _____

To: **Sexual Assaulted by 2 teachers, principal, school nurse.** ☐ Molester ☐ Other

PERSONS INVOLVED

NAME	ROLE	DATE OF BIRTH	ADDRESS / CITY	PHONE (IF KNOWN)
Darlene Hampton				
Tiffany Hampton				
Rollo Smith				

NARRATIVE

Utterly unfounded – teachers not at work; principal and nurse in staff meeting entire day

EVIDENCE / PROPERTY

ITEM DESCRIPTION	TAG / REFERENCE #	LOCATION FOUND	DISPOSITION

ACTION TAKEN

Rollo: "I don't care who did what. If you don't stop screwing around, you'll answer to me."

OFFICER INFORMATION

Reporting Officer: _____ Badge #: _____ Division: _____
Supervisor (if applicable): _____ Date Filed: _____ Time Filed: _____

Officer Signature

Supervisor Signature



SOMEWHERE POLICE DEPARTMENT

CASE REPORT / INTERVIEW NOTES

CASE #: 25-4721

DATE OF REPORT: May 16, 2024

DATE OF INCIDENT: May 12, 2024

REPORTING OFFICER: Det. Carter

INTERVIEWEE: <u>Tiffany Hampton</u> (Mother of Darlene Hampton)	NOTES: <i>[Handwritten notes]</i>
DATE/TIME: <u>May 13, 2024 2:15 PM</u>	
RELATION TO CASE: <u>Darlene's Mother</u>	
LOCATION: <u>Hampton Residence</u> 123 Maple Way Somewhere, ST 54321	
INTERVIEWED BY: <u>Det. Carter</u>	
INTERVIEWEE: <u>Darlene Hampton</u> (1 of 2)	NOTES: <i>[Handwritten notes]</i>
DATE/TIME: <u>May 13, 2024 3:05 PM</u>	
RELATION TO CASE: <u>Victim</u>	
LOCATION: <u>Hampton Residence</u> 123 Maple Way Somewhere, ST 54321	
INTERVIEWED BY: <u>Det. Carter</u>	
INTERVIEWEE: <u>John Forbes</u> (1 of 2)	NOTES: <i>[Handwritten notes]</i>
DATE/TIME: <u>May 13, 2024 4:20 PM</u>	
RELATION TO CASE: <u>Person of Interest</u>	
LOCATION: <u>Forbes Residence</u> 456 Oak Drive Somewhere, ST 54321	
INTERVIEWED BY: <u>Det. Carter</u>	
INTERVIEWEE: <u>Darlene Hampton</u> (2 of 2)	NOTES: <i>[Handwritten notes]</i>
DATE/TIME: <u>May 15, 2024 2:35 PM</u>	
RELATION TO CASE: <u>Victim</u>	
LOCATION: <u>Hampton Residence</u> 123 Maple Way Somewhere, ST 54321	
INTERVIEWED BY: <u>Det. Carter</u>	
INTERVIEWEE: <u>John Forbes</u> (2 of 2)	NOTES: <i>[Handwritten notes]</i>
DATE/TIME: <u>May 15, 2024 4:10 PM</u>	
RELATION TO CASE: <u>Person of Interest</u>	
LOCATION: <u>SPD Interview Room 2</u> 100 Justice Way Somewhere, ST 54321	
INTERVIEWED BY: <u>Det. Carter</u>	
ADDITIONAL INFORMATION / FOLLOW-UP: <i>[Handwritten notes]</i>	

Tiffany: Nothing unusual happened at dinner
Darlene: Nothing unusual happened at dinner

Tiffany: I'll throw you out of this house if you don't stop fooling around with those boys at school
Darlene: I didn't have sex with anyone

Tiffany: I'm warning you
Darlene: John raped me.



Darlene to Det. Carter: John slapped me and kissed me.

Darlene to Det. Carter, 2 days later: John raped me. ...
Consensual sex, but the retard was so dumb I had to show him what to do.

Second interview with John – written statement

Consulted with prosecutor. Due to zero tolerance policy, when complainant underage, and arrest was mandatory.

SOMEWHERE POLICE DEPARTMENT

WRITTEN STATEMENT

CASE #: 25-4721

DATE: 6/14/25

STATEMENT OF: John Forbes

I am 20 years old and live with my grandmother. I work at McDonald's. I am making this statement voluntarily and of my own free will. Nobody has coerced me to make it. I want to help Darlene and help the police.

~~~~~

SIGNATURE: John Forbes