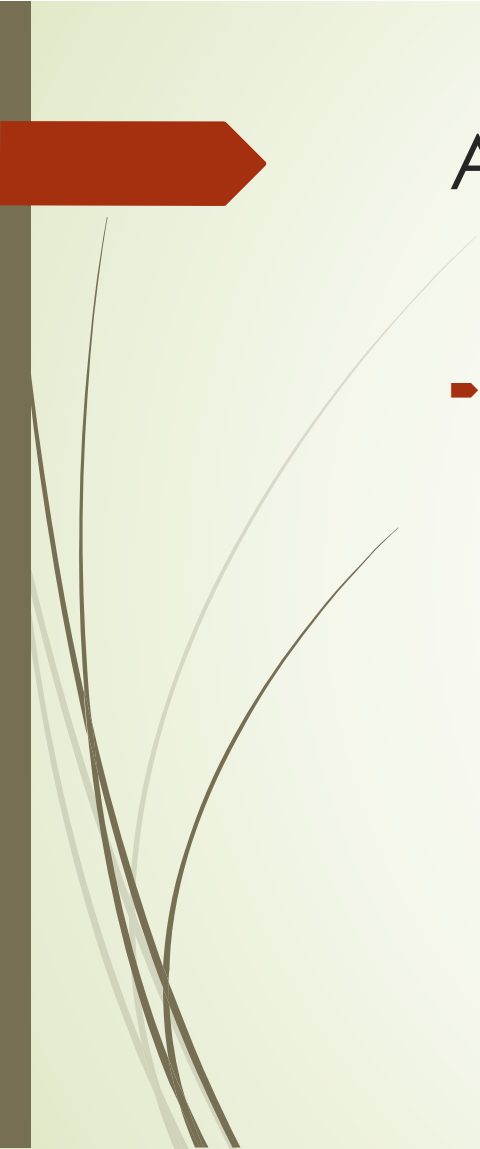




Stories are what remind us
that we are human



A story of innocence is a human story

- Closing is when you tell your client's story
 - It's when the characters become human
 - It's when your client becomes human
 - It's when you get to show the jury what happened in human terms



What is the purpose of closing?

- Summarizing the evidence
- Tease out the important facts that corroborate your client's story
- Set the scene by showing what happened in words and images
- Address the bad facts
- Address the State's arguments
- Tell your client's story of innocence



When should you complete your closing?

➤ BEFORE THE TRIAL STARTS!





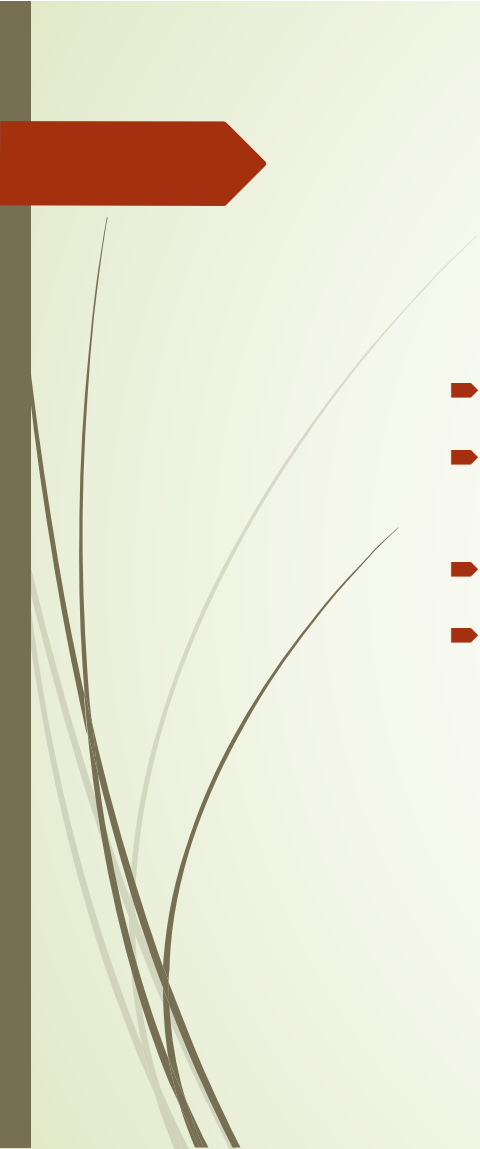
Organize

- What facts and evidence are critical to tell the story of innocence?
- How are those facts and evidence related?
- Group pieces of evidence or facts by how they are related to an issue or critical scene
- These are groups will be the chapters of your story



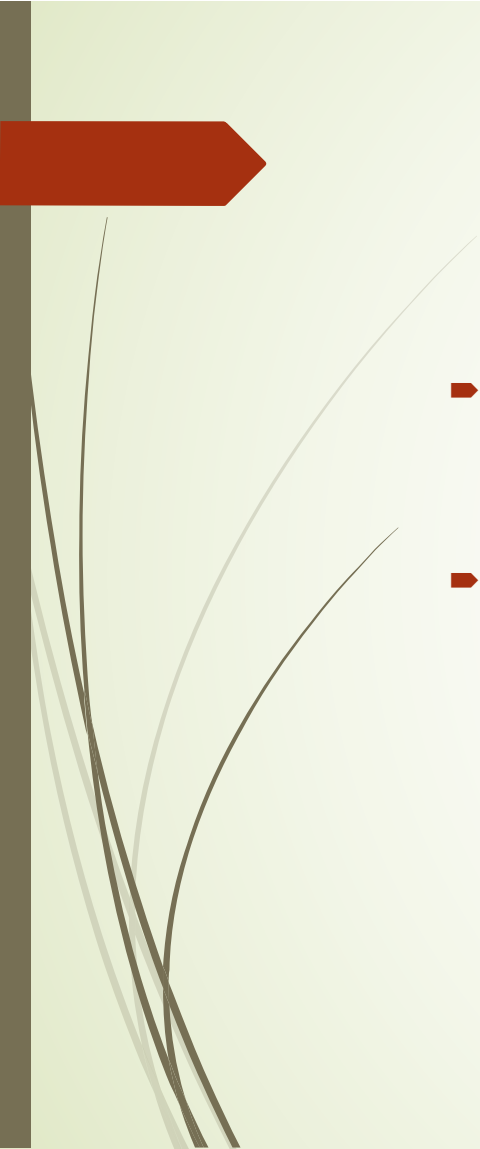
Chapters

- Each chapter relates to a block of your argument
- Each chapter should be a complete argument
 - Start with your hook
 - Remind them of your hook
 - End with your hook
- Decide on the order of your chapters
 - Primacy and recency
 - Chapters should build logically and emotionally



Primacy and Recency

- Rank your chapters by which convey the strongest arguments
- Again, each chapter needs to build logically and emotionally on the previous one
- Start with your second strongest argument
- End on the most emotional argument



Chronology

- Can jump around in time if it makes sense
 - Chapters can be scenes
 - How scenes are arranged should build to emotional peak
- So long as chronology supports theory of case, story can be told in any order



Style

- ▀ Words have power!
 - ▀ Language can paint pictures
 - ▀ Show, don't tell
 - ▀ Avoid legalisms or technical language
 - ▀ Remember you are telling a story
- ▀ Trilogies
- ▀ Metaphors
- ▀ Analogies
- ▀ Silence



Chapter Headings and Transitions

- ▶ Give jurors a heads up that you are moving to a new chapter
- ▶ Avoid abrupt transitions
 - ▶ Slow down near the end of each chapter
 - ▶ Make sure you have a definite closure
 - ▶ Pause. Take a breath.
- ▶ Start new chapter with its hook
 - ▶ Try to tie it to the previous one

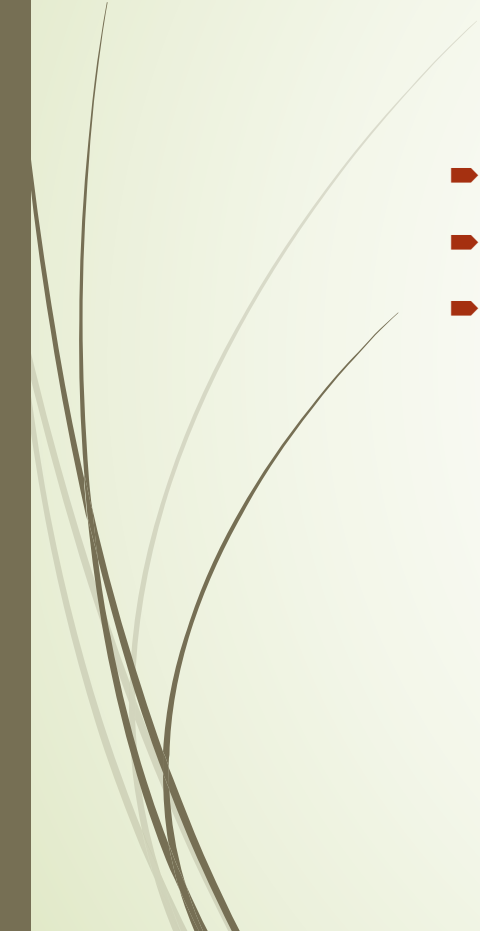


Stories are what remind us that we are human

- Words you use and the way you tell a story remind jurors that the people involved are human
 - They are motivated by common emotions or needs
 - They are recognizable to everyone
 - Bully
 - Scared kid
 - Sad sack
- Scenes can be familiar to jurors



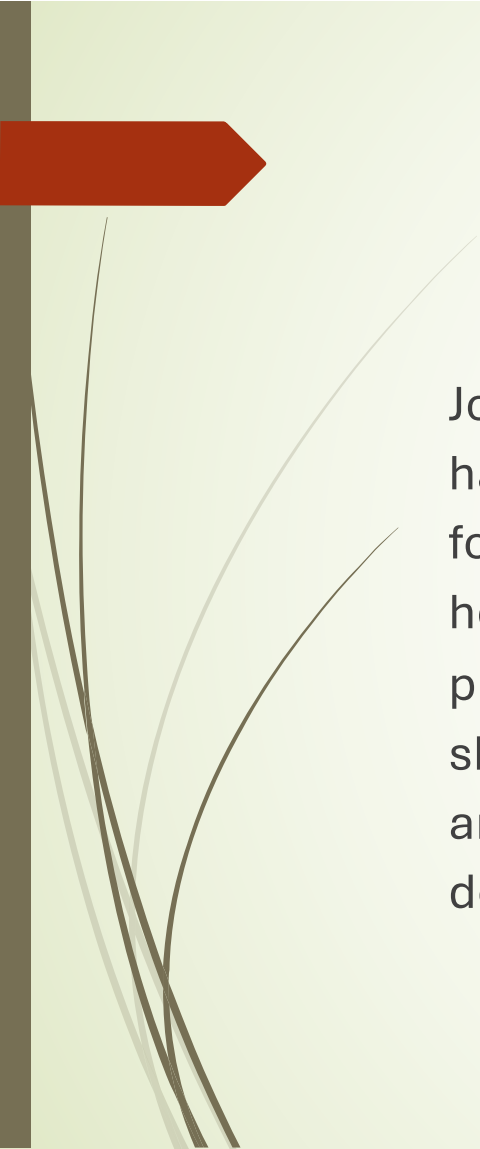
Remember your closing must also be persuasive!

- ▀ Address bad facts
 - ▀ Address State's arguments
 - ▀ Ask questions of the prosecution that they can't answer
- 



Use of illustrative aids

- Usually permitted
 - Facts in the record
 - Reasonable inferences
 - Accurate statements of relevant law
- No requirement to share prior to presentation
 - Can head off objections if shared with court and prosecution ahead of time

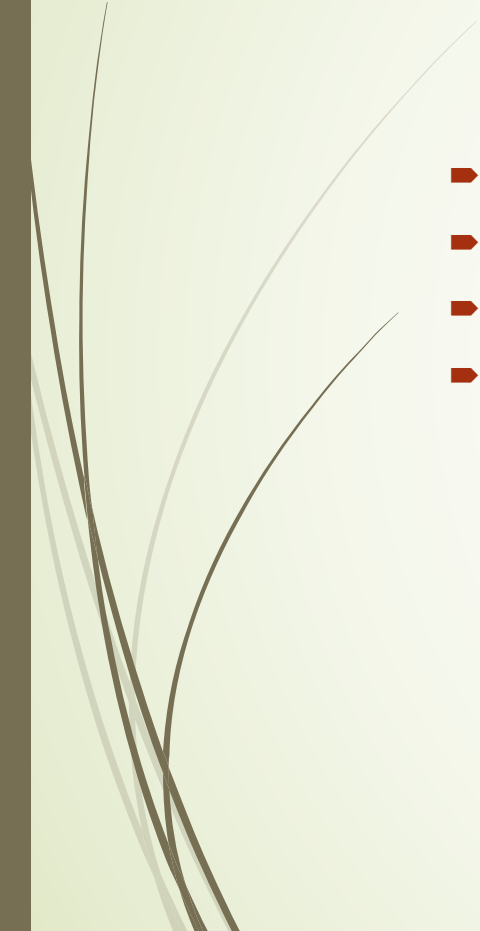


John Forbes Theory of the Case

John is innocent because he never had sex with Darlene. Darlene has a daddy issue and is being abused by her stepdad. She covers for him just like her mom does. When confronted at school about her promiscuity, she lied and falsely accused her teachers, principal, and school nurse. When the confrontation was at home she lied and falsely accused John. Unfortunately for John, he has an IQ of 56 which means he's mentally like a child and can't defend himself.



State v. John Forbes

- What is the hook?
 - What are the important facts/evidence?
 - What are the chapters/scenes?
 - Who are the characters?
- 



Demonstration



Abuse. Accusations. Lies.

Police investigate...



SOMEWHERE POLICE DEPARTMENT
POLICE REPORT

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

INCIDENT INFORMATION

Location: _____ City: _____ State: _____

Type of Incident: _____

PERSONS INVOLVED

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

NARRATIVE

EVIDENCE / PROPERTY

ITEM DESCRIPTION	TAG / REFERENCE #	LOCATION FOUND	DISPOSITION

ACTION TAKEN

OFFICER INFORMATION

Reporting Officer: _____ Badge #: _____ Division: _____

Supervisor (if applicable): _____ Date Filed: _____ Time Filed: _____

Officer Signature

Supervisor Signature

“Sexual Assaulted by 2 teachers, principal, school nurse.”

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

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



John Forbes didn't have sex with Darlene Hampton

- Darlene and her mother Tiffany had been living with abuse for years
- Fear of abuse drove them both to lie to protect themselves
- ***When living in fear, these alternate realities become a way of life***
 - Darlene had already been threatened
 - Had already falsely accused others
- Now she was in trouble again
- She had to deflect again
 - John became the easy out for Darlene



Darlene Hampton

- 15 years old
- Lives with her mom, Tiffany, who is 30, and mom's boyfriend Rollo
- Father left when she was 2
- Has gone with her mother to a local battered women's shelter twice while living with Rollo
- Tiffany is John Forbes's sister
- Darlene seems to be following in Tiffany's footsteps



John Forbes

- 20 years old
- I.Q. of 56
- Can barely write his name and can't read at all
- Lives with Grandmother
 - Dropped out of school at 16
 - Always "slow"
- Works at McDonald's
 - Nice kid – polite
 - Hard worker
 - Can't work cash register – can't make change



Darlene and John

- ▶ John likes Darlene
 - ▶ Says they will be married someday
- ▶ Darlene always making fun of John
- ▶ Got him to eat dog food
- ▶ "It just isn't right."





Darlene and John and dinner with the family

- ▶ Darlene went to park and runs into John
- ▶ Both return to Darlene's home for dinner
- ▶ Darlene and Tiffany both say nothing unusual happened at dinner

Nothing unusual happened at dinner...

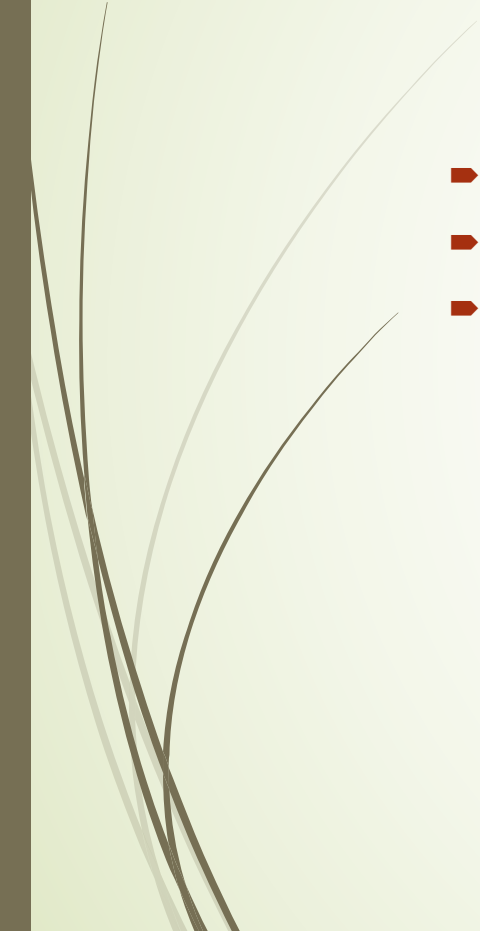


The next morning...

- ▶ Tiffany finds what she thinks are semen stains
- ▶ Tiffany threatens to throw Darlene out of the house
- ▶ Darlene denies having sex



The next day...

- ▶ Tiffany warns Darlene again
 - ▶ Darlene tells Tiffany John raped her
 - ▶ Tiffany immediately calls the police
- 



Police interview Darlene

- ▶ Officer Carter interviews Darlene that afternoon
- ▶ Darlene refuses to talk about sexual details
- ▶ Says John “slapped my face a few times” and “kissed me on the lips”



Police interview John

- Carter notes that John “appears slow mentally and is very quiet and reluctant to speak”
- John denies hitting Darlene
- Admits he kissed her

No action taken against anyone...



Two days later...

- ▶ Tiffany asks police to talk to Darlene again
- ▶ This time, she tells police that John raped her
- ▶ A few minutes later...
 - ▶ They had consensual sex in a public bathroom
 - ▶ ***"I knew he wanted it, but the retard was so dumb, I had to show him what to do"***



Police talk to John a second time

- ▶ Police phone John and ask him to come to the station
- ▶ He walks there by himself
- ▶ John tells them he and Darlene are in love and will get married
 - ▶ He would never treat her as badly as “the others did”
 - ▶ Never hit her
 - ▶ Admitted “having sex” with Darlene at the park
 - ▶ She told them it was OK because they were going to be married

Signed a written statement...

John's written statement

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



## John gets arrested

- Officers speak with prosecutor about the case
- At prosecutor's direction, they arrest John for second degree forcible rape and statutory rape of a person who is 13, 14, or 15 years old
- Arrest based on prosecutor's zero tolerance policy if complainant is underage
- If there's a complaint, police have to make an arrest



## 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><br>(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><br>123 Maple Way<br>Somewhere, ST 54321      |                                   |
| INTERVIEWED BY: <u>Det. Carter</u>                                              |                                   |
| INTERVIEWEE: <u>Darlene Hampton</u><br>(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><br>123 Maple Way<br>Somewhere, ST 54321      |                                   |
| INTERVIEWED BY: <u>Det. Carter</u>                                              |                                   |
| INTERVIEWEE: <u>John Forbes</u><br>(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><br>456 Oak Drive<br>Somewhere, ST 54321       |                                   |
| INTERVIEWED BY: <u>Det. Carter</u>                                              |                                   |
| INTERVIEWEE: <u>Darlene Hampton</u><br>(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><br>123 Maple Way<br>Somewhere, ST 54321      |                                   |
| INTERVIEWED BY: <u>Det. Carter</u>                                              |                                   |
| INTERVIEWEE: <u>John Forbes</u><br>(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><br>100 Justice Way<br>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.



## Darlene is examined

- Examined three or four days after she claims she was raped
- Evidence that she had previously had sex
- No physical evidence of who partner was
- No marks or bruises on her face

***But bruises and abrasions all over body...***



## Who is this Rollo character?

- ▶ Tiffany and Darlene have lived with him for three years
- ▶ Has prior convictions for assault and sexual battery on a former GF
- ▶ Tiffany has never filed charges against him

***“If you don’t stop screwing around, you’ll answer to me.”***



## Why did John get charged?

- Darlene, a 15 year old girl, accused her 20 year old intellectually disabled uncle who has always liked her of either raping her or having consensual sex with her
- John admits during an hour long interview to “having sex” with Darlene, but she told him it was OK because they were going to get married
- John, who can barely write his name and can’t read, signs a “written statement” confirming what he says during the interview
- Prosecutor has a “zero tolerance policy”



## John's admission

- ▶ John really does love Darlene
- ▶ Darlene makes fun of John
- ▶ John will do anything Darlene asks, even eat dog food
- ▶ Does John even know what “having sex” means?

***“The retard was so dumb, I had to show him what to do”***



# Threats against Darlene

- “You’ll answer to me” – Rollo
  - Bruises on her body – but not her face
  - No allegations that John hit her on her body
- She will be kicked out of the house – Tiffany
  - Tiffany has already gone to battered women's shelters twice in three years
- Tiffany and Darlene were both terrified



# What are we missing?

- John, Darlene, Tiffany, and Rollo sit down for dinner and nothing unusual happened
- In the laundry room when Tiffany confronts Darlene first, Darlene denies having sex with anyone
- The next day, Tiffany confronts Darlene again
  - Then she says John raped her
  - No details
  - Doesn't say anything about rape to the police
- TWO DAYS LATER Tiffany asks the police to talk to Darlene again
  - Then it was either rape or consensual sex

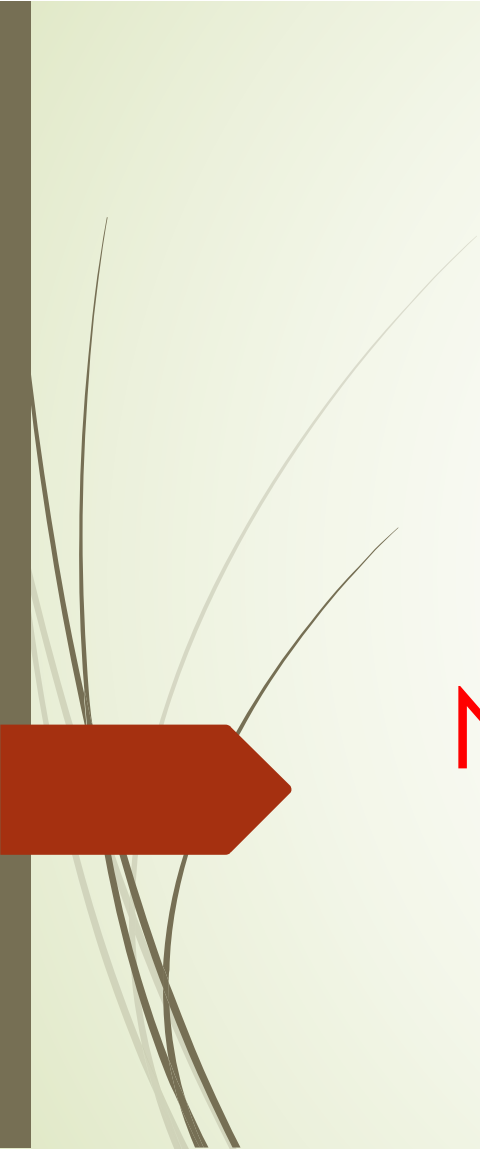


## What actually happened...

- Darlene was messing around with boys
- Tiffany knew that was going to cause trouble for them both with Rollo
- Darlene knew that was going to cause trouble for them both
- Darlene had to find some other explanation
- She knew John would do or say anything she asked him to
- She knew John would not stand up for himself
- She knew John would not understand what she was asking him to admit to when she asked him to tell the police they “had sex”
- ***John never had sex with Darlene***



Abuse. Accusations. Lies.



NOT GUILTY