



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



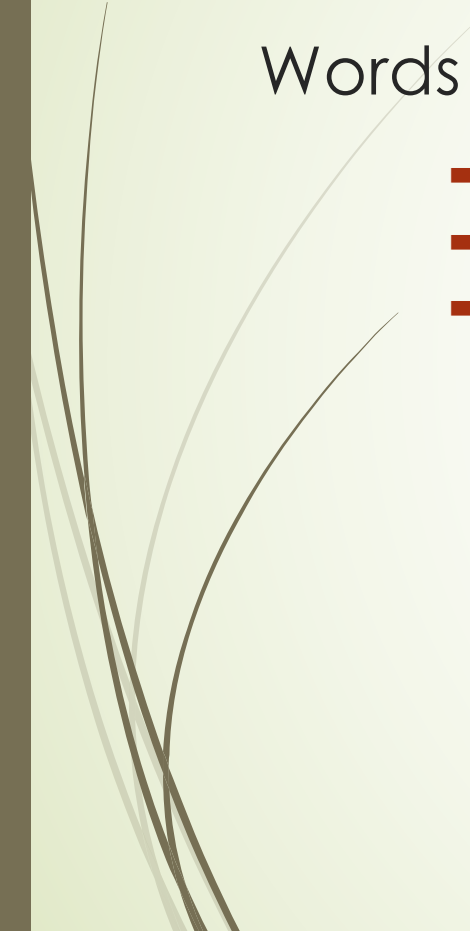
## Primacy and Recency

- 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





# Words have power!

- ▶ Chronology
  - ▶ Rule of 3
  - ▶ Analogy
- 



# Chronology

- Story should flow naturally through time
  - Easier to follow
  - Tends to build to the emotional climax or to the point of the story
- Makes it easier to humanize characters and choices they made



# Rule of 3s

Humans tend to hang on to things better in threes

“Red, white, and blue”

“Blood, sweat, and tears”



# Analogy

- ▶ “Sometimes, the second person gets the technical foul”
- ▶ “Sometimes the person who reacted to the primary aggressor gets in trouble”



Words have power!



## 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



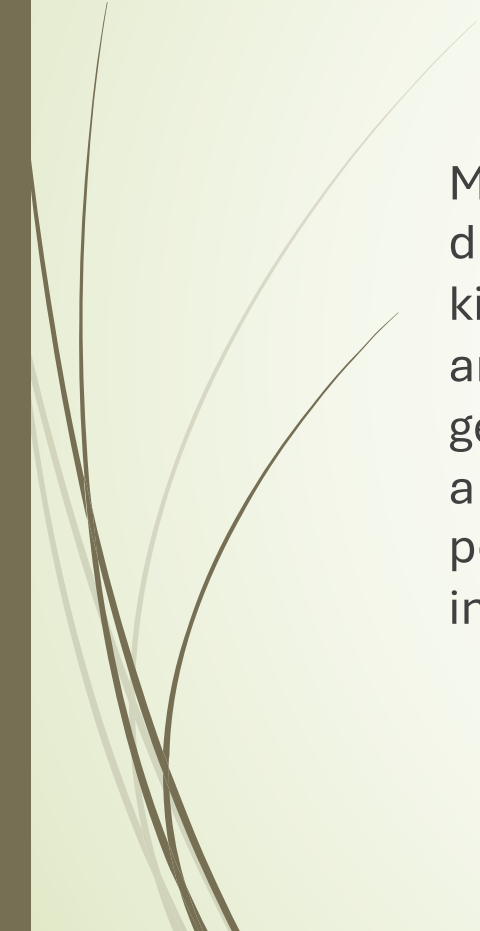
# Remember your closing must also be persuasive!

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





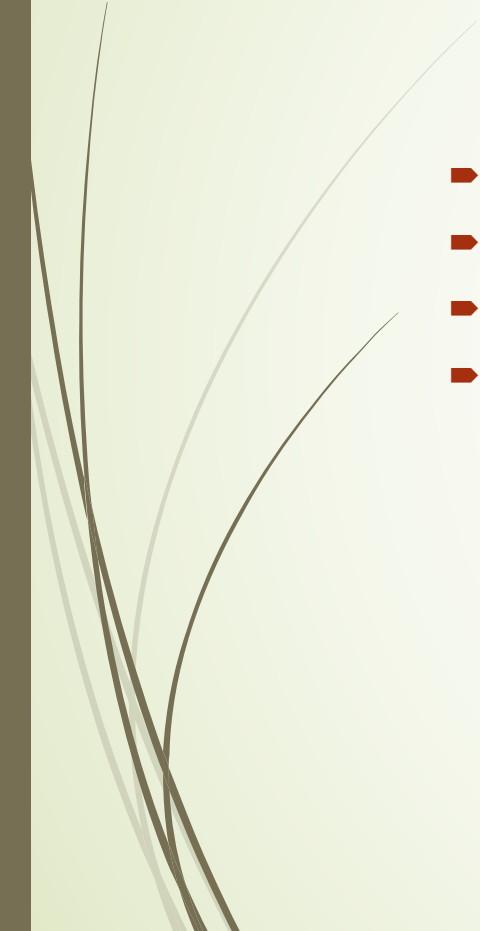
## Mal Davis Theory of the Case



Mal Davis is a 28-year-old drug addict who was forced by two drunk police officers to help set up a drug deal that resulted in the killing of Officer Pete Mills by a dealer named Ed (Jelly) Akins. Mills and his partner, P.O. White, were rogue cops who spent the night getting into drunken arguments and fights in a futile effort to make a drug bust in violation of many laws and police department policies. Mal had no weapon, never killed anyone and never intended to be involved in any drug deal or shooting.



# State v. Mal Davis

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



# Demonstration



Mal Davis was in the wrong  
place at the wrong time



# Mal Davis

- 28 years old
- 9<sup>th</sup> grade drop out
- Heroin and crack addict since he was 13
- Never had a real job
- History of convictions for drug possession and selling small amounts of drugs
- No dealer trusts him



# Officer mills

- 8 years on Special Undercover Narcotics Squad
- History of using excessive force
- Reputation for pushing people around
- “Pretty nasty guy. You wanted to stay out of his way.”
- “Hot temper when it came to work.”



## Ed “Jelly” Akins

- ▶ “Notorious drug dealer”
- ▶ Didn’t know Mal
- ▶ The guy who actually shot Mills

## At Chili's







## Mills was drunk

- 7:15 till 11:00
- Manager knew him
- “Very drunk and loud”
- Other patrons complained
- Afraid to cut them off
- BAC .11



## Mills was pissed off

- Waited with informant for an hour and a half
- “Said some hateful things” to informant
- White urinated on informant’s car
- “Hot temper when it comes to work”



## Mills was reckless

- Told White not to call for backup
- Wanted badly to arrest Jelly, “notorious drug dealer.”
- “I know somewhere else we can make a buy.”
- Brought his girlfriend along



# Magnolia terrace

- Mills got out alone
- Shouting match
- White had to pull Mills out
- 2 AM

A cinematic night scene of a wet city street. The street is wet and reflective, with puddles mirroring the lights. The scene is lit with a mix of cool blue light from streetlights and warm orange light from building windows and streetlights. Several cars are parked or driving on the street. The buildings are multi-story, with some having awnings and balconies. The overall mood is moody and atmospheric.

MAGNOLIA TERRACE

WRONG PLACE, WRONG TIME

INTERNET



## Mal meets mills

- Recognized him as a cop who “was always pushing people around”
- Recognized Mills's car as a cop car
- Mills was “drunk and pissed off”
- Ordered him into the car
- Ordered to take him to Jelly



# Mal davis was not there to sell crack

- No car
- No phone
- Didn't have Jelly's number
- No drugs
- NO GUN



Is Mal trying to sell these guys crack???







“ARE YOU FUCKING CRAZY?”



# Jelly shot and killed Mills

- No disagreement about that
- Jelly was convicted of it



Mal Davis was in the wrong  
place at the wrong time



NOT GUILTY