

ROLE OF THE PROSECUTING ATTORNEY

BEFORE TRIAL - TO PREPARE

- I.** Review the case summary and charge(s).
- II.** Review Victim and Witness Statements.
 - a. Decide if you think the witness and victim statements would be beneficial to your case and if you should use them in court.
 - b. Verbal testimony from witnesses and victims is not necessarily needed in teen court. Certain hearsay evidence is allowed in teen court such as witness statements made to police contained in the case summary.
 - c. Always be prepared to proceed without extra witness or victim statements and testimony. Usually witnesses and victims do not wish to participate in court proceedings.
- III.** Prepare an opening statement.
 - a. Describe the event and state the facts as known.
 - b. Use visual images. Tell the jury a story of what happened.
 - c. Describe aggravating circumstances and/or victim's sentiment.
 - d. Personalize the victim's side.
 - e. Develop a theme for your case.
- IV.** Anticipate the theory of defense and what their mitigating factors will be.
- IV.** Prepare cross-examination questions for the defendant.
 - a. Questions should bring out the negative or aggravating factors concerning the defendant's actions including the motive.
 - b. Strive to get the witness to agree with facts that support your case.
 - c. Use closed ended questions and/or leading questions.
 - d. Listen carefully to direct examination questions and look for inconsistencies that may discredit the witness.
 - e. Don't argue with the witness.
- VI.** Ideas for cross-examination.
 - a. Use leading questions (a question that suggests the answer) and closed-ended questions (questions that are answered yes or no). Don't allow the defendant to take charge of the testimony.

Isn't it true that you went to the high school for the purpose of seeking out Kelly who you thought had beaten up your sister?
Didn't you know that being on school grounds after hours is against school policy?
 - b. Questions concerning the nature of the serious nature of the offense

- c. *Do you know that shoplifting raises prices for everyone?*
Didn't you think that you could have seriously injured the victim?

VII. Prepare and determine what is an appropriate sentencing recommendation.

- a. Include the reasons/justification behind the recommendation.
- b. Make the recommendation fit the crime and circumstances.

VIII. Prepare a closing statement.

- a. Highlight aggravating factors.
- b. Summarize facts of what happened, points that make the defendant appear unsympathetic, past offensive behavior, no remorse, no explanation of behavior and the serious nature of the offense.
- c. Remember to anticipate issues raised by the defense that you may want to include your closing statement.
- d. Be creative and persuasive.
- e. Use eye contact.
- f. Consider what the other side might say.
- g. Use rhetorical questions.
- h. Include recommended sentence.