

# **Defense Closing Argument - Sample outline using witness format**

## **I. Introduction**

- A. Thank the jury
- B. Remind the jury of what your colleague told them in opening statement
- C. Remind the jury of your theme
- D. Remind the jury of the burden of proof, and how and why the prosecution has failed to meet it. Reasonable Doubt – through a discussion of the evidence and focusing on the details:

## **II. Prosecution Witnesses – the holes in their testimony:**

- A. Police witness (include a discussion of all the problems with this witness)
- B. Lay witness (include a discussion of all the problems with this witness)
- C. Lay witness (include a discussion of all the problems with this witness)
- D. Expert Witness (include a discussion of all the problems with this witness)

## **III. Defense witnesses**

- A. Lay witness (include a discussion of how this witness has helped your case or raised reasonable doubt)
- B. Lay witness (include a discussion of how this witness has helped your case or raised reasonable doubt)
- C. Expert witness (include a discussion of how this witness has helped your case or raised reasonable doubt)
- D. Client (include a discussion of how this witness has helped your case or raised reasonable doubt)

## **IV. Your theory**

- A. Tell the “real story”; satisfy the jury’s desire to hear your complete alternative explanation
- B. Include your complete theory, including defense of \_\_\_\_\_ (alibi, SODDI, no crime, wrong charge, etc.)
- C. Argue, argue, argue.

## **V. Repeat request for not guilty verdict**

- A. Reiterate the theme
- B. Remind the burden of proof and reasonable doubt. Suggest that the prosecution is attempting to get you to ignore the details and focus on their “overall” or “totality of the evidence.” But that “totality” obscures rather than clarifies. It raises doubt rather than eliminates it.
- C. Ask that the jury return the only reasonable verdict that the evidence demands – not guilty.
- D. Thank the jury (or the judge).