

Prosecution Closing Argument - Sample outline using the MOM format

I. Introduction

- A. Thank the jury
- B. Repeat the theme developed in the opening statement.
- C. Remind the jury of the theory your colleague stated in her opening statement. Suggest no other reasonable explanation has emerged through this trial but guilty beyond a reasonable doubt
- D. Talk about totality of evidence
- E. Define the crime, use the language of the statute (Penal Code Section)
- F. Tell the real story

II. MOM - Means, Opportunity, Motive

A. Means

- 1. Review the evidence that proves that the defendant had the ability to commit the crime
- 2. Tie each item to the elements of the crime where possible

B. Opportunity

- 1. Review the evidence that proves that the defendant had the opportunity to commit the crime. This may include:
 - 1. Time
 - 2. Lack of an alibi
 - 3. Witnesses who saw Def or place Def somewhere
 - 4. Couldn't be in two places at once?

C. Motive

- 1. Define the potential reasons that the defendant committed the crime
- 2. Remember: motive isn't required, INTENT is. They are not the same. Use motive to help to get to intent. Motive is about "why" someone does something.
- 3. Intent is the decision or determination to break the law. Intent is about "knowing" what they're doing is wrong and they do it anyway.

III. Repeat request for guilty verdict

- A. Acknowledge the burden of proof, but insist that the totality of the evidence leaves no reasonable doubt
- B. Reiterate the theme
- C. Ask that the jury come back with the only verdict supported by the evidence – guilty of _____
- D. Thank the jury (or the judge)