THEORY OF A CASE

ROCIO ARMENDARIZ EMILY DE YOE Law Office of the Cook County Public Defenders



State's Discovery Client's Story Other Factors/Parties

STATE'S DISCO

Good Bad Distracting

CLIENT'S STORY

Good Bad Distracting



Good Bad Distracting

The power of rabbit holes



LISTENING

Your client's story might sound bogus, BUT there are holes to follow that will lead to things



SHOWING

If you case has a theory of an alternate suspect, why not bring their pictures when interviewing witnesses



FLEXIBILITY

Your theory might change, be flexible, follow the different rabbit holes to their end marks

WHEN TO DEVELOP A THEORY?

- As soon as possible, but know it will change as you learn more
- Don't wait until discovery is complete to start investigations, some things can be investigated right away
- Use jury instructions to help formulate your theory

WHAT IS NOT A THEORY?

- The theory of your case is NOT a legal defense
- Self defense isn't a theory
- Necessity isn't a theory
- Think of it as more of a thesis

COMPONENTS OF A THEORY

LEGAL COMPONENT

What jury instructions can you ask for?

What evidence will fall within the rules?



FACTUAL COMPONENTS

What facts are nonnegotiable? What evidence will the jury see?



EMOTIONAL COMPONENTS

Emotions that already exist in State's case/facts?

Emotions we must develop through cross or through client?

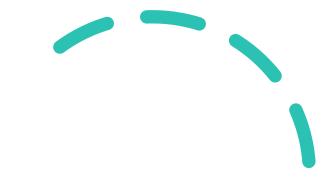


EMOTIONS IN STATE'S CASE

Already in State's case?

- Fear
- Sadness
- Pain
- Anger

EMOTIONS TO BRING OUT



- Sympathy
- Empathy
- Righteous indignation

Can you move State's emotions to your case?

Example: Sex Case / Domestic Violence

- Anger about it happening
- Fear of it happening to someone you know

- Anger of false accusation
- Fear of someone "crying rape (wolf)" as a way of handling a situation



QUESTIONS TO ANSWER

- Why did this happen?
- How did this happen?
- Why are we here?
- Who should actually be sitting here?

THANK YOU

rocio.armendariz@cookcountyil.gov

emily.deyoe@cookcountyil.gov