

Trial Preparation Overview for Juvenile Court Prosecutors

Know your jurisdiction's statutes and policies. This is not an exhaustive list and is not designed to replace supervisory conversations.

Preliminary steps:

- Ensure accuracy of Charging Instrument; review elements of all charges as well as jury instructions (even if not a jury trial). Review date, time, and location of the incident(s).
- Review all physical and electronic evidence. Listen to 911 calls, radio transmissions, and watch Body Worn Camera footage and other video evidence. Review all relevant social media. Review all witness statements.
- Review all discovery for preparation and to ensure all disclosures are complete.
- Map out how you will prove each element, including mens rea, and which witnesses and evidence you will use to do so.
- Prepare pre-trial motions on any unique, unusual potentially prejudicial or novel issues to avoid surprise, delay, or mistrial.
- Review procedures and rules of evidence for every piece of evidence you are seeking to admit.

Witness preparation:

- Issue subpoenas for witnesses; this may vary by jurisdiction. (Check witness availability well in advance.)
- Review all decisions and testimony from pre-trial suppression and other hearings.
- Prepare all witnesses separately. Explain the trial process and provide a general overview of what will happen each day, how long the trial will last, on what dates they are needed to be in court, where they will wait before (and possibly after) their testimony, how they know they can leave, whether it is anticipated that they will need to return on a different day.
- Go over the direct examination questions you will ask each witness with that witness.
 - Direct-examination questions must be non-leading; they should also be clear and concise so as not to confuse the witness.
 - Prepare them for what questions they will likely be asked on cross-examination and explain importance of not getting defensive during cross-examination.
 - Discuss objections and what to do when there is an objection (i.e., wait for the court's ruling regarding whether to answer).
 - Share the witnesses' prior statements with them if permissible in your jurisdiction and if doing so will help refresh their recollection.

Prepare your opening statement:

- Start with a strong sentence about the case or evidence that will capture the trier of fact's attention. Use descriptive language or a phrase from the case.
- Be clear, concise, and confident.
- Discuss the main points of your case, not every detail.
- Discuss only what is necessary to give a clear picture of the case.
- Use descriptive words.
- Include weaknesses in your case and discuss how the corroborative evidence reduces the significance of the weaknesses.
- End with a strong sentence or phrase about the case and what you will prove.

Admitting evidence:

- Identify the physical evidence and determine which evidence is needed to prove which elements.
- Determine which witness(es) will lay the foundation for each piece of evidence.
- Include the foundational questions in your direct and preparation for direct with each witness through whom you are admitting evidence.
- Bring statutes and case law to court to support your application to admit each piece of evidence, including but not limited to, photographs, business records, medical records, social media evidence, body worn camera footage, surveillance video, etc.

Anticipate defenses and prepare for cross-examination of defense witnesses:

This requires a critical analysis of your case. Keep an open mind about defenses throughout the case. Research and interview defense witnesses prior to trial to the extent possible. Common defenses that you should anticipate/be prepared for depending on your case, include:

- Lack of evidence
- Mistaken Identity
- Lying witness
- Justification
- Alibi

Cross-examination of the minor respondent (and other defense witnesses):

- Be mindful of the age of the respondent; do not cross-examine a minor in the same way you would cross-examine an adult defendant.
- Corroborate as many facts in the case as possible through the respondent or defense witness.
- Impeach the respondent or witness with prior inconsistent statements, using the proper foundation, and impeach with prior history if you permitted to do so (i.e., in a pre-trial ruling or otherwise).

Summation:

- Start with a strong, confident statement about your case and how it was proven.
- Address each element and how the evidence proved each element.
- Highlight the strengths of your case.
- Focus heavily on the strongest evidence while incorporating corroborative evidence.
- Explain inconsistencies and minimize them, given all the other evidence in the case.
- Use your exhibits during the summation.
- Avoid reading from your summation.