

How to Write a Defense

Closing Argument for Mock Trial

Good afternoon, my name is ..., and again I am the defense lawyer in this case. In the case that the prosecutor has presented to you today there is insufficient proof to convict. We would ask for a verdict of not guilty. [Echo or refer to the theme that you referenced in your opening statement.]

Critiquing the State's Case. *[It is important to attack the reliability or credibility of the State witnesses. Point out any inconsistencies in the statements of the witnesses, and explain why witnesses might have a motive to lie. Also if the police did not do a thorough investigation, you will need to address this. Was there DNA evidence collected? Were fingerprints collected? Did the police fail to contact all of the witnesses? Did the police subpoena all the important records? Did the police show bias in their investigation? Is there physical evidence linking the defendant to the crime, or is it just a "he said she said" case?]*

The defendant does not have to prove he is innocent, rather it is the burden of the prosecuting attorney to prove that the defendant is guilty. They have not met that burden. It is the prosecutor who has all the resources to investigate the case. It is not the job of the defendant to go out and investigate the matter. We would ask you to render the only verdict that is fair, not guilty.