

Defender's Role at a Full Evidentiary Hearing

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Prepare Client for Adjudicatory Hearing

- ▶ Prior to the hearing counsel must communicate to the client what is expected to happen before, during and after the hearing.
- ▶ Counsel should advise the client of how and when the client may communicate with counsel and the court during the hearing.
- ▶ Counsel should provide the client with clear instructions regarding appropriate courtroom attire and conduct.

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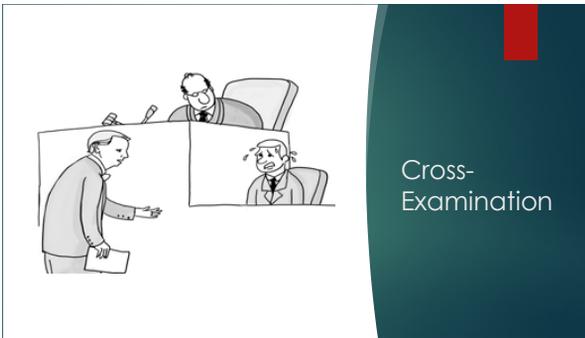
Prepare Evidence and Witness Examinations Prior to Hearing

Organize	Organize evidence and witnesses so they are easily accessible, prepared and available for the hearing.
Know	Know the rules of evidence and insist that they are followed during the hearing.
Be	Be aware of potential prosecution evidence admissibility problems and be prepared to block its admission.
Prepare	Prepare legal arguments for the admission of defense evidence or testimony.
Prepare	Prepare defense witnesses.
Subpoena	Subpoena witnesses when necessary.

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Obligations at the Conclusion of the Prosecution's Case

Upon conclusion of the prosecution's case, counsel should move for a directed verdict for each count charged.

Counsel should request, when appropriate, that the court immediately rule on the motion so that counsel may make an informed decision about whether to present a defense case.

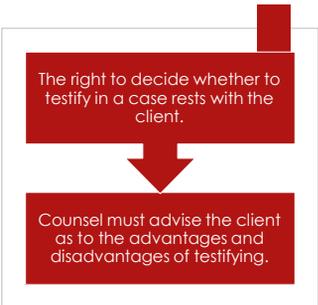
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Prepare and Examine Non-Client Defense Witnesses

- Counsel should interview and prepare all witnesses prior to trial.
- Counsel should consider the use of an expert where one might rebut the prosecution's case.
- Counsel must object to improper cross-examination of defense witnesses by the prosecution and should perform re-direct examination to rehabilitate witnesses when necessary.

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Client's Testimony



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Closing Statements and Motions to Dismiss

Renew motion for directed verdict on each charge.

If directed verdict motion is denied, then counsel must make a closing argument.

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Request of Findings of Fact and Conclusions of Law

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