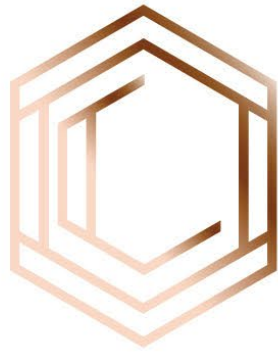




# “Tickets to the Show”

Effective Use of Demonstrative Aids at Trial



# CARR LAW FIRM

WE WORK FOR JUSTICE. WE GET RESULTS.

CRIMINAL DEFENSE | CIVIL RIGHTS DEFENSE  
LAW ENFORCEMENT DEFENSE



**JESSICA M. CARR**  
*ATTORNEY*

**MICHAEL S. CARR**  
*ATTORNEY*



CLEVELAND | TUNICA | 662.441.1529 | [www.carrlawpllc.com](http://www.carrlawpllc.com)

Prior to November Term, 2019

No. 2019-061-CR2

THE GRAND JURORS of the State of Mississippi, taken from the body of the good and lawful citizens of said County, Judicial District and State aforesaid, duly elected, empaneled, sworn and charged to inquire in and for said County, Judicial District and State aforesaid, at the September 2019 Vacation Term of the Court aforesaid, in the name and by the authority of the State of Mississippi, upon their oaths, present:

BRYAN ANDERSON

late of the Second Judicial District of Bolivar County, Mississippi, on or about February 20, 2019 in the County, Judicial District and State aforesaid and within the jurisdiction of this Court, did unlawfully, willfully and feloniously drive or otherwise operate a motor vehicle while under the influence of intoxicating liquor and/or while having eight one-hundredths percent (0.08%) or more by weight volume of alcohol in his blood, and did in a negligent manner cause the death of Louis Lara by failing to maintain a proper lookout and/or operating the vehicle in excess of the posted speed limit,

contrary to the form of the statute in such cases made and provided and against the peace and dignity of the State of Mississippi.

**AFFIDAVIT:** This indictment was concurred in by twelve (12) or more members of the Grand Jury, and at least fifteen (15) were present during all deliberations.

A TRUE BILL

Gloria B. Thompson  
Foreman of the Grand Jury

Before me personally appeared the above-named Grand Jury Foreman who made the above affidavit.

SWORN TO AND SUBSCRIBED before me this the 26th day of September, 2019.

CIRCUIT CLERK, BOLIVAR COUNTY, MS BY:

Marilyn E. Hill  
CIRCUIT CLERK

WITNESSES: Dudley Tribble

Brenda L. [Signature]  
DISTRICT CLERK

Filed the 26th day of September, 2019.

Marilyn E. Hill  
CIRCUIT CLERK



# STEP ONE

- Know what the State has to prove
- Focus on the weakest link

# JURY INSTRUCTION NO. \_\_\_\_\_

If you find from the evidence in this case beyond a reasonable doubt that:

- On or about February 20, 2019, in Bolivar County, Mississippi;
- Defendant, Bryan Anderson, did unlawfully, willfully, and feloniously drive or operate a motor vehicle; and did so
- While under the influence of intoxicating liquor and/or while having eight one-hundredths (0.08) or more by weight volume of alcohol in his blood; and
- Did in a negligent matter cause the death of Louis Lara by failing to maintain proper lookout and/or operating the vehicle in excess of the posted speed

Then you shall find the Defendant, Bryan Anderson, guilty of Aggravated Driving Under the Influence.

# OFFER A LESSER INCLUDED – ESP IF MISD

If you find that the State has failed to prove any one or more of the above elements of the crime of Aggravated Driving Under the Influence, then you shall proceed as follows to consider the lesser charge of Driving Under the Influence – First Offense.

If you find from the evidence in this case beyond a reasonable doubt that:

- On or about February 20, 2019, in Bolivar County, Mississippi;
- Defendant, Bryan Anderson, did unlawfully, willfully, and feloniously drive or operate a motor vehicle; and did so
- While under the influence of intoxicating liquor and/or while having eight one-hundredths (0.08) or more by weight volume of alcohol in his blood

Then you shall find the Defendant, Bryan Anderson, guilty of Driving Under the Influence – First Offense.

If the State has failed to prove any one or more of the above elements beyond a reasonable doubt, then you shall find the Defendant not guilty.

# Focus on Weakness

DUI Death = 5 – 25 years

DUI – 48 hrs in jail

Had admission at scene and after Miranda of drinking

plus blood plus BAC reading of 0.15% confirmed by MFL

So had to focus on .....

**NEGLIGENCE**

# STATE'S CASE

Defendant was intoxicated

Defendant was speeding

Area was well lit

Not two lanes of travel – just one lane

Should have seen pedestrian in road and hit trailer



# 7 nighttime photos

- Rear of Trailer
- Parallel to Curb
- Appears reasonably well lit
- What is the problem with this photo?
- Primary source data?



## Photo 2

- Is this primary source data?
- No. Does not show how dark truck was



## Photo 3 – another police photo



Well Lit



Tires on inside of  
line



Front of Client's Vehicle  
= Not great for Defense

---





# Defense Case

Go	Go to Scene Go talk to Witnesses
Go	Go to primary sources (Body Cam/Dash Cam/Audio Interviews)
Listen	Listen to your Client
Use	Use LEO drawings against them
LOOK	REALLY LOOK at what State gives you
Lean in	Lean in to JI –

# Body Cam Footage

(alt + print screen) = screenshot

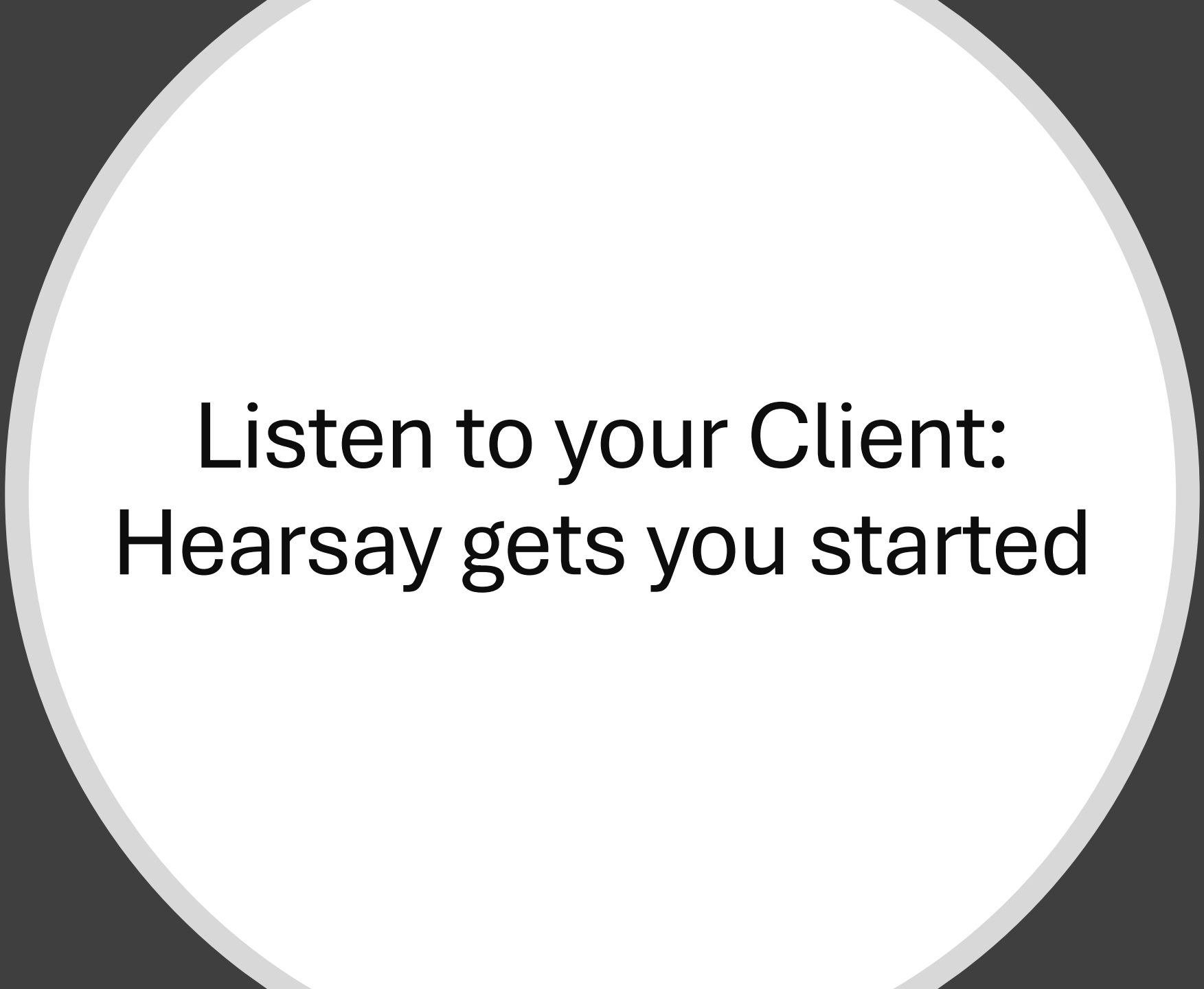
(windows key + alt + r) = screen record

2019-02-21 T01:41:22Z  
AXON BODY 2 X81162141



2019-02-21 T01:48:24Z  
AXON BODY 2 X81166324





Listen to your Client:  
Hearsay gets you started

# Intox of Deceased

- Was not admissible
- Judge found presence of meth in deceased did not go to any element of the case
- See jury instructions

Meprobamate	Immunoassay-BAT	Negative
Methadone	Immunoassay-BAT	Negative
Methamphetamine	Immunoassay-BAT	* See Below
Opiates	Immunoassay-BAT	Negative
Oxycodone 1	Immunoassay-BAT	Negative
Oxycodone 2	Immunoassay-BAT	Negative
Phencyclidine	Immunoassay-BAT	Negative
Tramadol	Immunoassay-BAT	Negative
Tricyclic Antidepressants	Immunoassay-BAT	Negative
Zolpidem	Immunoassay-BAT	Negative

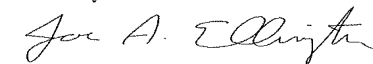
## RESULTS

Method	Results
<b>Submission #: 001-A</b>	
GC/MS	Methamphetamine
GC/MS	Nicotine
	blood from tube labeled "Louis Lara"
<b>Submission #: 001-B</b>	
	Not analyzed for drugs.
<b>Submission #: 001-C</b>	
	Not analyzed for drugs.

## REMARKS

No sample remaining for further analysis.

Case Analyst:



Joe Ellington, D-ABFT-FA  
Forensic Scientist

Technical Reviewer:

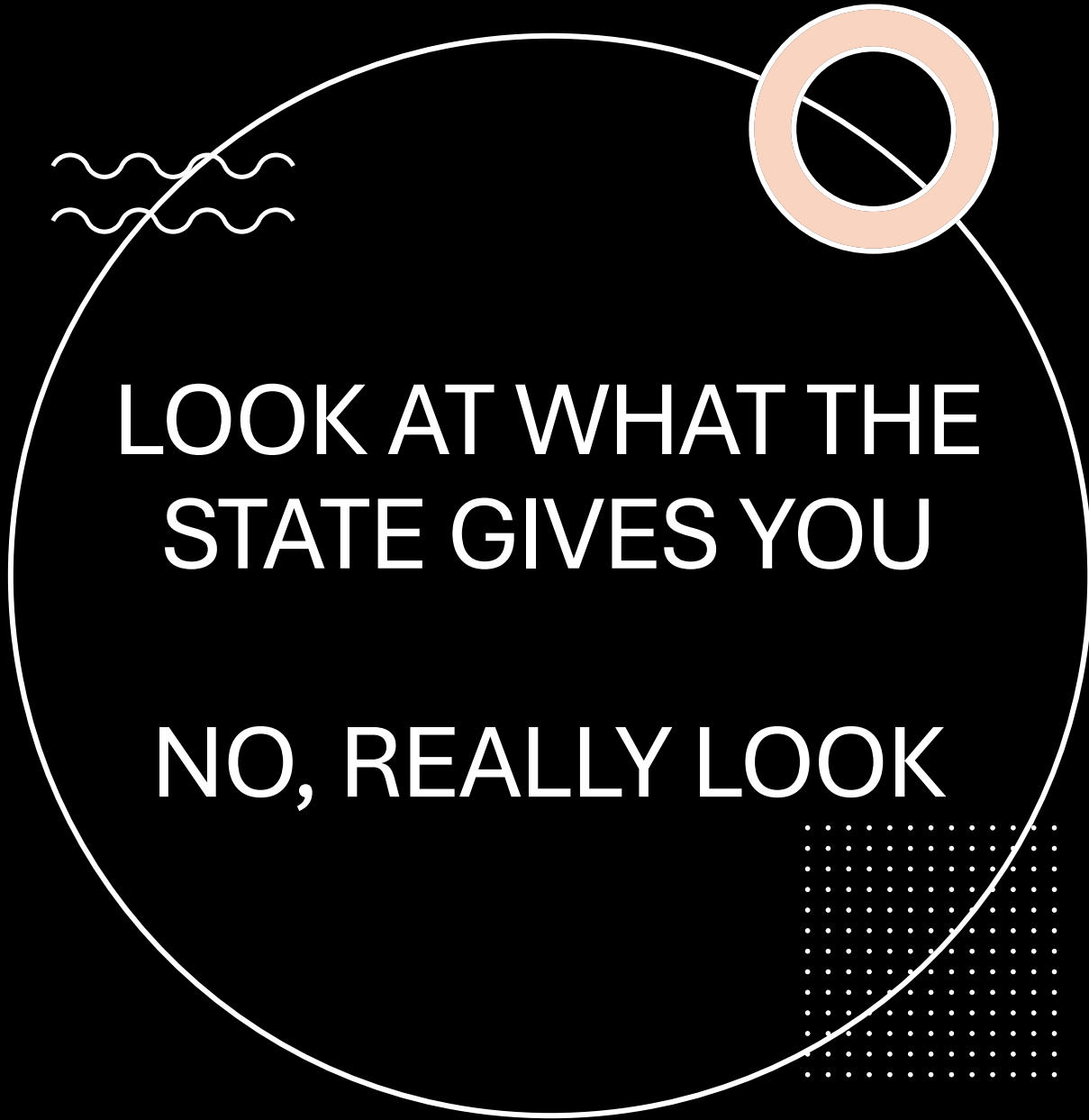


John L. Stevenson, D-ABFT-FT  
Forensic Scientist

CC:

iResults DA - 11th Judicial District

CERTIFIED REPORT



LOOK AT WHAT THE  
STATE GIVES YOU

NO, REALLY LOOK



- 
- Police Collected Glasses
  - Police did not collect aluminum foil
- 



2019-02-21 T01:48:24Z  
AXON BODY 2 X81166324



Headlamps?  
Dolly ?  
Empty Trailer?

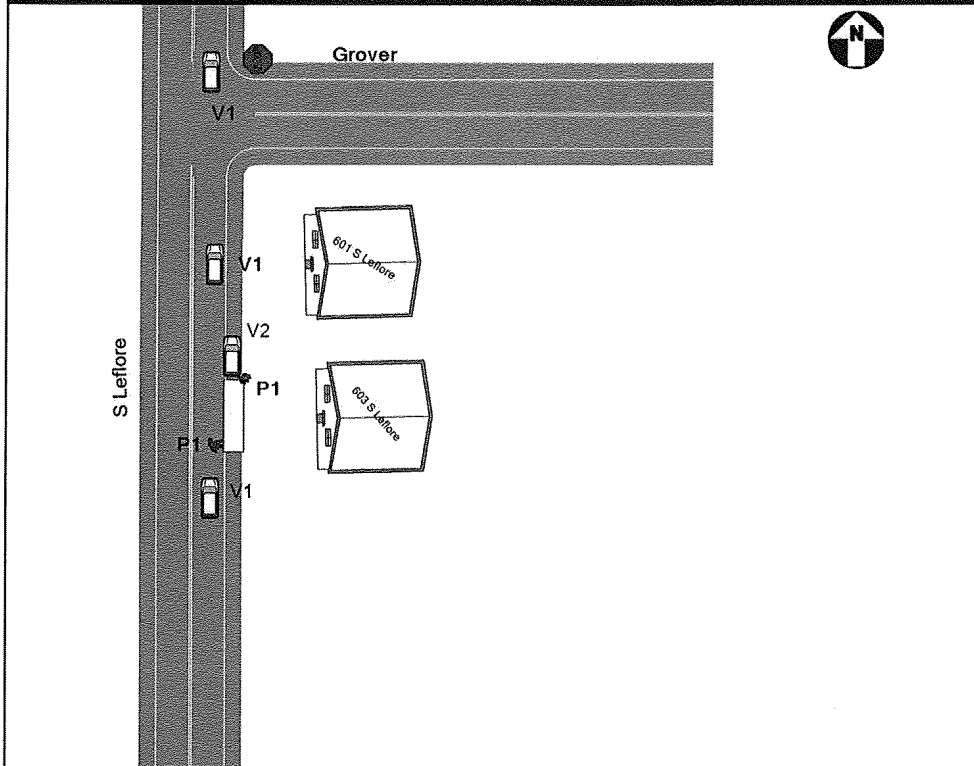


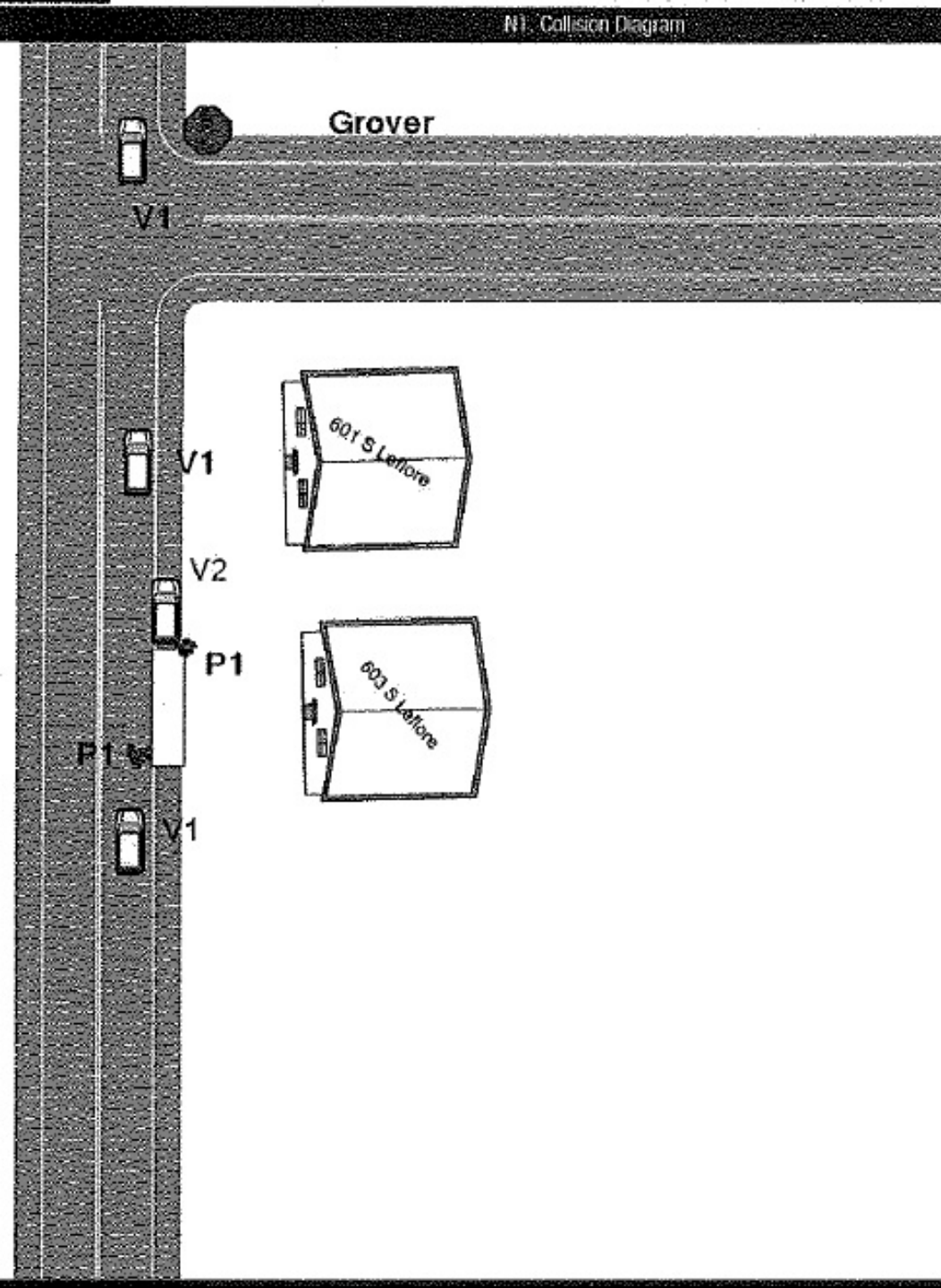


**USE LEO DRAWINGS  
AGAINST THEM**

# Accident report

- Drawn by police department with narrative
- Want to get photo into evidence
- Summary, however, not helpful for defense
- Summary contains hearsay
- Solution?
- Offer version of map without summary

MUCR Diagram/Narrative	Agency Number 0 6 0 5	Agency Case Number 1 9 - 0 0 2 1 5 8	Page 0 2 of 0 6
N1. Collision Diagram			
			
N2. Collision Narrative			
<p>V1 DRIVEN BY BRYAN ANDERSON WAS TRAVELING NORTH ON LEFLORE. ANDERSON STATED V2 WAS PARKED WITH NO LIGHTS ON WITH A TRAILER ATTACHED TO IT. ANDERSON DID NOT SEE THE TRAILER AND STRUCK THE TRAILER AND P1</p> <p>P1 LOUIS LARA WAS HIT BY V1 AND KILLED ON SCENE.</p> <p>W1 JIMMY JORDAN STATED HE WAS STANDING IN HIS YARD NEAR THE TRUCK AND TRAILER. JORDAN STATED HE TURNED HIS BACK AND THAT IS WHEN HE HEARD A CRASH AND HE TURNED AROUND. JORDAN STATED HE DID NOT SEE LARA GET HIT BUT HEARD IT. JORDAN STATED LARA WAS STANDING ON THE DRIVER SIDE OF THE TRUCK NEAR THE END OF THE TRAILER. JORDAN STATED WHEN HE TURNED BACK LARA WAS IN BETWEEN THE TRUCK AND TRAILER.</p> <p>W2 THOMAS PERRY STATED HE WAS STANDING AT THE TRAILER TALKING TO P1 LARA. PERRY STATED LARA WAS AT THE END OF THE TRAILER NEAR THE TIRE ON THE DRIVER SIDE. PERRY STATED LARA ASKED FOR A CIGARETTE AND HE WENT TO GET HIM ONE. PERRY STATED HE TURNED BACK TOWARDS LARA AND TOLD HIM TO LOOK OUT. PERRY STATED AT THIS TIME V1 HIT LARA AND THE TRAILER.</p>			



How does this  
diagram  
benefit  
Defendant?

---

# Go to Scene

---



## VERDICT?

---

- Client guilty of lesser included DUI

# OTHER DEMONSTRATIVE EXHIBITS



Running Horse Cv Running Horse Cv

Rasco Hills Dr

Rasco Hills Dr

Rasco Hills Dr

Rasco Hills Dr

Bonfire Dr Bonfire Dr

8895

8894

8895

8881

8878

8879

8850

3849

3863

3875

3887

3899



Running Horse Cv

8879

8879

Rasco Hills Dr

Rasco Hills Dr

Rasco Hills Dr

Bonfire Dr

Bonfire Dr

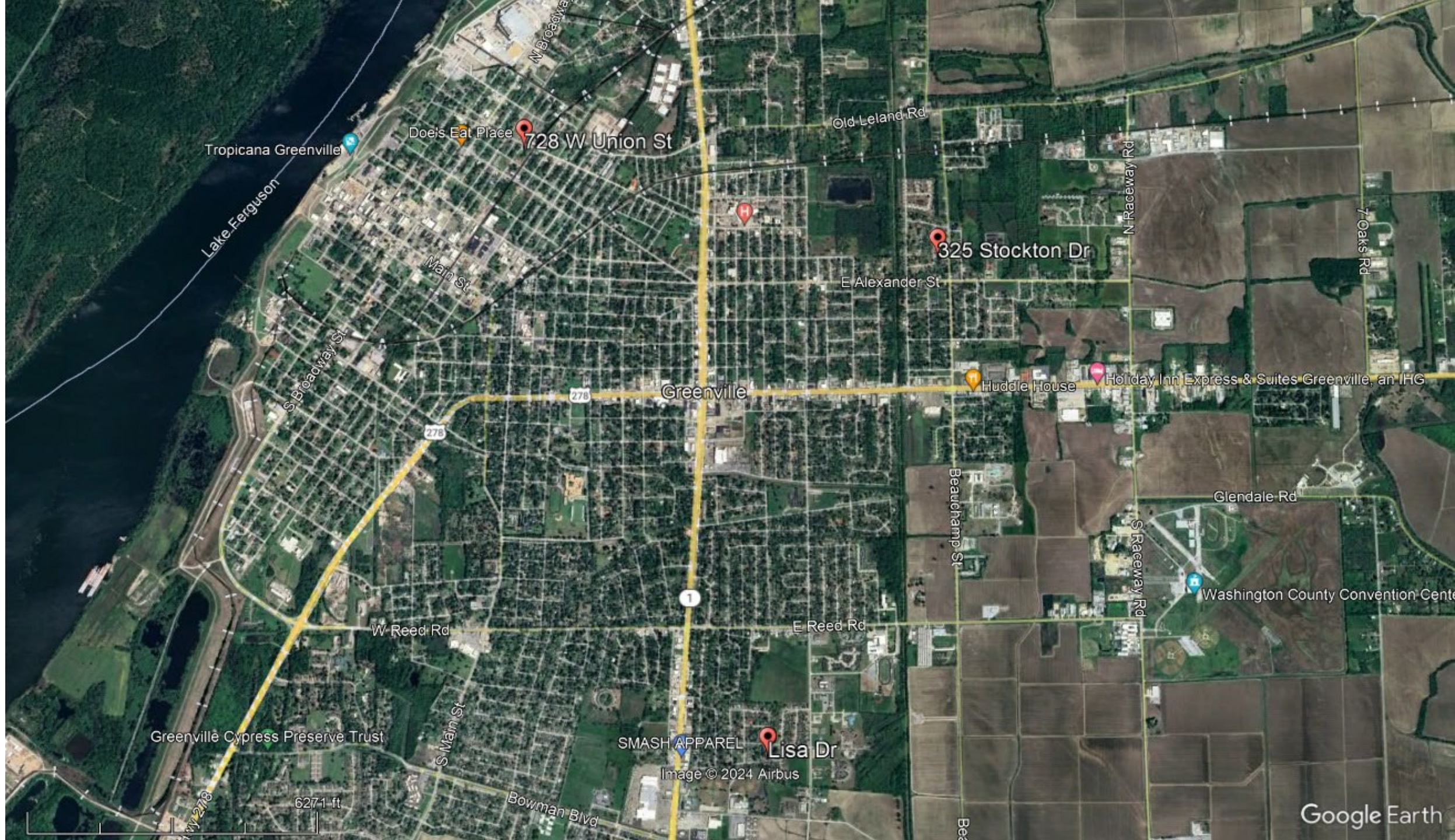
3840

3850

3850

3850

3850



Tropicana Greenville

Doels Eat Place

728 W Union St

Old Leland Rd

325 Stockton Dr

E Alexander St

Greenville

Huddle House

Holiday Inn Express & Suites Greenville, an IHG

Glendale Rd

Washington County Convention Center

W Reed Rd

E Reed Rd

Greenville Cypress Preserve Trust

SMASH APPAREL

Lisa Dr

Image © 2024 Airbus

Bowman Blvd

Google Earth

# Note:

Preparing Detailed Demonstrative Aids helps  
plea negotiations!

And client relations

# Items for Jump Bag

Tape Measure – People do not understand distance/height

Stopwatch/Phone – People do not understand time

Flash Light - DUI cases/Felony fleeing cases

Binder Clips – pictures on white board

Scotch Tape – pictures on white board/easy removal

White Board/Markers/Eraser – keep word or phrase up/family tree/street names v. government names

Easel for trifold/big items – Block out jury view of State – State has to move to see – telegraphs to jury that State is very interested in what we have to say

# Items for Jump Bag

Styrofoam Head – diagram  
angle/marking on  
head/introduce into evidence

Dowel Rods – for bullet  
trajectory/mock rifle

Baby Powder – GSR demo

# How/When to Use Jump Bag Items

Incorporate with “tree branch” cross – then either use on cross or closing

Advantage of using on cross – no time constraint

Disadvantage of using on cross –  
You may get corrected –  
Closing Argument = you are center stage

# Using Demonstrative in close



If smaller version (map/photo) already in evidence – State generally cannot object to enlarged exhibit on close



PLAN your closing argument/demonstrative aides based on what you are going to introduce



If using a demonstrative aid that is NOT in evidence, clear with judge first



If nothing else – phrase on white board while close

# DELIBERATE DESIGN

“full awareness”

“careful and unhurried consideration”

“calculate, plan, or contemplate”



**SELF DEFENSE**



# **WEIGHT AND CREDIBILITY**



NOT GUILTY