A TEMPLATE/WORKSHEET FOR DEVELOPING A
PERSUASIVE STORY/THEORY OF DEFENSE
AT TRIAL

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1. In factual terms, identify why your client is innocent – what really happened in this case?

2. Decide which genre of factual defense applies to your client’s innocence.
   a. The criminal incident never happened.
   b. The criminal incident happened, but I didn’t do it.
   c. The incident happened, I did it, but it wasn’t a crime.
   d. The criminal incident happened, I did it, it was a crime, but not the crime charged.
   e. The criminal incident happened, I did it, it was the crime charged, but I’m not responsible.
   f. The criminal incident happened, I did it, it was the crime charged, I’m responsible, but who cares?

3. Craft the story that shows why your client is innocent.
   a. Who are the three main characters in the story of innocence?
   b. What are the first three scenes in the story of innocence?
   c. When and where does the story of innocence start?

4. What emotions do you want the jury (and/or judge) to feel when they read your story?