

**NATIONAL DEFENDER TRAINING PROJECT
2017 PUBLIC DEFENDER
TRIAL ADVOCACY PROGRAM**

University of Dayton School of Law, Dayton, Ohio
Friday, June 2, 2017 to Wednesday, June 7, 2017

**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?