

## CASE-LEVEL CHECKLIST

### Review, Evaluate, and Charge the Case

- Review all reports in a timely manner**
- Consider all relevant legal and non-legal research when reviewing the initial report**
  - Communicate regularly and meaningfully with investigators
- Make charging decisions consistent with research and ethics**
  - Corroboration — often not a legal requirement but always valuable
  - Consult statutes, case law, social science, medical, and other relevant research

- Request bail amounts reflecting seriousness of the offense**
  - Request no-contact orders
  - Safeguard victim privacy and safety
- Oppose unnecessary delay**
- Build a case that engages victims and makes effective use of all probative evidence**
  - Conduct trauma-informed interviews of victim
  - Review DNA and forensic evidence
  - Prevent and respond to witness intimidation
  - Review *all* of the evidence

### Thoroughly Prepare the Case

- Work with experts to understand evidence in case and help factfinder understand evidence**
- File motions to shield victims and expose defendants**
  - Use rape shield laws to exclude irrelevant and prejudicial evidence
  - Introduce evidence of other crimes and bad acts where relevant
  - Guard victim privacy and dignity through other available motions in limine
- Prepare to proceed to trial with a nonparticipating victim**
- Craft offender-focused case theme and theory**

- Anticipate and prepare to overcome predictable defenses resting on victim blame and shame**
  - Overcome the consent defense
  - Refute an intoxication defense
  - Distinguish between intoxication to the point of “blackout” and “pass-out”
  - Debunk the “mistake of fact” defense by showing how the victim communicated lack of consent
  - Support victim credibility
- Where plea offer is appropriate, ensure agreement reflects the seriousness of the assault**

### Try the Case

- Final pretrial conference: review charges, jury instructions, any special considerations**
- Maintain focus on offender and defend against strategies designed to prejudice jury against the victim – satisfy the elements**
- Educate jury panel and select unbiased jury**
- Open by advocating for justice**

- Use direct testimony, witness order, introduction of evidence, and trial strategy to recreate reality of the sexual assault for jury**
- Plan cross-examination strategy**
- Where appropriate, introduce expert testimony to enable jury to decide the case fairly**
- Deliver compelling closing argument**
- Review and submit final jury instructions**

### Post-Verdict Considerations

- Guilty verdict/guilty plea**
  - Move to revoke bail
  - File a detailed sentencing memorandum
  - Present victim impact statement
  - Argue for an appropriate sentence

- Acquittal**
  - Communicate verdict to the victim
  - Ensure continuing safety
- Post-trial debrief**