

A front-facing view of a white police car at night. The car's headlights are on, and its emergency lights on the roof are flashing blue and red. The car is centered in the frame against a dark background.

# DWI Mock Trial

November 16, 2016 – TZD Conference –  
Duluth, MN

# What We Will Cover

- “P.E.T.”
- “Good Don” vs. “Bad Don”
- The Judge’s Perspective

# The Best Witness

“P.E.T.”

- Prepare
- Engage
- Teach

# The Best Witness is...

## PREPARED

1. Review your reports/video before court.

Every time.

2. Know why you're testifying.

Every time.

3. Communicate with your prosecutor.

Every time.

# Good Don

**Good Don** ALWAYS reads his report and reviews his video prior to testifying, because he can:

- Discuss problematic areas in his report/memory with the prosecutor
- Eliminate issues on cross (e.g. drifting because of impairment vs. thinking about turning)



# Bad Don



If **Bad Don** had reviewed his video, he could've testified that:

- The car clearly crossed the center line by a full tire width
- Two cars pass the defendant in the opposite direction while the defendant's car is weaving

# Good Don or Bad Don





# The Best Witness is...

## Engaged

1. Good body language.
2. Answer the question asked!
3. “Active Memory” – be able to recall details, or know where to find them.



# Bad Don



**Bad Don's report says**

- The wine is "Barefoot" red wine.
- The bottle was "half-full."
- Was on the rear-passenger floor.

**DETAILS MATTER!**

# Good Don

**Good Don is:**

- **Looking at the judge or jury – the most important people – when answering**



# Bad Don

What key sign of impairment is **Bad Don** missing?

What happens if **Bad Don** isn't aware of what key details are being sought?



**Being an Active Listener matters!**

# Bad Don



## Bad Don:

- Answers on the fly
- Isn't always sure of his answers
- Argues with the attorney
- Rolls his eyes

# The Best Witness is a...

## Teacher

1. You are the Expert!
2. Layman's Terms vs. Cop Talk
3. Be Confident!

# Good Don



## Good Don Haiku

Good Don knows his stuff  
And shows the judge and jury  
That Don can teach them

*-Author Unknown*

# Bad Don



## **Bad Don** Limerick

The cop Bad Don you should fear  
He probably won't be very clear  
He won't teach the jury  
And so you should worry  
What he pulls out of his rear

*-Author unknown*



# Good Don or Bad Don



# The Best Witness

## The Judge's Perspective

### DO:

- Answer what you know.
- Listen to the question asked.
- Review your reports/videos before court.
- Be respectful and truthful.

### DO NOT:

- Add extra information.
- Keep talking after objections.
- Have a dog in the fight.
- Lie on the stand. Ever.

# Questions?

# Contact Info

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