

DOCUMENT 8

CLOSING ARGUMENT & JURY DELIBERATIONS – PRACTICAL APPLICATION

OBJECTIVE

Closing argument is your final opportunity to organize the evidence for the jury. It is not a time to introduce new facts. It is a time to explain what was proven, what was not proven, and why the burden of proof matters.

LD CONTEXT

The Liberty Dialogues teaches that enforcement should follow proof, not assumption. Closing argument is where you remind the jury of the difference.

EXAMPLE OPENING OF CLOSING

Ladies and gentlemen, thank you for your attention throughout this trial. The burden of proof has remained on the State from the beginning of this case until now. The question is not whether assumptions were made. The question is whether the evidence proved every element beyond a reasonable doubt.

EXAMPLE – NO COMMERCIAL ACTIVITY PROVEN

You heard testimony that no investigation was conducted into commercial activity. You heard testimony that no passengers for hire were observed. You heard testimony that no goods were transported for compensation. Those facts matter because assumptions are not evidence.

EXAMPLE – BURDEN OF PROOF

The burden never shifted. I was not required to prove anything. The State was required to prove its case. The question for you is simple: did it do so?

COMMON MISTAKE #1

Arguing with the prosecutor instead of speaking to the jury.

COMMON MISTAKE #2

Attempting to present new evidence during closing argument.

COMMON MISTAKE #3

Becoming emotional and abandoning the structure of the case.

HOW JURORS HEAR CLOSING ARGUMENTS

Jurors often remember simple themes better than legal jargon. Clear, organized facts are more persuasive than lengthy explanations.

PRACTICAL RULE

What was proven? What was not proven? Why does that matter? What verdict does the burden of proof require?

FINAL PRINCIPLE

Closing argument is where the jury is reminded that assumptions are not evidence, conclusions are not proof, and the burden of proof remains where it began.