

**UNCOVERING  
REASONABLE DOUBT!  
PART 1  
INVESTIGATIVE CASE REVIEW AND  
ANALYSIS**

By:  
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**Initial Meeting**

- What are the charges against the defendant.
- A brief summary of the states case.
- What are attorneys objectives.
- Determine if case is task specific or full investigation.
- What are priorities.
- Establish routine defense team meetings.
- What is theory of defense.

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**Initial Meeting**

- How does the attorney want you to conduct interviews.
- How does the attorney want communications handled between their office and you.
- How does attorney want you to be retained.
- How does attorney want you to invoice.
- Documentation

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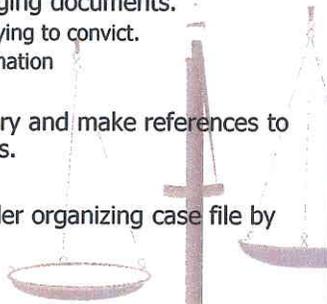
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### Review of Discovery

- Review all charging documents.
  - How is state trying to convict.
  - Verify all information
- Review Discovery and make references to important issues.
- You may consider organizing case file by category.



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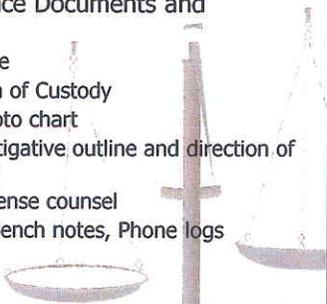
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### Review of Discovery

- Review Evidence Documents and Photographs
  - Chart Evidence
  - Compile Chain of Custody
  - Compile a photo chart
  - Prepare investigative outline and direction of investigations
  - Submit to defense counsel
  - Lab reports, Bench notes, Phone logs



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### What Are We Looking For?

- Who
- What
- Where
- When
- Why
- How



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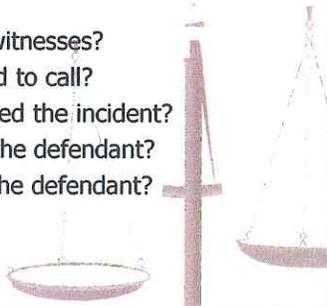
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### WHO?

- WHO did it?
- WHO was the witnesses?
- WHO responded to call?
- WHO investigated the incident?
- WHO arrested the defendant?
- WHO charged the defendant?



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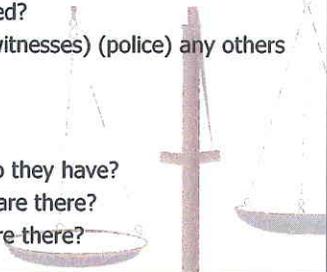
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### WHAT?

- WHAT happened?
- WHAT was the underlying set of circumstances?
- WHAT was reported?
- WHAT was said (witnesses) (police) any others involved?
- WHAT time?
- WHAT location?
- WHAT evidence do they have?
- WHAT good facts are there?
- WHAT bad facts are there?



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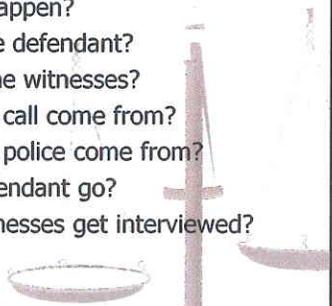
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### WHERE?

- WHERE did it happen?
- WHERE was the defendant?
- WHERE were the witnesses?
- WHERE did the call come from?
- WHERE did the police come from?
- WHERE did defendant go?
- WHERE did witnesses get interviewed?



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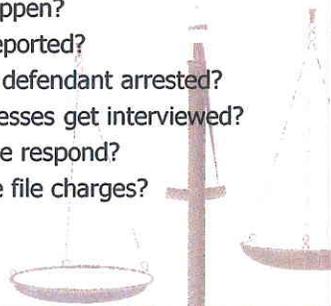
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### WHEN?

- WHEN did it happen?
- WHEN was it reported?
- WHEN was the defendant arrested?
- WHEN did witnesses get interviewed?
- WHEN did police respond?
- WHEN did state file charges?



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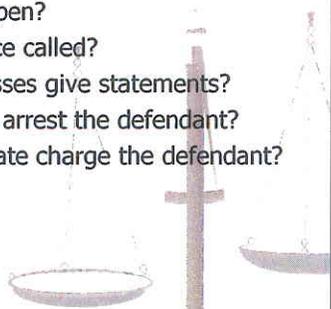
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### WHY?

- WHY did it happen?
- WHY were police called?
- WHY did witnesses give statements?
- WHY did police arrest the defendant?
- WHY did the state charge the defendant?



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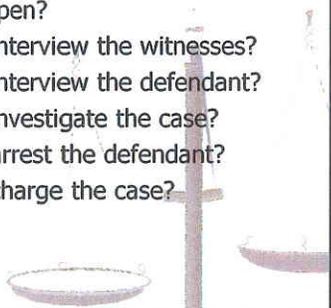
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### HOW?

- HOW did it happen?
- HOW did they interview the witnesses?
- HOW did they interview the defendant?
- HOW did they investigate the case?
- HOW did they arrest the defendant?
- HOW did they charge the case?



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### Frame-By-Frame Analysis

I woke up this morning in my apartment and left for work. I worked all day and when I left work I took the subway back home. I ate dinner at home and later on I went out with some friends to a party across town. After having some fun and a few drinks, I left the bar and headed home. When I got to my building a man came up behind me and put his hands on my face. He pushed me to the floor and pulled up my skirt. He raped me and after he was done he took my money. I ran upstairs and called the police.

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### Frame-By-Frame Analysis

I woke up this morning in my apartment {What time?} and left for work {What time did you leave, do you normally leave for work at this time, how did you get there, and where do you work? What was the exact route?} I worked all day {What hours did you work, did you leave the workplace during work hours, did you have lunch anywhere?} and when I left work {Did you leave alone or with someone? What time did you leave, what route did you take home, any stops along the way, do you normally leave at this time?} I took the subway back home {What subway station did you use and what was the route you took to get there, where did you get off the train, and how did you get home from the subway station? What was the exact route?} I ate dinner at home {Alone? What time?} and later on I went out with some friends {Alone? What time? What was the exact route? Transportation? What are the friends' names?} to a party across town {What kind of party, for whom? Where exactly, any stops on the way?} After having some fun and a few drinks {How many drinks, what kind of drinks, who was there?}, I left the bar and headed home {Alone? What time? What was the exact route? Transportation?}



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### Frame-By-Frame Analysis cont.

When I got to my building {Did you walk up, did a cab drop you off in front?} a man came up behind me {How did you notice him, when did you first notice him, where were you located at the time, how did you know it was a male?} and put his hands on my face {Where were you exactly at this time, did you see his hand (if so describe it), right hand or left hand, did he say anything?}. He pushed me to the floor {Where were you when this occurred, explain how he pushed you to the floor, what happened when you hit the floor, any injuries?} and pulled up my skirt {Precisely where were you and in what position when this occurred, did he use one hand or both, were you wearing underwear, if so what did he do to them (move them aside, tear them off, pull them down)} He raped me {What exactly did he do, frame by frame?} and after he was done {Done doing what, did he ejaculate, did he say anything?} he took my money {How did he take your money (threats, grabbed it, went through purse), how much did he take, did he take anything else, how did he leave?}. I ran upstairs {Had he left yet?} and called the police {Did you call the local precinct or 911, did you call anyone else?}.

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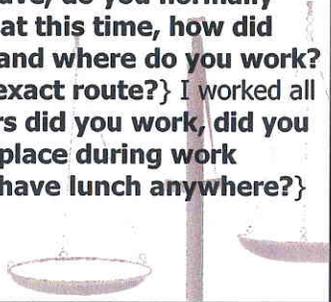
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I woke up this morning in my apartment {**What time?**} and left for work {**What time did you leave, do you normally leave for work at this time, how did you get there, and where do you work? What was the exact route?**} I worked all day {**What hours did you work, did you leave the workplace during work hours, did you have lunch anywhere?**}



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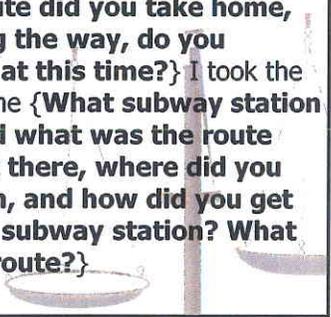
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and when I left work {**Did you leave alone or with someone? What time did you leave, what route did you take home, any stops along the way, do you normally leave at this time?**} I took the subway back home {**What subway station did you use and what was the route you took to get there, where did you get off the train, and how did you get home from the subway station? What was the exact route?**}



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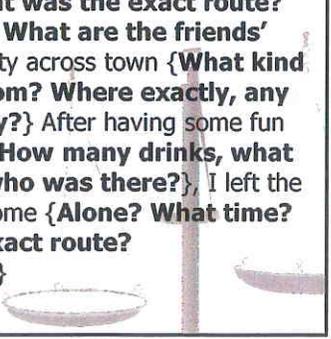
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I ate dinner at home {**Alone? What time?**} and later on I went out with some friends {**Alone? What time? What was the exact route? Transportation? What are the friends' names?**} to a party across town {**What kind of party, for whom? Where exactly, any stops on the way?**} After having some fun and a few drinks {**How many drinks, what kind of drinks, who was there?**}, I left the bar and headed home {**Alone? What time? What was the exact route? Transportation?**}



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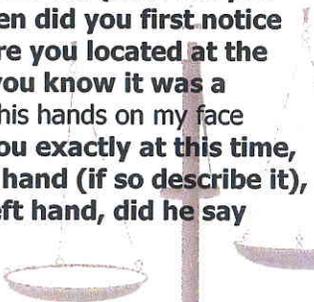
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When I got to my building {**Did you walk up, did a cab drop you off in front?**} a man came up behind me {**How did you notice him, when did you first notice him, where were you located at the time, how did you know it was a male?**} and put his hands on my face {**Where were you exactly at this time, did you see his hand (if so describe it), right hand or left hand, did he say anything?**}.



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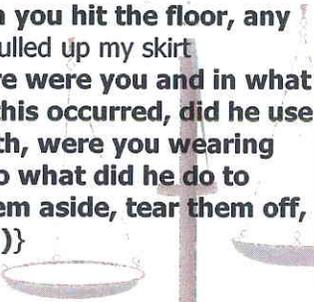
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He pushed me to the floor {**Where were you when this occurred, explain how he pushed you to the floor, what happened when you hit the floor, any injuries?**} and pulled up my skirt {**Precisely where were you and in what position when this occurred, did he use one hand or both, were you wearing underwear, if so what did he do to them (move them aside, tear them off, pull them down)**}



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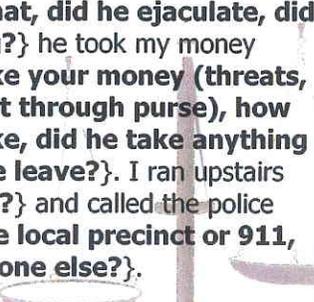
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He raped me {**What exactly did he do, frame by frame?**} and after he was done {**Done doing what, did he ejaculate, did he say anything?**} he took my money {**How did he take your money (threats, grabbed it, went through purse), how much did he take, did he take anything else, how did he leave?**}. I ran upstairs {**Had he left yet?**} and called the police {**Did you call the local precinct or 911, did you call anyone else?**}.



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### Develop A People List

- Write down any witnesses names or contacts that is mentioned in the discovery and a brief synopsis of their involvement and/or relevance. Note: Be very alert to a name mentioned only once in a rather obscure fashion with limited information. This could possibly be a very important witness for the defense.
- Ask for a list of the numbers assigned to police officers
- List every law enforcement personnel and agency number, their identification number and their involvement in the case

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### Develop A People List

- List every forensic person involved and their identification number along with their involvement in the case
- Compare witness statements with names of individuals listed in police reports. Note: Are there people that were interviewed but no statement taken? Why? Need to follow-up.
- Color code witnesses to identify specific facts

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### People List

Name	Address	Phone	Other
John Doe	123 Main St	555-1234	
Jane Smith	456 Elm St	555-5678	
Bob Johnson	789 Oak St	555-9012	
Alice Brown	101 Pine St	555-3456	
Charlie White	202 Cedar St	555-7890	
Diana Green	303 Birch St	555-2345	
Frank Black	404 Spruce St	555-6789	
Grace King	505 Willow St	555-0123	
Henry Lee	606 Ash St	555-4567	
Ivy Hill	707 Hickory St	555-8901	
Jack Adams	808 Sycamore St	555-2345	
Karen Baker	909 Magnolia St	555-6789	
Leo Clark	1010 Poplar St	555-0123	
Mia Evans	1111 Walnut St	555-4567	
Noah Foster	1212 Chestnut St	555-8901	
Olivia Gibson	1313 Olive St	555-2345	
Peter Hall	1414 Pear St	555-6789	
Quinn Harris	1515 Peach St	555-0123	
Rachel King	1616 Plum St	555-4567	
Samuel King	1717 Apple St	555-8901	
Tina King	1818 Cherry St	555-2345	
Uma King	1919 Orange St	555-6789	
Victor King	2020 Lemon St	555-0123	
Wendy King	2121 Lime St	555-4567	
Xavier King	2222 Grapefruit St	555-8901	
Yara King	2323 Tangerine St	555-2345	
Zoe King	2424 Citrus St	555-6789	

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### Fact Chronology




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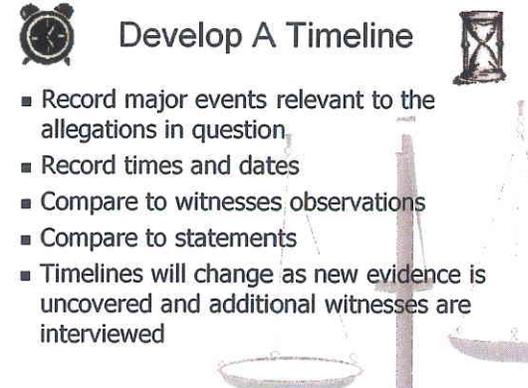
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### Develop A Timeline



- Record major events relevant to the allegations in question
- Record times and dates
- Compare to witnesses observations
- Compare to statements
- Timelines will change as new evidence is uncovered and additional witnesses are interviewed

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"On Monday, January 15, 1995, at 6:55 pm, 911 received an emergency call for assistance to the Mountaintop State Park. At 7:25 pm, The suspect, Jim Smith, was discovered by rescue personnel in a ravine approximately 100 feet below the edge of a steep cliff. The Medical Examiner arrived on the scene at 7:43 pm, and determined the cause of death to have been the result of a fall. He noted the reddish-purple discoloration of post mortem lividity mortis was in its early stage, estimating the Suspect, Jim Smith, had been dead approximately 2 hours. The suspect was found clothed in a one piece blue in color ski suit, ankle high leather hiking boots, socks, mitts, a scarf, a woolen cap, two shirts, and long thermal underwear. The victim was found by police in a campsite approximately 100' above and to the north of the suspect's body. At 8:20 pm, the medical examiner arrived at the campsite and noted contusions to the victim's head and neck. He determined the cause of death to have been caused by a blunt instrument. Based on observations of post mortem lividity the medical examiner estimated the victim had been killed five to six hours earlier. At 7:40 pm, Detectives interviewed the eye witness, identified as Albert Ryan, who provided the following statement: "I returned to the campsite before dark at approximately 5:45 pm to help Mary Harris start a fire and assist with dinner, after departing the campsite at 7:30 am and hiking most of the day. Upon arriving at the camp, I observed Jim Smith and Mary Harris engaged in a heated argument. They had been together for several years and often held heated discussions. I maintained a safe distance to avoid detection in an attempt to mind my own business and spare the couple embarrassment. After approximately ten minutes the argument intensified. Without warning Jim Smith retrieved a large ax and struck Mary with a fatal blow to the head. Alarmed, I shouted, alerting Jim Smith to my presence. Startled, he turned and ran in the opposite direction. Unfortunately, it would appear he had forgotten about the cliff and tragically fell to his death. I then immediately hiked down the mountain trail and telephoned 911 for help." The ax was forwarded to the crime lab for examination. Forensic examination uncovered the fingerprints of Jim Smith on the ax handle.

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**Time Line of Events and Facts**

7:30 am – Eye Witness/Albert Ryan departs campsite  
 2:20 pm to  
 3:20 pm - Medical Examiner's estimated time of death for the Victim/Mary Harris  
 5:21 pm – Sunset. (Source: Mountainside Gazette)  
 5:43 pm – Medical Examiner's estimate time of death for the Suspect/Jim Smith  
 5:45 pm - Eye Witness/Albert Ryan returns to campsite  
 5:55 pm – Suspect/Jim Smith strikes fatal blow to Victim/Mary Harris's head. (Time based on estimated 10 minutes provided by Eye Witness/Albert Ryan)  
 6:55 pm – 911 receives emergency call  
 7:25 pm – Suspect/Jim Smith's body is found at bottom of ravine  
 7:40 pm – Detectives interview the Eye Witness/Albert Ryan  
 7:43 pm – Medical examiner arrives on scene and examines the body of the Suspect/Jim Smith  
 8:20 pm – Medical examiner examines body of the Victim/Mary Harris

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### Factual Findings

- Jim Smith was discovered wearing mitts
- Lab identified the fingerprints of Jim Smith on the ax that killed Mary Harris
- How did the fingerprints of Jim Smith get on the ax if he was wearing mitts
- Witness Albert Ryan related that he returned to the campsite during daylight, around 5:45 pm; however as reflected in the timeline, sunset was at 5:21 pm (Indicates he may have returned earlier than reported)
- Witness Albert Ryan estimated Mary Harris time of death at approximately 5:55 pm; however, the medical examiner estimated the time of death between 2:20 pm and 3:20 pm

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### Case Timeline



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