

How to Handle Unrepresented Defendants

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Balance of Interests

- Protect the Constitutional rights of the Defendant
- Provide a complete record of that protection
- Provide Defendant with all of the discovery necessary to defend himself
- Provide Defendant with all necessary tools necessary to defend himself
- Protect the interests of the victims
- Protect the interest of the public

Protecting Defendant's Rights

- Inform him of his right to remain silent
- Inform him of his right to trial
- Inform him of his right to confront witnesses
- Speak clearly and directly
- Give concrete examples of each of the above

Maintain Control

- Give concrete deadlines
- Give **examples** of what the Defendant can get in discovery and what he cannot get
- Give the Prosecutor **concrete deadlines** for discovery
- Ask each side what each **intends to achieve** and ask for them to **report on the status** of that at the next hearing

Do not use legalese

- Example:
- Sir, you have a right to confront the witnesses against you. This means that you have the right to ask a witness questions when he takes the witness stand here. Those questions must pertain to your defense. So, for example, if you believe you are being wrongly accused because you were not at the scene of the crime, you might ask the witness “You did not see me that night, did you?” You will know this from the reports that the prosecutor will give you. Your questions must be about the case and they can’t be your own speculation – what you think might have happened.

Protecting the rights of the People

- The Prosecutor must be able to move the case to resolution for the public
- Give defendant deadlines and tell him what he must achieve by that deadline
- Set firm trial date and witness appearance dates
- Do not let the defendant control the courtroom through emotion or inappropriate behavior

Protecting the Rights of the Victim

- Witness protection from harm
- Witness protection from undue delay
- Witness needs
 - Travel expenses
 - Break from work schedules
 - Break from family obligations