



Closing Addresses with confidence, clarity & structure

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Disclosure: This guide is for informational and educational purposes only and should not be considered legal advice. The content is designed to provide general insights and strategies but does not replace professional legal consultation.



- 01 Legislation
- 02 Matters to consider in closing to the jury
- 03 What to avoid
- 04 Case studies/examples
- 05 Questions



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Closing addresses in Magistrates Court contested hearings

Can I make a closing address?

- Seek **leave** (s73 and 74 CPA)
- Purpose = summing up the evidence
- Court may limit the length

N.B. **No** transcript available to assist in preparing

Criminal Procedure Act 2009

- Prosecution closing address (s234 CPA)
- Defence closing address (s235 CPA)
- Entitled to address jury
- Trial judge may limit length

Transcript

Judge can have transcript of closing addresses given to the jury, if it would assist the jury to understand the issues in the trial (s 223(1)(f) CPA)

Matters to consider

- When and how to start building your closing address?
- Structure - start with a certain number of topics/themes?
- Weave in jury directions into closing address?
- Highlight standard/burden of proof/presumption of innocence or not?
- Use of technology/screens to display key exhibits or transcript?
- [How] do you use notes in delivering the address?
- Do you look for anything in the jury during the closing?

Things to avoid

- submissions unsupported by evidence
- submissions which invite an impermissible path of reasoning or invite the jury to speculate or reason by conjecture
- submissions that undermine the onus of proof
- submissions criticising a witness without giving that witness an opportunity to respond to those criticisms
- making submissions that convey counsel's personal opinions
- inflammatory statements (if prosecution)



Ideas for discussion


- Objecting to an aspect of a closing address, or dealing with opposing party's objection to your own address
- Examples/case studies




Questions from the floor?



Thank you

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