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Defense of Speeding, Reckless Driving and Vehicular Homicide

Publication 104

Release 34

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HIGHLIGHTS

Trial of a Speeding Case

- Chapter 12 discusses numerous aspects of the trial of a speeding case.

Trial of a Vehicular Homicide Case

- Chapter 18 outlines many of the considerations that arise in handling the trial of a vehicular homicide case. Chapter 20 describes the various stages of a vehicular homicide trial.

prosecution and the defense, and the preliminary instructions to jurors in a speeding case. The use of opening statements by the prosecutor and the defense is described, and illustrative opening statements in a radar case are set forth. Detailed outlines of the prosecution case and the defense case in a speeding trial are presented. The summation phase is discussed, and an illustrative defense summation is included. Finally, the topic of jury instructions is addressed, and numerous sample instructions are set forth.

Release 34 of **Defense of Speeding, Reckless Driving and Vehicular Homicide** includes complete revisions of Chapters 12, 18, and 20. Also included in this release is an updated Index to all three volumes.

Trial of a Speeding Case. Revised Chapter 12, *Trial of a Speeding Case*, discusses many of the matters that must be handled by the defense attorney when trying a speeding case. Among the topics discussed in this chapter are the choice between a jury trial and a trial by the court, the jury selection process, including sample voir dire by the

Trial of a Vehicular Homicide Case. Revised Chapter 18, *Trial Considerations in a Vehicular Homicide Case*, discusses many of the issues the attorney must consider when defending a vehicular homicide case. Included in this discussion are the considerations involved in determining the appropriate objective of the defense—i.e., acquittal, hung jury, lesser included offense, or sentence mitigation. The factors that must be evaluated when choosing between a jury trial or a trial by the court are outlined. The importance of appropriate courtroom

appearance and attitudes by the defendant, defendant's relatives and friends, defense counsel, and defense witnesses is stressed. The defendant's use of motions *in limine* and motions to suppress is described. Finally, Chapter 18 discusses considerations involved in briefing the evidence issues and making and preserving a trial record.

Revised Chapter 20, *Trial of a Vehicular Homicide Case*, describes the various stages of a vehicular homicide trial. The use of opening statements by both the prosecution and defense counsel is discussed. Defense counsel's cross-examination of prosecution witnesses is described. The trial motions that may be made by the defendant at the close of the prosecution case are discussed. Chapter 20 sets forth a detailed outline of the defense case in a vehicular homicide case,

including considerations related to eyewitnesses, experts, and character witnesses, the defendant's decision whether to testify, and the use of demonstrative evidence. Finally, techniques for presenting an effective closing argument to the jury are discussed.

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