

### Post Filing: Victim Contact

- Personal decision whether have victim contact
  - I don't unless victim requests with **investigator present!**
- Arraignment, pre-trial, protective order modifications
  - If victim present- have court order her back for trial or have her mandatory subpoenaed
- If victim doesn't show pursuant to mandatory subpoena- bench warrant hold
  - Have investigator make contact with victim, put case on calendar to recall warrant

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### Jury Selection

- Accessing the credibility of witnesses
  - Anyone been witness before
    - Embarrassing
    - Effect family
    - Effect livelihood
  - Not TV
    - Come out clunky
    - Pulling teeth
    - Be patient
- Victim not my client
  - What if victim doesn't want prosecution
  - Heard victim "drop charges"
  - Not here because of victim's desires for case
    - Rollercoaster- recanting
    - Objective parties to decide whether defendant's conduct criminal
- Side issues- dirty laundry, distractions, unanswered questions
- Elements & lb)

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### Victim's Testimony

#### Uncooperative

- Entire arsenal ready
- 1219 contempt of court
- 911 dispatcher subpoenaed
- 911 transcribed
- Audio transcribed
- Photos
- Medical records
  - Evid. Code Section 1271
- Witnesses for impeachment
- Witnesses for priors
- Prior convictions
- Lied to police
  - Immunity
  - 1 year statute

#### Cooperative

- 402 Motions
- Protect your victim
  - Evidence Code 351: Relevant
  - Evidence Code 352: Exclude
    - Probative value substantially outweighed by the probability that its admissions will
      - Necessitate undue consumption of time or
      - Danger of undue prejudice, of confusing issues, or misleading the jury
  - Cumulative

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