

# **EFFECTIVE USE OF MITIGATION VIDEOS**



# NATIONAL TREND

*“LENIENCY VIDEOS MAKE A SHOWING AT CRIMINAL SENTENCINGS”*

*-The Wall Street Journal (5/29/14)*

*“DON’T JUST SAY IT; SHOW IT; THE USE OF VIDEO TO HUMANIZE CLIENTS AND CHANGE THE OUTCOME OF CASES”*

*-National Legal Aid Defender Organization (12/13)*

*“NOT JUST A COMMON CRIMINAL: THE CASE FOR SENTENCING MITIGATION VIDEOS”*

*- Penn Law: Legal Scholar Repository (4/14)*

# WHY

- ▶ A criminal defender's primary responsibility and greatest challenge is to "make the judge suffer." - Doug Passon, quoting Honorable John Kane, D.C. Co.
- ▶ "A defender must make empathy the centerpiece of any effective sentencing presentation." - Doug Passon



# CONTEXT OF USE

- ▶ Sentencing
- ▶ Pre-charge negotiations
- ▶ Plea negotiations

# WHEN TO USE

- ▶ Sparingly!!!

# HOW FPD CAN HELP

- ▶ Limited assistance with shooting the video
- ▶ Production Assistance
  - ▶ Equipment
  - ▶ Consultation on effective video
  - ▶ Editing

# RANDY THORN

- ▶ Allison Case, Charles Baird, Anthony Richardson
- ▶ Synopsis of Case
- ▶ Procedure for shooting video/Waiver
- ▶ Video
- ▶ Outcome of case
- ▶ Comments from sentencing judge and other judges

# TIPS FROM 1<sup>ST</sup> PRODUCTION

- ▶ Splicing: Pictures and B-Roll
- ▶ Time stamp and Time Limits
- ▶ Decision on interviews and questions
- ▶ Equipment
- ▶ How to handle objections
- ▶ 2 more videos



# RESOURCES

- ▶ [acjusticeproject.org](http://acjusticeproject.org)
- ▶ [dmajorfilms.com](http://dmajorfilms.com)
- ▶ [http://www.fd.org/docs/training-materials/2009/fjc2009/Sentencing\\_Film\\_Final.pdf](http://www.fd.org/docs/training-materials/2009/fjc2009/Sentencing_Film_Final.pdf)
- ▶ Charles Baird – (205) 208-7170