

Hi everyone –

A little follow up from today. For those who shared Analysis sections with me, I'll take a look at those this week and/or next and send you a tracked changes document with my thoughts. Happy to do any follow up discussion with you on those once you receive them.

A point I wanted to make and cannot recall doing so: If the facts are inflammatory, genuinely they would cause a significant reaction, and inflammatory words are the best descriptors (i.e., you're not sensationalizing what happened, what happened is sensational), then you should use inflammatory words. But if you can do so via a witness and not via your own descriptors, that is a better choice. Instead of saying: victim was beaten beyond recognition. Say: victim's roommate stated that victim was "beaten beyond recognition." Roommate literally did not recognize victim when roommate saw victim in the hospital. The point is to remove yourself from the reaction and keep the reactions as they are reported to you by the witnesses. Hope that makes sense (and maybe I said this and forgot – there's a lot of talking in that four hours!).

Attached is a sample evidence section. I have not rewritten it since the new regulations. Although I don't think there's anything in there that would be violative, proceed with caution if you would. As to the discussion of character evidence, here is where I would be inclined to include it, under a separate heading at the end of the evidence section, like so:

### **Character Evidence**

#### **Respondent's Proffered Evidence on Character**

Respondent described (him/her/their)self as a person of excellent character and integrity who would never have done such a thing. Person 1 is a friend of Respondent and stated Respondent is a great person. Person 2 [same.]

Respondent described Complainant as a shifty liar who cannot be trusted, and promiscuous to boot. When asked, Respondent provided no detail as to the basis of such opinions

#### **Complainant's Response to Respondent's Characterization**

Complainant was advised of Respondent's statements regarding (his/her/their) character. Complainant denied the allegations and offered as contradiction that (s/he/they) raise orphan puppies and work as an intern for the FBI, having undergone a full background check to do so. Agent 1 is the supervisor of interns at the FBI and corroborated that a full background check must be passed to work there as an intern, that Complainant was working as an intern, and had performed admirably in that role. The foster program supervisor at the Human Society corroborated Complainant's long-term work saving orphan puppies from certain death. (I am perhaps having a bit too much fun with this one).

[if Complainant had proffered other character evidence of respondent, you would include that and what you learned about it, as well as any other character traits Complainant proffered about Complainant]

Best,

JMH



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