

DEFENDING INTIMATE PARTNER VIOLENCE DOMESTIC CASES



Mindy Nolan

Ahmad & Nolan Defense

Milwaukee, WI

Client Interviewing





Client Interviewing

- **Goals**
- **Background**
- **History**
- **Past Incidents**
- **Additional Evidence**

Theory of Defense

Facts Beyond Change



Emotion



Legal Defense

Legal Defenses

- Didn't do it
- Not a crime – Privilege
- Didn't do that



Legal Defenses

- Someone else did it
- Not responsible
- Prove it





Sample Theory of Defense

Scott and Jessica met over the internet and got into a relationship very quickly. Scott thought Jessica was the girl of his dreams and that they would build a life together. Jessica had other plans and really needed someone to fix up her property. After only a month they moved in together and he went to work, spending any extra time away from his construction job renovating the property.



Sample Theory of Defense

After the renovations were done, Jessica had no use for Scott and wanted him gone. When the two had an argument about him moving out, Jessica falsely accused of him picking her up and slamming her on the ground.

Investigation

- Surveillance
- Other police reports
- Phone evidence
- Interviews
- Motives



Pre-Trial Litigation

- Other Acts
- Past Violent Conduct
- Motions in Limine



Fighting Confrontation

- Crawford v. Washington, 541 U.S. 36 (2004)
- Davis v. Washington, 547 U.S. 813 (2006)
- Hearsay Exception
- AND
- Non-Testimonial – Ongoing Emergency

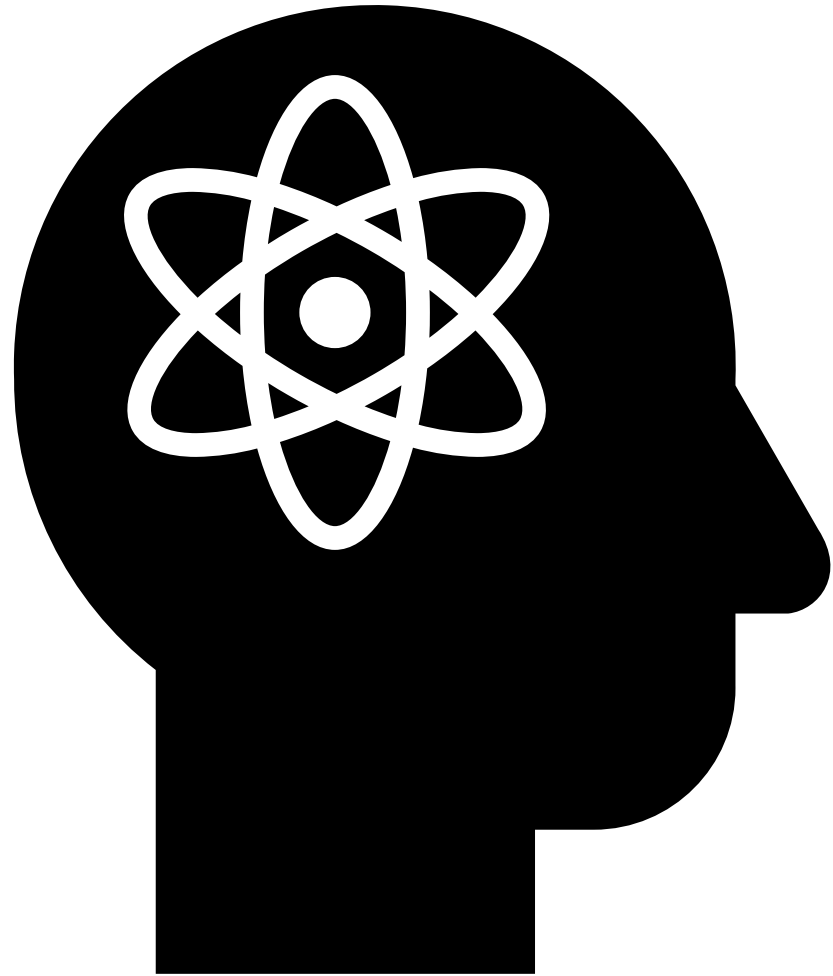
Challenging Expert Opinion



DOMESTIC ABUSE INTERVENTION PROGRAMS

202 East Superior Street
Duluth, Minnesota 55802
218-722-2781
www.theduluthmodel.org

Utilizing Your Own Expert



Crossing the Complaining Witness

- Know what to expect
- Be prepared to pivot



Crossing the Complaining Witness

- What is your theory of the witness
- Consider your demeanor



Preparing Your Client to Testify

- Their right
- Discussion starts early



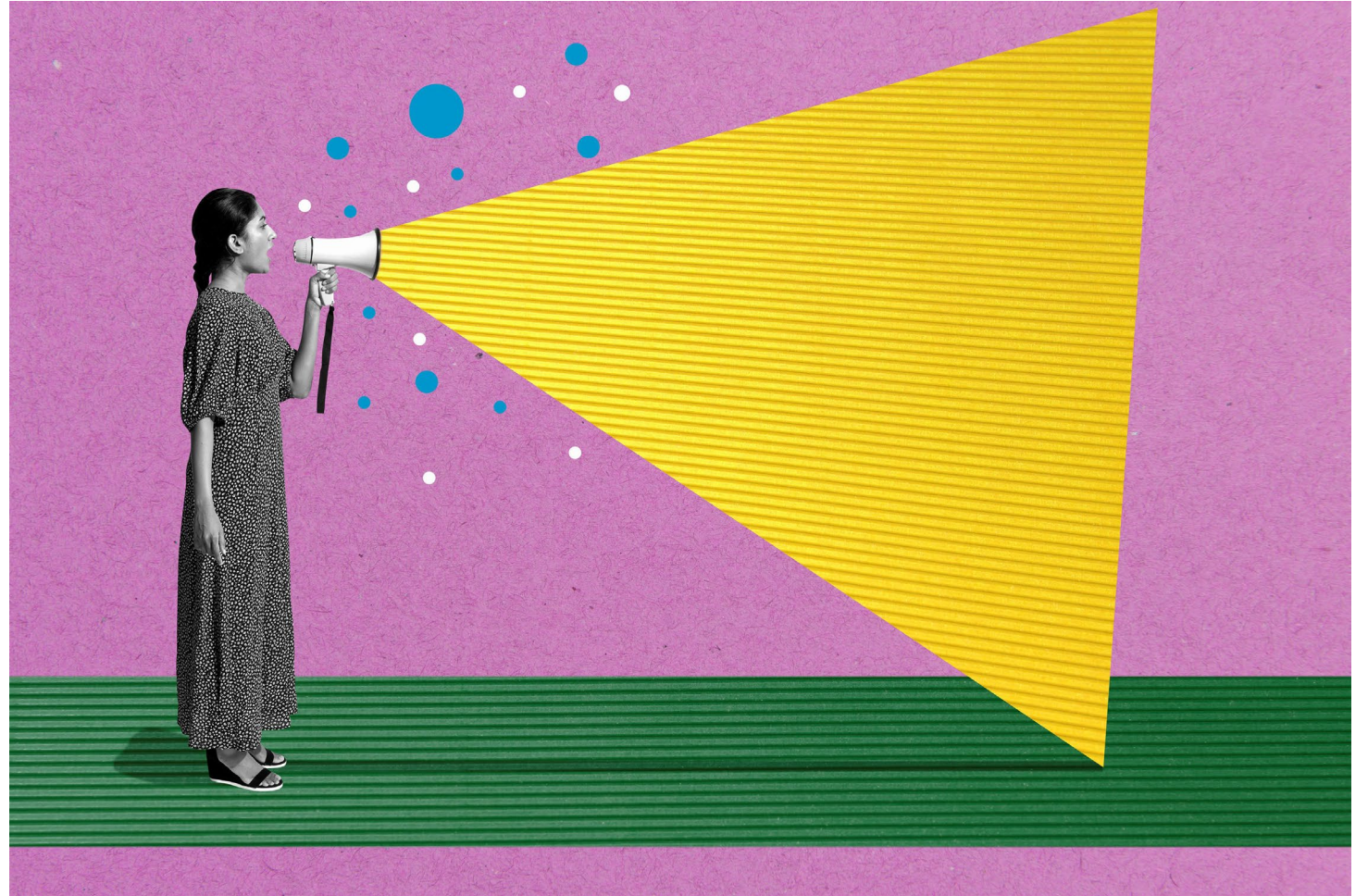
Preparing Your Client to Testify

- Do you need the testimony
- How will your client come across



Objections

- Your duty
- Preserve the record
- Don't let them get away with it!





Frequent Objections in DV Cases

- Leading
- Assumes facts not in evidence
- Cumulative evidence
- Calls for a narrative answer



Frequent Objections in DV Cases

- Hearsay
- Improper character evidence
- Improper opinion evidence
- Lack of personal knowledge
- Calls for speculation

Mitigation





Collateral Consequences



Mindy Nolan

mindy@ahmadnolan.com

414.501.5999

www.ahmadnolan.com

**A
N
D**

AHMAD & NOLAN DEFENSE
Attorneys. Advocates. Advisors.
