



Bulletproof Courtroom Testimony

COURSE OUTLINE

Tell the truth in a way that it is believed: professional, confident, impartial

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Course Description

Every arrest, every search, and every report an officer writes is headed for a witness stand, yet most officers receive almost no training on what happens there, and judges and juries assume they have had a great deal. This course closes that gap. Built around real courtroom video, including an extended case study of Commonwealth v. Karen Read, it teaches officers how a trial runs, what evidence is admissible and why, what must be disclosed under Brady and Giglio, how to prepare for a hearing, how to behave and speak on the stand, and how to recognize and defeat the traps a defense attorney uses on cross-examination. Students leave with three golden rules (be professional, be confident, be impartial) and one objective for every hearing: convey the facts.

Course title	Bulletproof Courtroom Testimony (BCT)
Length	8 hours (480 minutes, including a 60-minute lunch and two 10-minute breaks; 400 minutes of instruction)
Learners	In-service training for certified law enforcement officers, including patrol, investigations, traffic and DUI units, specialty units, corrections, supervisors, and command staff; also appropriate for academy recruits and civilian evidence personnel who testify
Prerequisites	None. Bulletproof Report Writing recommended.
Methods	Lecture with slides, trial video with guided discussion, Socratic questioning, case briefs, extended case study, and optional role-play exercises
Assessment	Instructor observation and the Key Takeaways review. Certificates issued through Blue to Gold University.
Instructor	Blue to Gold legal instructor (John Wiehn, JD, or other Blue to Gold attorney instructor). Course author: Anthony Bandiero, Esq., Attorney and President.
POST	Minnesota POST #10533-00021 (sponsor: Saint Paul Police Department); course statement read aloud when taught in Minnesota
Contact	Blue to Gold, LLC, 174 E Neider Ave #212, Coeur d'Alene, ID 83815 888-579-7796 info@bluetogold.com www.bluetogold.com

Learning Objectives

By the end of this course, the student will be able to:

1. State the three golden rules of testifying and the officer's only objective on the stand: to convey the facts.
2. Explain, using the Karen Read case study, how investigation and report quality shape cross-examination.

3. Distinguish Brady (exculpatory) from Giglio (impeachment) material, give examples of each, and explain the duty to disclose everything to the prosecutor.
4. Identify who carries the burden of proof in a criminal case and state the beyond-a-reasonable-doubt standard in plain language.
5. Describe the sequence of a jury trial and distinguish direct examination, cross-examination, and redirect.
6. Distinguish direct, circumstantial, and demonstrative evidence; state the three requirements for admissibility; and explain chain of custody, publication, mistrial, and opening the door.
7. Respond correctly to an objection and explain why the officer must know the jury instructions for the actual charges.
8. Prepare for a hearing: subpoena, review of body camera, reports, diagrams, and prior testimony; pre-trial conference limits; introductory questions; appearance.
9. Demonstrate correct behavior and speech on the stand and testify only to personal knowledge.
10. Recognize and respond to the common defense traps, including the confirmation bias attack.

Schedule

The deck has no lunch slide; lunch is placed after Part Three.

Segment	Slides	Minutes
Part One: Overview	1 to 122	75
Part Two: Fundamentals	123 to 190	60
Break		10
Part Three: Types of Proceedings	191 to 328	95
Lunch		60
Part Four: Preparing to Testify	329 to 401	50
Break		10
Part Five: How to Testify	402 to 481	55
Part Six: Cross-Examination and Key Takeaways	482 to 527	65
Total		480

Part One: Overview

SLIDES 1 TO 122 | 75 MINUTES

Opening the Class (slides 1 to 23)

- ▶ Instructor introduction, course objective (become more effective when testifying), housekeeping, disclaimers, content advisory
- ▶ Minnesota POST course statement (slide 17) read aloud when taught in Minnesota
- ▶ “JD Buck Savage” video and discussion; six-part roadmap

The Karen Read Case Study (slides 24 to 106)

- ▶ Commonwealth v. Karen Read, Norfolk Superior Court 2282CR0117: players (O’Keefe, Read, McCabe, the Alberts, Higgins, Proctor) and the January 28 to 29, 2022 timeline
- ▶ Evidence problems: injuries, phone data, inconsistent accounts, conflicted lead detective, inverted video, taillight timeline, evidence collection
- ▶ Your investigation and report are how the defense builds its case theory; videos “Evidence Changes” and “Blame the Girl”

Just Tell the Truth (slides 107 to 111)

- ▶ “Just tell the truth” is necessary but not sufficient; do not give the defense any opportunities

Three Golden Rules (slides 112 to 122)

- ▶ Be professional (behavior, attitude, preparation, appearance, language)
- ▶ Be confident: the jury must believe that you believe your investigation
- ▶ Be impartial: no agenda; the only objective on the stand is to convey the facts

Part Two: Fundamentals

SLIDES 123 TO 190 | 60 MINUTES

History of Trials (slides 124 to 133)

- ▶ Magna Carta (1215); U.S. Constitution Article III, Section 2, Clause 3; Sixth Amendment
- ▶ Pointer v. Texas, 380 U.S. 400 (1965): confrontation right applies to the states
- ▶ Deck v. Missouri (slide 130): the formal dignity of the courtroom; judges are held to it too

Credibility, Brady, and Giglio (slides 134 to 178)

- ▶ Witness credibility factors, Young Ah Chor v. Dulles (slide 136)
- ▶ Brady v. Maryland, 373 U.S. 83 (1963): exculpatory evidence material to guilt or punishment; good faith irrelevant; the prosecutor and the court decide materiality
- ▶ Benn v. Lambert, 283 F.3d 1040 (slide 145): withheld fire report; materiality beyond the elements
- ▶ Other Brady examples: another person confessed, witness identified someone else, alibi evidence, sentence reduction, self-defense evidence
- ▶ Giglio v. United States (slide 160): impeachment evidence; inconsistent statements, benefits to witnesses, mental condition, impairment, convictions
- ▶ Your personal life: divorce proceedings, social media, Punisher imagery, challenge coins, radical organizations, sustained truthfulness findings; Fenico v. Philadelphia, 582 F. Supp. 3d 229
- ▶ Proctor's text messages on direct: if you don't want to explain it on the stand, don't say it

Burdens of Proof (slides 179 to 190)

- ▶ Beyond a reasonable doubt: you find the evidence, the prosecutor delivers it, the defendant proves nothing
- ▶ Understand the burden before any trial or hearing

Part Three: Types of Proceedings

SLIDES 191 TO 328 | 95 MINUTES

The Jury Trial (slides 191 to 211)

- ▶ Types of proceedings; trial procedure: jury selection, openings, witness examinations, instructions, closings
- ▶ Direct (open-ended) versus cross (leading, closed); redirect; *Alford v. United States*, 282 U.S. 687
- ▶ On cross, “because” is the most dangerous word

Types of Evidence (slides 212 to 237)

- ▶ Direct, circumstantial, and demonstrative evidence (NY Courts Guide to Evidence 4.02)
- ▶ FST observations are circumstantial evidence, *United States v. Hamilton* (slide 226)
- ▶ The law draws no distinction between direct and circumstantial; focus on weight

Admission of Evidence (slides 238 to 269)

- ▶ Not all probable cause evidence is admissible; relevant, more probative than prejudicial, authenticated
- ▶ *United States v. Smith* (D. Nev. 2021): “he’s a bad guy, he must have done this too”
- ▶ Authentication and chain of custody; the Karen Read red Solo cups
- ▶ Publication, mistrial, opening the door; know what is excluded before you testify

Objections and Jury Instructions (slides 270 to 289)

- ▶ Stop speaking immediately; sustained, overruled, rephrase, does not compute; deposition objections
- ▶ Jury instructions control; know the elements of the actual charges; the credit card declaration of arrest example

Roles in Court (slides 290 to 310)

- ▶ *Berger v. United States*, 295 U.S. 78 (1935): the prosecutor seeks justice, not a win
- ▶ You are a witness for society; fact teller as extension of fact finder; higher standard
- ▶ *United States v. Wade*, 388 U.S. 218: the defense attorney’s role
- ▶ Juror expectations: 80 hours of training, testifying two to three times a week

DMV Hearings and DUI Trials (slides 311 to 328)

- ▶ Administrative versus criminal hearings; the four issues; defense tactics
- ▶ Know your standard procedures and manuals (walk and turn: one half inch); “Evidence Collection Policy” video

Part Four: Preparing to Testify

SLIDES 329 TO 401 | 50 MINUTES

Subpoenas and What to Review (slides 329 to 362)

- ▶ A subpoena is an order, not an invitation
- ▶ Review body camera, reports, diagrams, and prior testimony; State v. Ford suppression hearing example
- ▶ “I don’t know” versus “I don’t recall”; refreshing memory without reading aloud; impeachment with prior testimony

The Pre-trial Conference (slides 363 to 376)

- ▶ What to discuss; the prosecutor gives questions, never answers
- ▶ Ask about your prosecutor’s experience; contacts from the defense; prepare introductory questions

How to Appear (slides 377 to 401)

- ▶ In person, virtual, or phone; backgrounds and technology
- ▶ Appearance: uniform or suit, no lapel pins, sunglasses off, credentials visible
- ▶ Arrival: assume everyone is someone; do not discuss the case; reports in an envelope; water only; first impressions

Part Five: How to Testify

SLIDES 402 TO 481 | 55 MINUTES

Behavior on the Stand (slides 402 to 428)

- ▶ Faces and voices: mismatches read as deception
- ▶ Don't be weird, fix your face, don't look nervous, church hands, treat everyone the same, no Snark Shark
- ▶ Appear interested, show humanity, speak loudly at a normal pace, look at the jury

The Brooks Comparison and Correcting Counsel (slides 429 to 440)

- ▶ Brooks Testimony A and B compared
- ▶ Correct attorney mistakes politely; admit overtime pay; freely admit mistakes; equal treatment of both sides

Answering the Question (slides 441 to 481)

- ▶ The Higgins phone cross-examination: "That is not correct" to a full admission fifteen minutes later
- ▶ Say yes or no; listen; stop when you have answered; silence is not yours to fill
- ▶ Compound questions; pause before answering; no qualifying or filler words
- ▶ Personal knowledge only; no collective knowledge doctrine on the stand

Part Six: Cross-Examination

SLIDES 482 TO 527 | 65 MINUTES

The Purpose of Cross (slides 482 to 490)

- ▶ Cross creates doubt about the witness; the defense needs only one juror
- ▶ No explanations on cross: Proctor's "Figure of Speech" and Trooper Paul's "Someone Did"

Common Defense Traps (slides 491 to 512)

- ▶ Answer train, repetitive questions, "if you said that," summarizing testimony, slow crawl, possible versus probable
- ▶ Inflammatory questions, bias questions (Valdez v. Macdonald, 66 F.4th 796 (10th Cir. 2023)), confusing questions
- ▶ The confirmation bias attack; Officer Saraf's cross-examination; defense closing

Key Takeaways (slides 513 to 527)

- ▶ Be professional: exceed expectations, know your investigation, disclose Brady and Giglio material
- ▶ Be confident: tell the truth in a way that it is believed; don't fall for the traps; equal interest in both attorneys' questions
- ▶ Be impartial: impartial storyteller; no additional information
- ▶ Are you ready to testify?