

# Visual Argument: PowerPoint, The Criminal Defense Lawyer, And His Computer

Elton B. Richey, Jr.

[www.eltonrichey.com](http://www.eltonrichey.com)

[EBRLaw@bellsouth.net](mailto:EBRLaw@bellsouth.net)

10/28/07

# What is Visual Argument?

The integration of visual and graphic elements into oral and written presentations so you can communicate and persuade more effectively and with greater impact

# Why Visual argument?

- Our audiences live in a visually oriented world
- Boredom dulls or destroys the reader or listener's receptivity to argument.
- Prevent and overcome boredom with visual elements that stimulate interest and provide a focal point for attention

# Uses of Graphic Elements

- *Place dispute in its physical/visual context*
- *Visualize complex processes or sequences of events*
- *Summarize or emphasize evidence*
- *Contrast and compare evidence*
- *Illustrate points of an argument*

# Common Graphic Elements

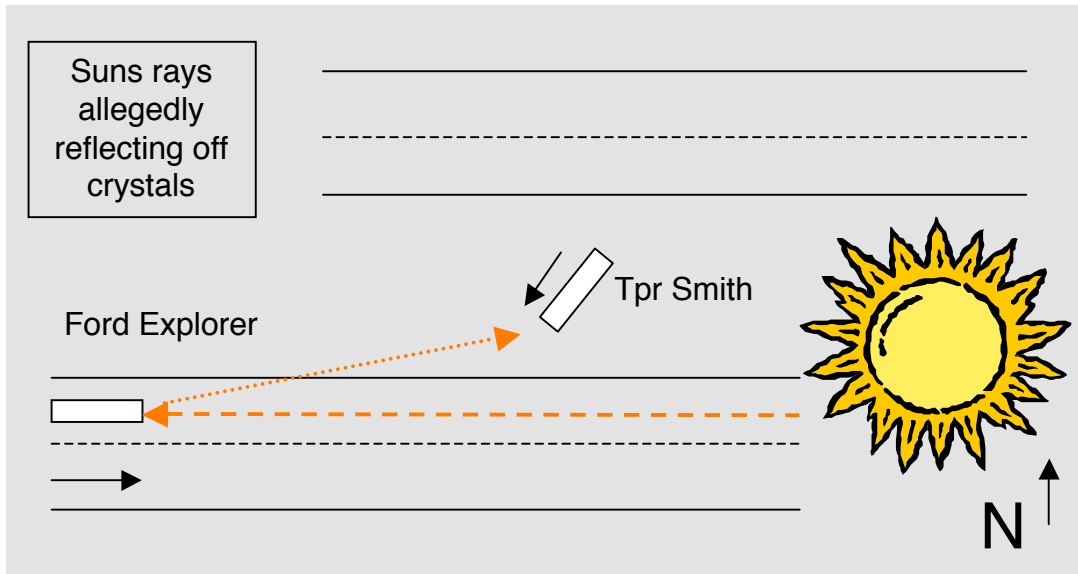
- *Photographs/ Video-captured images/ Medical illustrations*



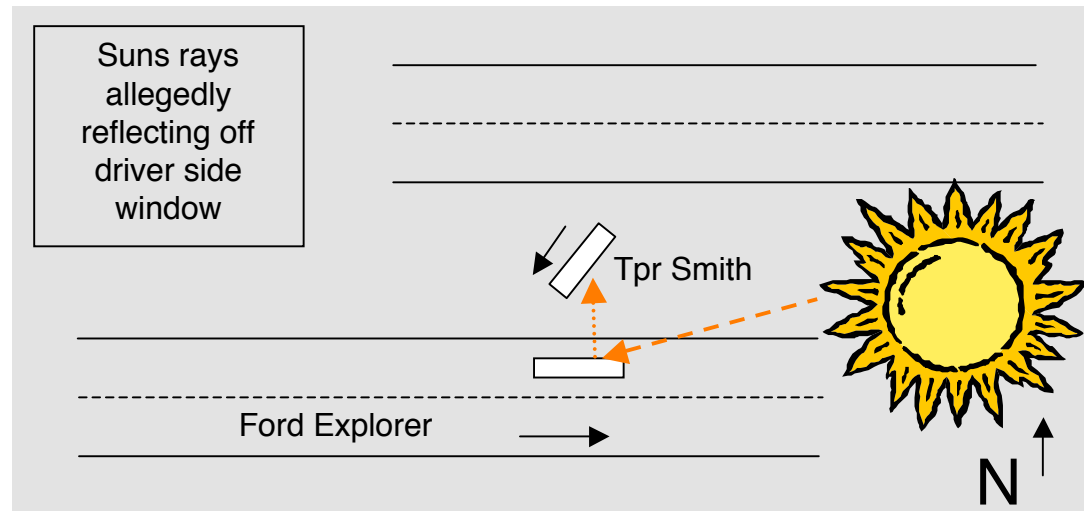
**Exhibit B**

# Common Graphic Elements

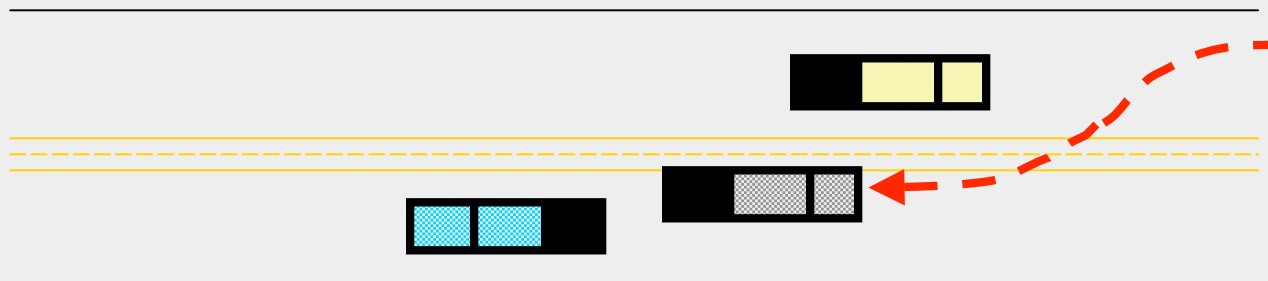
- *Photographs/ Video-captured images/ Medical illustrations*
- *Schematic Diagrams/ Drawings*

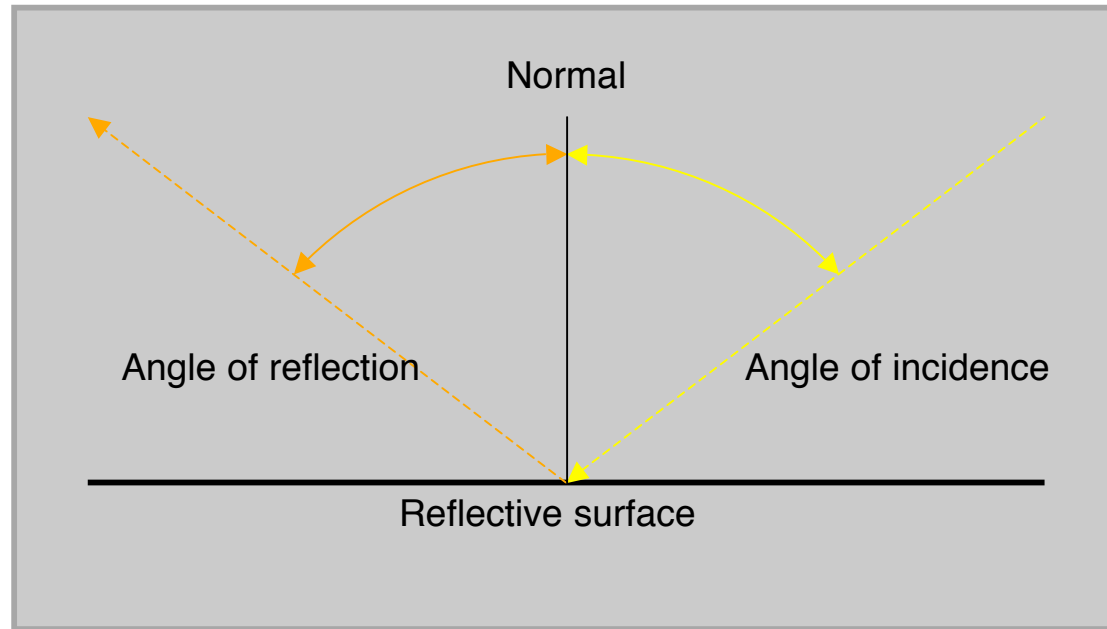


**Figure 1. Location of Trooper Smith median of I-100 as the Explorer approached him traveling eastbound**



**Figure 2 Location of Trooper Smith in median of I-100 as the Explorer passed him to the south**



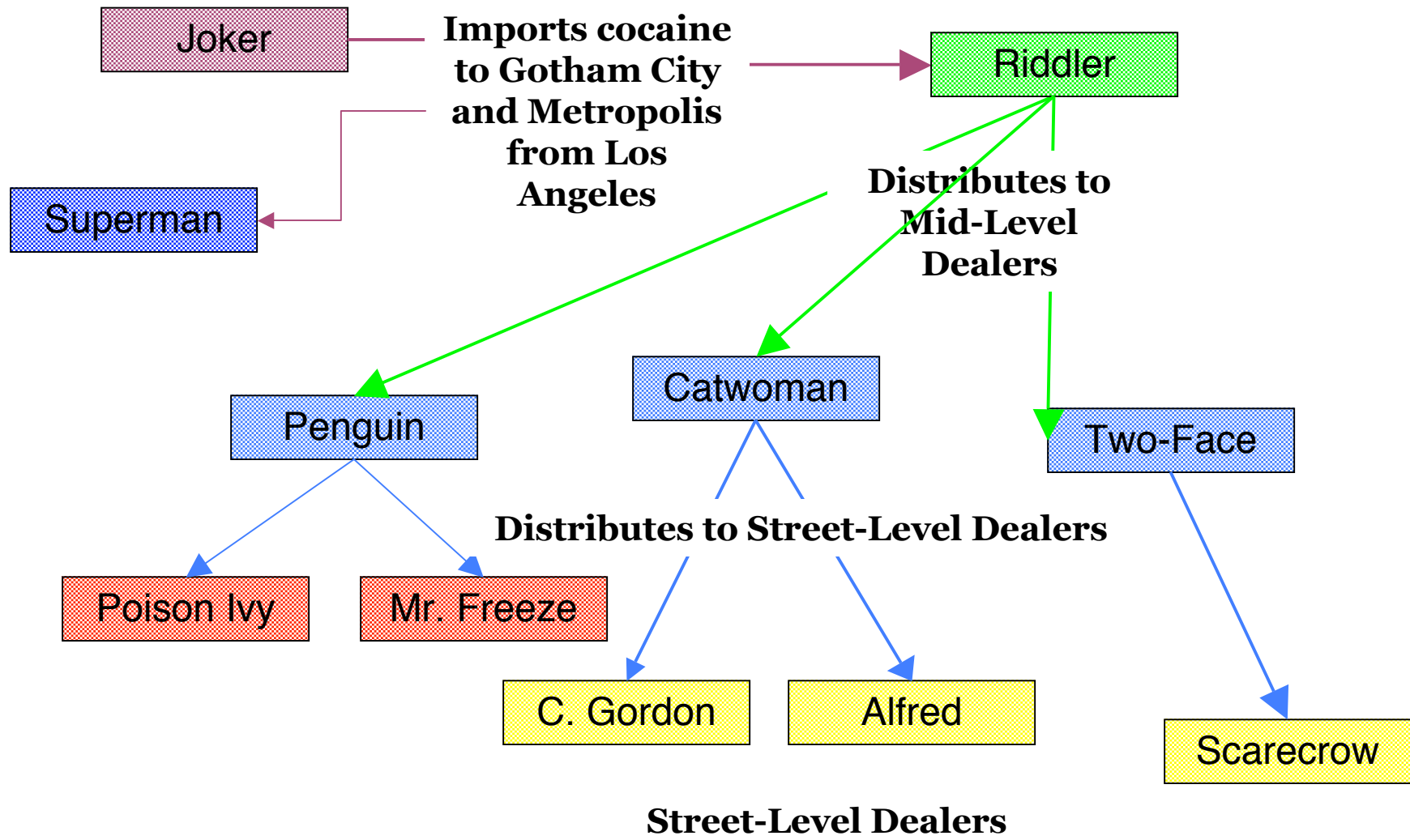


**Figure 3**

# Common Graphic Elements

- *Photographs/ Video-captured images/ Medical illustrations*
- *Schematic Diagrams/ Drawings*
- *Flow Charts /Timelines*

# The Joker Drug Conspiracy Organization



**"Duplicity is the charging of more than one distinct crime in one count of an indictment."**

**Count One**

**January 1, 1983**

**February 14, 1990**

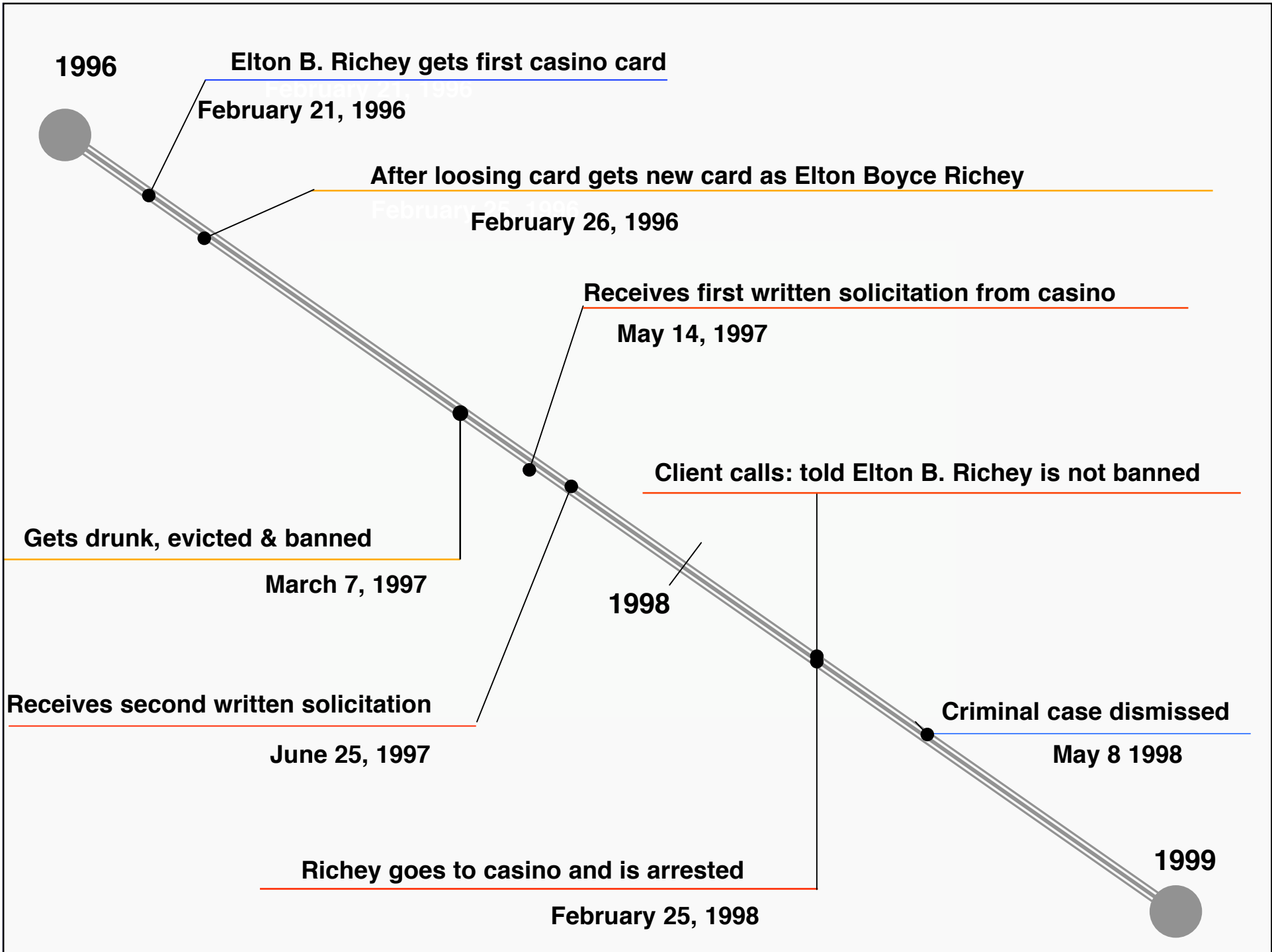
**Only 3 of 6 agree**

**July 4, 1993**

**December 31, 1995**

**Only 3 of 6 agree**

**Defendant Joe Jones committed multiple acts of molestation upon his niece D. K., between January 1, 1983 and December 31, 1995 in violation of La.R.S. 14:81.2**



# Common Graphic Elements

- *Photographs/ Video-captured images/ Medical illustrations*
- *Schematic Diagrams/ Drawings*
- *Flow Charts /Timelines*
- *Time lapse Drawing*
- *Tables/Text Box*

Faint, illegible text from a document page, likely bleed-through from the reverse side.

Faint, illegible text from a document page, likely bleed-through from the reverse side.

Faint, illegible text from a document page, likely bleed-through from the reverse side.

Faint, illegible text from a document page, likely bleed-through from the reverse side.

Faint, illegible text from a document page, likely bleed-through from the reverse side.

**En dash –**  
The Judge hears motions from 10:00 – 12:00 a.m., every Tuesday – Thursday after arriving on the 9’oclock New Orleans – Shreveport Bus.

**Em dash —**  
The em dash is used similar to a colon or parentheses or to indicate an abrupt change in thought—and you never put a space on either side.

**En dash –**  
The Judge hears motions from 10:00 – 12:00 a.m., every Tuesday – Thursday after arriving on the 9’oclock New Orleans – Shreveport Bus.

**Em dash —**  
The em dash is used similar to a colon or parentheses or to indicate an abrupt change in thought—and you never put a space on either side.

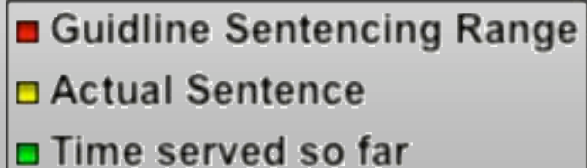
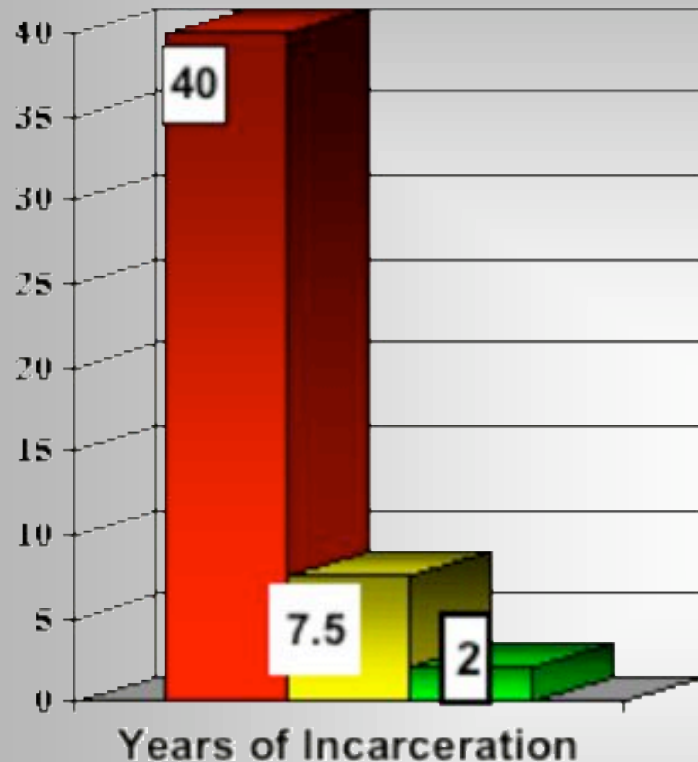
| <b>Chart 2</b><br><b>Scope of participation</b> | <b>Shipped or received cocaine interstate</b> | <b>Involved in multi-kilo transaction</b> | <b>Acted as Enforcer or possessed weapon</b> | <b>Used legitimate business as a front</b> | <b>Sold to multiple individuals</b> |
|---|---|---|--|--|-------------------------------------|
| <b>Joker</b><br>Manager                         | ✓   | ✓   |  | ✓  | ✓                                   |
| <b>Riddler</b><br>Manager                       | ✓   | ✓   |  | ✓  | ✓                                   |
| <b>Penguin</b><br>Manager                       | ✓   | ✓   |  | ✓  | ✓                                   |
| <b>Cat-Woman</b><br>Mid-level distributor       |   | ✓   |  | ✓  |                                     |
| <b>Poison Ivy</b><br>Participant                |   |   | ✓  | ✓  |                                     |
| <b>Mr. Freeze</b><br>Participant                |   | ✓   | ✓  |  |                                     |
| <b>Two-Face</b><br>Lieutenant                   |   |   |  | ✓  |                                     |
| <b>Scarecrow</b><br>Mid-level distributor       |   |   | ✓  |  |                                     |
| <b>Alfred</b><br>Mid-level distributor          |   |   |  |  |                                     |
| <b>C. Gordon</b><br>Participant                 |   |   |  |  |                                     |

| Sobriety Tests  | Mr. Jones' Performance - / +              |   |
|-----------------|---|---|
| HGN             | Very Subjective:<br>6 pts                 | - |
| Walk & Turn     | Saw video<br>Balanced<br>Not step of line | + |
| Odor of Alcohol | Slight                                    | + |
| One leg stand   | Dropped foot 2 times                      | - |
| ABC's           | Correct                                   | + |
| Speech          | Video shows not slurred                   | + |
| Balance         | Stands unassisted no swaying              | + |

# Common Graphic Elements

- *Photographs/ Video-captured images/ Medical illustrations*
- *Schematic Diagrams/ Drawings*
- *Flow Charts /Timelines*
- *Time lapse Drawing*
- *Tables/Text Box*
- *Chart/Graphs*

## Joe Snitch a/k/a “Big Mouth”



- Has already avoided a 10 year mandatory minimum
- Has already “Worked off” 32 1/2 years
- Would have been 70 years old when released
- Will be 38 or younger

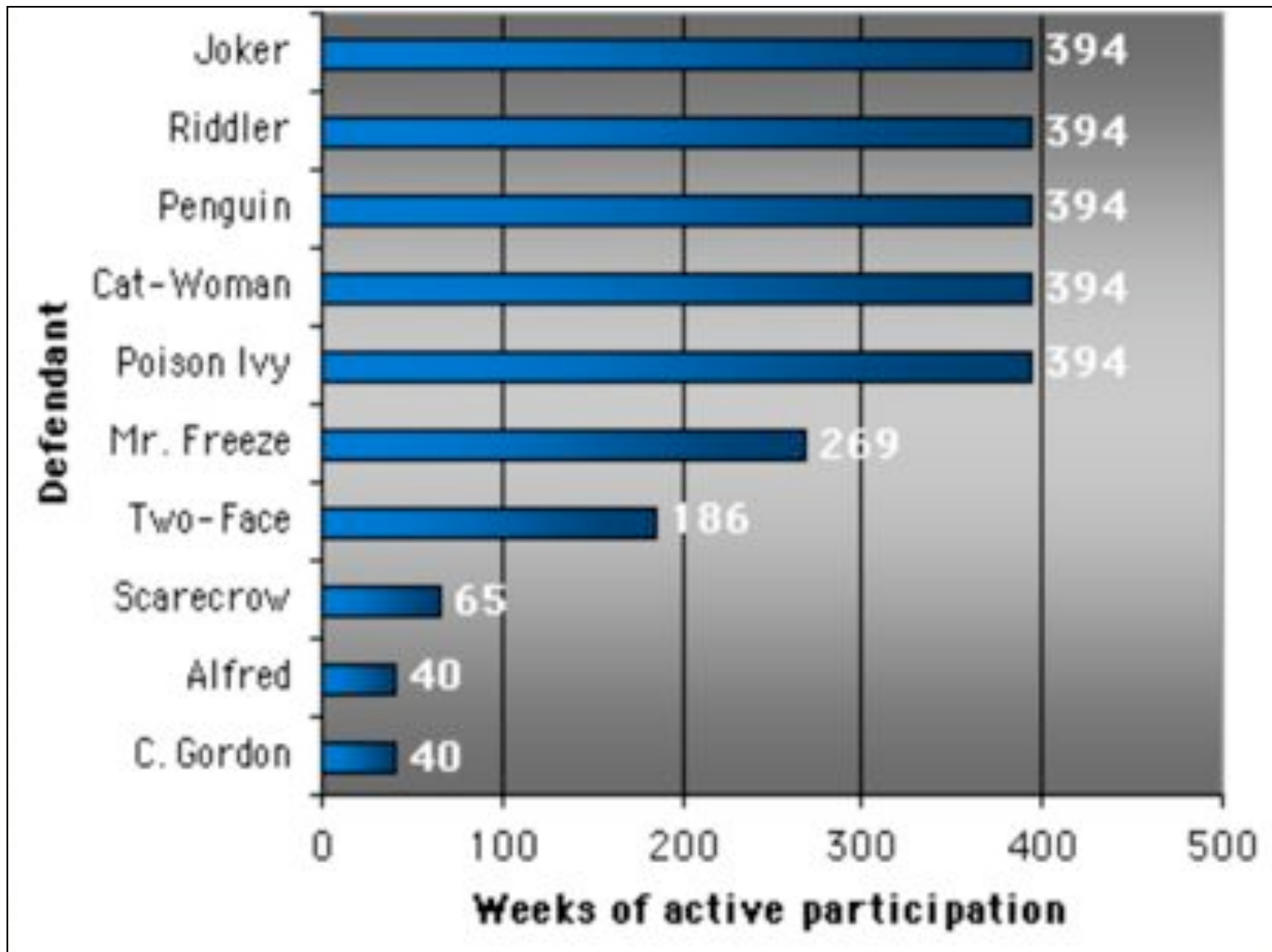
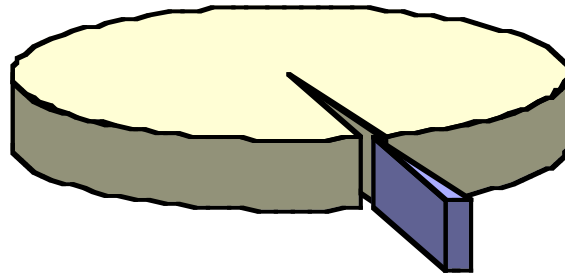


Chart 3

□ **Total  
Cocaine  
distributed  
99%**



□ **Total  
Cocaine  
Attributable  
to Alfred  
1%**

# Common Graphic Elements

- *Photographs/ Video-captured images/ Medical illustrations*
- *Schematic Diagrams/ Drawings*
- *Flow Charts /Timelines*
- *Time lapse Drawing*
- *Tables/Text Box*
- *Chart/Graphs*
- *Spot color*

# Basic Considerations:

- *Selection of information*
- *Type of graphic*
- *Relationship to text*
- *Structure*
- *color*
- *Size*

# Graphic for Oral Presentations

- **Uses**
  - Plea negotiations
  - Motion hearings
  - Trial
  - Oral arguments
- **Methods**
  - Projection system
  - Overhead projector
  - Laptop computer
  - Paper slides

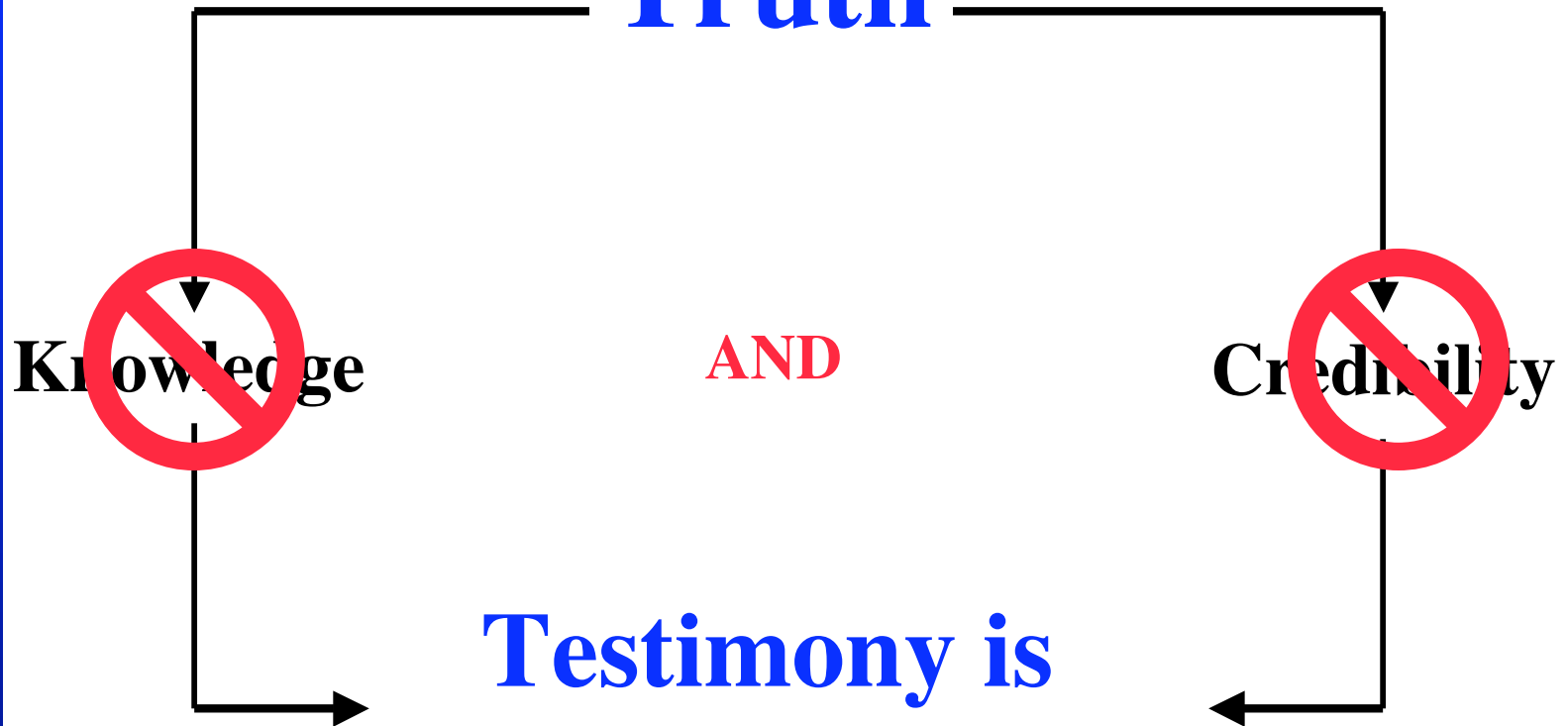
**Truth**

**Knowledge**

**AND**

**Credibility**

**Testimony is  
unworthy of belief**



| Proof BRD =                                  | Knowledge | Credibility |  |  |
|--|-----------|-------------|--|--|
| <del>SA Kent</del>                           | No        | Yes         |  |  |
| Officer Lane                                 | No        | Yes         |  |  |
| <del>Officer Olson</del>                     | No        | Yes         |  |  |
| Joe Snitch aka<br>"Big Mouth"                | Yes       | Yes         |  |  |
| <del>Bruce Wayne</del> aka<br>"Heavy Duty"   | Yes       | Yes         |  |  |
| <del>Dick Gayson</del> aka<br>"Light Weight" | Yes       | No          |  |  |

# Sources of Graphic Elements

- Obvious choices
  - Photos, video
  - Physical evidence
  - Documents
- Look for numbers
- Look for Legal tests
- Quotes from testimony



File Edit View Insert Format Tools Chart Window Help 4:05 PM Micro

Chart Area

Visual argumentworkbook

### Chart Type

Standard Types Custom Types

Chart type:

- Column
- Bar
- Line
- Pie
- X/Y (Scatter)
- Area
- Doughnut
- Radar
- Surface
- Bubble

Options:

- Apply to selection
- Default for plotting

Sample:

**Dollars lost 1998**

|                | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Nov |
|----------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Monthly Losses | 900 | 800 | 750 | 500 | 400 | 300 | 400 | 600 | 550 | 800 |

Clustered Column. Compares values across categories.

Press and Hold to View Sample

Set as Default Chart Cancel OK

|                | Aug | Sep | Oct | Nov | Dec |
|----------------|-----|-----|-----|-----|-----|
| Monthly Losses | 400 | 425 | 600 | 550 | 725 |

# Visual Argument: PowerPoint, The Criminal Defense Lawyer, And His Computer

Elton B. Richey, Jr.

[www.eltonrichey.com](http://www.eltonrichey.com)

[EBRLaw@bellsouth.net](mailto:EBRLaw@bellsouth.net)

10/28/07