

Chapter 28

Opening Statements

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The opening statement is a critical part of the defendant’s case. Although the jury may have obtained some sense of the defendant’s side of the case during jury voir dire, opening statement is counsel’s first main opportunity to communicate the theory of defense to the jury.

An opening statement is factual. It is a condensed version of the story of your case, giving the jurors the pertinent facts necessary for them to understand your client’s story of innocence or

reduced culpability. *See* Ira Mickenberg, [*Improve Your Opening Statements*](#) (North Carolina Defender Trial School, July 2011). This chapter does not discuss in detail the different techniques for delivering opening statements. It focuses instead on the procedural rules relating to opening statements as well as limitations on their scope.