

# Chapter 33

## Closing Arguments

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Closing argument is a vital part of the adversarial process that forms the basis of our justice system and can be a critical part of winning a case. *State v. Jones*, 355 N.C. 117, 135 (2002). It is the “last clear chance” for the defense to persuade the trier of fact of the defendant’s innocence or lesser culpability. *Herring v. New York*, 422 U.S. 853, 862 (1975). This chapter covers the procedural rules relating to closing arguments as well as the limitations on their scope.

The website of the Office of Indigent Defense Services has a collection of materials on Closing Arguments by various authors that may be accessed in the [Training and Reference Materials Index](#) under the topic “Trial Practice.” For additional considerations and recommendations on developing closing arguments, as well as objecting to improper arguments by prosecutors, see *infra* Appendix 33-1, Guideline 7.7 Closing Argument from N.C. COMM’N ON INDIGENT DEFENSE SERVS., PERFORMANCE GUIDELINES FOR INDIGENT DEFENSE REPRESENTATION IN NON-CAPITAL CRIMINAL CASES AT THE TRIAL LEVEL (Nov. 2004). For the complete guidelines, see *infra* Appendix A of this manual.