

### **33.1 Right to Closing Argument**

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The defendant has a constitutional right under the Sixth Amendment to the U.S. Constitution to have his or her counsel make a closing argument. *Herring v. New York*, 422 U.S. 853 (1975). The trial judge cannot deny the defendant this right no matter how strong the prosecution's case may be. *Id.*; *see also State v. Eury*, 317 N.C. 511 (1986) (the right to make a closing argument is a substantial legal right of which the defendant cannot be deprived by the exercise of a trial judge's discretion).