

# SUNSHINE INVESTIGATIONS

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## **Desiree Edwards** - presenter CAP Conference, January 18, 2019

Some ways investigation can help your case

- Building relationships with client and family members
- Provide another perspective on the client's story
- Reviewing and analyzing police and other records
- Identifying investigative avenues
- Listen to jail tapes
- Watch dash cam and other videos
- Providing a witness to interviews you conduct (potentially for impeachment)
- Locate witnesses
- Interview witnesses
- Prepare witnesses for testimony (although the attorney still needs to talk to them!)
- Create a relationship with the witness to promote cooperation at trial
- Transport witnesses to court hearings if necessary
- Obtain affidavits
- Obtaining background information on witnesses (adverse or not), including expert witnesses
- Taking photos (bad views, clothing, car windshields, landscape, environment)
- Conducting research
- Social media searches and evaluation
- Obtaining records – police, court, medical, school, SSI, etc.
- Conducting surveillance
- Verifying (or disproving) leads provided by the client
- Locate and evaluate experts
- Jury research
- Obtaining information useful at sentencing
  - Mitigation specialists obtain information about the client's past and present circumstances that helps to explain what happened and to highlight the client's work toward redemption
  - Bio-psycho-social history
  - Multigenerational social history
  - Genealogical charts
  - Client, family and mitigation witness interviews
  - Medical, school and government records (like SSI)

How do you know if you need or want an investigator?

- If you client says he didn't do it
- If there are witnesses who should be spoken with
- If there is a mountain of evidence to go through
- If you want know what the scene looks like, but don't have time to go there
- If you have unanswered questions
- If the client says he did it, but you believe he may have had a good legal reason
- Even if the client says he did it, had no good reason, and you want to look into why, to prepare some mitigation for sentencing
- If you're busy and you need help – many tasks you usually do can be done by an investigator

What attorneys do that I like

- Communicate – concerns, hopes, doubts, details, case information and background
- Communicate some more: the more we know, the more we will be able to analyze information we gather and make good decisions in the field
- Take the time needed to discuss everything
- Save my number and answer when I call
- Tell me what you like and don't like; I can't get better without feedback
- Be sure I have access to all relevant records and documents (police report, PSI, lab reports, etc.)

What attorneys should not do

- Be unavailable
- Create imaginary deadlines
- Withhold pertinent information
- Argue with me in front of the client
- Berate the client in front of me

How to find an investigator

- Listservs – ask others
- Professional organizations
  - NALI – why and when
  - MCPI – why and when
- Determine specialties – interview the investigator
  - Ask what they are best at; move on if they don't sound like a good fit
- Obtain resumes and references – look around before the need arises