

5 Tips to be Effective in Court

Getting traffic tickets sucks and defending yourself in court is a daunting task, but can be well worth the effort. You can be held in contempt for asking a question and let's face it, traffic courts are run by criminals who are not interested in being fair. But, despite that, we still get tickets thrown out. Below are five proven tips to help you be more effective in court. Many of us have gotten tickets thrown out on four continents using these basic principles.

First, you have to adamantly challenge the prosecutor's claims against you. I know this seems obvious, but those who have experienced the legal system know this is often overlooked in an effort to get a deal or just from fear of the process. Prosecutors are not our friends, be professional, but remember they are adversaries and they have no problem being unethical with us.

Second, do not extend the prosecution any sacred cows, none of their claims are exempt from challenge. It doesn't matter if you think it's obvious and may already know the answer, make them meet their burden. You may even feel uncomfortable challenging what you think is obvious, such as jurisdiction, but realize the prosecution needs you to give them a free pass as they will not be able to prove jurisdiction. They may try to use intimidation tactics, such as *gaslighting* and threatening jail to get you to stop challenging them, call them out on their bully tactic and stick to your challenge.

This, with tip #3, can be all that's needed to get enough leverage over the prosecutor for them to *withdraw* their complaint or make you an offer you can live with.

Third, just ask questions, leading questions. You don't have a burden of proof, that lies with the accuser, the cop or prosecutor. If you're making statements, then you take upon yourself a burden and that takes pressure off the prosecutor. Never allow the focus to be taken off the prosecutor's claims, we have to be *unrelenting* when holding the prosecution to their burden. If you have to make a statement, make sure the burden stays on the prosecution e.g., the prosecution has no evidence proving jurisdiction.

A leading question is a yes or no question where the information is given in the question, it suggests the answer. An example is: You alone determined you had probable cause to stop me?

Fourth, only accept responsive answers to your questions. This is really important as lawyers and cops tend to say anything to avoid answering a question that damages their case. Judges may also try to intimidate you as they are very pro-prosecution, many being former prosecutors. But that is bullying and could be a denial of effective cross-

examination if done when you are questioning the police officer when he's on the witness stand. A denial of cross-examination is one of the **worst errors** a judge can commit, so if they rule against you, then you stand a very good chance at a reversal on appeal.

Role-playing is necessary to prep for court as you can sharpen your skills and better identify non-responsive answers. I have a Skype chat room to help with that, most participating have experience in the courts defending against tickets. Watching interviews with politicians will also help you recognize this. One of the best things about leading questions is that it's easy to know when you get a non-responsive answer as they should only be answering yes or no. To watch a typical politician dodge questions, watch interviews with Kellyanne Conway.

Off point objections are included here. Many times prosecutors will object to a question we ask the cop about his prior statements/testimony; below is a common example:

Marc: Did you alone determine you had jurisdiction over me?

Cop: Yes.

Marc: What facts did you rely to prove you had jurisdiction over me?

Prosecutor: Objection, calls for a legal conclusion!

This objection has nothing to do with the question that's about the facts the witness relied on. Being non-responsive is an effective way to derail an investigation/cross-examination and can also get you upset and off point.

Fifth, assume everything the cop, prosecutor and judge say is a lie. This doesn't mean everything is a lie, but you will more readily object and challenge their claims. Since most of what they say is a lie, this serves us well.

A common tactic judges use against us is called **cherry picking**, where they will make a statement that may sound true but deliberately leave out key information. This is usually necessary when giving non-responsive answers. An example is how judges lie about jurisdiction when we challenge the prosecution. Judges typically lie claiming: "jurisdiction is a trial issue, it is not appropriate to challenge at arraignment." They will try to convince you by saying you can challenge at trial where the prosecution has to prove it beyond a reasonable doubt. This is not true as the prosecution has a *prima facie* burden that must be met before the matter can be set for trial.

A comprehensive model to effectively defend yourself is in *Government: Indicted*. I also

have templates and scripts available. The **No State Project** is also live twice a week to help you through the process.