

Closing Arguments, Jury Deliberation and Verdict, and Appeals

Closing Arguments

A closing argument is the final opportunity in a trial to tell the judge and/or jury why they should win the case. After both the prosecution and defense have questioned witnesses and presented evidence, each side will present their closing argument or statement. The prosecution will go first. They will address the Court or the Jury and summarize all the evidence they presented that supports their allegations. This is usually done in less than an hour. Once the prosecution has finished their closing statement, it's your turn.

Your closing argument or statement should be brief and use the elements of each crime charged to show that the prosecution didn't meet their burden of proof.

Here is an example of what someone could say if they were accused of hurting someone:

"Members of the jury, the prosecution cannot show that I was in the area when the alleged crime was committed. They cannot show that there was any harm caused to the alleged victim. They offered no evidence that the alleged victim did not consent to the contact."

When you've finished your closing argument, the prosecution will get time for a short rebuttal or address points you raised in your argument. You will not get another opportunity to address the Court or jury after your closing argument.

Jury Deliberation and Verdict

After closing statements, the Judge will read the jury instructions to the jurors. The court will go into recess (take a break) to allow the jury to deliberate. If there is no

jury, the judge will either announce their verdict at the end of closing statements or go into recess to consider the evidence.

During deliberations, jurors retreat to a private room to discuss the case and work toward a unanimous verdict. The jurors will:

- Review the evidence
- Evaluate witness credibility
- Apply Tribal law to determine guilt or innocence

Jurors may:

- Handle exhibits
- Look at notes they took during the trial
- Request clarification from the judge if needed

A foreperson is selected to guide the discussion and communicate with the Court. Deliberations are confidential and free from outside influence. Jurors are not allowed to conduct their own independent research or discuss the case with anyone other than the other jurors.

The length of deliberations depends on:

- The complexity of the case
- The volume of evidence
- Communication among jurors

Some verdicts are reached in a couple of hours or less. Others may take days. There is no legal time limit, and judges typically encourage jurors to take the time they need to reach a fair decision. In multi-count cases, deliberations take longer.

If a jury informs the Court that they cannot reach a unanimous decision, the judge will usually encourage them to keep trying to reach a verdict. However, If they still cannot reach a decision, it is called a “hung jury” and the judge will declare a mistrial. When this happens, the prosecution may choose to retry the case with a new jury, negotiate a plea deal, or dismiss the charges altogether. A hung jury means the defendant is not found guilty, but double jeopardy protections do not apply. You can be taken to court again.

When the jury reaches a decision, a verdict is sent to the judge. The judge will call the jury back into the courtroom. The judge will review the verdict and ask the foreperson to read the verdict. Some judges will “poll” the jury, asking each member if they agree with the verdict read by the foreperson. In a criminal trial, the verdict must be unanimous.

If you are found not guilty, the proceedings end, and you are free to leave.

If the jury returns a verdict of guilty, the judge may order you to be taken into custody immediately. If you are not placed into custody, a sentencing date will be set, and you will be ordered to appear on that date for sentencing. The more serious the charge against you, the more likely you are to be taken into custody immediately after being found guilty. You should make arrangements to care for children, family members, pets, or livestock before jury deliberations begin just in case you are convicted.

Appeals

If you are convicted at trial, you have ten (10) days to file an appeal. You must file a Notice of Appeal with the Court stating substantial grounds for the appeal.

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Table of Contents

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