

An Innocent Man's Path to Freedom

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A Warrior Hardens in Isolation, But Softens with Group Work

Trying criminal cases has worn me down over the years. It has made me hard and at times unemotional. I often feel alone standing and fighting by my client's side.

How many of you feel the same way?

I hope that as you read those first lines, you had the same feelings I have carried with me. Whether you did, or did not, I hope my experience over the past two years fighting for Mr. Sandoval will help you refocus and dedicate yourself to the method we learn within The Trial Lawyers College. Because of the constant refining of the method a beautiful thing happened: Mr. Sandoval is no longer in custody and awaiting trial for a murder he did not commit.

Mr. Sandoval and Re-enactment, Trust and Bond

Who do we need to meet?

We need to meet Mr. Sandoval, so let's reverse roles and let's embark on the pathway to freedom.

Mr. Sandoval is not from America. He had been living here for about two years prior to his arrest. He has left a son and a wife in hopes of creating a better life in America and in the promise to bring them here once he is established. Mr. Sandoval is about 5'6" and only speaks Spanish. He loves soccer and likes to stay physically fit.

Reverse roles: I give it back and I slowly start to see who my cli-

ent really is. The change in the attorney-client relationship starts as we become more familiar with each other. We set the scene of what a normal day looks like for Mr. Sandoval, and then the story progresses to "*and then one day.*"

Mr. Sandoval and I set the scene in a small holdover cell. We ran through Discovering The Story not one time, two times, or even three times. Mr. Sandoval and I would discover one part of the story or another in short fashion at almost every jail visit. It almost turned into our welcoming of each other and checks and balances of creating trust. For me, it didn't feel right, and I needed more. The trust was there, *but how did I feel?*

Getting Deeper

Time to work on the horse. *Who am I? How do I feel? Where do I need the work?* We cannot take our work to the next level until we work on us. During the pandemic I started to become hard, and at times, disconnected to who I really am. I decided to work on me and take advantage of virtual psychodrama work groups. Then moving to the in-person sessions at Graduate Course 2 re-centered me. I felt again. Honestly, I felt the fear of this case setting in, but I was more equipped to handle it and use it to fuel the desire to give Mr. Sandoval my all.

Mr. Sandoval noticed the difference as well. He could see and feel the difference in the way I was handling his case. Mr. Sandoval noticed a big change when I returned from Grad Course 2. I re-centered, and remembered who I am, and realized that who I am is the best attorney for Mr. Sandoval. The investigation intensified and my theory of the case became stronger.

Here is where the secret to the TLC Method: You cannot just do each part of the Method once. With more work on me, and re-discovering the story, the investigation of Mr. Sandoval's case came to life. I started to take it a step further, and used soliloquies and reversing roles with the state's witnesses. Through the method I started to see how the biases of these witnesses could be exposed. Staying true to the theme of my case, "*blood is thicker than water*," I was able to develop the characters involved in this drama that would be revealed to the twelve members of my future tribe.

The Witnesses Were Deported and "Unavailable"; Dear God, I Have To Argue This!

I knew this case could be won if I could get some witness statements into evidence, or at least heard by the jury. The problem was that these witnesses had been deported and were unavailable, and I was not given an opportunity to depose them. To compound the problem, these statements were in Spanish and would need to be translated into English. I needed help to get my jury to follow along.

The truth is that I am not a great legal researcher. Finding the nuances that gain points in the academics of the law does not come naturally to me. I knew I would have to put in extra work to prepare myself.

On the day of the arguments, the courtroom was empty except for the necessary court staff. I felt like I was walking into a fishbowl. The court coordinator's desk was lined with plexiglass, the court clerk's desk was lined with plexiglass, and even in front of the judge's bench, there was a lower-cut plexiglass wall. I felt bad for the court reporter, because she didn't have plexiglass to protect her.

The judge's bench sits up higher than us, so you have to look up slightly to make eye contact. Behind the judge stood the American flag and the Texas flag. At counsel table I had my laptop, the Texas Code of Criminal Procedure and a couple of folders with extra copies of case law, and way too many pens and highlighters. I gave Mr. Sandoval a legal pad and a pen in case he wanted to take notes.

The docket was complete, so there were no other attorneys or public watching. I had talked with a few of my brother and sister Warriors in the courtroom, but none gave me a "you got this, Sosa". The general theme was "that's interesting ... good luck", so my confidence was not at a high. As soon as the attorneys cleared the courtroom, silence filled it. That silence helped settle me down. I draw confidence when people come watch me try a case, but when it comes to hearings on legal issues, I would rather there not be an audience.

I could sense that the prosecutor was not as sure of himself as normal. His normal small talk ceased as even he embraced the silence. He was still searching on Westlaw on his laptop as we waited for the judge to request our announcements. Trying to calm my anxiety, I began to visualize my arguments, and I did not notice the judge walk in the courtroom from his chambers. It was the bass in the bailiff's voice, "All rise...", that broke the

trance of visualizing my arguments. I could tell the judge was anxious to get this hearing moving as he skipped the formalities and went right to our announcements of "ready".

Although I announced "ready," my mind questioned if I really was ready. I felt my adrenaline start to pick up, so I had to take a deep breath and slow it down. As we walked up to the judge's bench, I could sense that he was prepared to make a ruling before we even started. It made me feel more nervous. I think all three parties knew that this could move the case forward or end it. Mr. Sandoval, sitting at the counsel table, gave me the look of confidence. I felt he had more confidence in me than I did in myself. With his permission and look of confidence, I began my arguments.

These witnesses were properly interviewed by the State, I argued. *Their statements were memorialized in audio and video format, and what their statements contain was exculpatory to my client.* The judge's interest piqued as he leaned forward and locked into my argument. He looked at the State, then at me with an expression of what felt like support. I was feeling a flow, and began to relax and feel my confidence growing.

I took a risk: Instead of telling the judge what the two transcripts would say, I enrolled as the missing witnesses—for just a quick minute—to develop the story for His Honor, to highlight what that witness would say within the transcripts.

As the 16-year best friend: *I saw the two brothers who have been threatening us. They were in the front seat of the car. The older brother was the driver and the younger brother was in the passenger seat. I know where they live, and I showed the officer where they live. I'm scared because they killed my best friend.*

As another 16-year-old witness: *those two brothers robbed me at gun point. I knew they were going to shoot when they drove up. I showed the officer where they live; now I'm afraid for my life.*

I asked for the judge to review the certified interpretations that I correctly filed with the court without objection from the State *in camera*. I told him he would see and hear that my client is being unjustly charged with a murder. The statements would provide the clues to who really did commit this murder.

We Won the Argument. The Prosecution Dismissed on the Eve of Trial

The prosecutor began to make his arguments, but in a few minutes the judge cut him off. The judge agreed to receive the statements for an *in camera* review. Thereafter, to my surprise, the judge ruled in Mr. Sandoval's favor.

Instead of feeling excited, I was disappointed because the State did not immediately dismiss the case. I think my client felt like it should have been over as well. There was a bit of a letdown, and a feeling of defeat. We spoke in the holdover before the bailiff took him down and Mr. Sandoval still had the look of confidence on his face. It was at that moment the fears started to melt and I wanted the fight in front of twelve jurors and anyone who wanted to come watch.

On the eve of trial, I received a phone call that the State was going to dismiss all charges against Mr. Sandoval. I had mixed

feelings. I was happy and excited for my client, but I was also angry and frustrated that my client had to endure such a long stay in the Harris County jail.

What I will remember most about this case will not be the arguments, but the moment I gave the news to my client. In a small attorney-visiting booth, we shared an emotional moment. Mr. Sandoval thanked me while he wept. I tried not to show emotion, but the pressure of carrying this man's life and liberties with me was released. My emotions were released, and it felt good to share that moment with Mr. Sandoval. If there wasn't a wall and thick glass in between us, I would have given him a huge hug. He kept saying "thank you, you believed in me." In reality, it was his belief in me that kept me fighting when I didn't really believe in myself.

The fundamentals of the method we learn at the Trial Lawyers College are invaluable. The method does not come easy and it takes time. Through mastery of the TLC Method, justice will be served on our clients. Mr. Sandoval's liberties are proof of it. ®

Jason Sosa was born on Laughlin Air Force Base in Del Rio, Texas. He grew up in various locations around the globe following his Dad's career in the USAF. Jason is a devoted Aggie, having completed his undergraduate, Masters, and PhD at Texas A&M University. While teaching at Rice University, he earned his J.D. from Texas Southern Thurgood Marshall School of Law. Outside of work Jason enjoys training his black lab Moose, hunting, fishing, and watching baseball.



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-Maren Chaloupka, '99