

# Strategic Utilization of Case Themes in Child Abuse Prosecution



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*“Act as if what you do makes a difference. It does.”<sup>2</sup>*

## Introduction

Themes give prosecutors the power to effectively and efficiently communicate the essence of their case to the jury. Legal proceedings are shrouded in formalities and small details that can make it difficult for even the most attentive juror to follow. A well-developed theme connects the facts, evidence, and law in a way that makes sense to and connects with the jury. It enables the prosecution to build a more cohesive and dynamic narrative, highlighting key patterns and creating a lens through which the jury can view the evidence.

Themes have been used for countless generations in literature and oral history to persuade audiences and help them follow a complex sequence of events and recall the details later. At its core, a theme is something the jury is more interested in listening to. Good storytelling does not mean compromising the truth or emphasizing theatrics over evidence. A theme is simply a way of arranging the pieces of the story. The more compelling the theme, the more persuasive an interpretation of the story will be.<sup>3</sup> Through themes, prosecutors can communicate with the jury on a deeper level that includes feelings as well as facts.

This article first discusses what is essential to an effective theme before highlighting seven overlapping themes prosecutors can employ in many child abuse cases.

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<sup>2</sup> Quotation attributed to William James.

<sup>3</sup> Sam H. Ham & Betty Weiler, *Interpretation Is Persuasive When Themes Are Compelling*, 8 INTERPRET SCOTLAND 3 (2003).



## Theme Development

A strong theme has three essential components: consistency, plausibility, and completeness.<sup>4</sup> Prosecutors should consider each of these when developing an appropriate and effective theme.

Consistency refers to a theme being maintained throughout the stages of the trial. Higher degrees of "topic involvement" can enhance the persuasiveness of evidence.<sup>5</sup> To ensure this, prosecutors should establish a theme early and use clear language referring jurors back to the underlying framework of their central theme. Examples of consistently integrating the theme can be as straightforward as incorporating thematic language into the opening statement—ideally, even earlier in voir dire—and mirroring it in the closing argument.<sup>6</sup> Lines of cross-examination should also be developed with theme reinforcement as a key objective.<sup>7</sup>

Plausibility is a measure of how convincingly your theme aligns with the facts of the case. When the evidence, witnesses, documents, and other case elements all support the theme, the jury will be more likely to find the conclusion rational.<sup>8</sup> From a thematic perspective, consistency directly impacts plausibility.

From a practical perspective, highlighting the plausibility of witness testimony is particularly important to an effective case. For example, in a case with limited physical evidence, a prosecutor might support a child's testimony by focusing on a child victim's lack of incentive to lie.<sup>9</sup> Prosecutors may need to address and overcome misinformation or biases held by jurors to establish plausibility, such as the false belief that if sexual assault occurs, there will always be medical evidence. Above all, corroborating evidence supports plausibility and relieves the burden on witness testimony.

Completeness is a reflection of successfully maintaining both consistency and plausibility. The theme should fill any gaps in the story left by the evidence and must address case weaknesses and difficult or inconvenient facts.<sup>10</sup> Neglecting negative aspects creates the risk of compromising case strengths,

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<sup>4</sup> See generally American Prosecutors Research Institute, *INVESTIGATION AND PROSECUTION OF CHILD ABUSE*, 3rd ed. (SAGE Publications, Inc., 2003); Victor I. Vieth, *We're Just Going to Talk: Presenting Your Case in Opening Statement and Closing Argument*, Zero Abuse Project (2021).

<sup>5</sup> E.J. Baesler, *Persuasive Effects of Story and Statistical Evidence*, 33 *ARGUMENTATION & ADVOCACY*, 170 (1997).

<sup>6</sup> "If, for example, the prosecutor's theme is 'family secret,' they might begin the opening statement by saying, 'This is a case about a family secret.' They might refer back to this theme in the closing argument by saying, 'The secret is out.'" Victor I. Vieth, *We're Just Going to Talk: Presenting Your Case in Opening Statement and Closing Argument*, Zero Abuse Project (2021), [https://www.zeroabuseproject.org/wp-content/uploads/2021/09/Were-Just-Going-to-Talk\\_Presenting-Your-Case-in-Opening-Statement-and-Closing-Argument-12.2021-1.pdf](https://www.zeroabuseproject.org/wp-content/uploads/2021/09/Were-Just-Going-to-Talk_Presenting-Your-Case-in-Opening-Statement-and-Closing-Argument-12.2021-1.pdf).

<sup>7</sup> See generally Robert J. Peters & Christa Miller, *Duel of the Fates: 22 Cross-Examination Techniques for Child Abuse Prosecutors*, Zero Abuse Project (2022), <https://www.zeroabuseproject.org/duel-of-the-fates-22-cross-examination-techniques-for-child-abuse-prosecutors>. This resource includes numerous sample lines of cross-examination questioning for child abuse cases.

<sup>8</sup> Donald W. Carlson & David B. Graeven, *The Development of Trial Themes in Catastrophe Losses*, 31 *THE BRIEF* 20 (2002).

<sup>9</sup> *Commonwealth v. Cooper*, 100 Mass. App. Ct. 345 (2021) ("[T]here is no categorical prohibition against suggestion by a prosecutor that a prosecution witness has no motive to lie. A prosecutor may comment on a witness's demeanor, motive for testifying, and believability, provided that such remarks are based on the evidence, or fair inferences drawn from it, and are not based on the prosecutor's personal beliefs." (internal citation omitted)); *Commonwealth v. Helberg*, 73 Mass. App. Ct. 175, 180 (Mass. 2008) (holding that a prosecutor's closing argument that the alleged victim had no motive to lie did not constitute improper vouching).

<sup>10</sup> Vieth, *We're Just Going to Talk*.



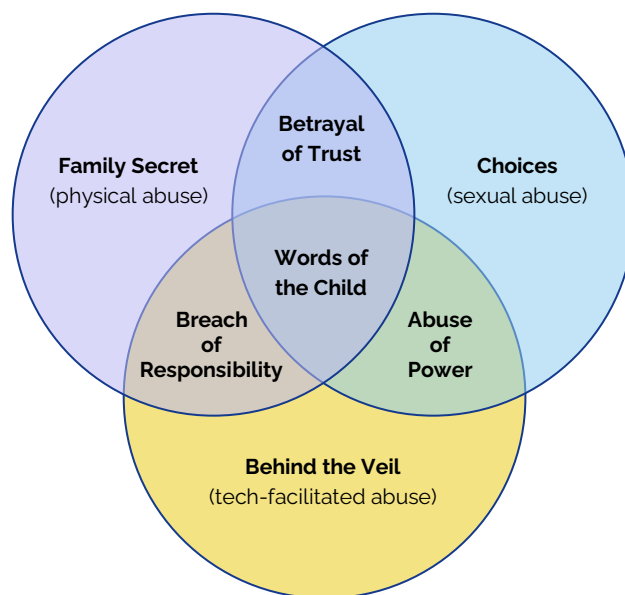
lending credibility to flawed defense narratives, and losing the jury's trust in the integrity of the prosecutor.<sup>11</sup>

When the case and the theme are well-integrated, each one supports the other, making the narrative more engaging and believable. Another critical element of completeness is using strong final words that draw the theme and the evidence toward a conclusion.<sup>12</sup> If a theme feels incomplete to the jury, it loses its effectiveness.

## Overlapping Themes

The circles in the chart below represent three common forms of child abuse and corresponding themes: physical abuse (*Family Secret*), sexual abuse (*Choices*), and technology-facilitated abuse (*Behind the Veil*). The remaining four themes reflect crimes where those three categories overlap.

The reality of child abuse is that every situation is unique, and the most effective theme will vary depending on the specifics of a case. Polyvictimization and other factors often influence which themes fit best. The following simplified examples demonstrate the general process of applying a theme to a fact pattern. They also illustrate how the right theme can help a prosecutor better engage and persuade a jury at trial.



### 1. Family Secret

In 2018, 76% of child abuse perpetrators were parents of their victims, and many others were family members more broadly.<sup>13</sup> Often, children are encouraged to keep family matters private—including abusive behaviors. In some cases, an entire family might be involved in the delayed disclosure of abuse.

<sup>11</sup> One scholar's insight on opening statements is also applicable to the importance of addressing "negative facts" via incorporation into a cohesive theme:

"...if there are 'negative facts' that may undermine the government's case, the prosecutor should be the first to point out these facts in her opening statement. Assume, for example, the child has recanted her allegation. If the prosecutor doesn't mention this fact in her opening statement, the defense attorney may appropriately attack the prosecutor's credibility in his opening statement by saying, 'There are some key facts the prosecutor 'forgot' to mention...' However, the prosecutor doesn't necessarily have to treat these facts as negative. Instead, the prosecutor can place these negative facts in the context of the case as a whole and thus help the jurors understand the recantation." Victor I. Vieth, *We're Just Going to Talk: Presenting Your Case in Opening Statement and Closing Argument*, Zero Abuse Project (2021), [https://www.zeroabuseproject.org/wp-content/uploads/2021/09/Were-Just-Going-to-Talk\\_Presenting-Your-Case-in-Opening-Statement-and-Closing-Argument-12.2021-1.pdf](https://www.zeroabuseproject.org/wp-content/uploads/2021/09/Were-Just-Going-to-Talk_Presenting-Your-Case-in-Opening-Statement-and-Closing-Argument-12.2021-1.pdf).

<sup>12</sup> Vieth, *We're Just Going to Talk*.

<sup>13</sup> Children's Bureau, *Child Maltreatment 2018*, (U.S. Department of Health & Human Services, Administration for Children and Families, Administration on Children, Youth and Families, 2020), <https://www.acf.hhs.gov/cb/research-data-technology/statistics-research/child-maltreatment>.



This dynamic is apparent in the case of Josh Duggar, convicted sex offender and former reality television personality. Years before his 2021 conviction for receiving and possessing child sexual abuse material, a 2015 report revealed that Duggar had molested multiple underage girls in the early 2000s, including four of his siblings.<sup>14</sup>

Two key details of this story support the *Family Secret* theme. First, when Duggar's parents learned of the abuse, they chose to privately enroll him in a three-month church program of counseling and physical labor rather than contact the authorities. Second, when he returned from this program, Duggar was taken to speak with an Arkansas State Trooper and family acquaintance who failed to disclose the abuse despite being a mandated reporter.<sup>15</sup> These actions showed that the family intended to shield their son from the law despite the risk he clearly posed to his siblings.

The *Family Secret* theme leaves room to explore many elements that commonly appear in cases where the perpetrator of abuse is an immediate family member. First among these is the frequency of nondisclosure from the perspective of the victims. As in any case where abused children have a strong motivation to stay silent, a prosecutor must educate the jury as to why that might be. Children might fear punishment if they speak out, or they might seek to protect someone they care for, hold the family unit together, or preserve financial security.<sup>16</sup> Whatever the situation, the theme of family secrets demonstrates to the jury that the burden of disclosure does not rest solely on the shoulders of the child. When parents and/or mandated reporters become aware of abuse, they have the responsibility to act.

As with other themes, integration of the *Family Secret* theme anticipates and refutes defense attacks on the child for delayed disclosure, apports fault where it is warranted, and creates a plausible explanation for what otherwise may be incorrectly perceived as a case weakness.

## 2. Betrayal of Trust

Families from all faiths put their trust in their religious leaders. Taking advantage of that trust and perpetrating abuse against those families is a clear betrayal of that relationship. As in other situations where child abuse and religion overlap, a case can often be depicted as a *Betrayal of Trust*. This framing allows the prosecutor to focus on the role religious leaders are meant to fill within a community and how abuse violates that role. Sadly, it is not uncommon to find religion being used as a shield for the abuse of children.<sup>17</sup>

To effectively use this theme, a prosecutor should establish specific details and dynamics that created trust, and the position of power that the offender occupied within the life of the victim. As an example, consider the power and trust wielded by individuals such as Warren Jeffs. Jeffs, who is currently serving life in prison as a convicted child rapist, was previously the president of the

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<sup>14</sup> *Bombshell Duggar Police Report: Jim-Bob Duggar Didn't Report Son Josh's Alleged Sex Offenses for More Than a Year*, IN TOUCH WEEKLY, May 21, 2015.

<sup>15</sup> Chad Day, *Silence Led to No Case for Duggar*, ARKANSAS DEMOCRAT-GAZETTE, Dec. 1, 2018.

<sup>16</sup> Jennifer Gentile Long & Viktoria Kristiansson, *Taking a Process-Oriented Approach to Domestic Violence Prosecutions*, 1 THE VOICE 1, 1-2 (2007), [http://www.ncdsv.org/images/ProcessOrientedProsec\\_APRI\\_2007.pdf](http://www.ncdsv.org/images/ProcessOrientedProsec_APRI_2007.pdf).

<sup>17</sup> Victor Vieth & Pete Singer, *Wounded Souls: The Need for Child Protection Professionals and Faith Leaders to Recognize and Respond to the Spiritual Impact of Child Abuse*, 45(4) MITCHELL HAMLINE L. REV. 1213 (2019).



Fundamentalist Church of Christ of Latter-Day Saints.<sup>18</sup> As the leader, Jeffs possessed the sole authority to perform marriages and was responsible for assigning wives to husbands.<sup>19</sup> He himself had as many as 78 wives, one of whom was only 12 years old.<sup>20</sup> After various legal proceedings, Jeffs was convicted in August of 2011—but not before he organized the weddings of many child brides and personally abused many others.

Faith and trust are so easily aligned due to the significant role that religion plays in many individuals' lives. Often religious leaders serve in a confessional capacity, and the law protects this relationship in some situations.<sup>21</sup> However, the coercive elements that an abuser might implement can be particularly powerful in this relationship, such as using spiritual rhetoric during the abuse.<sup>22</sup> Systematically reminding the jury of the trust placed in these religious leaders will underscore the theme of betrayal throughout the case.

Effective use of this theme addresses and refutes the common defense tactic of highlighting an offender's positive reputation or status in the community. It exposes the trust placed in the offender as a tool of exploitation, not an argument for innocence.

### 3. Choices

Centering a case on the *Choices* theme allows the prosecutor to continually remind the jury of the *mens rea* of an offender. This theme does not just cover the abuse itself, but it can also be used to discuss other aspects of a case, such as efforts by the defendant to minimize the abuse or intimidate victims out of assisting the investigation. To make this theme impactful, break down the evidence in a way that highlights each decision point along the path that led to the current trial.<sup>23</sup>

Grooming, or the process of building trust or gaining authority over a child to facilitate abuse, is a perfect example of child abuse that involves countless individual decisions.<sup>24</sup> The grooming process often occurs in multiple stages over a period of time.<sup>25</sup> Linking these together using the theme of choices highlights the intentional nature of the abuser's actions. In the targeting stage, abusers consider factors such as vulnerability, access, and preferences when selecting potential victims. Stage one is identification of the victim. Stage two involves securing access to and isolating the

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<sup>18</sup> *Texas: Polygamist Leader Convicted*, THE NEW YORK TIMES, Aug. 4, 2011.

<sup>19</sup> Wade Goodwyn, Howard Berkes, & Amy Walters, *Warren Jeffs and the FLDS*, NPR, May 2, 2005.

<sup>20</sup> Timothy Egan, *Polygamous Community Defies State Crackdown*, THE NEW YORK TIMES, Oct. 25, 2005.

<sup>21</sup> However, the depth and breadth of the clergy privilege is often overstated. See generally Christine P. Bartholomew, *Exorcising the Clergy Privilege*, 103 VA. L. REV. 1015 (2017).

<sup>22</sup> Robert J. Peters, *Deafen the Silence: How Vocal Christian Opposition to Child Sexual Abuse Will Change the World*, CHRISTIAN ETHICS TODAY, Summer 2014, at 19; Christa Brown, *This Little Light: Beyond a Baptist Preacher Predator and His Gang* (Foremost Press, 2009) ("Eddie [youth pastor] always said that God had chosen me for something special. I guess I really wanted to believe that. Doesn't every kid want to think they're special? Besides, who was I to question a man of God? It wasn't my place. My role was to be submissive.").

<sup>23</sup> For examples of this theme integrated through cross-examination, including sample lines of questioning, see "Concession-Based Tactics" and "Fundamental Tactics" in Robert J. Peters & Christa Miller, *Duel of the Fates: 22 Cross-Examination Techniques for Child Abuse Prosecutors*, Zero Abuse Project (2022), at 3 and 25, <https://www.zeroabuseproject.org/duel-of-the-fates-22-cross-examination-techniques-for-child-abuse-prosecutors>.

<sup>24</sup> For an overview of grooming behaviors commonly used in sexual abuse cases, see Elizabeth L. Jeglic, Georgia M. Winters, & Benjamin N. Johnson, *Identification of Red Flag Child Sexual Grooming Behaviors*, 133 CHILD ABUSE & NEGLECT 105998 (2023).

<sup>25</sup> See Robert J. Peters, *Technology-Facilitated Child Abuse*, in HANDBOOK OF INTERPERSONAL VIOLENCE ACROSS THE LIFESPAN (R. Geffner et al. eds., 2020).



victim before gaining their trust in stage three. The final stage is controlling and concealing the relationship.<sup>26</sup>

The Halifax child sex abuse ring case serves as an example of this theme. Referred to as the largest child sexual exploitation investigation in the United Kingdom, the 2016 trial of the Halifax child sex abuse ring resulted in the convictions of 18 men—although many more are suspected to have participated in the abuse.<sup>27</sup> The principal victim identified in government reports, “Jeannette,” was 13 years old with a troubled family background when a gang of men engaged in grooming practices to earn her friendship. They deliberately gave her alcohol and drugs to encourage addiction and make her easier to control. Following this, Jeannette reported being victimized in many different locations between 2006 and 2011. Even after she had come to the attention of police and social workers, attempts to separate her from the abusers were repeatedly unsuccessful.<sup>28</sup> At one point, she was sent to temporary foster care in a nearby town but continued to go missing and return under the influence, sometimes bearing injuries and evidence of sexual abuse. It took removal from the Halifax area completely to prevent her return to the abusers and create space for the realization that she had been groomed and exploited.

To fully integrate the theme of choices in this case, a prosecutor could draw the jury’s attention to the individual actions of each member of the gang that perpetuated the pattern of abuse over the years. For example, each instance where Jeanette was supplied with drugs was an intentional act to make her easier to control.<sup>29</sup> Contrast these choices with the difficult and courageous decision Jeannette made to come forward against the abusers. This would emphasize how important choices are—not just to the people who make them but to those they impact. Another approach in utilizing this theme is reminding the jury that the criminal justice system is based on the idea that individuals should be held responsible for their choices.<sup>30</sup>

## 4. Abuse of Power

Child abuse is inherently an *Abuse of Power*, given the fundamental vulnerability of children. Prosecutors can reinforce this theme by focusing on the nature of the interactions between the perpetrator and the victim and any related corroborating evidence, such as any illicit communications. In particular, this theme might apply to situations that include an inherent hierarchy based on access to resources, as in the case of former football coach Jerry Sandusky.

Sandusky was the founder of a nonprofit charity called The Second Mile, which served underprivileged and at-risk youth populations in Pennsylvania. Sandusky would approach potential victims through this organization, typically boys between 8 and 12 years old without a father living at home, and engage in classic grooming techniques. After a period of grooming, he would often initiate

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<sup>26</sup> Daniel Pollack & Andrea MacIver, *Understanding Sexual Grooming in Child Abuse Cases*, AMERICAN BAR ASSOCIATION, Nov. 1, 2015, [https://www.americanbar.org/groups/public\\_interest/child\\_law/resources/child\\_law\\_practiceonline/child\\_law\\_practice/vol-34/november-2015/understanding-sexual-grooming-in-child-abuse-cases](https://www.americanbar.org/groups/public_interest/child_law/resources/child_law_practiceonline/child_law_practice/vol-34/november-2015/understanding-sexual-grooming-in-child-abuse-cases).

<sup>27</sup> *Calderdale Gang Jailed for Grooming and Abusing Girls*, BBC NEWS, June 17, 2016.

<sup>28</sup> Nick Lavigueur, *Chances Missed to Protect Vulnerable Girl from Evil Sex Gang in Halifax*, THE HUDDERSFIELD DAILY EXAMINER, Nov. 24, 2016.

<sup>29</sup> *Group-based Child Exploitation Characteristics of Offending*, (Dec. 2020), from [assets.publishing.service.gov.uk](https://assets.publishing.service.gov.uk).

<sup>30</sup> *Giles v. California*, 554 U.S. 353, 365 (2008) (where the court articulates the stance that “a defendant should not be permitted to benefit from his own wrong”).



sexual contact in the football locker room showers or in the basement of his home.<sup>31</sup> One victim testified that he was sexually abused by Sandusky as many as three times a week for several years. He further testified that when he attempted to distance himself from Sandusky, Sandusky offered him a contract that would pay him if he continued to spend time with him.<sup>32</sup> Highlighting evidence like this is a simple and effective way to remind the jurors of how offenders leverage their power over victims.

Philanthropists and outreach workers occupy positions of power over members of the community they serve. When that power is abused and vulnerabilities are exploited, the theme requires little assistance to be consistent and plausible. For completeness, a prosecutor could note in closing that the jury is in a position of power in the case, and encourage them to use it well.

## 5. Behind the Veil

Technology-facilitated crimes, particularly those involving the dark web or other anonymization mechanisms, naturally lend themselves to a *Behind the Veil* theme. This theme focuses on lifting the metaphorical veil shrouding a crime, drawing back the layers to bring abuse from the shadows into the light. Prosecutors can use this theme effectively by laying out the evidence in much the same way it is often uncovered by law enforcement—by pulling at the threads of one crucial piece until the broader criminal activity unravels.

Each veil that is pulled reveals the dark realities of online exploitation. That is exactly what happened in the case of “Daisy’s Destruction,” one of many horrific examples of online child exploitation. The video at the heart of this case was made by the Australian pedophile Peter Scully. Categorized as “hurtcore,” it depicts the torture and rape of several very young victims.<sup>33</sup> The graphic content quickly gained widespread attention and ended up on a notorious dark web site, Hurt2theCore, where thousands of people shared child sexual abuse material, much of it featuring young children.

In this case, the video itself was the veil lifted by the prosecution to expose the reality behind it: an Australian man named Peter Scully. Scully, along with his accomplices, operated a production company called No Limits Fun to profit off live-streaming videos of children being sexually abused and tortured for paying customers on the dark web. Scully preyed on vulnerable populations in the Philippines, where he recruited young victims by promising impoverished parents he would provide their children with food and education.<sup>34</sup>

Using small details from the video and digital investigation techniques, detectives methodically removed the veil obscuring the culprit. They kept peeling back the layers until they found the man at the center of it all and ordered Scully’s arrest.<sup>35</sup> Drawing attention to this parallel will help the jury visualize the evidence as layers that each hold part of the story. The theme can serve as a framing

<sup>31</sup> Jeremy Roebuck, Susan Snyder, & Jeff Gammage, *Jerry Sandusky Found Guilty on 45 Counts, Led from Court in Handcuffs*, THE PHILADELPHIA INQUIRER, June 23, 2012.

<sup>32</sup> Colleen Curry & Jim Avila, *Jerry Sandusky Offered Victim 4 a Contract to Keep Seeing Him*, ABC NEWS (June 23, 2012).

<sup>33</sup> Rob Waugh, *What Is Daisy’s Destruction? “Snuff Film” Urban Legend Actually Exists*, METRO, Sept. 26, 2016.

<sup>34</sup> *Australian Peter Scully Given Life Sentence for Human Trafficking, Rape in Philippines, Reports Say*, ABC NEWS (AUSTRALIA) June 14, 2018.

<sup>35</sup> Tara Brown, *Catching a Monster: The Global Manhunt for Alleged Pedophile Peter Gerard Scully*, 9 NEWS, Mar. 16, 2015, <https://www.9news.com.au>.



device in opening statements and closing arguments to assist juries in recognizing the importance of seemingly mundane but critical pieces of evidence, such as hash values or key forensic artifacts.

## 6. Breach of Responsibility

Approximately 90% of child abuse is perpetrated by individuals the victim knows.<sup>36</sup> Accordingly, *Breach of Responsibility* is a frequently applicable theme, which invokes the adage that it takes a village to raise a child. Under this paradigm, child abuse is a fundamental violation of the caretaking responsibility assumed by each member of the child's village. Prosecutors can apply this theme in layers, covering not only the obligations to do no harm and report abuse but also abusive actions, such as inflicting unreasonable discipline on a child.

All U.S. states permit the use of corporal punishment "provided the force is reasonable. In determining reasonableness, courts consider the child's age and size, the means used to inflict discipline...the place on the child's body where discipline is inflicted, the degree of injury or pain, the parent's motive in hitting a child, and whether the discipline is part of an overall pattern of behavior."<sup>37</sup> One example of unreasonable discipline is the case of NFL star Adrian Peterson, who pleaded no contest to the misdemeanor charge of reckless assault after using a tree branch to discipline his four-year-old son.<sup>38</sup>

As a parent, Peterson has the responsibility to raise and discipline his son—and the right to do so with a large degree of autonomy. A prosecutor in this case could highlight the breach of responsibility by juxtaposing a parent's responsibilities, including the duty to protect their children from harm, with the slash-like wounds Peterson left on his son after he beat him repeatedly with a switch.<sup>39</sup>

## 7. Words of the Child

At the center of the diagram, and the center of many cases, are themes built around the specific words of the child. The words a child uses when disclosing abuse to a trusted adult or in a forensic interview can be incredibly powerful and worthy of emphasis for juries. As with other themes, utilizing the *Words of the Child* requires consistency, plausibility, and completeness.

When there are no words of the child, the prosecution serves as their voice. This has particular resonance for cases that result in a child fatality. With a victim who is unable to speak for themselves, a prosecutor might find it effective to underscore the reason for that unavailability. In a child fatality case, the prosecutor can highlight the perpetrator's role in the child's death. If the victim is nonverbal, the prosecutor can discuss victim selection and how the perpetrator took advantage of the child's inability to verbally disclose their abuse.

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<sup>36</sup> D2L, *Beyond Stranger Danger*, DARKNESS TO LIGHT, Dec. 31, 2023, <https://www.d2l.org/beyond-stranger-danger>.

<sup>37</sup> Victor I. Vieth, *From Sticks to Flowers: Guidelines for Child Protection Professionals Working with Parents Using Scripture to Justify Corporal Punishment*, 40 WM. MITCHELL L. REV. 907 (2014).

<sup>38</sup> NFL Star Adrian Peterson Admits Reckless Assault on Son, BBC NEWS, Nov. 4, 2014.

<sup>39</sup> Josh Peter, *Adrian Peterson's Childhood Friend Shows Tree Where He Says They Picked Out Switches*, USA TODAY, Jan. 14, 2015.



## Conclusion

Consistency, plausibility, and completeness are the cornerstones of an effective theme. Theme selection must depend on the specifics of the case, not simply the type of crimes involved. When selecting a theme, the evidence must come first. A compelling theme is not effective if it has no relation to the evidence itself; rather, the evidence should inform and shape the narrative. If the case includes evidence that is difficult to navigate or communicate effectively to the jury, the prosecutor can choose a theme that mitigates those weaknesses. Additionally, differences between jurisdictions in statutory definitions may make some themes more or less applicable.

This article provides a brief overview of more prevalent and adaptable themes applicable in the prosecution of child abuse. Effective advocates will develop the capacity for more creative and innovative synthesis of isolated facts into tailored, cohesive narratives. Ultimately, this process helps to validate victim experiences, educate juries, preempt false defense narratives, and catalyze justice.

