

A&E Crime + Investigation Quotes Partner Marisa Darden on Defendant Testimony Risks

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Marisa Darden, Chair of Benesch's White Collar, Government Investigations & Regulatory Practice Group, was quoted in an *A&E Crime + Investigation* article titled "*Why Defendants Take the Stand-and Why Attorneys Don't Want Them To.*" The article examines why criminal defendants sometimes choose to testify in their own defense - and why most attorneys advise against it - highlighting the significant legal risks, credibility challenges and strategic considerations involved. It underscores that while testifying can humanize a defendant, it often creates more harm than benefit by exposing them to damaging cross-examination.

Marisa explains that many defendants feel compelled to testify because they want jurors to hear directly from them rather than through counsel. In today's performative culture, she notes, defendants may believe "the only way they can possibly get out of this is to explain the justification for what they did, why they did it or why they didn't do it." Drawing on her experience as a former federal prosecutor, Marisa illustrated how testimony can backfire, recalling a case where she impeached a defendant using his own album cover. "I pulled up his album cover and was circling like, that's you with a gun," she said. "That's you with drugs, that's you with money, that's you living the life...so this is who you are." She also observed that, particularly in domestic violence cases, jurors may still question a defendant's silence, asking, "If they didn't do it, why didn't they come and state their piece?"

Read the full article [here](#).