OBJECTIONS

**RELEVANCE 401: –** to be relevant, the testimony has to have “any tendency to make the existence of any fact that is of consequence to the determination of the action more probable than it would be without the evidence”; i.e. it has to make one of the elements of the crimes more/less likely

**MORE PREJUDICIAL THAN PROBATIVE 403:** the court determines the evidence IS relevant, but you believe that it is too prejudicial to go to the jury (i.e. evidence of someone’s severed head in a murder case “the prejudicial effect outweighs its probative value”)

**BEST EVIDENCE 1002: –** to prove the contents of a document, the original is required

**AUTHENTICITY** **901: –** authenticity is satisfied by evidence to support a finding that the matter in question is what it claims to be

**HEARSAY 801/802: –** an out of court statement that is offered for the truth of the matter asserted; hearsay is inadmissible

**HEARSAY EXCEPTIONS:**

* **NON-HEARSAY 801(2):** admission by a party opponent
* **NON-HEARSAY:** not being offered for the truth
* **PRESENT SENSE IMPRESSION 803(1):** statement describing an event or condition made while the declarant was perceiving the event or condition, or immediately thereafter
* **EXCITED UTTERANCE 803(2):** statement relating to a startling event or condition made while the declarant was under the stress of excitement caused by the event or condition
* **THEN EXISISTING STATE OF MIND 803(2):** statement of the declarant’s then existing state of mind, emotion, sensation, or physical condition
* **BUSINESS RECORD 803(6):** … made at or near the time by a person with knowledge, kept in the course of a regularly conducted business activity, and if it was the regular practice of that business to make the report, **UNLESS** the source of information or the method or circumstances of preparation indicate lack of trustworthiness

**NARRATIVE:** if a witness is going on and on saying facts that are above and beyond the question they were asked

**HABIT/ROUTINE PRACTICE 406:** evidence of the habit of a person or of the routine practice of an organization, whether corroborated or not and regardless of the presence of eyewitnesses, is relevant to prove that the conduct of the person or organization on a particular occasion was in conformity with the habit or routine practice

**NON-RESPONSIVE:** if a witness gives an answer that doesn’t answer the question (MOVE TO STRIKE IF SUSTAINED)

**ASKED AND ANSWERED:** if the attorney is repeatedly asking the same question (usually when they are not getting the answer they want) - within one attorney’s examination of one witness; it is OKAY to ask same question on cross that was asked on direct

**LEADING:** suggesting the answer in the question

**SPECULATIVE:** any question/answer where the witness speculates/guesses

**LACK OF PERSONAL KNOWLEDGE 602:** a witness may not testify to a matter unless evidence is introduced sufficient to support a finding that the witness has personal knowledge of the matter

**COMPOUND QUESTION:** if an attorney asks more than one question in one question

**IMPROPER CHARACTERIZATION:** if a witness uses terms/phrases that are characterizing something

**CUMULATIVE:** for repetitive testimony/evidence

**BOLSTERING:** similar to cumulative objection, when testimony is repeated by several witnesses/pieces of evidence unnecessarily

**ARGUMENTATIVE:** if an attorney is arguing in their questions

**BADGERING THE WITNESS:** if the attorney is yelling/approaching the witness (don’t use this unless your witness is visibly failing)