

Objections Cheat Sheet

Objection	Words to listen for	Response (when objecting)	Response (when objected to)
<p>HEARSAY (Rule 401)</p>	<p>“I heard William say...” “They said...” “He saw...” *any document made out of court -other side must prove the hearsay exception</p>	<p>“Out of court statement not made by the witness.”</p>	<p><u>Exception #1:</u> <u>Party opponent</u> → “Witness is in court today and can be cross examined on this statement.” <u>Exception #2:</u> <u>State of mind</u> → “This statement is not being used to establish truth but state of mind.” <u>Exception #3:</u> <u>Business Records</u> → “Document prepared in the regular course of business.” <u>Exception #4:</u> <u>Present Sense Impression</u> → “This testimony falls under the present sense impression because the witness is describing the event directly after it occurred. The testimony is acceptable because the declarant did not have time to think of a lie” (Ryan and Callahan)</p>
<p>SCOPE (102) (305) (302)</p>	<p>Objections cannot be made to anything not in the Mock Trial Packet</p> <p>Questions cannot be asked on <u>cross</u> if the topic was not covered on the <u>direct</u></p> <p>Out of the scope of the witnesses knowledge.</p>	<p>_____</p> <p>“Your Honor, that question is out of the scope of my direct.”</p> <p>“The question/ statement requires information out of the witnesses knowledge/ affidavit.”</p>	<p>“Your Honor, may we call a side bench to review the Mock Trial packet.”</p> <p>“Your Honor the testimony about the _____ opened the door to this line of questioning.” -Your Honor, if you would grant me a questions of leeway and I’ll tie it all together.” (YOU MUST!)</p> <p>“It is reasonable to assume based on relationships that the witness would have this information.”</p>
<p>RELEVANCY (201) (202) (203)</p>	<p>Only relevant (relatable) testimony can be made. Past events that have nothing to do with the case or the outcome is inadmissible.</p> <p>Character Relevancy is only introducible if the person’s character is an issue or shows truth/untruth</p> <p>For Character: Other crimes, wrongs, or acts are not admissible to prove the character of a person.</p>	<p>“This matter has nothing to do with the outcome/ facts of the case.”</p> <p>“Prejudicial value outweighs the probative value.”</p> <p>“Prejudicial value outweighs the probative value.”</p> <p>not admissible to prove the character of a person but are allowed to show</p>	<p>P: “This line of questioning goes to the truth of the character/ ability to tell the truth.”</p> <p>D: “Defense is allowed to introduce character to show innocence.”</p> <p>allowed to show motive, intent, preparation, knowledge or identity.</p>

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NARRATION (301)	Witness is not allowed to go on a run on tangent.	“This witness is narrating.” Or “This question calls for narration.”	“The witness is simply answering the question.” “I’ll rephrase the question.” -Break the questions up into smaller direct questions.
LEADING (301)	The question suggests the answer.	“The question suggests the answer.”	“I’m building on a previous answer/ clarifying a previous answer.” “Your Honor, I’ll rephrase.”
ARGUMENTATIVE (310)	Tone of question challenges the witness about facts rather than seeking new facts.	“This question is argumentative because the tone of question challenges the witness about facts rather than seeking new facts.”	“Your Honor, I’m trying to clarify the witnesses’ previous statements.”
COMPOUND QUESTION (311)	There are two questions in one.	“This question is compound because there are two questions in one.”	“I’ll break up the question.”
ASKED AND ANSWERED (312)	Questions that have already been asked and answered.	“The witness has already provided an answer to this question.”	“Your Honor, I’m trying to clarify the witnesses’ previous statements for the court.”
SPECULATION (313)	Question asks the witness to come to conclusions that are not in their personal knowledge.	“Your Honor, this is speculation because the question asks the witness to come to conclusions that are not in their personal knowledge.”	“This information is within the scope of the witnesses’ knowledge.”
OPINION/ TESTIMONY BY NONEXPERT (501)	If witness is not an expert they can’t draw conclusions that would need specialized knowledge, training, or qualifications.	“Counsel is asking the witness to give an expert opinion.” “This witness has no knowledge, specialization, or skill that would deem them qualified to testify on this matter.”	“The witness has the training specialized knowledge, training, and qualifications to answer this question.”
FOUNDATION (601)	Lack of Foundation: Witness is testifying about a document not yet entered into evidence Foundation has not been established that the witness is familiar with the subject/ document.	Lack of Foundation: “Witness is testifying about a document not yet entered into evidence.” “Foundation has not been established that the witness is familiar with the subject/ document.”	“The witness demonstrated knowledge through the previous line of questions and answers.”
INVENTION OF FACTS (701)	The witness is creating facts or accounts that are not in the record.	“The witness is creating facts or accounts that are not in the record.” *Be familiar with the opposing affidavit (Impeach witnesses)	You Honor, it can reasonably be inferred that this witness would have knowledge of this.” *You should NOT be doing this!