2022-2023
MYLaw High School Mock Trial Case & Competition

State of Maryland v. Ryan Grimes

We would like to acknowledge our deep appreciation for
our talented MYLaw Mock Trial Committee
which includes Ben Garmoe, Esq., Daniel Moore,Esq.,
Mike Baruch, Esq. & the Honorable Erik Atas

A very special thank you to
Ben Garmoe, Esq., who authored this case.

With gratitude to the Maryland Judiciary & Legal Profession,
CRC Salomon Court Reporting, and Mock Trial Sponsors

www.mylaw.org
Facebook.com/mylaw.org
Instagram.com/mdyouthlaw

Important Contacts for the Mock Trial Competition

Please call your local coordinator for information about your county/circuit schedule.
Your second point of contact is the State Mock Trial Coordinator:
Iyanna Williams, iyanna@mylaw.org, Maryland Youth & the Law, #347-971-2386

Circuit 1—Dorchester, Somerset, Wicomico, Worcester
Circuit 2—Caroline, Cecil, Kent, Queen Anne's, Talbot
To be determined

Circuit 3—Baltimore, Harford
Dr. Dani Biancolli (Baltimore)
443-809-4017
dbiancolli@bcps.org

Ms. Carol Rook (Baltimore)
443-809-4017
crook@bcps.org

Ms. Erin Lange (Harford)
410-588-5223
Erin.Lange@hcps.org

Circuit 4—Allegany, Garrett, Washington
Mr. Brian White
301-697-2429
brian.white@acpsmd.org

Circuit 5—Carroll, Howard, Anne Arundel
Ms. Eve Case (Anne Arundel)
(301) 539-9145 (Google Voice)
(410) 222-5440 (Office)
ecase@aacps.org

Ms. Melissa Montgomery (Howard)
410-313-3141 (office)
301-466-4315 (cell)
mmontgomery@howardcountymd.gov

Ms. Kelli McDonough (Howard)
410-313-2856 (school)/ 215-837-3424 (cell)
Kelli_McDonough@hcpss.org

Ryan Melhorn (Carroll)
410-386-1688
rtmelho@carrollk12.org

Jennifer McDonald (Carroll)
410-751-3096 (voice)
JenniferMcDonald@carrollk12.org

Circuit 6—Frederick, Montgomery
Ms. Colleen Bernard (Frederick)
301-644-5256
Colleen.Bernard@fcps.org

Ms. Jessica McBroom (Frederick)
240-236-7748
Jessica.McBroom@fcps.org

Mr. Scott Zanni (Montgomery)
Scott_A_Zanni@mcpsmd.org

Circuit 7—Calvert, Charles, Prince George's, St. Mary's
Ms. Ashley Nadasky
301-753-1759
anadasky@ccboe.com

Circuit 8—Baltimore City
Judge Erik Atas
410-396-4916 (office)
erik.atas@mdcourts.gov

Important Dates:
Team rosters must be submitted by December 16th.
Circuit Champions must be declared by March 3rd.
Regional Competitions: March 13th & 14th
Semi-Finals: Thursday, March 23rd
State Championship, March 24th

MARYLAND YOUTH & THE LAW
IN PARTNERSHIP WITH MSBA

October 31, 2022

Dear Coaches, Advisors and Students:

Welcome to the 2022-23 Mock Trial Competition! We are thrilled you are joining for what happens to be a very special year: it's the 40th Anniversary of Mock Trial! We have come a long way since our humble beginning in 1983, and none of it would be possible without you!

We are excited to finally be back in person for competition across the state. We hope you are, too. You'll notice some changes and additions which we hope you agree strengthen and enrich the experience. For instance, we have introduced a scoring rubric which we hope will help promote more consistent scoring from one competition to another. Additionally, we have modified the score range from 1-5 to 1-10, so that judges have more discretion in their scoring.

We are excited to bring you a criminal case this year. The focus is on a college student, whose role is called into question with regard to a college drug ring. The Defendant is known to spend a lot of time with a group of students implicated in distributing study drugs and cocaine — two of the most common drugs on college campuses.

According to American Addiction Centers, as many as 1 in 3 students have used an illicit drug during their college years. Prescription medications, such as Ritalin and Adderall, have become the "drugs of choice" on school campuses in recent years. Few people, however, know that Adderall and Ritalin fall into the same drug class as cocaine—a Category 2 narcotic. The majority of young adults using these drugs obtain them illegally from their peers, having little knowledge of possible side effects and potential for addiction. The use of stimulants can lead to paranoia, anxiety, insomnia, weight loss, depression and suicidality, and their use frequently requires intervention and professional help.

To the judicial system, promoting their unauthorized use is trafficking of narcotics. It can mean hefty fines and considerable prison time. In recent years, law enforcement agencies have broken up sizeable college drug rings, resulting in the arrest and successful prosecution of hundreds of students — yet these drugs remain prevalent among college campuses.

We hope you enjoy the case, and love your Mock Trial experience! Please take the time to read through the entire casebook, as rules and procedures do change from year to year. We appreciate you sharing your time with us, and wish you great success in this year's competition.

With Warmest Regards,

Shelley Brown
Executive Director

Thank you, 2022-23 Mock Trial Sponsors & Donors!

This competition would not be possible without those noted below. Mock Trial is funded by the sponsors below and school registration fees.

Diamond Sponsors ($5,000 & up)

Baltimore County Bar Foundation
Verizon Community Grants

Platinum Sponsors ($2500 & up)

LexisNexis
UMBC Mock Trial

Gold Sponsors ($1,000 & up)

Mann & Risch
Potter Burnett

Silver Sponsors ($500 & up)

Arthur Law Firm
The Daily Record
Pessin Katz Law

Associates ($100 & up)

Barry Gogel

TABLE OF CONTENTS

I. GENERAL COMPETITION RULES

1. GENERAL

1.1. Applicability. These rules shall apply to all MYLAW Mock Trial competitions. Participants are cautioned that the absence of enforcement of any rule within the local circuit competition does not mean the rule will not be enforced at the Regional, Semi-Final, and/or State competition.

1.2. Diversity and inclusion. MYLAW has a policy of inclusion, and welcomes all participants regardless of race, color, religion, gender, sex, sexual orientation, gender identity, national origin, age, disability, ancestry, genetic information, or any other category protected by federal, state or local law.

1.3. Expectation of participants, coaches, hosts and volunteers. Ethical and professional behavior is expected at all times during all phases of the MYLAW Mock Trial Competition. MYLAW prohibits discrimination, retaliation, or harassment in all its forms, by any individual or team. Inappropriate behavior includes but is not limited to:

- Discriminatory comments based upon any ground listed in 1.2;
- Failure to show respect;
- Violating any of the rules outlined within the casebook;
- Adhering strictly to the "No Coaching" rule;
- Engaging in irresponsible behavior that puts oneself or others at risk, including intoxication at any time during competitions;
- Illegal conduct of any sort.

1.4. Ideals of MYLAW Mock Trial. To further understanding and appreciation of the rule of law, court procedures, and the legal system; to increase proficiency in basic life skills such as listening, speaking, reading, and critical thinking; to promote better communication and cooperation between the school system, the legal profession, and the community at large; and to heighten enthusiasm for academic studies as well as career consciousness of law-related professions.

1.5. Integrity. Individuals, teams, coaches and volunteers shall at all times demonstrate the highest standard of ethical conduct, courtesy, legal professionalism, competence and integrity.

1.6. Damage to property. No participant shall intentionally take, move, or cause damage to any property of any school, courthouse, or facility hosting any part of a MYLAW Mock Trial competition.

2. ROLES

2.1. Teacher Coach. The team's teacher coach is considered the primary contact for each school. The Coach's primary responsibility is to demonstrate that winning is secondary to learning.

a. Coaching goals**.** The Teacher Coach shall coach and mentor students about the "real world" aspects of judging in competitions; including but not limited to competition rules, sportsmanship, team etiquette, procedures, and courtroom decorum.

b. Coaches' responsibilities. The Teacher Coach shall recruit students for the team; arrange practice sessions and scrimmages; coordinate transportation to and from competitions; supervise the team during practices and competitions; work within the school and greater community to recruit an attorney advisor; communicate with opposing teams prior to competition regarding any relevant issues including the identification of witnesses; and ensure that the team arrives at all scheduled

mock trial competitions. Every coach has an obligation to instill by example in every student, respect for Judges, officials and other members of the MYLAW Mock Trial community.

2.2. Circuit Coordinator. Maryland is divided into eight judicial circuits. For the purpose of the Maryland Mock Trial Competition, local competitions will be divided and organized according to the eight judicial circuits. Each circuit shall have a Circuit Coordinator, who will serve as the primary contact for coaches and advisors. Circuit Coordinator contact information is listed on the inside front cover of this book.

MYLAW will send official communication to the Circuit Coordinator who is then responsible for disseminating the information to all Teacher Coaches within their respective circuit. The Circuit Coordinator shall make decisions or mediate at the local level when problems or questions arise; establish the circuit competition calendar; arrange for courtrooms, Judges, and attorneys for local competitions; and arrange general training circuit-wide or county-wide sessions if necessary.

2.3. Local and State Bar Associations. The Bar Associations shall advocate involvement of local attorneys in advising teams and hearing/scoring trials.

2.4. Attorney Advisors. It is the role of the Attorney Advisor to teach basic court processes and procedures, to review and explain modified rules of evidence and their application to the case at hand, and most importantly, to exemplify fairness, professionalism, integrity, and the ideals of the American justice system. In the absence of an Attorney Advisor, these responsibilities become that of the Teacher Coach.

2.5. MYLaw. MYLaw shall provide Mock Trial Guides and rules for the State competition; disseminate information to each circuit; provide technical assistance to Circuit Coordinators; provide certificates to all registered participants who compete for the season; assist in recruitment of schools; and act as liaison in finding legal professionals to assist teams.

3: REGISTRATION AND PAYMENT

3.1. Registration information. Registration information is available on the MYLAW.org website. Registration may be completed online or by mail.

3.2. Team Payment. Payment is expected by the registration deadline. Payments may be made by check or submitted through the PayPal link found on the MYLAW.org website. An invoice is available on the MYLAW.org website for your convenience.

3.3. Primary Contact/Teacher Coach. Each school must have a primary contact person, in most cases the Teacher Coach, in order to register. The Teacher Coach shall be the person MYLAW and/or the Circuit Coordinator communicates with when applicable. All primary contact persons' information shall be current, and shall be listed on the registration form at the time of registration. If a teacher is not available to serve as the primary contact, a parent, administrator or other school affiliate may do so with the permission of the school principal.

4. TEAMS

4.1. Team make-up. A team must be comprised of no fewer than eight (8) but a maximum of twelve (12) student members from the same high school, with the exception of high schools with a Maryland State Department of Education inter-scholastic athletics designation of Class 2A or Class 1A, which may combine with any other schools in the LEA in those classifications to field a team.

a. Two “alternate” students are permitted during the local competition only. If a coach wishes to carry those two alternates forward to state competitions, any related expenses are the responsibility of the school.
b. If a team advances beyond the local competition, an official roster must be submitted not to exceed twelve (12) students and two (2) alternates.

4.2. Team Roles. Teams may use its members to play different roles in different competitions.
a. For any single competition, all teams are to consist of three attorneys and three witnesses, for a total of six (6) different students.
b. Note: In Circuits 1 and 2, where teams typically participate in two competitions per evening – once as the prosecution and once as the defense – students may change roles for the second competition.

4.3. Fielding teams. High schools that field two or more teams shall not, under any circumstances, allow students from Team A to compete for Team B or vice-versa.
a. Each team must have its own Teacher Coach and Attorney Advisor, separate and apart from the other team.
b. If a high school has multiple teams, then those teams must compete against one another during the local competition.

4.4. Team Information. Teacher Coaches of competing teams are to exchange information regarding the names and gender of their witnesses at least 24 hours prior to any given round.
a. Teacher Coach for the plaintiff/prosecution should assume responsibility for informing the defense Teacher Coach.
b. A physical identification of all team members must be made in the courtroom immediately preceding the trial.

4.5. Attorney Advisor. Every effort should be made for teams to work with an Attorney Advisor to effectively prepare for competition.

4.6. Attendance of an opponent’s competition is prohibited. Members of a school team entered in the competition, including Teacher Coaches, back-up witnesses, attorneys, and others directly associated with the team’s preparation, shall not attend the enactments of any possible future opponent in the contest.

5. COMPETITION

5.1. Forfeits are prohibited. All registered teams agree to attend all scheduled competitions.
a. Team with inadequate number of students (i.e. due to illness, athletics, or other conflicts), are expected to attend and participate in the competition, regardless.
b. In these instances, a team will “borrow” students from the opposing team, in order to maintain the integrity of the competition, and respect for the Court, Presiding Judge, attorneys and the other team that has prepared for, and traveled to, the competition.
c. The competition will be treated as an automatic win for the opposition.
d. Coaches should make every effort to notify the local coordinator and the other coach in advance of the competition if there are an inadequate number of team members.
e. When an opposing team does not have enough students to assist the other team, students may depict two or more of the roles (i.e. they may depict 2 witnesses or play the part of 2 attorneys).

5.2. Local competitions. Local competitions must consist of enough matches that each participating high school presents both sides of the Mock Trial case at least once.

5.3. Areas of competition. Areas of competition coincide with the eight Judicial Circuits of Maryland.

Circuit #1: Worcester Wicomico, Somerset Dorchester	Circuit #2: Kent, Queen Anne's, Talbot, Caroline	Circuit #3: Baltimore Co., Harford (Cecil has been adopted into Ct.3)	Circuit #4: Allegany, Garrett, Washington
Circuit #5: Anne Arundel, Carroll, Howard	Circuit #6: Frederick, Montgomery	Circuit #7: Calvert, Charles, Prince George's, St. Mary's	Circuit #8: Baltimore City

5.4. "Unofficial" Circuit.

a. Each circuit must have a minimum of four teams. Circuits that have less than four teams must abide by the following:
   1. If a circuit has up to three teams but less than the required minimum of four participating teams, the teams may compete in a "Round Robin" that advances the winner to the competition that determines circuit representative. The runner-up team from another circuit would then compete with the circuit representative in a playoff prior to the Regional Competition (see chart in 5.4).
   2. Or, when a circuit has less than four registered team, MYLAW may designate another circuit in which these teams will compete. Geographic location will be the primary factor in making this determination.
   3. Or, under the discretion of a circuit coordinator and MYLAW, if a circuit chooses, it may combine with the "un-official" circuit to increase the number of opportunities to compete.

b. When a "circuit opening" arises, it will be filled by a sequential rotation of circuits. The second-place team from the specified circuit will advance to the regional competitions to fill the opening. If the team is unable to advance, the opportunity will move to the next circuit, and so on, until the opening is filled. In the event that all circuits are officially comprised of a minimum of four teams, the designated circuit will remain the next in-line to advance in future years.

2022-2023	Circuit 4	2026-2027	Circuit 8
2023-2024	Circuit 5	2027-2028	Circuit 1/2
2024-2025	Circuit 6	2028-2029	Circuit 3
2025-2026	Circuit 7	2029-2030	Circuit 4

5.5. Circuit Competition. Each competing circuit shall declare one team as Circuit Champion by holding a local Mock Trial playoff competition. The Circuit Champion shall be declared by the date set forth in this casebook. It is at the discretion of the Circuit Coordinator(s) and MYLaw as to the process by which the champion is declared, particularly if there is more than one county in the circuit.

5.6. Rendered decisions. Attorneys and Judges may preside over, and render decisions, for all matches. If possible, a Judge from the Court of Appeals or Court of Special Appeals will preside over, and render a decision at the State Finals.

5.7. Regional/ Quarterfinal Competitions. Each Circuit Champion will compete against another Circuit Champion in a single competition, in order to determine which team advances to the Final Four.

5.8. Dates for MYLAW Final Competitions. Dates for the Regionals, Semi-Finals, and Final competitions will be set by MYLAW and notice will be given to all known participating high schools. Teams that enter into the current year's competition agree to participate on all scheduled dates of the competition as set forth on the MYLaw website and their local Coordinator.

5.9. Declared winner of the Regional Competition must agree to participate on the scheduled dates for the remainder of the competition or be eliminated. Any team that is declared a Regional Representative ("Circuit Champion") must agree to participate on the dates set forth for the remainder of the competition. Failure to do so will result in the team's elimination from the competition and the first runner-up in that circuit will then be the Regional Representative under the stipulations.

6. JUDGING AND SCORING

6.1. The Mock Trial Scoring Scale. The scoring scale has been changed from 1-5 to 1-10 in order for judges to better discern between teams' performances. A rubric is provided so that scorers may utilize consistent criteria for purpose of evaluation.

6.2. Reserved, with information to be provided at a later date.

6.2. All Judges' decisions are final. Appeals are not allowed. MYLaw retains the right to declare a mistrial in the event of a gross transgression of the organizational rules and/or egregious attempt to undermine the intent and integrity of the Mock Trial Competition.

7. DIRECTLY PROHIBITED

7.1. No coaching. There shall be no coaching of any kind during the enactment of a mock trial:

a. Student Attorneys may not coach their witnesses during the other team's cross examination;
b. Teacher and Attorney Coaches may not coach team members during any part of the competition;
c. Members of the audience, including members of the team who are not participating that particular day, may not coach team members who are competing;
d. Except for the express purpose of keeping time, team members must have their cell phones and all other electronic devices turned off during competition as texting may be construed as coaching.
e. Teacher and Attorney Coaches shall not sit directly behind their team during competition as any movements or conversations may be construed as coaching.

7.2. Notice of team demographic information is prohibited. Team members or other affiliated parties, shall not, before or during the trial, notify the Judge of the students' ages, grades, school name or length of time the team has competed.

7.3. Attendance of an opponent's competition is prohibited. Members of a school team entered in the competition, including Teacher Coaches, back-up witnesses, attorneys, and any others directly associated with the team's preparation, shall not attend the enactments of any possible future opponent in the contest.

7.4. Use of Electronics. Except for the express purpose of keeping time, the use of electronics (phone, laptop, iPad, etc.) is completely prohibited.

8. GENERAL TRIAL PROCEDURES

8.1 Time limits. Each team must complete its presentation within forty-two (42) minutes.

a. Each side has a combined total time of forty-two (42) minutes for direct examination, cross examination, re-cross/re-direct and voir dire (if permitted);
b. Opening statements and closing arguments are five (5) and seven (7) minutes respectfully and are not included in the forty-two (42) minutes permitted under 8.1a.
c. The "clock" will be stopped during objections (including any arguments related to those objections), bench conferences, the setting up of demonstrative exhibits prior to the examination of a witness (where such activity is permitted by the presiding Judge) and court recesses;
d. There is no objection permitted by any party based on the expiration of time.

8.2 Use of a Bailiff. Each team is mandated to have a non-competing Mock Trial team member serve as a Bailiff during the course of each competition.

a. Each Bailiff will keep time for the opposing counsel. The two Bailiffs will sit together in a place designated by the presiding Judge separate from the contending teams. Bailiffs from the two teams will work together collaboratively to ensure the accuracy of their records;
b. In the event that only one team brings a Bailiff, that person shall keep time for both sides;
c. The Bailiff(s) will also announce the Judge, call the case, and swear in each witness;
d. While the use of a Bailiff is discretionary (by circuit) during local competitions, it is mandated in state competitions.
e. Each Bailiff shall have two stopwatches, cellphones, or other timing devices. The second timepiece is intended to serve as a backup device. *Note - cellphones should be employed for the purposes of timekeeping only, with the expressed consent of courthouse officials.*
f. Each Bailiff shall have visual displays (e.g. cards or pieces of paper) of numbers counting down from 42 in 10-minute intervals, (for example, 40, 30, 20, 10, etc.). At the final 3-minute mark, the Bailiff will begin counting down on the minute (3, 2, 1, 0). As each interval elapses in a team's presentation, the Bailiff will quietly display to both teams and to the presiding Judge, the time-card corresponding to the number of minutes remaining. When the number zero is displayed, the presiding Judge will announce that the team's presentation is concluded. Teams may ask the presiding Judge for courtesy time to complete a presentation, but the extension of courtesy time is intended to permit a team to complete a sentence or thought. It should not extend beyond 15 seconds.

8.3 Student Attorneys.

a. Roles. The Student Attorney who directly examines a witness is the only attorney who may raise objections when that same witness is being cross-examined. The student attorney who raises objections on direct examination must be the same attorney who then cross-examines that same witness. This same principle applies if a Student Attorney calls for a bench conference; i.e., it must be the attorney currently addressing the Court. The student attorney who handles the opening statement may not perform the closing argument.
b. Addressing the Court. When addressing the Judge, always stand.
c. Attire. Professional attire, or attire appropriate for the witness' roles, should always be worn during competition.

8.4 Evidentiary Materials. Any materials that have been modified for use during trial (e.g. enlarged), must be made available during the trial for the opposing team's use. During witness identification exchanges, please alert the other team if you plan to use modified materials.

9. INVENTION OF FACT

This rule shall govern the testimony of all witnesses. Mock Trial competitors shall advocate as persuasively as possible based on the facts contained in the casebook. Teams must rely on the facts as stated in the case rather than creating new facts or denying existing facts in order to benefit their parties.

9.1. Judges' scoring. If a team demonstrates through impeachment that its opponent has made an Improper Invention, judges should reflect that violation in the scores by penalizing the violating team, rewarding the impeaching team, or both.

9.2. Improper Invention. There are two types of Improper Invention: 1) Any instance in which a witness introduces testimony that contradicts the witness's affidavit and/or 2) Any instance on direct or redirect in which an attorney offers, via the testimony of a witness, material facts not included in or reasonably inferred from the witness' affidavit.

> *Facts are material if they affect the merits of the case. Facts are not material if they serve only to provide background information or develop the character of a witness.*
>
> *A reasonable inference must be a conclusion that a reasonable person would draw from a particular fact or set of facts contained in the affidavit. An answer does not qualify as a "reasonable inference" just because it is consistent with the witness affidavit.*
>
> *For the purposes of Rule 9, an affidavit includes the witness' sworn statement, as well as any document in which the witness has stated their beliefs, knowledge, opinions or conclusions.*

9.3. Trial Remedy for Violations. If the cross-examining attorney believes the witness has made an Improper Invention, the only available remedy is to impeach the witness using the witness's affidavit. Impeachment may take the form of demonstrating either (1) an inconsistency between the witness's affidavit and trial testimony ("impeachment by contradiction") or (ii) that the witness introduced material facts on direct or redirect that are not stated in or reasonably inferred from the witness's affidavit (impeachment by omission"). The cross-examiner is not permitted to raise an objection to the Judge on the basis of "invention of fact."

II. MARYLAND MOCK TRIAL PROCEDURES

I. Courtroom Set-Up

a. Plaintiff/Prosecution will sit closest to the jury box.
b. Defense will sit on the side of the courtroom that is farthest from the jury box. This based on the premise that the defendant is innocent until proven guilty, and so is removed (as far as possible) from the scrutiny of the court.
c. The Bailiff will sit in either i) the jury box, ii) the court reporter's seat, or iii) in another seat so designated by the judge, that is equally visible to both parties.

II. The Opening of the Court and the Swearing of Witnesses (5 minutes maximum)

a. The Bailiff for the Prosecution/Plaintiff will call the Court to order through the following steps:
    1. In a loud, clear voice, say, "All rise. The Court will now hear the case of State of Maryland v. Ryan Grimes. The Honorable _____presiding."
    2. The judge will permit those in the court to be seated, and then ask each side if they are prepared to begin.
b. During the course of the trial, the Bailiff for the Defense shall administer the Oath (*See Rule #603*), and ask the witness to raise his or her hand: "Do you affirm to tell the truth, the whole truth, and nothing but the truth under the pains and penalties of perjury?"

III. Opening Statement

a. Prosecution (criminal case)/ Plaintiff (civil case)
After introducing oneself and colleagues to the judge, the prosecutor or plaintiff's attorney summarizes the evidence for the court which will be presented to prove the case. The Prosecution/Plaintiff opening statement should include a description of the facts and circumstances surrounding the case, as well as a brief summary of the key facts that each witness will reveal during testimony. The Opening Statement should avoid too much information. It should also avoid argument, as the statement is intended to provide facts of the case from the client's perspective.

b. Defense (criminal or civil case)
After introducing oneself and colleagues to the judge, the defendant's attorney summaries the evidence for the court which will be presented to rebut (or deny the validity) of the case which the Prosecution/Plaintiff has made. It includes facts that tend to weaken the opposition's case, as well as key facts that each witness will reveal during testimony. It should avoid repetition of facts that are not in dispute, as well as strong points of the prosecution/plaintiff's case. As with the Prosecution/Plaintiff's statement, Defense should avoid argument at this time.

IV. Direct Examination

The Prosecution/Plaintiff's attorney conducts direct examination of each of its own witnesses. During direct exam, testimony and other evidence to prove or strengthen the Prosecution/Plaintiff's case will be presented. The purpose of direct examination is accomplish one or more of the following goals:

a. Introduce undisputed facts – No facts or information can be considered by the judge or jury until they are placed in evidence through a witness' testimony.

b. Enhance the likelihood of disputed facts – Direct examination is your opportunity to set forth your client's version of the undisputed facts and persuasively introduce evidence which supports that version.
c. Lay foundation for the introduction of exhibits – Documents, photos, writings, reports or other forms of evidence will often be central to your case. In most instances, it is necessary to lay a foundation for the admission of exhibits through direct testimony of witnesses.
d. Reflect upon the credibility of witnesses – The credibility of a witness is always an issue. For this reason, direct examinations should begin with some background information about the witness. After an introduction, the judge/jury should learn why the witness is testifying. Your job is to help the witness tell their story, through open-ended questions. But, be careful to avoid questions that elicit narrative answers.

V. Cross Examination

After the attorney for the Prosecution/Plaintiff has completed the questioning of a witness, the judge then allows the defense attorney to cross-examine the witness. The purpose of the cross-examination is to cast doubt upon the testimony of the opposing witness. Inconsistency in stories, bias, and other damaging facts may be pointed out to

VI. Redirect Examination

Redirect examination is an additional direct examination conducted following a witness' cross examination. The purpose is to allow the witness to clarify any testimony that was cast in doubt during cross examination. It is limited to the scope of the cross examination.

VII. Recross Examination

Recross examination is an additional cross examination, following a redirect. The purpose is to respond to matters that may have arisen during the re-examination of a witness. Recross can only deal with those subjects that were addressed during redirect.

VIII. Voir Dire

Pronounced "vwahr deer," and translated from French "to speak the truth" or "to see to speak." The phrase has two meanings, only one of which applies to Mock Trial. People are most commonly introduced to the term when they are called for jury duty. The judge and/or attorneys conduct voir dire to determine if any juror is biased and/or feels unable to deal with issues fairly. The voir dire that is applicable to mock trial is the process through which questions are asked to determine the competence of an alleged expert witness.

IX. How to Admit Evidence

a. Premark the exhibit.
b. Show it to opposing counsel.
c. Request permission from the judge to approach the witness.
d. Show it to the witness.
e. Ask the right questions to establish a foundation:
    a. I am handing you what has been marked as Exhibit X. Do you recognize this?
    b. What is it?
    c. Is it a fair and accurate copy?
f. Ask the court to admit the evidence.
g. Hand it to the judge (or clerk) to mark the exhibit into evidence.

X. How to Impeach a Witness

Counsel can challenge the credibility of opposing witnesses by showing the judge or jury that the witness made inconsistent statement in the past and/or by demonstrating a witness is biased or has personal interest.

a. Get the witness to repeat the wrong statement. Ask, "Is it your testimony that [insert exact quote of oral testimony if possible?]"
b. Get the affidavit of the witness.
c. Ask permission to approach the witness.
d. Ask,
    a. "Do you remember making this statement?"
    b. "And you were under oath?"
    c. "This is your deposition, correct?"
    d. "And this is your signature?"
    e. "Now read silently as I read aloud."
    f. "I read that correctly, didn't I?"
e. The purpose is to emphasize the disparity between the witness' current testimony and prior statement; the goal being to point out that the witness has changed their answer, *not* to give them a chance to affirm the truth of their most recent statement.

XI. Closing Arguments

For the purposes of the Mock Trial competition, the first closing argument at all trials shall be that of the Defense.

a. Defense
   A closing argument is a review of the evidence presented. Counsel for the Defense reviews the evidence as presented, indicates how the evidence does not substantiate the elements of the charge or claim, stresses the facts and law favorable to the defense, and asks for a finding of not guilty (or not at fault) for the Defense.

b. Prosecution/Plaintiff
   The closing argument for the Prosecution/Plaintiff reviews the evidence presented. Their closing argument should indicate how the evidence has satisfied the elements of the charge, point out the law applicable to the case, and ask for a finding of guilt or fault on the part of the Defense. Because the burden of proof rests with the Prosecution/Plaintiff, this side has the final word.

III. RULES OF EVIDENCE

INTRODUCTION

In American trials, elaborate rules are used to regulate the admission of proof (i.e., oral or physical evidence). Rules of Evidence are designed to ensure that both parties receive a fair hearing and to exclude any evidence deemed irrelevant, incompetent, untrustworthy or unduly prejudicial. If it appears that a rule of evidence is being violated, an attorney may raise an objection to the judge.

1. Judge decides whether a rule has been violated and whether the evidence must be excluded from the record of the trial. In the absence of a properly made objection, however, the evidence will probably be allowed by the judge. The burden is on the attorneys to know the rules, to be able to use them to present the best possible case, and to limit the actions of opposing counsel and their witnesses.
2. Formal rules of evidence are quite complicated and differ depending on the court where the trial occurs. For purposes of this Mock Trial Competition, the rules of evidence have been modified and simplified. Not all judges will interpret the rules of evidence or procedure the same way, and you must be prepared to point out the specific rule (quoting it, if necessary) and to argue persuasively for the interpretation and application of the rule you think proper. No matter which way the judge rules, attorneys should accept the ruling with grace and courtesy.

ARTICLE I. GENERAL PROVISIONS

Rule 101. Scope. These rules govern all proceedings in the mock trial competition. The only rules of evidence in the competition are those included in these rules.

Rule 102. Purpose and Construction. These rules should be construed so as to administer every proceeding fairly, eliminate unjustifiable expense and delay, and ascertain the truth and secure a just determination.

ARTICLE IV. RELEVANCE AND ITS LIMITS

Rule 401. Test for Relevant Evidence

Evidence is relevant if:

(a) It has any tendency to make a fact more or less probable than it would be without the evidence; and
(b) The fact is of consequence in determining the action

Rule 403. Excluding Relevant Evidence for Prejudice, Confusion, Waste of Time, or Other Reasons.

The court may exclude relevant evidence if its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, misleading the jury, undue delay, wasting time, or needlessly presenting cumulative evidence.

Rule 404. Character Evidence; Crimes or Other Acts.

(a) Character Evidence:
    (1) Prohibited Uses: Evidence of a person's character or character trait is not admissible to prove that on a particular occasion the person acted in accordance with the character or trait.
(b) Exceptions in a Criminal Case:
    (1) Evidence of a person's character or character trait may be admissible for another purpose, such as proving motive, opportunity, intent, plan, or knowledge.

(2) Evidence of the character or character trait of the defendant, the victim, or any witness testifying in a case may also be admissible if it shows a pertinent trait. Pertinent traits are character traits that relate directly to a particular element of the crime charged or a defense to that alleged crime.

That is to say, mention of a person's typical behavior is not usually admissible when trying to prove that the person behaved in a way that matches the behavior discussed in the current case.

Rule 405. Methods of Proving Character

(a) By Reputation of Opinion. When evidence of a person's character or character trait is admissible, it may be proved by testimony about the person's reputation or by testimony in the form of an opinion. On cross-examination of the character witness, the court may allow inquiry into relevant specific instances of the person's conduct.

(b) By Specific Instances of Conduct. When a person's character or character trait is an essential element of a charge, claim or defense, the character or trait may also be proved by relevant specific instances of the person's conduct.

The general rule is that Character Evidence is not admissible to prove conduct in a civil case. Character evidence is admissible in a civil case if a trait of character has been placed in issue by the pleadings and character is a material issue. Character is a material issue in a civil defamation case when the defamatory statement falsely accuses the plaintiff of a general flaw, but not at issue if the defamatory statement falsely accuses the plaintiff of a specific act. For example, character is a material issue when accusing a plaintiff of being a liar, but not at issue if the defamatory statement falsely accuses the plaintiff of a specific act; for example, accuses the plaintiff of lying about a specific event.

ARTICLE VI. WITNESSES/ WITNESS EXAMINATION

Rule 601. Competency to Testify in General. Every person is competent to be a witness unless these rules provide otherwise.

Rule 602. Need for Personal Knowledge. A witness may testify to a matter only if evidence is introduced sufficient to support a finding that the witness has personal knowledge of the matter. Evidence to prove personal knowledge may consist of the witness's own testimony. This rule does not apply to a witness's expert testimony under Rule 703.

Rule 603. Oath or Affirmation to Testify Truthfully.

Before testifying, every witness is required to declare that the witness will testify truthfully, by oath provided in these materials. The bailiff shall swear in all witnesses as they take the stand:

Do you promise to tell the truth, the whole truth, and nothing but the truth, under the pains and penalties of perjury?

Rule 607. Who May Impeach a Witness. Any party, including the party that called the witness, may attack the witness's credibility.

Rule 608. A Witness' Character for Truthfulness or Untruthfulness.

(a) Reputation or Opinion Evidence**.** A witness's credibility may be attacked or supported by testimony about the witness's reputation for having a character for truthfulness or untruthfulness, or by testimony in the form of an opinion about that character. But evidence of truthful character is admissible only after the witness's character for truthfulness has been attacked.

(b) Specific Instances of Conduct. Extrinsic evidence is not admissible to prove specific instances of a witness's conduct in order to attack or support the witness's character for truthfulness. But the court may, on cross-examination, allow them to be inquired into if they are probative of the character for truthfulness or untruthfulness of:
   (1) the witness; or
   (2) another witness whose character the witness being cross-examined has testified about.

By testifying on another matter, a witness does not waive any privilege against self-incrimination for testimony that relates only to the witness's character for truthfulness.

Rules 609. Impeachment by evidence of conviction of crime.

(a) Generally. For the purpose of attacking the credibility of a witness, evidence that the witness has been convicted of a crime shall be admitted if elicited from the witness or established by public record during examination of the witness, but only if (1) the crime was an infamous crime or other crime relevant to the witness's credibility and (2) the court determines that the probative value of admitting this evidence outweighs the danger of unfair prejudice to the witness or the objecting party.

(b) Time limit. Evidence of a conviction is not admissible under this Rule if a period of more than 15 years has elapsed since the date of the conviction, except as to a conviction for perjury for which no time limit applies.

Rule 611. Mode and Order of Examining Witnesses and Presenting Evidence.

(a) Control by the Court; Purposes. The court should exercise reasonable control over the mode and order of examining witnesses and presenting evidence so as to:
   (1) make those procedures effective for determining the truth;
   (2) avoid wasting time; and
   (3) protect witnesses from harassment or undue embarrassment.

Scope of Direct Examination: Direct questions shall be phrased to elicit facts from the witness. Witnesses may not be asked leading questions by the attorney who calls them for direct. A leading question is one that suggests the answer that is anticipated or desired by counsel; it often suggests a "yes" or "no" answer.
Example of Leading Question: "Mr/s. Smith: "Is it not true that you made several stops after work before returning home?"
Example of a Direct Question: Mr/s. Smith: "Did you do anything after work, before returning home?

(b) Scope of Cross-Examination. The scope of cross examination shall not be limited to the scope of the direct examination, but may inquire into any relevant facts or matters contained in the witness' statement, including all reasonable inferences that can be drawn from those facts and matters, and may inquire into any omissions from the witness statement that are otherwise material and admissible.

Cross examination is the questioning of a witness by an attorney from the opposing side. An attorney may ask leading questions when cross-examining the opponent's witnesses.
In Mock Trial, attorneys are allowed to ask any questions on cross examination about any matters that are relevant to the case. Witnesses must be called by their own team and may not be recalled by either side. All questioning of a witness must be done by both sides in a single appearance on the witness stand.

(c) Leading Questions. Leading questions should not be used on direct examination. Ordinarily, the court should allow leading questions:
  (1) on cross-examination; and
  (2) when a party calls a hostile witness, an adverse party, or a witness identified with an adverse party.

(d) Redirect/Recross. After cross examination, additional questions may be asked by the direct examining attorney, but questions must be limited to matters raised by the attorney on cross examination. Likewise, additional questions may be asked by the cross examining attorney on recross, but such questions must be limited to matters raised on redirect examination and should avoid repetition.

(e) Permitted Motions. The only motion permissible is one requesting the judge to strike testimony following a successful objection to its admission.

Rule 612. Writing Used to Refresh a Witness's Memory. If a witness is unable to recall a statement made in an affidavit, the attorney on direct may show that portion of the affidavit that will help the witness to remember.

ARTICLE VII. OPINIONS AND EXPERT TESTIMONY

RULE 701. Opinion Testimony by Lay Witnesses. If a witness is not testifying as an expert, testimony in the form of an opinion is limited to one that is:

(a) rationally based on the witness's perception;
(b) helpful to clearly understanding the witness's testimony or to determining a fact in issue; and
(c) not based on scientific, technical, or other specialized knowledge within the scope of Rule 702.

Rule 702. Testimony by Expert Witnesses.

Expert testimony may be admitted, in the form of an opinion or otherwise, if the court determines that the testimony will assist the trier of fact to understand the evidence or to determine a fact in issue. In making that determination, the court shall determine:

(a) whether the witness is qualified as an expert by knowledge, skill, experience, training, or education,
(b) the appropriateness of the expert testimony on the particular subject, and
(c) whether a sufficient factual basis exists to support the expert testimony.

A witness cannot give expert opinions under Rule 702 until they have been offered as an expert by the examining lawyer and recognized as such by the court. To have an expert witness admitted by the court, first ask the witness to testify as to their qualifications: education, experience, skills sets, etc. Then, ask the presiding judge to qualify the witness as an expert in the field of ____. The presiding judge then asks opposing counsel if they wish to Voir Dire [vwar deer] the witness.

Voir dire is the process through which expert witnesses are questioned about their backgrounds and qualifications before being allowed to present their opinion testimony or testimony on a given subject, in court. After an attorney who has called a witness questions them about their qualifications, and before the court qualifies the witness as an expert, the opposing counsel shall have the opportunity to conduct voir dire.

Once voir dire is completed, opposing counsel may 1) make an objection as to their being qualified as an expert, 2) request that the court limit their expert testimony to a more specific matter or subject, or 3) make no objection about the witness being qualified as an expert. The presiding judge will them make a ruling regarding the witness being qualified as an expert.

Rule 703. Bases of an Expert. An expert may base an opinion on facts or data in the case that the expert has been made aware of or personally observed. If experts in the particular field would reasonably rely on those kinds of facts or data in forming an opinion on the subject, the need not be admissible for the opinion to be admitted. But if the facts or data would otherwise be inadmissible, the proponent of the opinion may disclose them to the jury only if their probative value in helping the jury evaluate the opinion substantially outweighs their prejudicial effect.

Rule 704. Opinion on the Ultimate Issue.

(a) In General. Except as provided in section (b) of this Rule, testimony in the form of an opinion or inference otherwise admissible is not objectionable merely because it embraces an ultimate issue to be decided by the trier of fact.

(b) Opinion on Mental State or Condition. An expert witness testifying with respect to the mental state or condition of a defendant in a criminal case may not state an opinion or inference as to whether the defendant had a mental state or condition constituting an element of the crime charged. That issue is for the trier of fact alone.

Rule 705. Disclosing the Facts or Data Underlying an Expert. Unless the court requires otherwise, the expert may testify in terms of opinion or inference and give reasons without first testifying to the underlying facts or data. The expert may in any event be required to disclose the underlying facts or data on cross examination.

ARTICLE VIII. HEARSAY

RULE 801. Definitions That Apply to This Article; Exclusions from Hearsay.

The following definitions apply under this article:

(a) Statement. “Statement” means a person’s oral assertion, written assertion, or nonverbal conduct, if the person intended it as an assertion.

(b) Declarant. "Declarant" means the person who made the statement.
(c) Hearsay. "Hearsay" means a statement that:
(1) the declarant does not make while testifying at the current trial or hearing; and
(2) a party offers in evidence to prove the truth of the matter asserted in the statement.
(d) Statements That Are Not Hearsay. A statement that meets the following conditions is not hearsay:
(1) *A Declarant-Witness's Prior Statement.* The declarant testifies and is subject to cross-examination about a prior statement, and the statement:
(A) is inconsistent with the declarant's testimony and was given under penalty of perjury at a trial, hearing, or other proceeding or in a deposition;
(B) is consistent with the declarant's testimony and is offered:
(i) to rebut an express or implied charge that the declarant recently fabricated it or acted from a recent improper influence or motive in so testifying; or
(ii) to rehabilitate the declarant's credibility as a witness when attacked on another ground; or
(C) identifies a person as someone the declarant perceived earlier.

(2) *An Opposing Party's Statement*. The statement is offered against an opposing party and:
(A) was made by the party in an individual or representative capacity;
(B) is one the party manifested that it adopted or believed to be true;
(C) was made by a person whom the party authorized to make a statement on the subject;
(D) was made by the party's agent or employee on a matter within the scope of that relationship and while it existed; or
(E) was made by the party's coconspirator during and in furtherance of the conspiracy.

The statement must be considered but does not by itself establish the declarant's authority under (C); the existence or scope of the relationship under (D); or the existence of the conspiracy or participation in it under (E).

Hearsay generally has a three-step analysis:
1) Is it an out of court statement?

2) If yes, is it offered to prove the truth of what it asserts?

3) If yes, is there an exception that allows the out-of-court statement to be admitted despite the fact that it is hearsay?

RULE 802. The Rule Against Hearsay. Hearsay is a statement, other than one made by the declarant while testifying at trial, offered in evidence to prove the truth of the matter asserted made outside of the courtroom. Statements made outside the courtroom are usually not allowed as evidence if they are offered in court to show that the statements are true. The most common hearsay problem occurs when a witness is asked to repeat what another person stated. For the purposes of the Mock Trial Competition, if a document is stipulated, you may not raise a hearsay objection to it.

RULE 803. Exceptions to the Rule Against Hearsay.
The following are not excluded by the rule against hearsay, regardless of whether the declarant is available as a witness:
(a) Present Sense Impression. A statement describing or explaining an event of condition, made while or immediately after the declarant perceived it.

(b) Excited Utterance. A statement relating to a startling event or condition, made while the declarant was under the stress of excitement that it caused.

(c) Then-Existing Mental, Emotional or Physical Condition. A statement of the declarant's then-existing state of mind (such as motive, intent or plan) or emotional, sensory, or physical condition (such as mental feeling, pain, or bodily health), but not including a statement of memory or belief to prove the fact remembered or believed unless it relates to the validity or terms of the declarant's will.

(d) Business Records. A memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinions, or diagnosis, made at or near the time by or from information transmitted by a person with knowledge, if kept in the course of a regularly conducted business activity, and if it was the regular practice of that business activity to make the memorandum, report, record, or data compilation, all as shown by the testimony of the custodian or other qualified witness, unless the source of the information or the method of circumstances of preparation indicate lack of trustworthiness, shall be admissible. The term "business" as used in this paragraph includes business, institution, association, profession, occupation, and callings of every kind, whether or not conducted for profit.

(e) Public Records. A record or statement of a public office if:

(1) It sets out:

(A) The office's activities

(B) A matter observed while under a legal duty to report, but not including, in a criminal case, a matter observed by law enforcement personnel; or

(C) In a civil case or against the government in a criminal case, factual findings from a legally authorized investigation; and

(2) The opponent does not show that the source of information or other circumstances indicate a lack of trustworthiness.

Rule 804. Exceptions to the Rule Against Hearsay –When the Declarant Is Unavailable as a Witness.

(a) Criteria for Being Unavailable. A declarant is considered to be unavailable as a witness if the declarant:

(1) cannot be present or testify at the trial or hearing because of death or a then-existing infirmity, physical illness, or mental illness; or

(2) is absent from the trial or hearing and the statement's proponent has not been able, by process or other reasonable means, to procure the declarant's attendance or testimony.

Comment: This rule may not be used at trial to assert that a team has "procured" the unavailability of a witness by choosing not to call that witness.

(b) The Exceptions. The following are not excluded by the rule against hearsay if the declarant is unavailable as a witness:

(1) Former testimony. Testimony that:

(A) was given as a witness at a trial, hearing, or lawful deposition, whether given during the current proceeding or a different one; and

(B) is now offered against a party who had – or, in a civil case, whose predecessor in interest had – an opportunity and similar motive to develop it by direct, cross-, or redirect examination.

(2) Statement Under the Belief of Imminent Death. In a prosecution for homicide or in a civil case, a statement that the declarant, while believing the declarant's death to be imminent, made about its cause or circumstances.

(3) Statement Against Interest. A statement that:

(A) a reasonable person in the declarant's position would have made only if the person believed it to be true because, when made, it was so contrary to the declarant's proprietary or pecuniary

interest or had so great a tendency to invalidate the declarant's claim against someone else or to expose the declarant to civil or criminal liability; and

(B) is supported by corroborating circumstances that clearly indicate its trustworthiness, if it is offered in a criminal case as one that tends to expose the declarant to criminal liability.

(4-5) Omitted.

(6) Statement Offered Against a Party That Wrongfully Caused the Declarant's Unavailability. A statement offered against a party that wrongfully caused – or acquiesced in wrongfully causing – the declarant's unavailability as a witness, and did so intending that result.

Rule 805. Hearsay within Hearsay

Hearsay within hearsay is not excluded by the rule against hearsay if each part of the combined statement confirms with an exception to the rule.

ARTICLE IX. AUTHENTICATION AND IDENTIFICATION

Rule 901. Evidence may be introduced only if it is contained within the casebook and relevant to the case. Evidence will not be admitted into evidence until it has been identified and shown to be authentic or its identification and/or authenticity has been stipulated. Evidence may be admitted before trial upon stipulation of both parties.

That a document is "authentic" means only that it is what it appears to be, not that the statements in the document are necessarily true. To satisfy the requirement of authenticating or identifying an item of evidence, the proponent must produce evidence sufficient to support a finding that the item is what the proponent claims it is. Evidence that satisfies this requirement may include:

(a) Testimony of a Witness with Knowledge. Testimony that an item is what it is claimed to be.

(b) Distinctive Characteristics and the Like. The appearance, contents, substance, internal patterns, or other distinctive characteristics of the item, taken together with all the circumstances.

(c) Opinion about a Voice. An opinion identifying a person's voice – whether heard firsthand or through mechanical or electronic transmission or recording – based on hearing the voice at any time under circumstances that connect it with the alleged speaker.

IV: MYLAW MOCK TRIAL OBJECTIONS

Objection	Rule	Description
Relevance	401	Evidence is irrelevant if it does not make a fact that a party if trying to prove as part of the claim or defense more or less probable than it would be without the evidence.
More prejudicial than probative	403	A court may exclude relevant evidence if its probative value is substantially outweighed by unfair prejudice. By its nature, all relevant evidence is prejudicial to one side. This rule generally applies to evidence that not only hurts your case but is not relevant enough to be let in.
Improper character evidence	404; 608	A number of rules govern whether it is appropriate to introduce affirmative or rebuttal evidence about the character of a witness and the notice required to introduce such evidence. This objection is made when improper character evidence has been given as testimony in court. *Example: "The defendant has always been very rude to me, and was particularly rude on the day of the incident."*
Lack of personal knowledge/ speculation	602	A witness may only testify to a fact after foundation has been laid that the witness has personal knowledge of that fact through observation or experience. Many teams refer to testifying to an assumption or fact without personal knowledge as "speculation." Whenever proper foundation has not been laid under this rule or others for testimony, "lack of foundation" is also a proper objection. Speculation, or someone's idea about what might have occurred, is generally not permitted. A witness may not jump to conclusions that are not based on actual experiences or observations, as this is of little probative value. Some leeway is allowed for the witness to use their own words, and greater freedom is generally allowed with expert witnesses.
Lacks foundation	602	This objection is made when counsel asks a question without first establishing that the witness has a basis to answer it. This most frequently occurs when the examining attorney is going too quickly and not asking preliminary questions that demonstrate the witness' familiarity with the facts. A witness may testify to a matter only if sufficient evidence is introduced to support a finding that the witness has personal knowledge of the matter.
Beyond the scope	611	In Maryland Mock Trial, the initial cross examination is <u>not</u> limited to the content of the direct examination. All subsequent examinations (beginning with redirect) must fall within the scope of the prior examination.

Form of question - leading	611	This objection is made when counsel starts arguing with the witness, badgering a witness, or becoming overly aggressive. This objection is made by an attorney to protect a witness during cross examination.
Form of question - compound	611	This objection is made when counsel asks a compound question. A compound question asks multiple things.
Form of question - narration	611	This objection is made when either a witness begins telling a narrative as part of their answer, or counsel's question calls for a narrative. It is admissible for a witness to testify about what happened, but they must do so in response to a question. This objection prevents long winded witness answers.
Form of question - argumentative	611	This objection is made when counsel starts arguing with the witness, badgering a witness, or becoming overly aggressive. This objection is made by an attorney to protect a witness during cross examination.
Unresponsive	611	This objection is made when a witness does not answer the question being asked by the attorney. This objection can help an attorney corral the witness and get a straight answer to questions the witness may be trying to avoid. Be careful to avoid making this objection when the witness simply gives a different answer than what was expected or desired.
Asked and answered	611	This objection is made when counsel has asked a question and received an answer, and asks the same question again. If an answer is given, a new question must be asked. Counsel can ask a question multiple times if the witness is not giving a full answer, is being uncooperative or unresponsive.
Hearsay	801-802	An out-of-court statement (including a statement by the witness on the stand) may not be used to prove the truth of the matter asserted. That said, there are many exceptions to the hearsay rule.
Hearsay exceptions	803	Provides for exceptions to the hearsay rule in instances when the evidence is technically hearsay, but circumstances would suggest that it will be reliable, including, for example: - Excited Utterance – a statement relating to a startling event or condition, made while the declarant was under the stress of excitement that it caused - Recorded Recollection – a record that is on a matter the witness once knew about but now cannot recall well enough to testify fully and accurately; was made or adopted by the witness when the matter was fresh I the witness' memory; and accurately reflects the witness' knowledge.