**MOCK TRIAL OBJECTIONS**

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| **Leading the Witness** | The way the question is asked tends to suggest the answer. Listen for questions that end in “didn’t you?”, “correct?”, “isn’t it true?”, etc. Leading questions may be asked during the cross-examination, but NOT DURING DIRECT-EXAMINATIONS! An example of a direct question is “Mr. Bryant, can you please tell us what happened to you on the night of July 23rd?” An example of a leading question is “Mr. Bryant, isn’t it true that you were drinking on the night of July 23rd?” |
| **Witness Opinions** | As a general rule, witnesses may not give their opinions. They should confine their testimony to matters of personal knowledge (i.e. what they did, saw, heard, smelled, etc.). However, certain witnesses who have special knowledge or experience in a certain field may be qualified as “expert witnesses” if the judge allows it. An expert witness is allowed to express an opinion about his or her area of special expertise. |
| **Hearsay** | Hearsay is an out-of-court statement. Such statements as “I was told…,” “I heard…,” and “I was informed that…” are other typical examples of hearsay statements. As a general rule, hearsay is not permitted as evidence in a trial. However, students should know that there are exceptions to the rule against hearsay and that it is sometimes permitted in an actual trial. |
| **Relevancy** | Only relevant testimony and evidence may be presented. Irrelevant evidence is that which has nothing to do with the issues in the case. For example, to ask a witness to an alleged crime whether he has read any good books lately would disclose facts worthless for a jury or judge to consider. |
| **Introduction of Physical Evidence** | If there is any physical evidence (e.g. documents, photographs, DNA analysis, etc.) that either side wishes introduced at trial, this may be done by...* Asking the judge for permission to have the item marked for identification (e.g. “Your Honor, I ask that this letter be marked for identification as Defendant’s Exhibit A).
* Showing the item to the other side to give them an opportunity to make any objections.
* Asking the witness on the stand to identify the item (e.g., “ Mr. Kay, I show you what has been marked ‘Defendant’s Exhibit A.’ Could you please tell us what it is?”)
* Moving the item into evidence (e.g., “Your Honor, I offer this letter for admission into evidence.”
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| **Impeachment** | The witness statements should be considered sworn statements of the witness made prior to trial. If a witness’s testimony contradicts the facts as stated in the statement, the opposing side can impeach the witness on cross-examination. This means the opposing side can point out the contradictions and thereby call into question the truthfulness of the witness. To do this, the side wishing to impeach the witness should…* Show the witness statement to the person on the stand.
* Ask, “Is this your sworn statement?”
* Have them read the portion of the statement that contradicts their testimony.
* Point out the contradiction to the court.
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| **Narration** | Witness is rambling, just telling a story. |
| **Ambiguous** | Confusing, misleading, vague, unintelligible: The question is not clear and precise enough for the witness to properly answer. |
| **Compound** | Asking two questions at once. |
| **Asked and Answered** | Opposing counsel asks the same question over and over again during a single examination. Witness has already answered the question. |
| **Argumentative** | The question makes an argument rather than asking a question. |
| **Assumes Facts Not in Evidence** | The question contains information that has not been introduced into evidence. |
| **Badgering the Witness** | Counsel is antagonizing the witness in order to provoke a response, either by asking questions without giving the witness an opportunity to answer or by openly mocking the witness. |
| **Personal Knowledge** | Witness does not have sufficient knowledge to answer the question asked. |
| **Speculation** | Witness is required to guess in order to answer. The witness does not have personal knowledge of the actual answer. Listen for “isn’t it possible” questions |
| **Nonresponsive** | Witness's response constitutes an answer to a question other than the one that was asked, or provides no answer at all. |
| **Misquoting the Witness** | Opposing counsel’s question misstates the prior testimony of the witness. |