**Objections Quick Reference List for Courtroom**

**“Objection: \_\_\_.”**

* **404(b):** evidence of other wrongs are not admissible to prove action; explain
* **Comments on inadmissible evidence:** be ready to state evidence or ask for 39a session
* **Hearsay:** 802 and discuss the issue
* **Improper foundation:** (for evidence, 901; for witness testimony 608/609/701)
* **Improper opinion:** 701. Lay witness testifying to expert matter
* **Misstates** (or mischaracterizes) **evidence:** Explain.
* **Speculation:** (601, 602, 701) the witness is commenting on another’s thoughts or intentions
* **Leading question:** (611c) during direct examination
* **Beyond the scope:** of cross or direct examination (611b)
* **Assumes facts not in evidence:** Explain.
* Insert specific objections for your case

- Stand, and say, **“Objection: bolded words indicating your objection.”** Then wait for the military judge to direct the discussion

- Add objections implicated in your case to this one-pager to be used as your quick reference in court

- Review page 2 prior to trial for a quick refresher on common objections

- MRE list beginning on page 3 can be used as a reference for potential objections

**Common Objections Quick Reference**

**Objections to Content of Answer:**

**- 404 (b)** Evidence of other wrongs is not admissible (exceptions: motive, opportunity, plan…)

**- Improper character evidence** to prove action in conformity (404(a);*but see* 608/609)

**- Relevance**- (402)Be cautious; this objection allows opponent to argue before closing

**- 403 Unfair prejudice / needlessly cumulative / misleading / confusing / (so as to substantially outweigh probative value) / (so as to waste time)**

**- 412** (comment on victim’s behavior)

**- Improper impeachment** (404, 405, 608, 609, 613)

**- Improper comment on inadmissible matter** (*e.g.* suppressed evidence; right to remain silent)

**- Privileged information** (Section V, 501, et seq)

**- Speculation** (601, 602…often when commenting on “why” another did or said something)

**- Lack of personal knowledge** (602)

**- Comment on religious beliefs** (610)

**- Non-responsive**- witness didn’t answer question asked (611)

**- Improper opinion**- 701only expert witnesses can give their opinion

**- Hearsay** (802)

**- Objection to witness reading from exhibit** (612-613/802 out of court statement)

**- Improper authentication** (901, aka foundation for documents, chain of custody, etc)

**- Improper foundation** (901, 608, 609, 701)

**- Improper comment on veracity of witness or evidence**

**- Violates the best evidence rule** (section X, 1002)

**- To witness’ presence in hearing** (sequester witness) (615)

**Objection to Form of Question:**

**- Leading** on direct or redirect (611c)

**- Vague Question**- isn’t clear what is being asked (611 generally,)

**- Compound Question**- more than one question for single answer (611 generally)

**- Argumentative**- attorney inserting argument in question (611)

**- Badgering or harassing** **witness** (611a)

**- Calls for opinion on ultimate issue which is the province of the members**

**- Calls for hearsay**

**- Beyond the scope of direct/cross** (611b, but within judge’s discretion)

**- Assumes facts not in evidence**

**- Misstates (or mischaracterizes) evidence**

**- Asked & answered**- needless repetition to emphasize point (object) v. clarifying (don’t object)

|  |  |  |
| --- | --- | --- |
| **Objections to Opening Statement** | **Objections to Closing Argument** | |
| - Argument  - Personal opinion  - Speculation  - Comment on inadmissible evidence | - Argument  - Facts not in evidence  - Display of exhibit not in  evidence (if aid, then mark  as appellate)  - Personal opinion  - Improper characterization  of evidence | - Misstating evidence  - Impermissible argument  - Appeal to bias or  inflammatory matter  - Improper comment  regarding counsel (e.g.  personal attack) |

**List of MREs Sections IV-XI**

**SECTION IV: RELEVANCY AND ITS LIMITS**

* 401 Definition of “Relevant Evidence.”
* 402 Relevant Evidence Generally Admissible; Irrelevant Evidence Inadmissible.
* 403 Exclusion of Relevant Ev. on Grounds of Prejudice, Confusion or Waste of Time.
* 404 Character Evidence Not Admissible.
* 405 Methods of Proving Character.
* 406 Habit; Routine Practice.
* 407 Subsequent Remedial Measures.
* 408 Compromise and Offer to Compromise.
* 409 Payment of Medical and Similar Expense.
* 410 Inadmissibility of Pleas, Plea Discussions, and Related Statements.
* 411 Liability Insurance.
* 412 Sex Offense Cases; Relevance of Alleged Victim’s Past Sexual Behavior or Alleged Sexual Predisposition.
* 413 Evidence of Similar Crimes in Sexual Assault Cases.
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* 501 General Rule
* 502 Lawyer-Client Privilege.
* 503 Communications to Clergymen.
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* 505 Classified Information.
* 506 Government Information other than classified info
* 507 Identity of Informant.
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* 509 Deliberations of Courts and Juries
* 510 Waiver of Privilege by Voluntary Disclosure.
* 511 Privileged Matter Disclosed Under Compulsion/ w/o Opportunity to Claim Priv
* 512 Comment Upon or Inference from Claim of Privilege; Instruction
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* 601 General Rule of Competency.
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* 605 Competency of Military Judge as Witness.
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* 701 Opinion Testimony by Lay Witnesses.
* 702 Testimony by Experts.
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* 704 Opinion on Ultimate Issue.
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* 706 Court Appointed Experts.
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* 801 Definitions.
* 802 Hearsay Rule.
* 803 Hearsay Exceptions; Availability of Declarant Immaterial.
  + 803(1) Present Sense Impression.
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  + 803(5) Recorded Recollections.
  + 803(6) Records of Regularly Conducted Activity.
  + 803(7) Absence of Entry in Records of Regularly Conducted Activity.
  + 803(8) Public Records and Reports.
  + 803(9) Records of Vital Statistics.
  + 803(10) Absence of Public Record or Entry.
  + 803(11) Records of Religious Organizations.
  + 803(12) Marriage, Baptismal and Similar Certificates.
  + 803(13) Family Records.
  + 803(14) Records of Documents Affecting an Interest in Property.
  + 803(15) Statements in Documents Affecting an Interest in Property.
  + 803(16) Statements in Ancient Documents.
  + 803(17) Market Reports, Commercial Publications.
  + 803(18) Learned Treatises
  + 803(19) Reputation Concerning Personal or Family History.
  + 803(20) Reputation Concerning Boundaries or General History.
  + 803(21) Reputation as to Character.
  + 803(22) Judgment of Previous Conviction.
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  + 803(24) Other Exceptions.
* 804 Hearsay Exceptions, Declarant Unavailable.
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  + 804(b)(1) Former Testimony
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  + 804(b)(3) Statement Against Interest.
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* 805 Hearsay Within Hearsay.
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**SECTION XI: MISCELLANEOUS RULES**

* 1101. Applicability of Rules
  + Rules Applicable
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