MOCK TRIAL SIMPLIFIED RULES OF EVIDENCE

Criminal trials are conducted using strict rules of evidence to promote fairness. To participate in a Mock Trial, you need to know its rules of evidence. The California Mock Trial program bases its Mock Trial Simplified Rules of Evidence on the California Evidence Code.

Studying the rules will prepare you to make timely objections, avoid pitfalls in your own presentations, and understand some of the difficulties that arise in actual court trials. The purpose of using rules of evidence in the competition is to structure the presentation of testimony to resemble a real trial.

Almost every fact stated in the materials will be admissible under the rules of evidence. All evidence will be admitted unless an attorney objects. To promote the educational objectives of this program, students are restricted to the use of a select number of evidentiary rules in conducting the trial.

Objections

It is the responsibility of the party opposing the evidence to prevent its admission by a timely and specific objection. Objections not raised in a timely manner are waived, or given up. An effective objection is designed to keep inadmissible testimony, or testimony harmful to your case, from being admitted. A *single* objection may be more effective than several objections. Attorneys can, and should, pay attention to objections that need to be made to questions and those that need to be made to answers. Remember, the quality of an attorney's objections is always more important than the quantity of the objections.

For the purposes of this competition, teams will be permitted to use only certain types of objections. The allowable objections are found in this case packet. **Other objections may not be raised at trial.** As with all objections, the judge will decide whether to allow the testimony, strike it, or simply note the objection for later consideration. **The rulings of the trial judge are final**. You must continue the presentation even if you disagree. A proper objection includes the following elements. The attorney:

1) addresses the judge
2) indicates that he or she is raising an objection
3) specifies what he or she is objecting to, i.e., the particular word, phrase, or question
4) specifies the legal grounds for the objection

Example: "(1) Your honor, (2) I object (3) to that question (4) because it is a compound question."

Throughout this packet, you will find sections titled "Usage Comments." These comments further explain the rule and often provide examples of how to use the rule at trial.

ALLOWABLE EVIDENTIARY OBJECTIONS

1. Unfair Extrapolation (UE)

This objection is specific to California Mock Trial and is not an ordinary rule of evidence. Each witness is bound by the facts contained in his or her own official record, which, unless

otherwise noted, includes his or her own witness statement, the Fact Situation (those facts of which the witness would reasonably have knowledge), and/or any exhibit relevant to his or her testimony. The **unfair extrapolation** (UE) objection applies if a witness creates a material fact not included in his or her official record. A **material fact** is one that would likely impact the outcome of the case.

Witnesses may, however, make **fair extrapolations** from the materials. A fair extrapolation is one in which a witness makes a reasonable inference based on his or her official record. A fair extrapolation does not alter the material facts of the case.

If a witness is asked information not contained in the witness's statement, the answer must be consistent with the statement and may not materially affect the witness's testimony or any substantive issue of the case.

Unfair extrapolations are best attacked through impeachment and closing argument. They should be dealt with by attorneys during the course of the trial. (See "how to impeach a witness" in case packet.)

When making a UE objection, students should be able to explain to the court what facts are being unfairly extrapolated and why the extrapolation is material to the case. Possible rulings by the judge include:

1) no extrapolation has occurred
2) an unfair extrapolation has occurred
3) the extrapolation was fair

The decision of the judge regarding extrapolations or evidentiary matters is final.

Usage Comments

The most common example of an unfair extrapolation would be if an expert witness or police officer is questioned about research and procedures that require them to have specialized knowledge outside what is contained in their official records. This type of unfair extrapolation is illustrated in Example #1 below. Example #2 provides a set of facts and an example of fair and unfair extrapolation based on a same sample fact scenario.

Example 1:

A defense expert witness testifies about using fluorescent light when collecting fingerprints, which is described in her/his witness statement. On cross-examination, the prosecutor asks, "Did you use also use a superglue processing technique to collect fingerprints?" While a superglue processing technique is an actual way to collect fingerprints, the procedure was not mentioned anywhere in the case materials. The defense could object that the question calls for an unfair extrapolation.

Example 2:

Sample Fact Scenario

John Doe, who is being charged with buying stolen goods on a particular night, states the following in his witness statement: "On the night in question, I pulled into the parking lot of the Acme Grocery Store and parked my car. I walked into the store with the other customers, picked up some items, went to the checkout stand, and left the store with my shopping bag."

Fair Extrapolation: At trial, John Doe testifies to the following: "On the night in question, around 9:00 p.m., I went to the Acme Grocery Store, parked my car, went into the store and purchased milk and a box of cereal."

The fact that John Doe said he "purchased milk and a box of cereal" is a fair extrapolation. Even though there is no mention of what John purchased in his witness statement, it can be reasonably inferred from the context of his witness statement that he entered the store and purchased groceries. Furthermore, the items he purchased (milk and cereal) do not impact any substantive issue in the case.

Unfair Extrapolation: At trial, John Doe testifies to the following: "I pulled into the parking lot of the Acme Grocery Store and parked my car. I walked into the store, purchased some groceries, and withdrew $200 from the ATM."

The fact that John Doe withdrew cash is an unfair extrapolation because the fact John withdrew $200 on the night of the crime is material to the charge of buying stolen goods since because it impacts the substantive issues of his motive and means to later buy stolen goods.

Form of Objection: **"Objection, your honor. This is an unfair extrapolation," or "That question calls for information beyond the scope of Mr. Doe's witness statement."**

NOTE: The Unfair Extrapolation objection replaces the Creation of a Material Fact objection used in previous years in California Mock Trial.

2. Relevance

Unless prohibited by a pretrial motion ruling or by some other rule of evidence listed in these Simplified Rules of Evidence, all relevant evidence is admissible.

Evidence is relevant if it has any tendency to make a fact that is important to the case more or less probable than the fact would be without the evidence. Both direct and circumstantial evidence may be relevant and admissible in court.

Examples:

> Eyewitness testimony that the defendant shot the victim is **direct** evidence of the defendant's assault.
>
> The testimony of a witness establishing that the witness saw the defendant leaving the victim's apartment with a smoking gun, is **circumstantial** evidence of the defendant's assault.

Usage Comments
When an opposing attorney objects on the ground of relevance, the judge may ask you to explain how the proposed evidence relates to the case. You can then make an "offer of proof" (explain what the witness will testify to and how it is relevant). The judge will then decide whether or not to let you question the witness on the subject.

Form of Objection: **"Objection, your honor. This testimony is not relevant," or "Objection, your honor. Counsel's question calls for irrelevant testimony."**

3. More Prejudicial Than Probative

The court in its discretion may exclude relevant evidence if its probative value (its value as proof of some fact) is substantially outweighed by the probability that its admission creates substantial danger of undue prejudice, confuses the issues, wastes time, or misleads the trier of fact (judge).

Usage Comments
This objection should be used sparingly in trial. It applies *only* in rare instances. Undue prejudice does not mean "damaging." Indeed, the best trial evidence is always to some degree damaging to the opposing side's case. *Undue prejudice* instead is prejudice that would affect the impartiality of the judge, usually through provoking emotional reactions. To warrant exclusion on that ground, the weighing process requires a finding of clear lopsidedness such that relevance is minimal and prejudice to the opposing side is maximal.

Example:

> A criminal defendant is charged with embezzling money from his employer. At trial, the prosecutor elicits testimony that, several years earlier, the defendant suffered an animal cruelty conviction for harming a family pet.
>
> The prosecution could potentially argue that the animal cruelty conviction has some probative value as to defendant's credibility as a witness. However, the defense would counter that the circumstances of the conviction have very little probative value. By contrast, this fact creates a significant danger of affecting the judge's impartiality by provoking a strong emotional dislike for the defendant (undue prejudice).

Form of Objection: **"Objection, your honor. The probative value of this evidence is substantially outweighed by the danger of undue prejudice (or confusing the issues, or misleading the trier of fact)."**

4. Laying a Proper Foundation

To establish the relevance of direct or circumstantial evidence, you may need to lay a proper foundation. Laying a proper foundation means that before a witness can testify about his or her personal knowledge or opinion of certain facts, it must be shown that the witness was in a position to know those facts in order to have personal knowledge of those facts or to form an admissible opinion. (See "Opinion Testimony" below.)

Usage Comments
A prosecution attorney calls a witness to the stand and begins questioning with "Did you see the defendant leave the scene of the crime?" The defense attorney may object based upon a lack of foundation. If the judge sustains the objection, then the prosecution attorney should lay a foundation by first asking the witness if he was in the area at the approximate time the crime occurred. This lays the foundation that the witness was at the scene of the crime at the time that the defendant was allegedly there in order to answer the prosecution attorney's question.

Form of Objection: **"Objection, your honor. There is a lack of foundation."**

5. Personal Knowledge/Speculation

A witness may not testify about any matter of which the witness has no personal knowledge. Only if the witness has directly observed an event may the witness testify about it. Personal knowledge must be shown before a witness may testify concerning a matter.

Usage Comments
Witnesses will sometimes make inferences from what they actually did observe. An attorney may properly object to this type of testimony because the witness has no personal knowledge of the inferred fact.

Example:

> From around a corner, the witness heard a commotion. The witness immediately walked towards the sound of the commotion, found the victim at the foot of the stairs, and saw the defendant on the landing, smirking. The witness then testifies that the defendant pushed the victim down the stairs. Even though this inference may seem obvious to the witness, the witness did not personally observe the defendant push the victim. Therefore, the defense attorney can object based upon the witness's lack of personal knowledge that the defendant pushed the victim.

Form of Objection: **"Objection, your honor. The witness has no personal knowledge to answer that question." Or "Objection, your honor, speculation."**

6. Opinion Testimony (Testimony from Non-Experts)

Opinion testimony includes inferences and other subjective statements of a witness. In general, opinion testimony is inadmissible because the witness is not testifying to facts. Opinion testimony is admissible only when it is (a) rationally based upon the perception of the witness (five senses) and (b) helpful to a clear understanding of his or her testimony. Opinions based on a common experience are admissible. Some examples of admissible witness opinions are speed of a moving object, source of an odor, appearance of a person, state of emotion, or identity of a voice or handwriting.

Usage Comments
As long as there is personal knowledge and a proper foundation, a witness could testify, "I saw the defendant who was crying, looked tired, and smelled of alcohol." All of this is proper lay witness (non- expert) opinion.

Form of Objection: **"Objection, your honor. Improper lay witness opinion," or "Objection, your honor. The question calls for speculation on the part of the witness."**

7. Expert Witness

A person may be qualified as an expert witness if he or she has special knowledge, skill, experience, training, or education in a subject sufficiently beyond common experience. An expert witness may give an opinion based on professional experience if the expert's opinion would assist the trier of fact (judge) in resolving an issue relevant to the case. Experts must be qualified before testifying to a professional opinion. Qualified experts may give an opinion based upon their personal observations as well as facts made known to them at, or before, the trial. The facts need not be admissible evidence if they are the type reasonably relied upon by experts in the field. Experts may give opinions on ultimate issues in controversy at trial. In a

criminal case, an expert may not state an opinion as to whether the defendant did or did not have the mental state in issue.

Example 1:

A handwriting comparison expert testifies that police investigators presented her with a sample of the defendant's handwriting and a threatening letter prepared by an anonymous author. She personally conducted an examination of both documents. Based on her training, her professional experience, and her careful examination of the documents, she concluded that, in her opinion, the handwriting in the anonymous letter matches the handwriting in the sample of the defendant's handwriting. This would be an admissible expert opinion.

Example 2:

A doctor testifies that she based her opinion upon (1) an examination of the patient and (2) medically relevant statements of the patient's relatives. Personal examination is admissible because it is relevant and based on personal knowledge. The statements of the relatives are inadmissible hearsay (hearsay is defined in section 9 below) but are proper basis for opinion testimony because they are reasonably relevant to a doctor's diagnosis. A judge could, in her discretion, allow the expert to describe what the relatives told her and explain how that information supports her opinion. Although those statements would not be admissible to prove the statements are true, they can be used to explain how the statements support the doctor's opinion.

Form of Objection: **"Objection, your honor. There is a lack of foundation for this opinion testimony," or "Objection, your honor. Improper opinion."**

8. Character Evidence

"Character evidence" is evidence of a person's personal traits or personality tendencies (e.g., honest, violent, greedy, dependable, etc.). As a general rule, character evidence is **inadmissible** when offered to prove that a person acted in accordance with his or her character trait(s) on a specific occasion. The Simplified Rules of Evidence recognize three exceptions to this rule:

1. **Defendant's own character**
   The defense may offer evidence of the defendant's own character (in the form of opinion or evidence of reputation) to prove that the defendant acted in accordance with his or her character on a specific occasion (where the defendant's character is inconsistent with the acts of which he or she is accused). The prosecution can rebut the evidence. (See Usage Comments below.)

2. **Victim's character**
   The defense may offer evidence of the victim's character (in the form of opinion, evidence of reputation, or specific instances of conduct) to prove the victim acted in accordance with his or her character on a specific occasion (where the victim's character would tend to prove the innocence of the defendant). The prosecution can rebut the evidence. (See usage comments below.)

3. **Witness's character**
   Evidence of a witness's character for dishonesty (in the form of opinion, evidence of reputation, or specific instances of conduct) is admissible to attack the witness's credibility. If a witness's character for honesty has been attacked by the admission of bad character evidence, then the opposing party may rebut by presenting good character evidence (in the form of opinion, evidence of reputation, or specific instances of conduct) of the witness's truthfulness.

Admission of Prior Acts for Limited Non-Character Evidence Purposes

Habit or Custom to Prove Specific Behavior
Evidence of the habit or routine practice of a person or an organization is admissible to prove conduct on a specific occasion in conformity with the habit or routine practice. Habit or custom evidence is not character evidence.

Prior Act to Prove Motive, Intent, Knowledge, Identity, or Absence of Mistake
Nothing in this section prohibits the admission of evidence that the defendant committed a crime, civil wrong, or other act when relevant to prove some fact (such as motive, intent, knowledge, identity, or absence of mistake or accident) other than his or her disposition to commit such an act.

Usage Comments
If any prosecution witness testifies to the defendant's or victim's character, the defense may object. But the prosecution may then request to make an offer of proof, or an explanation to the judge, that the prosecution (a) anticipates the defense will introduce evidence of defendant's or victim's character, and (b) Mock Trial rules do not allow for rebuttal witnesses or recalling witnesses. If the judge allows, the prosecution may present evidence in the form of opinion, evidence of reputation, or specific instances of conduct to rebut the defense's anticipated use of character evidence. If this evidence does not come in during the defense, the defense attorney can move to strike the previous character evidence.

Examples:

Admissible character evidence

1. The defendant is charged with embezzlement (a theft offense). The defendant's pastor testifies that the defendant attends church every week and has a reputation in the community as an honest and trustworthy person. This would be admissible character evidence.

Inadmissible character evidence

2. The defendant is charged with assault. The prosecutor calls the owner of the defendant's apartment to testify in the prosecution's case-in-chief. She testifies that the defendant often paid his rent late and was very unreliable. This would likely not be admissible character evidence for two reasons:
   (1) This character evidence violates the general rule that character evidence is inadmissible (and it does not qualify under one of the three recognized exceptions above), and (2) the character trait of "reliability" is not relevant to an assault charge (by contrast, propensity for violence or non-violence would be relevant character traits in an assault case).

Form of Objection: **"Objection, your honor. Inadmissible character evidence," or "Objection, your honor. The question calls for inadmissible character evidence."**

9. Hearsay

Hearsay evidence is evidence of a statement that was made other than by a witness while testifying at trial and that is offered to prove the truth of the matter stated. (This means the person who is testifying to another person's statement is offering the statement to prove it is true.) Hearsay is considered untrustworthy because the declarant (aka speaker) of the out-of-court statement did not make the statement under oath and is not present in court to be cross-examined. Because these statements are unreliable, they ordinarily are not admissible.

Usage Comments
Testimony not offered to prove the truth of the matter stated is, by definition, *not* hearsay. For example, testimony to show that a statement was said and heard, or to show that a declarant could speak in a certain language, or to show the subsequent actions of a listener, is admissible.

Examples:

1. Joe is being tried for murdering Henry. The witness testifies, "Ellen told me that Joe killed Henry." If offered to prove that Joe killed Henry, this statement is hearsay and would likely not be admitted over an objection.

2. A witness testifies, "I went looking for Eric because Sally told me that Eric did not come home last night." Sally's comment is an out-of-court statement. However, the statement could be admissible if it is not offered for the truth of its contents (that Eric did not come home) but instead is offered to show why the witness went looking for Eric.

Form of Objection: **"Objection, your honor. Counsel's question calls for hearsay." Or "Objection, your honor. This testimony is hearsay. I move that it be stricken from the record."**

Hearsay Exceptions

Out of practical necessity, the law recognizes certain types of hearsay that may be admissible. Exceptions have been allowed for out-of- court statements made under circumstances that promote greater reliability, provided that a proper foundation has been laid for the statements. The Simplified Rules of Evidence recognize only the following exceptions to the hearsay rule:

a. **Declaration against interest:** a statement which, when made, was contrary to the declarant's own economic interest, or subjected the declarant to the risk of civil or criminal liability, or created a risk of making the declarant an object of hatred, ridicule, or social disgrace in the community. A reasonable person in the declarant's position would not have made the statement unless the person believed it to be true.
b. **Excited utterance:** a statement that describes or explains an event perceived by the declarant, made during or shortly after a startling event, while the declarant is still under the stress of excitement caused by the event.
c. **State of mind:** a statement that shows the declarant's then-existing state of mind, emotion, or physical condition (including a statement of intent, plan, motive, mental state, pain, or bodily health).

d. **Records made in the regular course of business (including medical records):** writings made as a record of an act or event by a business or governmental agency (Mock Trial does not require the custodian of the records to testify). To qualify as a business record, the following conditions must be established:
    1) The writing was made in the regular course of a business;
    2) The writing was made at or near the time of the act or event; and
    3) The sources of information and method of preparation are trustworthy.
e. **Official records by public employees:** writing made by a public employee as a record of an act or event. The writing must be made within the scope of duty of a public employee.
f. **Prior inconsistent statement:** a prior statement made by a witness that is inconsistent with the witness's trial testimony.
g. **Prior consistent statement** is a prior statement made by a witness that is consistent with the witness's trial testimony. Evidence of a prior consistent statement can only be offered after evidence of a prior inconsistent statement has been admitted for the purpose of attacking the witness's credibility. To be admissible, the consistent statement must have been made before the alleged inconsistent statement.
h. **Statements for the purpose of medical diagnosis or treatment:** statements made for purposes of medical diagnosis or treatment and describing medical history, past or present symptoms, pain, or sensations.
i. **Reputation of a person's character in the community:** evidence of a person's general reputation with reference to his or her character or a trait of his or her character at a relevant time in the community in which the person then resided or in a group with which the person habitually associated.
j. **Dying declaration:** a statement made by a dying person about the cause and circumstances of his or her death, if the statement was made on that person's personal knowledge and under a sense of immediately impending death.
k. **Co-conspirator's statements:** statements made by the declarant while participating in a conspiracy to commit a crime or civil wrong. To be admissible the following must be established: (a) The statement was made in furtherance of the objective of that conspiracy; (b) the statement was made prior to or during the time that the declarant was participating in that conspiracy; and (c) the evidence is offered either after admission of evidence sufficient to sustain a finding of the facts specified in (a) and (b) or, in the court's discretion as to the order of proof, subject to the admission of this evidence.
l. **Adoptive admission:** a statement offered against a party, that the party, with knowledge of the content of that statement, has by words or other conduct adopted as true.
m. **Admission by a party opponent:** any statement by a party in an action when it is offered against that party by an opposing party. The statement does not have to be against the declarant's interest at the time the statement was made.

Objections for inappropriately phrased questions

10. Leading Questions

Attorneys may not ask witnesses leading questions during direct examination or re-direct examination. A leading question is one that suggests the answer desired. Leading questions are permitted on cross-examination.

Example:

During direct examination, the prosecutor asks the witness, "During the conversation on March 8, didn't the defendant make a threatening gesture?" Counsel could rephrase the question, "What, if anything, did the defendant do during your conversation on March 8?"

Form of Objection: **"Objection, your honor. Counsel is leading the witness."**

11. Compound Question

A compound question joins two alternatives with "and" or "or," preventing the interrogation of a witness from being as rapid, distinct, or effective for finding the truth as is reasonably possible.

Example:

"Did you determine the point of impact from conversations with witnesses and from physical marks, such as debris in the road?" If an objection to the compound question is s sustained, the attorney may state "Your honor, I will rephrase the question," and then break down the question into two separate questions:

Q1: "Did you determine the point of impact from conversations with witnesses?" Q2: "Did you also determine the point of impact from physical marks in the road?" Remember that there may be another way to make your point.

Form of Objection: **"Objection, your honor, on the ground that this is a compound question."**

12. Narrative

A narrative question is too general and calls for the witness in essence to "tell a story" or give a broad and unspecific response. The objection is based on the belief that the question seriously inhibits the successful operation of a trial and the ultimate search for the truth.

Example:

The attorney asks A, "Please describe all of the conversations you had with X before X started the job." This question calls for the witness to give a long narrative answer. It is therefore, objectionable.

Form of Objection: **"Objection, your honor. Counsel's question calls for a narrative."**
Or, "Objection, your honor. The witness is providing a narrative answer."

13. Argumentative Question

An argumentative question challenges the witness about an inference from the facts in the case. The cross-examiner may not harass a witness, become accusatory toward a witness, unnecessarily interrupt the witness's answer, or make unnecessary comments on the witness's responses. These behaviors are also known as "badgering the witness." (If a witness is non-responsive to a question, see the non-responsive objection (#16) below.)

Example:

Questions such as "How can you expect the judge to believe that?" are argumentative and

objectionable. The attorney may argue the inferences during summation or closing argument, but the attorney must ordinarily restrict his or her questions to those calculated to elicit relevant facts.

Form of Objection: **"Objection, your honor. Counsel is being argumentative." Or "Objection, your honor. Counsel is badgering the witness."**

14. Asked and Answered

Witnesses should not be asked a question that has previously been asked and answered. This can seriously inhibit the effectiveness of a trial.

Examples:

On direct examination, the prosecution attorney asks, "Did the defendant stop at the stop sign?" Witness answers, "No, he did not." Then, because it is a helpful fact, the direct examining attorney asks again, "So the defendant didn't stop at the stop sign?" Defense counsel could object on asked-and-answered grounds.

On cross-examination, the defense attorney asks, "Didn't you tell a police officer after the accident that you weren't sure whether X failed to stop for the stop sign?" Witness answers, "I don't remember." Defense attorney then asks, "Do you deny telling the officer that?" If the prosecution attorney makes an asked-and- answered objection, it should be overruled. Why? In this example, defense counsel rephrased the question based upon the witness's answer.

Form of Objection: **"Objection, your honor. This question has been asked and answered."**

15. Vague and Ambiguous Questions

Questions should be clear, understandable, and as concise as possible. The objection is based on the notion that witnesses cannot answer questions properly if they do not understand the questions.

Example:

"Does it all happen at once?"

Form of Objection: **"Objection, your honor. This question is vague and ambiguous as to "what happened at once."**

16. Non-Responsive Witness

A witness has a responsibility to answer the attorney's questions. Sometimes a witness's reply is vague or the witness purposely does not answer the attorney's question. Counsel may object to the witness's non-responsive answer.

Examples:

The attorney asks "Did you see the defendant's car in the driveway last night? The witness answers, "Well when I got home from work I hurried inside to make dinner. Then I decided to watch TV and then I went to bed. This answer is non-responsive as the question is specifically asking if the witness saw the defendant's car on the night in question.

Form of Objection: **"Objection, your honor. The witness is being non-responsive."**

17. Outside the Scope of Cross-Examination

Re-direct examination is limited to issues raised by the opposing attorney on cross-examination. If an attorney asks questions beyond the issues raised on cross-examination, opposing counsel may object to them.

Form of objection: **"Objection, your honor. Counsel is asking the witness about matters beyond the scope of cross-examination."**

18. Unreasonable Running of Time

This objection may be made by a cross-examining attorney if the witness being cross-examined unreasonably runs the opposing team's time.

Form of objection: **"Objection, your honor. The witness is unreasonably running time."**

Summary of Allowable Evidentiary Objections for the California Mock Trial

1. **Unfair Extrapolation:** "Objection your honor. This question is an "unfair extrapolation," or "This information is beyond the scope of the statement of facts."

2. **Relevance:** "Objection, your honor. This testimony is not relevant," or "Objection, your honor. Counsel's question calls for irrelevant testimony."

3. **More Prejudicial Than Probative:** "Objection, your honor. The probative value of this evidence is substantially outweighed by the danger of undue prejudice (or confusing the issues, wasting time, or misleading the trier of fact)."

4. **Foundation:** Objection, your honor. There is a lack of foundation."

5. **Personal Knowledge/Speculation:** "Objection, your honor. The witness has no personal knowledge to answer that question." Or "Objection, your honor, speculation."

6. **Opinion Testimony (Testimony from Non-Experts):** "Objection, your honor. Improper lay witness opinion," or "Objection, your honor. The question calls for speculation on the part of the witness."

7. **Expert Opinion:** "Objection, your honor. There is a lack of foundation for this opinion testimony," or "Objection, your honor. Improper Opinion."

8. **Character Evidence:** "Objection, your honor. Inadmissible character evidence," or "Objection, your honor. The question calls for inadmissible character evidence."

9. **Hearsay:** "Objection, your honor. Counsel's question calls for hearsay," or "Objection, your honor. This testimony is hearsay. I move that it be stricken from the record."

10. **Leading Question:** "Objection, your honor. Counsel is leading the witness."

11. **Compound Question:** "Objection, your honor. This is a compound question."

12. **Narrative:** "Objection, your honor. Counsel's question calls for a narrative." Or, "Objection, your honor. The witness has lapsed into a narrative answer."

13. **Argumentative Question:** "Objection, your honor. Counsel is being argumentative," or "Objection, your honor. Counsel is badgering the witness."

14. **Asked and Answered:** "Objection, your honor. This question has been asked and answered."

15. **Vague and Ambiguous:** "Objection, your honor. This question is vague and ambiguous as to _____."

16. **Non-Responsive:** "Objection, your honor. The witness is being non-responsive."

17. **Outside Scope of Cross-examination:** "Objection, your honor. Counsel is asking the witness about matters beyond the scope of cross-examination."

18. **Unreasonable Running of Time:** "Objection, your honor. The witness is unreasonably running time."