PRINCE GEORGE'S COUNTY BAR ASSOCIATION
LAW 101
January 8, 2013
DISSECTION OF 5 COMMON OBJECTIONS
OVERVIEW

Reasons for objection
-keep out inadmissible evidence
-prevent prejudice
-protect the record for appeal
-trial strategy
-other reasons

Maryland Rules 2-517, 4-323 Method of making objection; 5-103 Ruling on evidence; 5-104 Preliminary questions; 5-611 Mode and Order of interrogation and presentation; control by court; scope of cross-examination; leading questions

SPECIFIC OBJECTIONS

1. ***OBJECTION - irrelevant***

5-401 Relevancy, et seq - "What element does this tend to prove"
Elements of case - Pattern Jury Instructions
State of Mind?
Foundations and relevance "inextricably linked"
Personal knowledge - senses - hear, see, feel, mind (if applicable)
Conclusion? Speculation? Opinion? (how would this witness know that?)
Relevance - Why did you ask that? Tends to prove a fact. Which issue or jury instruction?

Chart of testimonial evidence

Not admissible |51% —> Admissible
Opinion <----------> Facts
Speculation | conclusory | logical inferences
"Maybe...I think...not sure...possibly...less than 50%"

2. ***OBJECTION - hearsay***

5-801 Hearsay "ie: rule against hearsay"
"... offered in evidence to prove the truth of the matter asserted."
State of mind
Probable cause
Background
Prejudicial?
5-802 "... hearsay is not admissible [but]...."
5-802.1 Prior Witness; 5-803 Exceptions; 5-804 Exceptions - declarant unavailable.
-statement of party opponent (adoption, authorized individual employee or agent, conspirator)
-Excited utterances - ***Crawford*** (USSC) 6th Am. Right to confrontation; ***Davis v. Washington*** 911 call - emergency v testimonial.
-business records (or absence of entry)