

PART VI  
**RULES OF EVIDENCE EXPLANATION AND PROCEDURE**

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*Attorneys may raise objections to the judge when it appears that the rules of evidence are being violated. The judge then rules on the objections and decides whether the evidence must be excluded from the record of the trial.*

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**A. INTRODUCTION OF PHYSICAL EVIDENCE**

Physical evidence (objects or documents) must be relevant and authentic in order to be admissible. For mock trial purposes, all exhibits contained in the case materials have been stipulated as authentic and should not be altered to give either side an unfair advantage. This means that the document is what it claims to be and need not be authenticated through witness testimony. However, exhibits are generally presented to the court through witness testimony and may be objected to on grounds other than authenticity.

Only the physical evidence provided in this manual may be introduced. No attorney should attempt to introduce anything that is not included or stipulated in the manual (such as blow-ups, graphs, or maps, etc.)

Only clean, unmarked copies of a document will be accepted for consideration either as an exhibit, or used during the questioning of a witness

The proper procedure to use when introducing a physical object or document for identification or to enter into evidence is:

1. Indicate to the Court that you would like to introduce a document into evidence. Prosecution's exhibits use numbers (ex. Prosecution Exhibit 1); Defense's exhibits use letters ex. Defense Exhibit A). The attorney presenting the document does NOT assign numbers to the document; that is the role of the Presiding judge.
2. Show the exhibit to opposing counsel. The Presiding Judge will ask opposing counsel if there are any objections. ). —Let the record reflect that I am showing the Plaintiff's Exhibit 1 (or Defense's Exhibit A) to opposing counsel.¶
3. Present the document to the Clerk to have it marked.
4. Ask the Presiding judge permission to approach the witness.
5. Have the witness identify the exhibit. The witness' answer should serve to identify only.
6. Ask the witness a series of questions about the exhibit. to establish its relevancy.
7. Offer the exhibit into evidence.

*Generally, no attorney or witness may read from an exhibit until it is identified and admitted into evidence by the court. However, on cross-examination only, any document made or prepared by the witness who is being examined may be used for purposes of impeachment or cross-examination without having been admitted into evidence. Even here, though, the attorney should solicit identification information from the witness (i.e. "Do you recall making a statement to the police?" "Is this your signature?" "Were you under oath to tell the truth when you made this statement?"). Also, show the document to opposing counsel.*