

**THE EVIDENCE AND EXAMINATION MAZE—A VISUAL SUMMARY
OF THE ROUTE TO ADMISSIBLE OHIO MOCK TRIAL EVIDENCE**

**Real world event—Something happened outside the Courtroom
and a witness has been called to testify about that event**

Is the testimony about the event **relevant**? Is it related in some logical way to something legally important in the case?

NO

Not related?
Not relevant,
Not admissible

YES

Is the testimony **reliable**? Can the Court trust it to be accurate? How do we know it is reliable? Special legal tests

NO

Not reliable?
Not pass tests,
Not admissible

Eye Witness Test—
Can we trust the witness?

NO

Hearsay Test—Did someone else see the event and tell the witness?

YES

Expert Witness Test—
Can we trust the witness who has special skills?

Ability to perceive events

Actual knowledge, no guessing

Is testimony being offered to prove the truth of the matter asserted?

YES

Facts from others—admissible?

Special education and training—is the expert qualified?

Impeachment on Cross—attacks credibility & reliability, shows bias, no knowledge, prior inconsistent story and/or untruthful reputation. Cross tries to diminish witness in the eyes of the Court

Re-direct examination—repairs witness' credibility
Re-cross—last chance to diminish witness

Hearsay exceptions—
Can we trust special situations?
YES, EVEN IF witness available:
•Present sense impression
•Excited utterance
•Then existing mental, emotional, or physical condition
•Statement for medical care
•Regularly kept records
YES, IF witness unavailable:
•Belief of impending death
•Statement against personal interest
IF A HEARSAY EXCEPTION APPLIES, ADMISSIBLE

Opinion testimony—uses special knowledge that others don't have to analyze facts, reach expert conclusions

Cross examination—attacks expertise, reasoning, factual basis for opinion. Cross tries to diminish expert in the eyes of the Court, challenges opinion

GOAL—Admissible evidence that helps persuade the Court that your presentation about something that happened outside the Courtroom is believable and trustworthy