

HMDC Elementary Model Congress Class (Fall 2024)

Activity: Common Objections (Simulation)

Common Legal Objections: A Comprehensive Guide

1. Relevance

Explanation: A relevance objection is raised when the question or evidence being presented has no logical connection to the facts of the case or does not help prove or disprove a material issue.

Example Scenario: In a robbery trial, the defense attorney asks the witness about the defendant's favorite color.

Objection Language: "Objection, Your Honor. Relevance. The defendant's favorite color has no bearing on whether he committed the robbery."

Actual Wording: "Objection, relevance."

2. Hearsay

Explanation: Hearsay is an out-of-court statement offered to prove the truth of the matter asserted. It's generally not admissible because the person who made the original statement isn't present to be cross-examined.

Example Scenario: A witness testifies, "My neighbor told me he saw the defendant running from the scene of the crime."

Objection Language: "Objection, Your Honor. This testimony is hearsay. The witness is repeating an out-of-court statement to prove that the defendant was at the scene of the crime."

Actual Wording: "Objection, hearsay."

3. Leading Question (on direct examination)

Explanation: A leading question is one that suggests the desired answer. These are generally not allowed during direct examination because they can unfairly influence the witness's testimony.

Example Scenario: During direct examination, the prosecutor asks, "You saw the defendant point the gun at the victim, didn't you?"

Objection Language: "Objection, Your Honor. Counsel is leading the witness. This is a direct examination, and the question suggests the desired answer."

Actual Wording: "Objection, leading."

4. Speculation

Explanation: A speculation objection is raised when a witness is asked to guess, make assumptions, or offer opinions about matters they don't have direct knowledge of.

Example Scenario: A witness is asked, "What do you think the defendant was thinking when he entered the store?"

Objection Language: "Objection, Your Honor. The question calls for speculation. The witness has no way of knowing what the defendant was thinking."

Actual Wording: "Objection, calls for speculation."

5. Asked and Answered

Explanation: This objection is used when an attorney asks a question that has already been asked and answered, usually in an attempt to emphasize a point or confuse the witness.

Example Scenario: The defense attorney asks the same question about the witness's whereabouts for the third time.

Objection Language: "Objection, Your Honor. Asked and answered. The witness has already provided this information twice."

Actual Wording: "Objection, asked and answered."

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Common Legal Objections: A Comprehensive Guide (*Continued...*)

6. Assumes Facts Not in Evidence

Explanation: This objection is raised when a question includes or assumes facts that haven't been established or admitted into evidence.

Example Scenario: In a case where no weapon has been introduced as evidence, the prosecutor asks, "When you pointed the gun at the victim, what was your intention?"

Objection Language: "Objection, Your Honor. The question assumes facts not in evidence. There has been no testimony or evidence presented about a gun in this case."

Actual Wording: "Objection, assumes facts not in evidence."

Remember: When making an objection, stand up, address the judge as "Your Honor," state your objection clearly, and be prepared to explain the basis for your objection if asked.