

THE OBJECTION CHALLENGE

“Shall we play a game?”



My assumption is that after three years of law school you have at least a passing familiarity with the rules of evidence and can apply them practically. Let's test that theory. What follows is a question-and-answer, direct- and cross-examination session with a witness in a hypothetical murder case. Your role is not trial or defense counsel; rather, you are über-counsel, simply deciding whether a particular question (or answer) is objectionable and the basis for the objection. The focus is not on substance or strategy—don't ask yourself “should I object?” Ask yourself “is the question or answer reasonably objectionable?”



Patty Peacock

Scenario: On the night of 2 February there was a party at the palatial estate of Patty Peacock, a wealthy socialite and estranged wife of the mayor, Sam Peacock. Patty and Sam have lived apart for a number of years, but have not divorced. Patty supported Sam's opponent in the last election. Sam was at the party that night.

Sam's “secret” newest girlfriend is Stacey Scarlett, who also happens to be Patty Peacock's lifelong friend. Though a “secret,” the relationship has recently been the main subject in the local rumor mill. Stacey Scarlett was at the party that night.

Professor Peter Plum was also at the party that night. He and Patty Peacock are in a relationship that has grown very serious ... in fact, they recently visited a lawyer to discuss moving the Peacock divorce forward—Patty also changed her will, insurance, and property holdings to now include Professor Plum as beneficiary.

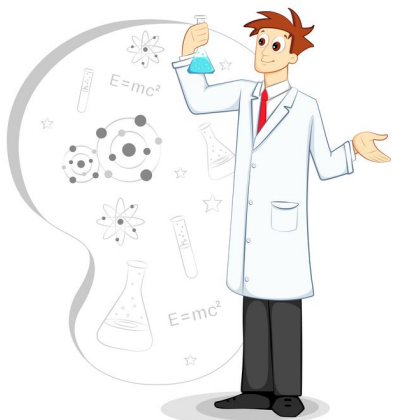
The party was well attended and continued until early morning ... with alcohol flowing freely. During the party, all the relationships came to a head and there was much drama, yelling and screaming, and threats. At 2 a.m. the party came to an end and the guests began to leave—including Sam Peacock and Professor Plum. At approximately 2:10 a.m. there was a scream from a back bedroom and a number of the staff cleaning up the library and the kitchen ran to the other side of the house to investigate. They threw open the bedroom door and saw Stacey Scarlett sitting on the floor, holding the limp body of Patty Peacock—Patty had blood all over her head and was not moving, but it appeared that Patty was saying something to Stacey ... then Patty died.

The police investigated and determined that Patty had died from blunt-force trauma. Through scientific analysis they determined that she had been stuck by a pipe wrench, though a pipe wrench was never found. They did discover an unlocked tool box in the bed of Professor Plum's truck, but there was no pipe wrench in it. Stacey told the police that she heard the scream, came running and found Patty lying on the floor covered in blood; she scooped Patty up in her arms and tried to revive her; Patty

leaned in and whispered to her "it was him" ... and then died. Stacey said a side door to the bedroom was open and she saw a figure in the dark running away, someone about 5'10" tall and 170-190 pounds, but could not identify who it was—a description that matches both Sam Peacock and Professor Plum. A moment after seeing that person disappear she heard tires squeal and saw a truck leave the area at a high speed. She could only remember the first four numbers/letters of the license plate "1A43." Professor Plum's truck's license plate was "1A98 RRR."



Mayor Sam



Professor Plum

Professor Plum is accused of killing Patty Peacock with a pipe wrench in the bedroom.



Judge: "Government, call you first witness."
Government: "The United States calls Ms. Stacey Scarlett"



Stacey Scarlett