

Objections

Requirements of Preserving Error TRE 103(a)

(1) If ruling admits evidence, objection or motion to strike must

(A) Be timely meaning before answer is given or if not possible, immediate motion to strike answer must be made.

AND

(B) Must state the specific ground, unless basis is apparent from the context.

Requirements of Preserving Error

TRE 103(a)

(2) If ruling excludes evidence, offering party must inform court of substance of excluded evidence by an offer of proof.

TRE 103(c)

The court must allow a party to make an offer of proof as soon as practicable outside the presence of the jury and before the court reads the charge to the jury.

Objection to Relevance

- NO speaking objections!
- Relevance of evidence depends on context which invites “speech”.
- Make “relevance” objection and ask to approach the bench for argument.

Relevance Review

TRE 401 - Test of Relevance.

TRE 402 - General Admissibility of Relevant Evidence.

TRE 403 – Exclusion of Relevant Evidence.

TRE 404 – Character Evidence; Crimes or Other Acts

TRE 405 – Methods of Proving Character

TRE 406 – Habit; Routine Practice