

Evidence

Evidence

The Objection Method

SEVENTH EDITION

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Hon. Christine M. Arguello

UNITED STATES DISTRICT COURT JUDGE
DISTRICT OF COLORADO



CAROLINA ACADEMIC PRESS

Durham, North Carolina

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ISBN 978-1-5310-3069-8
eISBN 978-1-5310-3070-4
LL 978-1-5310-3331-6
LCCN 2024943550

Carolina Academic Press
700 Kent Street
Durham, North Carolina 27701
Telephone (919) 489-7486
www.cap-press.com

Printed in the United States of America

*The authors dedicate this book to all our families and loved ones.
Their patience, endurance, and endearments provide us monumental support.*

D.J.C. to Anne, Emily, and David

S.A.S. to Susan, David, Diane, Lisa, and Mark

C.M.A. to my husband and soulmate Ron, who passed away in 2018

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Preface to the Seventh Edition

This new edition was necessitated by a number of developments in the law of evidence. Changes include interesting innovations by courts on questions of character evidence and expert testimony; many amendments to the Federal Rules of Evidence; issues involving the admissibility of electronic evidence; and Supreme Court decisions on the right to confrontation and the use of certain opinions in a criminal case.

Of course the casebook focuses on the Federal Rules of Evidence, as they were restyled in 2011. One of the authors of this book, Professor Daniel Capra, serves as Reporter to the Judicial Advisory Committee on Evidence Rules and so had front-line responsibility for the restyled rules. Another co-author, Professor Saltzburg, served as a consultant on the Restyling project. Where possible, the drafters' perspective on the rulemaking process has been emphasized.

A number of the principal cases in the book were decided before the Restyled Rules of Evidence went into effect. Where those cases quote the language of the rule, we have tried to indicate that the quotation is from the rule before it was restyled. Editorial comments concerning restyling are contained in brackets in the cases. It is important to note that none of the results in any of the cases would be changed by applying the Restyled Rule — because the very premise of the Restyling is that no substantive changes have been made.

A few words on the format of the book:

- Citations included within cases are usually omitted, without so specifying, in order to help with the readability of the opinion.
- Footnotes that are included in the cases are numbered as they were in the original case. Footnotes that are ours in the text are numbered sequentially from the beginning of each chapter.
- If we have deleted textual material from a case, it is noted with three asterisks. If the court has deleted material — for example from a quote taken from another case — it is noted with three periods.

This edition continues the practice of the previous edition by including extensive excerpts from the *Federal Rules of Evidence Manual*, coauthored by Professors

Stephen Saltzburg, Michael Martin, Daniel Capra, and Jessica Berch. We hope that these excerpts will help students master the important concepts of evidence that do not arise in the principal cases. We thank Lexis-Nexis for the permission to use this material. Extensive original note material is also included.

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