

EXHIBITS
FOUNDATION CHEAT SHEET

DIAGRAM

- Would a diagram be helpful to the jury in understanding your testimony?
- Your honor, I request that this be marked Exhibit 1 for identification.
- Please let the record reflect that I am showing Exhibit 1 to opposing counsel.
- May I approach the witness?
- I am handing you Exhibit 1. What is it?
- How do you recognize it?
- Are you familiar with what the diagram depicts?
- How?
- Is the diagram an accurate depiction of.....on the day of the incident?
- Your honor, I now move to admit Exhibit 1.

Sample

PHOTO

- Your honor, I request that this be marked Exhibit 2 for identification.
- [Please let the record reflect that] I am showing Exhibit 2 to opposing counsel.
- May I approach the witness?
- I am handing you Exhibit 2.
- Do you recognize this?
- What is it?
- How do you recognize it?
- Is it a fair and accurate representation of....as you saw it that day?
- Your honor, I now move to admit Exhibit 2.
- Permission to publish?

Sample

SAMPLE REAL EVIDENCE UNIQUE/READILY IDENTIFIABLE

- The detective found the knife
- Where he found the knife
- That it was a butterfly knife
- That he placed it in an evidence bag
- Ask to approach with Exhibit A for identification purposes
- Show it to opposing counsel
- Hand the witness what has been marked for identification purposes as Prosecution Exhibit A
- What is it?
- How do you recognize it (as the knife the witness found)
- Is it in the same condition as when you found it at the scene?
- Move for introduction of knife
- Ask to publish (show it to the jury)

SAMPLE CHAIN OF CUSTODY

- Witness found a knife
- Witness collected the knife and placed it into a bag
- That he placed the bag into his evidence locker
- That he took the bag out of his evidence locker
- He took the bag and placed into the police evidence room by its case number
- That he went today to the police evidence room and asked for the evidence under the evidence number
- That he received the bag back with the knife
- That he brought it to court and gave it to the DA
- Ask to approach for identification purposes with what has been marked as Prosecution Exhibit A
- Do you recognize this?
- What is it (the bag containing the knife collected at the scene)?
- How do you know that (because of the numbers on the bag and the item description)
- Open the bag
- Look inside the bag without taking the item out
- Do you recognize what is inside the bag
- What is it?
- Is it in the same condition as when you saw it at the crime scene?
- Move for the admission of Prosecution Exhibit A

Sample

POLICE REPORT [CRE 803(8) in civil cases]

- Your honor, I request that this be marked Exhibit 4 for identification.
- I am showing Exhibit 4 to opposing counsel.
- May I approach the witness?
- I am handing you Exhibit 4.
- Do you recognize this?
- What is it?
- Who prepared the report?
- When was the report prepared?
- Why did you prepare the report?
- Was it prepared as part of your regular duties as a police officer?
- How did you prepare the report?
- Where is the report kept?
- Your honor, I now move to admit Exhibit 4.

BUSINESS RECORD [CRE 803(6)]

- Your honor, I request that this be marked Exhibit 5 for identification.
- Please let the record reflect that I am showing Exhibit 5 to opposing counsel.
- May I approach the witness?
- I am handing you Exhibit 5.
- Do you recognize this?
- What is it?
- Who prepared the report?
- When was the report prepared?
- Why did you prepare the report? As part of your official capacity?
- How did you prepare the report?
- Where is the report kept?
- Is part of your regular business practices to keep reports like this?
- Your honor, I now move to admit Exhibit 5.