

CONTENTS

Ambiguous Questions	1
Argumentative Questions	2
Asked and Answered Questions	3
Assuming Facts Not in Evidence	5
Authentication of Telephone Conversations and Voices	7
Authentication of Writings, Photographs, and Recordings	9
Authentication of Computer-Generated Records and Computer-Stored Data	12
Character Evidence	15
Generally	15
Accused or Victim in a Criminal Case	18
Domestic Violence Cases	20
Other Acts, Crimes, or Wrongs	22
Other Offenses in Criminal Sexual Assault Cases	24
Prior Convictions for Domestic Battery-Related Offenses	27
Prior Sexual Activity or Reputation of Alleged Victim (Rape Shield)	30
Specific Instances of Conduct	33
Victim in a Criminal Case: Specific Instances of Conduct	35
Competency to Testify	37

The Dead Man's Act	39
Compound Questions	42
Compromise / Offers of Compromise	43
Cross-Examination	44
Generally.	44
Scope.	46
Exhibits	48
Demonstratives	48
Tangible Objects	50
Writings	52
Expert Opinion	54
Firsthand Knowledge	58
Guilty Pleas (Offers of Pleas and Related Statements)	59
Habit and Routine Practice	61
Hearsay	63
Generally.	63
Attacking and Supporting the Credibility of a Hearsay Declarant	65
Confrontation Clause	67
Hearsay Within Hearsay	70
Prior Consistent Statements.	71
Two Persistent, False Concepts in Illinois Law.	73
Hearsay Exception	75
Absence of Entry in Business Records	75

Absence of Public Record or Entry	77
Birth, Marriage, Death, and Other Similar Statements in Records of Religious Organizations	79
Statement Against Interest	80
Dying Declaration	83
Evidence as to Character	85
Excited Utterance or Spontaneous Declaration (But Not Present Sense Impression)	87
Family Records	89
Former Testimony	90
Judgment of Previous Conviction	93
Market Reports and Mortality Tables	94
Prior Statements of a Child Concerning Physical or Sexual Acts	96
Public Records and Reports	99
Recorded Recollection	101
Records of Regularly Conducted Activity (Business Records)	103
Records of Regularly Conducted Activity (Hospital Records Offered as Business Records)	106
Records of Vital Statistics	108
Reputation Concerning Personal or Family History	110
Requirement of Unavailability for Certain Hearsay Exceptions	112

Statements in Ancient Documents.	114
Statement of Personal or Family History	116
Statements for Purposes of Medical Diagnosis or Treatment.	118
Statements for Purposes of Medical Diagnosis or Treatment in Sexual Offense Prosecutions.	120
Then-Existing Mental, Emotional, or Physical Condition.	122
Hearsay Exclusion	125
Prior Inconsistent Statements in a Criminal Case.	125
Statements by Party-Opponent	128
Impeachment.	131
Bias, Prejudice, Interest, and Improper Motive	131
Character Evidence for Untruthfulness or Truthfulness	134
Extrinsic Evidence (The Collateral Evidence Rule)	136
Impeachment of One's Own Witness	138
Learned Treatises	140
Memory and Perception	142
Prior Conviction	144
Prior Inconsistent Statements	147
Specific Instances of Conduct	149
Insurance Against Liability.	151

Judicial Notice	153
Lay Opinion Evidence	155
Leading Questions	157
Misquoting the Witness	159
Narratives.	160
Nonresponsive Answers	162
Objections	163
Need to Preserve the Record for Appeal.	163
Offers of Proof	165
Original Document Rule (Best Evidence Rule).	167
Payment of Medical and Similar Expenses	170
Presumptions	172
Privileges	174
Refreshing Present Recollection	176
Relevance	178
Generally.	178
Conditional Relevance (and Conditional Admissibility)	179
Curative Admissibility	181
Exclusion of Relevant Evidence on Grounds of Prejudice, Confusion, or Waste of Time	183
Limited Admissibility	185
Rule of Completeness	187
Subsequent Remedial Measures	189
Illinois Rules of Evidence	191

