

## HEARSAY

Hearsay is a statement made out of court that you are trying to prove the truth of in court. Out of court statements are not generally considered trustworthy.

Statements made outside of court are not:

- Made under oath (promised to be true & correct), and
- A judge or jury has not been able to observe the speaker, and
- The other side is not able to question (cross-examine) the speaker.

The hearsay rule does not allow most statements made outside of court to be used as evidence in court.

If you want the court to know what someone said outside of court, you must have that person come to court & testify. Witnesses can testify about what they said or about what they personally observed or experienced. They can also testify about how another person physically reacted in a given situation, but no one can testify about what someone else said outside of court. When a witness testifies, the opposing party will be allowed to cross-examine the witness.

There are some hearsay exceptions where the court will allow the statements to be introduced (or told) in court.

## NOTES

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## Overview of Mississippi's

# EVIDENCE RULES

### WHAT IS EVIDENCE?

Evidence is the information that the fact-finder (the judge or jury) is allowed to consider in reaching decisions.

### WHAT IS THE PURPOSE OF THE EVIDENCE RULES?

To help the judge or jury make decisions based on good, reliable information, not gossip or guesswork, to fairly decide the case.



## WHAT KIND OF INFORMATION CAN BE CONSIDERED EVIDENCE AND ALLOWED IN YOUR CASE?

Testimony from the parties or witnesses (examples: police officers, teachers, child care providers, neighbors, relatives, friends, nurses, doctors, your children)

Documents (examples: school records, payroll stubs, bank statements or other official documents)

Pictures  
Voicemails  
Video Recordings  
FaceBook Posts  
Texts  
Emails  
Objects or Things

Your testimony alone may be enough to prove your point, but if you have additional evidence you may want to use it so your case will be even more convincing.

### RELEVANT EVIDENCE

- » The evidence you want to tell the court must be relevant to the case.
- » Evidence is relevant if it can help prove or disprove a fact that is important to the case.
- » Choose evidence that relates directly (is "relevant") to what you need to show ("prove").

## PERSONAL KNOWLEDGE

A witness can only testify to firsthand knowledge information (unless it is an expert witness).

**Firsthand knowledge** is something which the witness actually saw or heard or experienced, as compared to something learned from some other person or source.

This means: no opinions (unless the court considers the witness an expert); no advice; no secondhand information.

Someone who actually heard, saw or experienced the facts is the most reliable to tell the Court about it.

## BEST EVIDENCE RULE

The original document or video or picture is the **best evidence**. Your testimony about the original document or video or picture will not be allowed if you can introduce the original evidence.

## INTRODUCING DOCUMENTS/PHOTOS INTO EVIDENCE

Consider the law that applies to your case and figure out what you are trying to prove.

Choose trustworthy evidence that helps prove your side of the case.

You must explain how the exhibit is reliable and worth the judge's consideration.

Be prepared and organized. Bring the original exhibits and at least two copies with you to court.

Steps for getting the exhibit into evidence at the trial or hearing of your case:

- » First, tell the Judge that you would like to enter something into evidence. The judge may ask you some questions about it.
- » Ask the court clerk or court reporter to mark the original exhibit with an exhibit number. (It is important not to talk during this process since the court reporter cannot record your statements while also marking the exhibit.)
- » Give copies to the other party and to the judge.
- » Explain what the exhibit is and what it helps prove.
- » Explain that you or the witness is familiar with the exhibit.
- » Ask the judge to admit the exhibit into evidence.
- » If admitted, explain how the exhibit supports your side of the case or ask the witness questions about the exhibit that will help prove your side of the case.