

## Photographs

- Step 1. If not already marked, have the exhibit marked.
- Step 2. Show the exhibit to opposing counsel.
- Step 3. Ask permission to approach the witness and show exhibit to witness.
- Step 4. Can you tell me what this is?
- Step 5. Does this photograph fairly and accurately show the \_\_\_\_\_ as you observed it?
- Step 6. Offer into evidence
- Step 7. Ask permission to publish the exhibit.

## Recorded Recollection

Witness states he/she cannot remember.

- Step 1. Did you make a list regarding the \_\_\_\_\_?
- Step 2. When did you make that list?
- Step 3. Was the list you made accurate and complete?
- Step 4. Would that list refresh your memory regarding \_\_\_\_\_?
- Step 5. If not marked, have exhibit marked.
- Step 6. Show the exhibit to opposing counsel.
- Step 7. Ask permission to approach witness and show exhibit to witness.
- Step 8. Do you recognize this document?
- Step 9. What is it?
- Step 10. Is the list in the same condition now as when you made it?
- Step 11. Offer into evidence.
- Step 12. Ask permission for the witness to read from the exhibit.
- Step 13. Have witness read the relevant information and continue questioning if necessary.

## Hearsay Statement of Child Abuse Victim - Texas Family Code Section 104.006 –

### **\*SAPCR, 12 or younger, abuse against the child; outside the presence of the jury**

- Step 1. Do you know \_\_\_\_\_ (child victim)?
- Step 2. How do you know \_\_\_\_\_?
- Step 3. Is \_\_\_\_\_ 12 years of age or younger?
- Step 4. Did \_\_\_\_\_ make any statements to you about being abused?
- Step 5. When were those statements made?
- Step 6. Where were those statements made?
- Step 7. How did \_\_\_\_\_ behave when making that statement?
- Step 8. What were the statements \_\_\_\_\_ made to you regarding the abuse?
- Step 9. Do you believe \_\_\_\_\_ would be further traumatized by having to testify in court about the abuse?
- Step 10. Your honor, to protect the welfare of \_\_\_\_\_, we are requesting that the statements he/she made to \_\_\_\_\_ admitted in lieu of his/her testimony.

## E-Mail or Text Message

- Step 1. Show exhibit to opposing counsel.
- Step 2. Ask permission to approach witness and show exhibit to witness.
- Step 3. Do you recognize Exhibit \_\_\_\_\_.
- Step 4. What is it?
- Step 5. Is this an exact duplicate of the e-mail you found on your computer/phone?
- Step 6. What specific identifying information was contained on the computer/phone that justifies a conclusion that a particular individual sent this message?  
(Witness identifies sender's email address).
- Step 7. Based on the identifying information, who do you believe sent you this e-mail?
- Step 8. (If there is a name at the end of the message ask: What name is at the end of the message?
- Step 9. Do the contents refer to any previous communication you had with \_\_\_\_\_?
- Step 10. Is there information in the contents known to this person?
- Step 11. Offer exhibit into evidence.
- Step 12. Ask permission to publish the exhibit.

## Voicemail Messages

- Step 1. Did \_\_\_\_\_ leave you a voicemail message?
- Step 2. On what date and time did \_\_\_\_\_ leave you that message?
- Step 3. Have you listened to the voicemail recording?
- Step 4. Was this recording left on a device capable of making an accurate recording?
- Step 5. Is that message saved on your phone as a digital recording?
- Step 6. Do you have your phone and the original voicemail message with you?
- Step 7. On what medium was the recording saved for admission as an exhibit in court?  
(digital or tape)
- Step 8. I made a taped recording of the original message.
- Step 9. Are you competent to operate the recording device that you used?
- Step 10. Is the recording an accurate representation of the voicemail message that \_\_\_\_\_ left you?
- Step 11. Has the recording been altered in any manner?  
(Have original recording available also).
- Step 12. Can you identify the voice on the recording?
- Step 13. Is Exhibit \_\_\_\_\_, the taped recording you made of that voicemail message?
- Step 14. Offer into evidence and ask to play the message.

## Records of Regularly Conducted Business Using a Witness

- Step 1. Request permission to approach the witness
- Step 2. Have exhibit marked by court reporter if not already pre-marked
- Step 3. Show exhibit to opposing counsel
- Step 4. Show exhibit to the witness .
- Step 5. Do you recognize it?
- Step 6. What is it?
- Step 7. How do you know what it is?
- Step 8. Are you the custodian of records/employee/owner of \_\_\_\_\_ .
- Step 9. Are you familiar with the manner in which the records are created and maintained?
- Step 10. Are these the original records or exact duplicate of the original records?
- Step 11. Is it the regular practice of \_\_\_\_\_ to make this record ?
- Step 12. Were the records made at or near the time of the event/condition/opinion/or diagnosis?
- Step 13. Were the records made by, or from information transmitted by persons with knowledge of the matters?
- Step 14. Did the person with knowledge act in the regular course of business or have a business duty to report the information?
- Step 15. Offer Exhibit into evidence.
- Step 16. Ask permission to publish the exhibit.