

Hearsay Exercise

A trial has commenced on a complaint that a parent has sexually abused a minor through intercourse.

For each proposed item of testimony below, an objection is lodged on the grounds of hearsay. Should each objection be overruled or sustained, and why?

Discuss appropriate exception to the hearsay rule; discuss possible witness response when an objection is made.

1. Neighbor: “Three weeks after this happened, the minor was having a soda in my kitchen. She seemed a bit nervous. She said, ‘My step-dad did me wrong.’”
2. Classmate: “On the same morning, right after it happened, the minor said, ‘It hurt a lot when I went to the bathroom this morning.’”
3. Supervisor of caseworker: “This documents our record of when the initial referral of abuse was called in. Under our regular routine, the person taking the call notes the date, time, and substance of the referral as the information is received. We are required to keep this information in our records.”
4. Police Officer: “I interviewed the parent 12 days after the initial report. When I asked if there had been intercourse with the minor, the parent nodded his head up and down.”