

8.07 | OBJECTIONS

If you believe that the defense attorney is attempting to introduce improper evidence or is asking improper questions of a witness, you must object and state the reasons for the objection. Stating the basis for an objection is generally important in preserving that issue for appeal. The judge may either "overrule" the objection (disagree with the objection and tell the witness to answer the question) or "sustain" the objection (direct the witness not to answer). Whether or not evidence is admissible is a decision made solely by the trial judge. Often, in order to determine the admissibility of a certain disputed point of evidence, the judge will have a conference with the parties' attorneys (or the pro se party) to discuss why the particular evidence may or may not be admissible. This conference is referred to as a sidebar or a bench conference. It is conducted out of the hearing of the jury, so they will not be prejudiced. A record is made of the proceeding by the court reporter.

*(US District Court, New York, Western District // Buffalo, NY 14202
Pro Se Litigation Guidelines)*

