

LIST OF CHAPTERS

Chapter 1	INTRODUCTION OF EVIDENCE — AN OVERVIEW	1
	<i>Jake C. Eisenstein, Esq.</i>	
Chapter 2	PRESUMPTIONS AND FACTS ESTABLISHED WITHOUT FORMAL PROOF	37
	<i>Hon. Adam J. Espinosa</i>	
Chapter 3	EVIDENTIARY EXCLUSIONS AND LIMITATIONS	59
	<i>Hon. David J. Stevens</i>	
Chapter 4	WITNESS COMPETENCY AND QUALIFICATIONS	65
	<i>Benjamin T. Norton, Esq.</i>	
Chapter 5	WITNESS CORROBORATION AND SUPPORT	109
	<i>Robert H. Foster, Esq., Ph.D.</i>	
Chapter 6	IDENTIFICATION	121
	<i>Jason A. Slothouber, Esq.</i>	
Chapter 7	REPUTATION	157
	<i>Miro Kovacevic, Esq.</i>	
Chapter 8	IMPEACHMENT	161
	<i>Nicolas M. Geman, Esq.</i>	
Chapter 9	REHABILITATION	187
	<i>Robert H. Foster, Esq., Ph.D.</i>	
Chapter 10	PRIVILEGE AND DISQUALIFICATION	215
	<i>Lucas T. Ritchie, Esq.</i>	
Chapter 11	HEARSAY EXCEPTIONS INVOLVING STATE OF MIND . . .	245
	<i>A. Tyrone Glover Jr., Esq.</i>	
	<i>Julia M. Stancil, Esq.</i>	
	<i>David G. Maxted, Esq.</i>	
Chapter 12	DOCUMENTARY EVIDENCE	267
	<i>Heather K. Kelly, Esq.</i>	

Chapter 13	DEMONSTRATIVE EVIDENCE	317
	<i>Jake C. Eisenstein, Esq.</i>	
	<i>Hon. Lance Phillip Timbreza</i>	
APPENDICES		403
	Colorado Rules of Evidence	405
	Federal Rules of Evidence	451
SUBJECT INDEX		647

TABLE OF CONTENTS

Chapter 1	INTRODUCTION OF EVIDENCE — AN OVERVIEW	1
§ 1.1	INTRODUCTION	3
	§ 1.1.1—Approaching Evidence	3
§ 1.2	TESTIMONIAL EVIDENCE	5
§ 1.3	INTRODUCTION OF EXHIBITS IN GENERAL	5
	§ 1.3.1—Stipulated Exhibits	6
	§ 1.3.2—Disputed Exhibits	7
	§ 1.3.3—Sample Examination	9
§ 1.4	DOCUMENTARY EVIDENCE — SPECIFIC FOUNDATIONAL REQUIREMENTS	12
	§ 1.4.1—Authentication and Best Evidence	12
	§ 1.4.2—Avoiding Hearsay Objections	15
	§ 1.4.3—Records of Regularly Conducted Activity	15
	§ 1.4.4—Medical Records	16
	§ 1.4.5—Public Records	17
	§ 1.4.6—Learned Treatises	20
	§ 1.4.7—Absence of Entry in Records	20
	§ 1.4.8—Use of Documents Not Introduced as Exhibits	21
§ 1.5	REAL EVIDENCE	21
	§ 1.5.1—Physical Evidence	21
	§ 1.5.2—Views	22
§ 1.6	DEMONSTRATIVE EXHIBITS	22
	§ 1.6.1—Photographs and Video Generally	22
	§ 1.6.2—Graphic Photographs	23
	§ 1.6.3—Experiments, Demonstrations, and Reenactments	23

	§ 1.6.4—Maps and Diagrams	24
	§ 1.6.5—Summaries	24
§ 1.7	COMPUTER-GENERATED EVIDENCE	25
	§ 1.7.1—Computer Data	26
	§ 1.7.2—Computer-Generated Graphics	26
§ 1.8	DEPOSITION TESTIMONY	28
§ 1.9	USE OF VIDEORECORDED DEPOSITIONS	29
§ 1.10	STIPULATIONS, ADMISSIONS, INTERROGATORIES, AND JUDICIAL NOTICE	30
	§ 1.10.1—Stipulations	30
	§ 1.10.2—Admissions	31
	§ 1.10.3—Interrogatory Responses	31
	§ 1.10.4—Judicial Notice	32
§ 1.11	ORDER OF EVIDENCE	32
§ 1.12	PRACTICAL CONSIDERATIONS WHEN USING EXHIBITS	33
	§ 1.12.1—Courtroom Dynamics	33
	§ 1.12.2—Displaying Exhibits to the Jury	34
<hr/>		
Chapter 2	PRESUMPTIONS AND FACTS ESTABLISHED WITHOUT FORMAL PROOF	37
<hr/>		
§ 2.1	ADMISSIONS	38
	§ 2.1.1—Introduction	38
	§ 2.1.2—Foundation Requirements	39
	§ 2.1.3—Sample Examination	40

Table of Contents

§ 2.2	CONFESSIONS	42
	§ 2.2.1—Introduction	42
	§ 2.2.2—Foundation Requirements	43
	§ 2.2.3—Sample Examination	43
§ 2.3	JUDICIAL ADMISSIONS	48
	§ 2.3.1—Introduction	48
	§ 2.3.2—Foundation Requirements	49
	§ 2.3.3—Sample Examination	49
§ 2.4	JUDICIAL NOTICE	50
	§ 2.4.1—Introduction	50
	§ 2.4.2—Foundation Requirements	51
	§ 2.4.3—Sample Examination	51
§ 2.5	STIPULATIONS	54
	§ 2.5.1—Introduction	54
	§ 2.5.2—Foundation Requirements	54
	§ 2.5.3—Sample Examination	54
§ 2.6	INTERROGATORIES	56
	§ 2.6.1—Introduction	56
	§ 2.6.2—Foundation Requirements	56
	§ 2.6.3—Sample Examination	56
<hr/>		
Chapter 3	EVIDENTIARY EXCLUSIONS AND LIMITATIONS	59
§ 3.1	INTRODUCTION	59
§ 3.2	MOTIONS <i>IN LIMINE</i>	60
	§ 3.2.1—Authority for Motions <i>in Limine</i>	61
	§ 3.2.2—Conclusion	62

§ 3.3	OTHER MOTIONS TO STRIKE OR EXCLUDE	62
§ 3.4	SAMPLE EXAMINATION ON A MOTION <i>IN LIMINE</i>	63
<hr/>		
Chapter 4	WITNESS COMPETENCY AND QUALIFICATIONS	65
<hr/>		
§ 4.1	INCOMPETENT WITNESSES	66
	§ 4.1.1—Introduction	66
	§ 4.1.2—Foundation Requirements to Establish Incompetency of a Witness	67
	§ 4.1.3—Sample Examination to Establish Incompetency of a Witness	68
§ 4.2	CHILD WITNESSES	70
	§ 4.2.1—Introduction	70
	§ 4.2.2—Foundation Requirements to Prove Competency of a Child Witness	71
	§ 4.2.3—Sample Examination to Prove Competency of a Child Witness	72
§ 4.3	LAY OPINION	73
	§ 4.3.1—Introduction	73
	§ 4.3.2—Foundation Requirements for Lay Opinion Testimony	74
	§ 4.3.3—Sample Examinations Demonstrating the Use of Lay Opinion Testimony	74
§ 4.4	EXPERT OPINION	79
	§ 4.4.1—Introduction	79
	§ 4.4.2—Foundation Requirements for Expert Opinion Testimony	81
	§ 4.4.3—Sample Examinations of Expert Witnesses	82

Table of Contents

§ 4.5	TESTIMONY OF AN EXPERT REGARDING LOST PROFITS	103
	§ 4.5.1—Introduction	103
	§ 4.5.2—Sample Examination of an Expert Regarding Lost Profits	105
<hr/>		
Chapter 5	WITNESS CORROBORATION AND SUPPORT	109
<hr/>		
§ 5.1	CUSTOM, HABIT, AND BUSINESS ROUTINE	110
	§ 5.1.1—Introduction	110
	§ 5.1.2—Foundation Requirements	111
§ 5.2	DEPOSITION USED WHEN WITNESS IS UNAVAILABLE	112
	§ 5.2.1—Introduction	112
	§ 5.2.2—Foundation Requirements	114
	§ 5.2.3—Sample Examination	114
§ 5.3	PRESENT RECOLLECTION REFRESHED	116
	§ 5.3.1—Introduction	116
	§ 5.3.2—Foundation Requirements	118
	§ 5.3.3—Sample Examination	118
§ 5.4	CORROBORATION OF CHILD SEXUAL ASSAULT VICTIMS’ TESTIMONY	119
<hr/>		
Chapter 6	IDENTIFICATION	121
<hr/>		
§ 6.1	EYEWITNESS IDENTIFICATION	122
	§ 6.1.1—Introduction	122
	§ 6.1.2—Foundation Requirements	124
	§ 6.1.3—Sample Examination	125

§ 6.2	HANDWRITING	129
	§ 6.2.1—Introduction	129
	§ 6.2.2—Foundation Requirements	130
	§ 6.2.3—Sample Examination	130
§ 6.3	FINGERPRINTS	132
	§ 6.3.1—Introduction	132
	§ 6.3.2—Witnesses Needed to Introduce Fingerprint Identification Evidence	133
	§ 6.3.3—Foundation Requirements	135
	§ 6.3.4—Sample Examination	135
§ 6.4	GENETIC TESTING	149
	§ 6.4.1—Civil Application	149
	§ 6.4.2—Criminal Application	149
	§ 6.4.3—Foundation Requirements	152
	§ 6.4.4—Further Considerations	155
<hr/>		
Chapter 7	REPUTATION	157
<hr/>		
§ 7.1	INTRODUCTION	157
§ 7.2	FOUNDATION REQUIREMENTS	159
§ 7.3	SAMPLE EXAMINATION	160
<hr/>		
Chapter 8	IMPEACHMENT	161
<hr/>		
§ 8.1	INTRODUCTION, LIMITATIONS, AND EXCEPTIONS	162
	§ 8.1.1—Introduction	162
	§ 8.1.2—Foundation Requirements	166
	§ 8.1.3—Sample Examination	166

Table of Contents

§ 8.2	BIAS, MOTIVE, PREJUDICE, AND INTEREST . . .	168
	§ 8.2.1—Introduction	168
	§ 8.2.2—Foundation Requirements	171
	§ 8.2.3—Sample Examination	171
§ 8.3	PRIOR CONVICTIONS	172
	§ 8.3.1—Introduction	172
	§ 8.3.2—Foundation Requirements	174
	§ 8.3.3—Sample Examination	174
§ 8.4	PRIOR BAD ACTS	175
	§ 8.4.1—Introduction	175
	§ 8.4.2—Foundation Requirements	180
	§ 8.4.3—Sample Examination	181
§ 8.5	PRIOR INCONSISTENT STATEMENTS	182
	§ 8.5.1—Introduction	182
	§ 8.5.2—Foundation Requirements	184
	§ 8.5.3—Sample Examination	185
<hr/>		
Chapter 9	REHABILITATION	187
<hr/>		
§ 9.1	SCOPE AND INTRODUCTION	188
§ 9.2	IMPEACHMENT IN GENERAL	189
§ 9.3	REHABILITATION IN GENERAL	190
§ 9.4	REHABILITATION AND VOUCHING OR BOLSTERING	191

§ 9.5	REHABILITATION AFTER IMPEACHMENT BY EVIDENCE OF WITNESSES'S CHARACTER FOR UNTRUTHFULNESSS	192
	§ 9.5.1—Introduction	192
	§ 9.5.2—Foundation for Rehabilitation After Impeachment of Character	193
	§ 9.5.3—Sample Rehabilitation	194
§ 9.6	REHABILITATION AFTER IMPEACHMENT BY CONTRADICTION	197
	§ 9.6.1—Introduction and Foundation	197
	§ 9.6.2—Sample Rehabilitation of a Witness Impeached by Contradiction	198
§ 9.7	REHABILITATION BY USE OF PRIOR CONSISTENT STATEMENTS	198
	§ 9.7.1—Introduction	198
	§ 9.7.2—Rehabilitation with Prior Consistent Statement After Impeachment by Prior Inconsistent Statement	199
	§ 9.7.3—Rehabilitation with Prior Consistent Statement After Suggestion That as of Some Identified Date, There Arose an Improper Motive, Fabrication, or Influence, and Rule 801(d)(1)(B)	200
	§ 9.7.4—Rehabilitation with Prior Consistent Statement After Impeachment with Contrary Evidence	203
	§ 9.7.5—Rehabilitation with Entire Prior Consistent Statement to Bolster Impeached Credibility	204

Table of Contents

§ 9.8	REHABILITATION OF WITNESSES WHOSE IMPEACHMENT IS RELATED TO IMPLAUSIBLE OR LOGICALLY INCONSISTENT BEHAVIOR	205
§ 9.8.1	—Introduction to Rehabilitation After Demonstration That the Witness’s Behavior Is Implausible or Logically Inconsistent (Non-Syndrome Explanation)	205
§ 9.8.2	—Sample Examination to Explain Implausibility Impeachment (Non-Syndrome Explanation)	205
§ 9.9	REHABILITATION USING SYNDROME EVIDENCE TO COUNTER IMPLAUSIBILITY IMPEACHMENT	207
§ 9.9.1	—Introduction to Syndrome Evidence to Explain Incongruent Behavior or Testimony and Rehabilitate Witnesses	207
§ 9.9.2	—The Problem of Vouching in Syndrome Cases . .	207
§ 9.9.3	—Examples of Syndromes Recognized in Colorado	209
§ 9.9.4	—Evidentiary Basis to Admit Syndrome Evidence — Expert Testimony	211
§ 9.9.5	—Admissibility of Expert Witness Testimony	212
§ 9.9.6	—References for Sample Examinations of Expert Witnesses	213
Chapter 10	PRIVILEGE AND DISQUALIFICATION	215
§ 10.1	SPOUSAL/CIVIL UNION PRIVILEGE AND DISQUALIFICATION	216
§ 10.1.1	—Introduction	216
§ 10.1.2	—Foundation Requirements	218
§ 10.1.3	—Sample Examinations	219

§ 10.2	ATTORNEY-CLIENT PRIVILEGE	222
	§ 10.2.1—Introduction	222
	§ 10.2.2—Foundation Requirements	225
	§ 10.2.3—Sample Examinations	226
§ 10.3	CLERGY-COMMUNICANT PRIVILEGE	227
	§ 10.3.1—Introduction	227
	§ 10.3.2—Foundation Requirements	228
	§ 10.3.3—Sample Examination	228
§ 10.4	PHYSICIAN-PATIENT PRIVILEGE	230
	§ 10.4.1—Introduction	230
	§ 10.4.2—Foundation Requirements	233
	§ 10.4.3—Sample Examination	233
§ 10.5	PUBLIC OFFICER PRIVILEGE	234
§ 10.6	ACCOUNTANT-CLIENT PRIVILEGE	234
	§ 10.6.1—Introduction	234
	§ 10.6.2—Foundation Requirements	235
	§ 10.6.3—Sample Examination	235
§ 10.7	PSYCHOLOGIST-CLIENT PRIVILEGE	236
	§ 10.7.1—Introduction	236
	§ 10.7.2—Foundation Requirements	238
	§ 10.7.3—Sample Examination	238
§ 10.8	INTERPRETER PRIVILEGE	239
§ 10.9	CONFIDENTIAL INTERMEDIARY PRIVILEGE	240
§ 10.10	VOLUNTARY SELF-EVALUATION/ ENVIRONMENTAL AUDIT REPORT PRIVILEGE	240

Table of Contents

§ 10.11	VICTIM’S ADVOCATE PRIVILEGE	241
§ 10.12	PARENT-CHILD PRIVILEGE	242
§ 10.13	LAW ENFORCEMENT/FIREFIGHTER PRIVILEGE	242
<hr/>		
Chapter 11	HEARSAY EXCEPTIONS INVOLVING STATE OF MIND . . .	245
<hr/>		
§ 11.1	DECLARATION AGAINST INTEREST	246
	§ 11.1.1—Introduction	246
	§ 11.1.2—Foundation Requirements	249
	§ 11.1.3—Sample Examination	250
§ 11.2	“DEAD MAN’S STATUTE”	251
	§ 11.2.1—Introduction	251
	§ 11.2.2—Foundation Requirements	253
	§ 11.2.3—Sample Examination	253
§ 11.3	DYING DECLARATIONS	254
	§ 11.3.1—Introduction	254
	§ 11.3.2—Foundation Requirements	255
	§ 11.3.3—Sample Examination	255
§ 11.4	EXCITED UTTERANCES	256
	§ 11.4.1—Introduction	256
	§ 11.4.2—Foundation Requirements	258
	§ 11.4.3—Sample Examination	258
§ 11.5	SPONTANEOUS PRESENT SENSE IMPRESSIONS	259
	§ 11.5.1—Introduction	259
	§ 11.5.2—Foundation Requirements	260
	§ 11.5.3—Sample Examination	260

§ 11.6	STATEMENT OF THEN-EXISTING MENTAL, EMOTIONAL, OR PHYSICAL CONDITION	261
	§ 11.6.1—Introduction	261
	§ 11.6.2—Foundation Requirements	262
	§ 11.6.3—Sample Examination	262
§ 11.7	PAST RECOLLECTION RECORDED	263
	§ 11.7.1—Introduction	263
	§ 11.7.2—Foundation Requirements	263
	§ 11.7.3—Sample Examination	264
<hr/>		
Chapter 12	DOCUMENTARY EVIDENCE	267
<hr/>		
§ 12.1	DOCUMENTARY EVIDENCE	269
	§ 12.1.1—Introduction	269
	§ 12.1.2—Foundation Requirements	271
	§ 12.1.3—Doctrine of Completeness	272
	§ 12.1.4—Sample Examination	273
§ 12.2	BEST EVIDENCE RULE	276
	§ 12.2.1—Introduction	276
	§ 12.2.2—Foundation Requirements	277
	§ 12.2.3—Sample Examination	278
§ 12.3	BUSINESS RECORDS	280
	§ 12.3.1—Introduction	280
	§ 12.3.2—Police Records	280
	§ 12.3.3—Foundation Requirements	281
	§ 12.3.4—Sample Examination	282
§ 12.4	ELECTRONIC EVIDENCE	285
	§ 12.4.1—Introduction	285
	§ 12.4.2—Computerized Data and Records	287

Table of Contents

§ 12.4.3—Electronic Mail, Messages, and Chat	289
§ 12.4.4—Web Pages and Social Networks	291
§ 12.4.5—Computer Animation and Simulation	295
§ 12.4.6—Foundation Requirements	296
§ 12.4.7—Sample Examination	296
§ 12.5 MICROFILM	301
§ 12.5.1—Introduction	301
§ 12.5.2—Foundation Requirements	302
§ 12.5.3—Sample Examination	302
§ 12.6 NEGATIVE RECORDS	305
§ 12.6.1—Introduction	305
§ 12.6.2—Foundation Requirements	305
§ 12.6.3—Sample Examination	305
§ 12.7 PUBLIC RECORDS AND REPORTS	307
§ 12.7.1—Introduction	307
§ 12.7.2—Police Reports	308
§ 12.7.3—Foundation Requirements	308
§ 12.7.4—Sample Examination	309
§ 12.8 PRIVATE WRITINGS	309
§ 12.8.1—Introduction	309
§ 12.8.2—Foundation Requirements	309
§ 12.8.3—Sample Examination	310
§ 12.9 TRANSCRIPTS	311
§ 12.9.1—Introduction	311
§ 12.9.2—Foundation Requirements	312
§ 12.9.3—Sample Examination	312

§ 12.10	MISCELLANEOUS EXCEPTIONS TO THE HEARSAY RULE	313
§ 12.10.1	—Introduction	313
§ 12.10.2	—Market Reports and Commercial Publications	313
§ 12.10.3	—Ancient Documents	313
§ 12.10.4	—Family Records	314
§ 12.10.5	—Evidence Relied on by an Expert	314
<hr/>		
Chapter 13	DEMONSTRATIVE EVIDENCE	317
<hr/>		
§ 13.1	BANK SURVEILLANCE PHOTOGRAPHS	320
§ 13.1.1	—Introduction	320
§ 13.1.2	—Foundation Requirements	321
§ 13.1.3	—Sample Examination	321
§ 13.2	DEMONSTRATIONS	324
§ 13.2.1	—Introduction	324
§ 13.2.2	—Foundation Requirements	325
§ 13.2.3	—Sample Examination	325
§ 13.3	DRUGS	328
§ 13.3.1	—Introduction	328
§ 13.3.2	—Foundation Requirements	329
§ 13.3.3	—Sample Examinations	329
§ 13.4	DRIVING UNDER THE INFLUENCE (DUI); DRIVING WHILE ABILITY IMPAIRED (DWAI); AND DUI PER SE	334
§ 13.4.1	—Introduction	334
§ 13.4.2	—Foundation Requirements	336
§ 13.4.3	—Sample Examinations	336

Table of Contents

§ 13.5	BALLISTICS	352
	§ 13.5.1—Introduction	352
	§ 13.5.2—Foundation Requirements	352
	§ 13.5.3—Sample Examinations	353
§ 13.6	GRAPHIC DISPLAYS AND CHARTS	355
	§ 13.6.1—Introduction	355
	§ 13.6.2—Foundation Requirements	357
	§ 13.6.3—Sample Examination	357
§ 13.7	MODELS	360
	§ 13.7.1—Introduction	360
	§ 13.7.2—Foundation Requirements	361
	§ 13.7.3—Sample Examination	361
§ 13.8	MOTION PICTURES	362
	§ 13.8.1—Introduction	362
	§ 13.8.2—Foundation Requirements	363
	§ 13.8.3—Sample Examination	363
§ 13.9	PHOTOGRAPHS	364
	§ 13.9.1—Introduction	364
	§ 13.9.2—Foundation Requirements	364
	§ 13.9.3—Sample Examination	365
§ 13.10	PHYSICAL EVIDENCE	366
	§ 13.10.1—Introduction	366
	§ 13.10.2—Foundation Requirements	367
	§ 13.10.3—Sample Examinations	368
§ 13.11	RECORDINGS	373
	§ 13.11.1—Introduction	373
	§ 13.11.2—Edited Recordings	374

§ 13.11.3—Foundation Requirements	374
§ 13.11.4—Sample Examination	375
§ 13.12 VIDEORECORDINGS	380
§ 13.12.1—Introduction	380
§ 13.12.2—Edited Videorecordings	383
§ 13.12.3—Foundation Requirements	384
§ 13.12.4—Sample Examinations	384
§ 13.13 VIEWS	388
§ 13.13.1—Introduction	388
§ 13.13.2—Foundation Requirements	389
§ 13.13.3—Sample Examination	389
§ 13.14 X-RAYS	390
§ 13.14.1—Introduction	390
§ 13.14.2—Foundation Requirements	391
§ 13.14.3—Sample Examinations	391
§ 13.15 COMPUTER SIMULATIONS	398
§ 13.15.1—Introduction	398
§ 13.15.2—Foundation Requirements	398
§ 13.15.3—Sample Examination	399
<hr/>	
APPENDICES	403
<hr/>	
COLORADO RULES OF EVIDENCE	405
Colorado Rules of Evidence Table of Contents	405
 ARTICLE I • GENERAL PROVISIONS	
Rule 101. Scope	409
Rule 102. Purpose and Construction	409
Rule 103. Rulings on Evidence	409

Table of Contents

Rule 104. Preliminary Questions 410
Rule 105. Limited Admissibility 410
Rule 106. Remainder of or Related Writings or Recorded Statements 410

ARTICLE II • JUDICIAL NOTICE

Rule 201. Judicial Notice of Adjudicative Facts 411

**ARTICLE III • PRESUMPTIONS IN
CIVIL ACTIONS AND PROCEEDINGS**

Rule 301. Presumptions in General in Civil Actions and Proceedings 412
Rule 302. No Colorado Rule 412

ARTICLE IV • RELEVANCY AND ITS LIMITS

Rule 401. Definition of “Relevant Evidence” 412
Rule 402. Relevant Evidence Generally Admissible; Irrelevant
Evidence Inadmissible 412
Rule 403. Exclusion of Relevant Evidence on Grounds of Prejudice,
Confusion, or Waste of Time 413
Rule 404. Character Evidence; Other Crimes, Wrongs, or Acts 413
Rule 405. Methods of Proving Character 414
Rule 406. Habit; Routine Practice 414
Rule 407. Subsequent Remedial Measures 414
Rule 408. Compromise and Offers to Compromise 414
Rule 409. Payment of Medical and Similar Expenses 415
Rule 410. Offer to Plead Guilty; Nolo Contendere;
Withdrawn Pleas of Guilty 415
Rule 411. Liability Insurance 416
Rule 412. No Colorado Rule 416

ARTICLE V • PRIVILEGES

Rule 501. Privileges Recognized Only as Provided 416
Rule 502. Attorney-Client Privilege and Work Product;
Limitations on Waiver 417

ARTICLE VI • WITNESSES

Rule 601.	General Rule of Competency	418
Rule 602.	Lack of Personal Knowledge	418
Rule 603.	Oath or Affirmation	418
Rule 604.	Interpreters	418
Rule 605.	Competency of Judge as Witness	418
Rule 606.	Competency of Juror as Witness	419
Rule 607.	Who May Impeach	419
Rule 608.	Evidence of Character and Conduct of Witness	420
Rule 609.	No Colorado Rule	420
Rule 610.	Religious Beliefs or Opinions	420
Rule 611.	Mode and Order of Interrogation and Presentation	420
Rule 612.	Writing Used to Refresh Memory	421
Rule 613.	Prior Statements of Witnesses	421
Rule 614.	Calling and Interrogation of Witnesses by Court	421
Rule 615.	Exclusion of Witnesses	422

ARTICLE VII • OPINIONS AND EXPERT TESTIMONY

Rule 701.	Opinion Testimony by Lay Witnesses	422
Rule 702.	Testimony by Experts	422
Rule 703.	Bases of Opinion Testimony by Experts	423
Rule 704.	Opinion on Ultimate Issue	423
Rule 705.	Disclosure of Facts or Data Underlying Expert Opinion	424
Rule 706.	Court Appointed Experts	424

ARTICLE VIII • HEARSAY

Rule 801.	Definitions	425
Rule 802.	Hearsay Rule	426
Rule 803.	Hearsay Exceptions: Availability of Declarant Immaterial	426
Rule 804.	Hearsay Exceptions: Declarant Unavailable	431
Rule 805.	Hearsay Within Hearsay	433
Rule 806.	Attacking and Supporting Credibility of Declarant	433
Rule 807.	Residual Exception	433

Table of Contents

ARTICLE IX • AUTHENTICATION AND IDENTIFICATION

Rule 901.	Requirement of Authentication or Identification	434
Rule 902.	Self-Authentication	435
Rule 903.	Subscribing Witness' Testimony Unnecessary	437

**ARTICLE X • CONTENTS OF WRITINGS,
RECORDINGS AND PHOTOGRAPHS**

Rule 1001.	Definitions	437
Rule 1002.	Requirement of Original	438
Rule 1003.	Admissibility of Duplicates	438
Rule 1004.	Admissibility of Other Evidence of Contents	438
Rule 1005.	Public Records	439
Rule 1006.	Summaries	439
Rule 1007.	Testimony or Written Admission of Party	440
Rule 1008.	Functions of Court and Jury	440

ARTICLE XI • MISCELLANEOUS RULES

Rule 1101.	Applicability of Rules	440
Rule 1102.	No Colorado Rule	441
Rule 1103.	Title	441

C.R.E. Index	443
------------------------	-----

FEDERAL RULES OF EVIDENCE	451
--	------------

Federal Rules of Evidence Table of Contents	451
---	-----

ARTICLE I. • GENERAL PROVISIONS

Rule 101.	Scope; Definitions	456
Rule 102.	Purpose	458
Rule 103.	Rulings on Evidence	458
Rule 104.	Preliminary Questions	463
Rule 105.	Limiting Evidence That Is Not Admissible Against Other Parties or for Other Purposes	466
Rule 106.	Remainder of or Related Writings or Recorded Statements	467

ARTICLE II. • JUDICIAL NOTICE

Rule 201. Judicial Notice of Adjudicative Facts 467

ARTICLE III. • PRESUMPTIONS IN CIVIL CASES

Rule 301. Presumptions in Civil Cases Generally 473
Rule 302. Applying State Law to Presumptions in Civil Cases 477

ARTICLE IV. • RELEVANCE AND ITS LIMITS

Rule 401. Test for Relevant Evidence 478
Rule 402. General Admissibility of Relevant Evidence 480
Rule 403. Excluding Relevant Evidence for Prejudice, Confusion,
Waste of Time, or Other Reasons 481
Rule 404. Character Evidence; Other Crimes, Wrongs, or Acts 482
Rule 405. Methods of Proving Character 488
Rule 406. Habit; Routine Practice 490
Rule 407. Subsequent Remedial Measures 492
Rule 408. Compromise Offers and Negotiations 494
Rule 409. Offers to Pay Medical and Similar Expenses 499
Rule 410. Pleas, Plea Discussions, and Related Statements 500
Rule 411. Liability Insurance 502
Rule 412. Sex-Offense Cases: The Victim’s Sexual Behavior or
Predisposition 503
Rule 413. Similar Crimes in Sexual-Assault Cases 509
Rule 414. Similar Crimes in Child Molestation Cases 510
Rule 415. Similar Acts in Civil Cases Involving Sexual Assault or
Child Molestation 511

ARTICLE V. • PRIVILEGES

Rule 501. Privilege in General 511
Rule 502. Attorney-Client Privilege and Work Product;
Limitations on Waiver 515

Table of Contents

ARTICLE VI. • WITNESSES

Rule 601.	Competency to Testify in General	520
Rule 602.	Need for Personal Knowledge	522
Rule 603.	Oath or Affirmation to Testify Truthfully	523
Rule 604.	Interpreter	523
Rule 605.	Judge’s Competency as a Witness	524
Rule 606.	Juror’s Competency as a Witness	525
Rule 607.	Who May Impeach a Witness	529
Rule 608.	A Witness’s Character for Truthfulness or Untruthfulness	530
Rule 609.	Impeachment by Evidence of a Criminal Conviction	534
Rule 610.	Religious Beliefs or Opinions	543
Rule 611.	Mode and Order of Examining Witnesses and Presenting Evidence	543
Rule 612.	Writing Used to Refresh a Witness’s Memory	548
Rule 613.	Witness’s Prior Statement	549
Rule 614.	Court’s Calling or Examining a Witness	551
Rule 615.	Excluding Witnesses	552

ARTICLE VII. • OPINIONS AND EXPERT TESTIMONY

Rule 701.	Opinion Testimony by Lay Witnesses	553
Rule 702.	Testimony by Expert Witnesses	556
Rule 703.	Bases of an Expert’s Opinion Testimony	562
Rule 704.	Opinion on an Ultimate Issue	565
Rule 705.	Disclosing the Facts or Data Underlying an Expert’s Opinion	566
Rule 706.	Court-Appointed Expert Witnesses	567

ARTICLE VIII. • HEARSAY

Rule 801.	Definitions That Apply to This Article; Exclusions from Hearsay . . .	573
Rule 802.	The Rule Against Hearsay	582
Rule 803.	Exceptions to the Rule Against Hearsay — Regardless of Whether the Declarant Is Available as a Witness	583
Rule 804.	Hearsay Exceptions; Declarant Unavailable	607
Rule 805.	Hearsay Within Hearsay	618
Rule 806.	Attacking and Supporting the Declarant’s Credibility	619
Rule 807.	Residual Exception	621

ARTICLE IX. • AUTHENTICATION AND IDENTIFICATION

Rule 901.	Authenticating or Identifying Evidence	622
Rule 902.	Evidence That Is Self-Authenticating	626
Rule 903.	Subscribing Witness’s Testimony	632

ARTICLE X. • CONTENTS OF WRITINGS, RECORDINGS, AND PHOTOGRAPHS

Rule 1001.	Definitions That Apply to This Article	632
Rule 1002.	Requirement of the Original	633
Rule 1003.	Admissibility of Duplicates	635
Rule 1004.	Admissibility of Other Evidence of Content	635
Rule 1005.	Copies of Public Records to Prove Content	637
Rule 1006.	Summaries to Prove Content	637
Rule 1007.	Testimony or Statement of a Party to Prove Content	638
Rule 1008.	Functions of the Court and Jury	639

ARTICLE XI. • MISCELLANEOUS RULES

Rule 1101.	Applicability of the Rules	639
Rule 1102.	Amendments	645
Rule 1103.	Title	646

SUBJECT INDEX	647
--------------------------------	------------
