

How to Present Evidence in Court



What is evidence and why should I use it?

Evidence is anything you use to prove your claim. Evidence can be a photograph, a letter, documents or records from a business, and a variety of other things. All evidence that is properly admitted will be considered by the judge or jury.

Evidence is more believable and trustworthy than what a person says. For example, in a domestic violence case, if you say that your ex-boyfriend has left you threatening messages, but he testifies that this is an absolute lie, the judge may not know whom to believe. However, if you submit the one of these messages, the judge will be more likely to believe you.

Also, evidence may make something easier to understand. "A picture is worth a thousand words." Some things are hard to explain in words, while a drawing or photograph is descriptive and clear.



How do I present evidence in court?

You cannot just walk into court with a photograph or document and show it to the judge or jury. There are things you must do before the court will even look at the evidence you have. Further, there are many different types of evidence, and the rules for using each type of evidence are different. Once you follow these rules, your evidence will be "admitted."



What steps do I have to follow to have evidence admitted?

Before you ever go to court, think about the evidence you want to use to prove your case. Mark each piece of evidence with an exhibit number (attach a sticker labeled "Exhibit 1," "Exhibit 2," etc.).

Bring these marked Exhibits with you to court. When you want to show the court one of the exhibits, do the following things:

- 1.) Show the exhibit to the other party or the other party's attorney.
- 2.) Then "lay the foundation" for the evidence. To do this, you must show that the evidence is relevant to your case and authentic (not a forgery). Depending upon what you want the court to consider, follow the rules listed in this pamphlet for "laying the foundation" - explaining why and how the exhibit is connected to your case.
- 3.) Either you or your witness must testify about the exhibit.
- 4.) Ask the court to admit the exhibit into evidence. The other party or attorney may object to the exhibit for some reason. Try to answer these objections as best you can. If you can't, let the judge decide.
- 5.) If there are no objections from the other party, or the judge has ruled in your favor, ask the court to "admit the Exhibit into evidence."



How do I lay the foundation for a photograph?

To lay the foundation for a photograph, follow these steps:

- 1.) Explain why a photo is connected to your case. For example: "This photo shows the injury I suffered after my ex-boyfriend punched and kicked me."
- 2.) Explain how you know about what is in the photo. For example: "I had my sister take this photograph two hours after the incident occurred."
- 3.) Explain that the photo is timely. For example: "At the bottom right-hand corner of the photo is the date on which it was taken. As you can see, the photo was taken on the same day that the incident occurred, which is also the same day the police arrested my ex-boyfriend."
- 4.) Explain that the photo "fairly and accurately" shows what is depicted in the photo as it appeared on the date relevant to your case. For example: "This photo is a fair and accurate depiction of how my face and side looked two hours after the incident and for the next two weeks."



How do I lay the foundation for a letter or a document?

To lay the foundation for a letter or a document, follow these steps:

- 1.) Explain why the letter or document is connected to your case. For example: "This is the letter that I received from my ex-boyfriend shortly before he beat me up."
- 2.) Explain when and how you got the letter or document. For example: "This letter was shoved under the door to my apartment some time before 6 p.m. on January 2. I found it on the floor when I came home from work that day."
- 3.) Prove that the signature is that of a party to the case by testifying that you are familiar with the signature or call a witness who is familiar with the party's signature.
- 4.) Explain that the letter is in the same condition now as when you received it. For example: "The letter was kept in a safe place and nothing has been changed since I received it."

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If you are seeking representation or legal advice, please contact SEOLS.

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