Non-Hearsay

State of Mind

Rule 803(3) provides an exception to the hearsay rule for statements regarding one's then-existing state of mind, emotion, sensation, or physical condition. **Tex. R. Evid. 803(3).** "Normally, statements admitted under this exception are spontaneous remarks about pain or some other sensation, made by the declarant while the sensation, not readily observable by a third party, is being experienced." **Chandler, 842 S.W.2d at 831.** When this exception does not apply, offering the statement, not for the truth of the statement, but rather, to show the knowledge or belief of the person who communicated or received the statement, will provide an exemption and bring the evidence out of being hearsay altogether. **Id. (citing Thrailkill v. Montgomery Ward & Co., 670 S.W.2d 382, 386 (Tex. App.—Houston [1st Dist.] 1984, writ ref'd n.r.e.)).**

Judicial Admissions

A judicial admission is an assertion of fact, not pleaded in the alternative, in the live pleadings of a party. **Holy Cross Church of Christ in God v. Wolf, 44 S.W.3d 562, 568 (Tex. 2001).** "A judicial admission that is clear and unequivocal has conclusive effect and bars the admitting party from later disputing the admitted fact." **Id.** The most common examples of judicial admissions are factual statements made in live pleadings, confession of judgment, and evidence of a guilty plea in a criminal case. An unanswered request for admission is automatically deemed admitted unless the court, on motion, permits its withdrawal or amendment. **Marshall v. Vise, 767 S.W.2d 699, 700 (Tex. 1989).** An admitted admission, deemed or otherwise, is a judicial admission, and that party may not subsequently introduce testimony to controvert it. **Id.**

Exceptions to Hearsay

Present Sense Impression

A statement describing or explaining an event or condition made while the declarant was perceiving the event or immediately thereafter**. Tex. R. Evid. 803(1).** Unlike the excited-utterance exception, the rationale for this exception stems from the statement's contemporaneity, not its spontaneity. **Fischer, 252 S.W.3d at 380.** The present sense impression exception to the hearsay rule is based upon the premise that the contemporaneity of the event and the declaration ensures reliability of the statement. The rationale underlying the present sense impression is that: (1) the statement is safe from any error of the defect of memory of the declarant because of its contemporaneous nature, (2) there is little or no time for a calculated misstatement, and (3) the statement will usually be made to another (the witness who reports it) who would have an equal opportunity to observe and therefore check a misstatement. **Id. (quoting Rabbani v. State, 847 S.W.2d 555, 560 (Tex. Crim. App. 2008)).** The court in Fischer states the following: "The rule is predicated on the notion that the utterance is a reflex product of immediate sensual impressions, unaided by retrospective mental processes. It is instinctive, rather than deliberate. If the declarant has had time to reflect upon the event and the conditions he observed, this lack of contemporaneity diminishes the reliability of the statements and renders them inadmissible under the rule.

Predicate:
What classroom did little Susie come into?
What time of day was it?
What are the children usually doing in school at the beginning of the day?
Do you ever watch the children get dropped off?
Did you see little Susie being dropped off?
What did you see?
What happened when Susie got out of the car?
Could you hear the exchange between her and her mother?
Did Susie come running into your room after being dropped off?
How did Susie appear to you?
Did you say anything to her?
What did you say?
In her response, did she describe what happened?
What was her response?

Excited Utterance

A statement relating to a startling event or condition made while the declarant was under stress or excitement caused by the event or condition. **Tex. R. Evid. 803(2).** The excited-utterance exception is broader than the present- sense-impression exception. **McCarty v. State, 257 S.W.3d 238, 240 (Tex. Crim. App. 2008).** While a present-sense-impression statement must be made while the declarant was perceiving the event or condition, or immediately thereafter, under the excited-utterance exception, the startling event may trigger a spontaneous statement that relates to a much earlier incident. **Id.** No independent evidence of that earlier incident need exist; the trial court decides whether sufficient evidence exists of the event and may consider the excited utterance itself to make that determination. **Coble v. State, 330 S.W.3d 253, 294–95 (Tex. Crim. App. 2010).**

The court in Goodman stated the following: "For the excited-utterance exception to apply, three conditions must be met: (1) the statement must be a product of a startling occurrence that produces a state of nervous excitement in the declarant and renders the utterance spontaneous and unreflecting, (2) the state of excitement must still so dominate the declarant's mind that there is no time or opportunity to contrive or misrepresent, and (3) the statement must relate to the circumstances of the occurrence preceding it. The critical factor in determining when a statement is an excited utterance under Rule 803(2) is whether the declarant was still dominated by the emotions, excitement, fear, or pain of the event. The time elapsed between the occurrence of the event and the utterance is only one factor considered in determining the admissibility of the hearsay statement. That the declaration was a response to questions is likewise only one factor to be considered and does not alone render the statement inadmissible. **Goodman v. State, 302 S.W.3d 462, 471–72 (Tex. App.—Texarkana 2009, pet. ref'd) (internal quotations and citations omitted).**

Predicate:
…
Could you hear the exchange between her and her mother?
Did Susie come running into your room after being dropped off?
How did Susie appear to you?
Did she appear upset or excited?
Did you ask her what had just happened?
In her response, did she describe what happened?
What was her response?

Then-Existing mental, Emotional, or Physical Condition
A statement of the declarant's then existing state of mind, emotion, sensation, or physical condition, such as intent, plan, motive, mental feeling, pain, or bodily health, but not including a statement of memory or belief to prove the fact remembered or believed unless it relates to the execution, revocation, identification, or terms of declarant's will. **Tex. R. Evid. 803(3).** Statements that go beyond the declarant's emotional state to describe past acts do not fit within this exception to the hearsay rule. **Menefee v. State, 211 S.W.3d 893, 905 (Tex. App.—Texarkana 2006, pet. ref'd).** The type of statement anticipated by this rule includes a statement that, on its face, expresses or exemplifies the declarant's state of mind—such as fear, hate, love, and pain. **Garcia v. State, 246 S.W.3d 121, 132 (Tex. App.—San Antonio 2007, pet. ref'd).** For example, a person's statement regarding her emotional response to a particular person qualifies as a statement of then-existing state of emotion. **Id.** However, a statement is inadmissible if it is a statement of memory or belief offered to prove the fact remembered or believed. **Tex. R. Evid. 803(3).** "Case law makes it clear that a witness may testify to a declarant saying 'I am scared,' but not 'I am scared because the defendant threatened me.' The first statement indicates an actual state of mind or condition, while the second statement expresses belief about why the declarant is frightened. The phrase 'because the defendant threatened me' is expressly outside the state-of-mind exception because the explanation for the fear expresses a belief different from the state of mind of being afraid." **Delapaz v. State, 228 S.W.3d 183, 207 (Tex. App.—Dallas 2007, pet. ref'd) (quoting United States v. Ledford, 443 F.3d 702, 709 (10th Cir. 2005)).**

Predicate:
…
Could you hear the exchange between her and her mother?
Did Susie come running into your room after being dropped off?
How did Susie appear to you?
Did she seem upset or angry?
Was she crying?
Did she say anything that caused you to believe she had a specific physical condition?
What did she say?

Statements Made for Medical Diagnosis or Treatment
Statements made for purposes of medical diagnosis or treatment and describing medical history, past or present symptoms, sensations, or the inception or general cause thereof insofar as reasonably pertinent to diagnosis or treatment. **Tex. R. Evid. 803(4).** The Taylor case provides a thorough discussion of this exception, and key points are as follows:

The rationale behind this exception "focuses upon the patient and relies upon the patient's strong motive to tell the truth because diagnosis or treatment will depend in part upon what the patient says." **Taylor v. State, 268 S.W.3d 571, 580 (Tex. Crim. App. 2008) (quoting United States v. Iron Shell, 633 F.2d 77, 83–84 (8th Cir. 1980)).** Further, it is reasonable that "a fact reliable enough to serve as the basis for a diagnosis is also reliable enough to escape hearsay proscription." **Id.** "A two-part test flows naturally from this dual rationale: first, is the declarant's motive consistent with the purpose of the rule; and second, is it reasonable for the witness to rely on the information for purposes of diagnosis or treatment." **Id.**

It is not required that the witness be a physician or have medical qualifications. **Id. at 587.** Out-of-court statements to psychologists, therapists, licensed professional counselors, social workers, hospital attendants, ambulance drivers, or even members of the family

might be included under Rule 803(4). **Id.** "The essential qualification expressed in the rule is that the declarant believe that the information he conveys will ultimately be utilized in diagnosis or treatment of a condition from which the declarant is suffering, so that his selfish motive for truthfulness can be trusted. That the witness may be a medical professional, or somehow associated with a medical professional, is no more than a circumstance tending to demonstrate that the declarant's purpose was in fact to obtain medical help for himself. A declarant's statement made to a non-medical professional under circumstances that show he expects or hopes it will be relayed to a medical professional as pertinent to the declarant's diagnosis or treatment would be admissible under the rule, even though the direct recipient of the statement is not a medical professional." **Id.**

Breaking the two-part test down, the first part involves a second two-part test to determine reliability of the statement. The proponent of the evidence must first show that the declarant was aware that the statements were made for the purpose of a medical diagnosis or treatment. **Id. at 588–89.** Second, the proponent must show that a proper diagnosis or treatment depends upon the truthfulness of the statements. Id. That a diagnosis has been given or treatment has begun does not preclude the declarant's self-interested motive to tell the truth. **Id. at 589.** And for purposes of appellate review, especially in cases involving a child-declarant, the proponent of the hearsay must "make the record reflect both 1) that truth-telling was a vital component of the particular course of therapy or treatment involved, and 2) that it is readily apparent that the child-declarant was aware that this was the case." **Id. at 590.** The second part of the original two-part test boils down to whether the particular statements proffered are pertinent to treatment. **Id. at 591.**

Predicate:
Did you go with your daughter to the doctor?
What was the date of the visit to the doctor?
Did you go in the room with your daughter to see the doctor?
Did you notice any physical symptoms that would lead you to believe your daughter was not feeling well?
What did you see?
Was your daughter rubbing her forehead?
Did the doctor ask your daughter what was wrong?
What did she say?

Recorded Recollection

A memorandum or record concerning a matter about which a witness once had personal knowledge but now has insufficient recollection to enable the witness to testify fully and accurately, shown to have been made or adopted by the witness when the matter was fresh in the witness' memory and to reflect that knowledge correctly, unless the circumstances of preparation cast doubt on the document's trustworthiness. **Tex. R. Evid. 803(5).** If admitted, the memorandum or record may be read into evidence but may not itself be received as an exhibit unless offered by an adverse party. **Id.** For a statement to be admissible under Rule 803(5): (1) the witness must have had firsthand knowledge of the event, (2) the statement must be an original memorandum made at or near the time of the event while the witness had a clear and accurate memory of it, (3) the witness must lack a present recollection of the event, and (4) the witness must vouch for the accuracy of the written memorandum. **Johnson v. State, 967 S.W.2d 410, 416 (Tex. Crim. App. 1998); Priester v. State, 478 S.W.3d 826, 836 (Tex. App.—El Paso 2015, no pet.).** To meet the fourth element, "the witness may testify that she presently remembers recording the fact correctly or remembers recognizing the writing as accurate when she read it at an earlier time. But if her present memory is less effective, it is sufficient if the witness testifies that she knows the memorandum is correct because of a habit or practice to record matters accurately or to check them for accuracy. At the extreme, it is even sufficient if the individual testifies to recognizing her signature on the statement and believes the statement is correct because she would not have signed it if she had not believed it true at the time." **Johnson, 967 S.W.2d at 416.**

Predicate:
Do you remember the contents in the safe? (No)
Is there an inventory of the safe? (Yes)
If I showed you that inventory, would it refresh your memory? (No)
Did you make the inventory?
How did you make the inventory?
When did you make the inventory?
Was the inventory accurate when you made it?
I'm handing you what has been marked as Exhibit 1 for identification purposes; do you recognize that? (Yes, it's my inventory)
Please read the inventory to the court.

Records of Regularly Conducted Activity

A memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinions, or diagnoses, made at or near the time by, or from information transmitted by, a person with knowledge, if kept in the course of a regularly conducted business activity, and if it was the regular practice of that business activity to make the memorandum, report, record, or data compilation, all as shown by the testimony of the custodian or other qualified witness, or by affidavit that complies with Rule 902(10), unless the source of

information or the method or circumstances of preparation indicate a lack of trustworthiness. **Tex. R. Evid. 803(6).** "'Business' as used in this paragraph includes any and every kind of regular organized activity whether conducted for profit or not." **Tex. R. Evid. 803(6)(e).** For example, if a spouse keeps financial records as part of a regularly organized activity, the records can be admitted under this exception with the spouse as the sponsoring witness, without a business records affidavit. Courts have admitted check registers, medical bills and receipts, and cancelled checks in this way. **See, e.g., Sabatino v. Curtiss Nat'l Bank of Miami Springs, 415 F.2d 632, 634 (5th Cir. 1969); In re M.M.S., 256 S.W.3d 470, 477 (Tex. App.—Dallas 2008, no pet.).** The predicate for admissibility under the business records exception is satisfied if the party offering the evidence establishes that the records were generated pursuant to a course of regularly conducted business activity and that the records were created by or from information transmitted by a person with knowledge, at or near the time of the event. Business records that have been created by one entity but have become another entity's primary record of the underlying transaction may be admissible under this rule. **Nat'l Health Res. Corp. v. TBF Fin., LLC, 429 S.W.3d 125, 130 (Tex. App.—Dallas 2014, no pet.).** Although the sponsoring witness need not be the record's creator or have personal knowledge of the content of the record, the witness must have personal knowledge of the manner in which the records were prepared. **Barnhart v. Morales, 459 S.W.3d 733, 744 (Tex. App.—Houston [14th Dist.] 2015, no pet.).** In order for a compilation of records to be admitted, there must be a showing that the authenticating witness or another person compiling the records had personal knowledge of the accuracy of the statements in the documents. **In re E.A.K., 192 S.W.3d 133, 143 (Tex. App.—Houston [14th Dist.] 2006, pet. denied).** However, documents written in preparation of litigation indicate a lack of trustworthiness and do not qualify as business records under the above rule. **Campos v. State, 317 S.W.3d 768, 778 (Tex. App.—Houston [1st Dist.] 2010, pet. ref'd).**

Predicate:
What is your position with the company?
How long have you been employed?
What are your responsibilities?
Do your responsibilities include bookkeeping?
Are you familiar with the bookkeeping practices of the company?
Let me show you what I have marked as Exhibit 1; what is this?
What information do these documents reflect?
When were these documents prepared?
Who prepared those documents?
Do you have personal knowledge regarding the preparation of these documents?
Was the preparation of these documents a regularly conducted business activity of the business?
Was it the regular practice of the business to make these records in this way?

Public Records

Records, reports, statements, or data compilations, in any form, of public offices or agencies setting forth: (A) the activities of the office or agency; (B) matters observed while under a legal duty to report, excluding in criminal cases matters observed by police officers and other law enforcement personnel; or (C) in civil cases as to any party, factual findings resulting from a legally authorized investigation; unless the sources of information or other circumstances indicate lack of trustworthiness. **Tex. R. Evid. 803(8).** The court in Cole stated: "A number of courts have drawn a distinction for purposes of Rule 803(8)(B) between law enforcement reports prepared in a routine, non-adversarial setting, and those resulting from the arguably more subjective endeavor of investigating a crime and evaluating the results of the investigation." **Cole v. State, 839 S.W.2d 798, 803 (Tex. Crim. App. 1990) (internal citations omitted) (quoting United States v. Quezada, 754 F.2d 1190, 1194 (5th Cir. 1985)).** "Rule 803(8) is designed to permit the admission into evidence of public records prepared for purposes independent of specific litigation. In the case of documents recording routine, objective observations, made as part of the everyday function of the preparing official or agency, the factors likely to cloud the perception of an official engaged in the more traditional law enforcement functions of observation and investigation of crime are simply not present. Due to the lack of any motivation on the part of the recording official to do other than mechanically register an unambiguous factual matter, . . . such records are, like other public documents, inherently reliable." **Id. at 804.**

In contrast, adversarial, investigative, or third-party statements do not fall under this exception. Classic examples would be witness statements in police reports or statements by third parties in CPS caseworker narratives. Such statements, even if contained within a public report, would be hearsay-within-hearsay and only admissible if another hearsay exception was applicable. However, records prepared solely for litigation may be admitted so long as they are the result of an investigation made pursuant to authority granted by law and as long as they are properly authenticated. **See, e.g., F-Star Socorro, L.P. v. City of El Paso, 281 S.W.3d 103, 106 (Tex. App.—El Paso 2008, no pet.)** (holding that delinquent-tax records, made for the sole purpose of litigation, were prepared as a result of a tax assessor-collector's lawful investigation, and were admissible because self-authenticating).

<u>Contents of Writings, Recordings, and Photographs</u>

Writings and recordings consist of letters, words, numbers, or their equivalent, set down in any form or recorded in any manner. **Tex. R. Evid. 1001(a), (b).** Originals of writings and recordings are the writings or recordings themselves or any counterpart intended to have the same effect by the person who executed or issued them. **Tex. R. Evid. 1001(d).** Photographs are photographic images or their equivalent stored in any form. **Tex. R. Evid. 1001(c).** Originals of photographs include their negatives. **Tex. R. Evid. 1001(d).**

Originals of electronically stored information include any printout or other output readable by sight if the printout or output accurately reflects the information. **Tex. R. Evid. 1001(d).** Duplicates are counterparts that are produced by a mechanical, photographic, chemical, electronic, or other equivalent process or technique that accurately reproduces the original. **Tex. R. Evid. 1001(e).**

Testimony or Statement of a Party to Prove Content
The proponent of the evidence may prove the content of the writing, recording, or photograph through testimony, deposition, or written statement of the party against whom the evidence is offered. **Tex. R. Evid. 1007.** Although no Texas cases have dealt with this rule, its basic concept is similar to the admissions by a party opponent exception to the hearsay rule, though it accepts all opposing party statements in the form of testimony, deposition, or written statement. **Lorrain, 241 F.R.D. at 581–82.**

<u>Authentication and Identification</u>
Non-Electronic Evidence
Non-electronic, physical evidence still exists, e.g. drawings, letters or writings, public records, tickets (sporting or other events, travel, etc.), deeds, judgments or convictions, bills, tax records, and wills. Except for those items that fall under 902, these items must be authenticated by laying the proper predicate to show that they are what the proponent claims they are.

Physical evidence has two basic methods of identification, which can authenticate the physical evidence and make it admissible: ready identifiability and chain of custody. **Imwinkelried, Evidentiary Foundations at 138.** Ready identifiability usually consists of distinctive characteristics or other attributes that a witness has experienced with the senses, thereby having personal knowledge, and can then identify again at trial, for example: a letter with an identifiable signature, a photograph, a voice, or an email. **See, e.g., Angleton v. State, 971 S.W.2d 65, 68 (Tex. Crim. App. 1998) (voice); Manuel v. State, 357 S.W.3d 66, 75 (Tex. App.—Tyler 2011, pet. ref'd) (email); Garza v. Guerrero, 993 S.W.2d 137, 142 (Tex. App.—San Antonio 1999, no pet.) (letter); Kessler v. Fanning, 953 S.W.2d 515, 522 (Tex. App.—Fort Worth 1997, no pet.) (photograph).** The same identifiable characteristics can apply to both physical evidence and electronic evidence.

Predicate:
When have you seen/heard/experienced/etc. _____?
What characteristics did you see/hear/experience/etc.?
I am handing you what has been marked as Exhibit 1 for identification purposes; can you identify Exhibit 1?
What is it? (The same _____ I saw/heard/experienced/etc. before)
How can you identify Exhibit 1? [distinctive characteristics test]
Are those the same characteristics you saw/heard/experienced/etc. previously?
Are you basing your identification on your previous experience?
Is Exhibit 1 in the same condition as you previously experienced it?

Electronically-Stored Information
Family law cases typically involve four different categories of electronic data: (1) voice transmissions such as audio recordings, cell phone transmissions, and voice mail; (2) computer-generated data such as spreadsheets, computer simulations, information downloaded from a GPS device, emails, and website information (such as social networking sites); (3) information from personal data devices and cell phones including calendars, text messages (SMS/MMS), notes, digital photos, and address books; and (4) video transmissions.

<u>Self-Authenticating Evidence</u>
Certified Copies of Public Records
Any copy of an official record if the copy is certified as correct by the custodian or another person authorized to make the certification or a certificate that complies with Rule 902(1), (2), or (3), a statute, or a rule prescribed under statutory authority. **Tex. R. Evid. 902(4); see also Tex. Fam. Code Ann. §§ 88.005 (registration of protective order), 152.305 (registration of child custody determination), 159.602 (registration of enforcement order); see, e.g., In re Marriage of Dalton, 348 S.W.3d 290, 295 (Tex. App.—Tyler 2011, no pet.)** (holding that certified copy of Oklahoma order was properly filed in Texas and properly authenticated foreign judgment).

Official Publications

Any book, pamphlet, or other publication purporting to be issued by a public authority. **Tex. R. Evid. 902(5).** Because such documents are self-authenticating, it is proper to take judicial notice of documents on government websites. **Pak v. AD Vallarai, LLC, No. 05-14-01312-CV, 2016 WL 637736, at *6 (Tex. App.—Dallas Feb. 16, 2016, pet. filed) (mem. op.) (Evans, J., dissenting) (citing Williams Farms Produce Sales, Inc. v. R & G Produce Co., 443 S.W.3d 250, 259 (Tex. App.—Corpus Christi 2014, no pet.)); Avery v. LLP Mortgage, Ltd., No. 01-14-01007-CV, 2015 WL 6550774, at *3 (Tex. App.—Houston [1st Dist.] Oct. 29, 2015, no pet.) (mem. op.).**

Newspapers and Periodicals
Any printed materials purporting to be a newspaper or periodical. **Tex. R. Evid. 902(6); see, e.g., Crofton v. Amoco Chemical Co., No. 14-98-01412-CV, 1999 WL 1122999, at *3 (Tex. App.—Houston [14th Dist.] Dec. 9, 1999, pet. denied)** (not designated for publication) (holding that newspaper articles were self-authenticating).

Business Records Accompanied by Affidavit
The original or a copy of a record that was made at or near the time of the act by a person with knowledge and was kept in the regular course of business, which is a regular practice of that business, if the record is accompanied by an affidavit and both record and affidavit are served at least fourteen days before trial. **Tex. R. Evid. 902(10).** The form of the affidavit must state that the affiant is the custodian of the record, that the affiant is familiar with the manner in which the records are maintained, how many pages of records are attached, that the records are originals or exact duplicates, that the records were made at or near the time of the act or that it is regular practice to make them at or near the time of the act, that the records were made by a person with knowledge of the matters set forth or that it is the regular practice for this type of record to be made by a person with knowledge, and that it is the regular practice of the business to make that type of record. **Tex. R. Evid. 902(10)(B).**

Business records that originate with one entity but subsequently become another entity's primary record of information about an underlying transaction are admissible as business records of that subsequent entity. **Riddle v. Unifund CCR Partners, 298 S.W.3d 780, 782 (Tex. App.—El Paso 2009, no pet.).** Furthermore, one business' documents may comprise the records of a second business if that second business determines the accuracy of the information generated by the first business. **Id.**

Example Objections

Argumentative
Q: Isn't it true you did that because you are a huge liar, admit it!
O: Objection, this question is argumentative. Counsel is arguing with the witness instead of asking questions.

Assumes facts not in evidence
Q: Isn't it true you wrecked your car by running it into a tree?
O: Objection, the question assumes facts that are not in evidence at this time.

Best evidence rule
Q: Do you recognize your signature on this copy of the Premarital Agreement?
O: Objection, best evidence rule. The original document should be used.

Beyond the scope of direct/cross-examination
Q: Isn't it true that you bought your girlfriend a necklace?
O: Objection, that question exceeds the scope of my direct examination.

Compound question
Q: Isn't it true that your husband goes to the school to have lunch with the children and he drives the children to school twice a week?
O: Objection, this question is compound and should be broken into two separate questions.

Vague
Q: Isn't it true that you went to the school?
O: Objection, this question is vague. Can I get a timeframe?

Counsel is testifying for the witness
Q: Don't you want to get a fifty/fifty possession and access schedule because you believe it is in your child's best interest and because you have been trying to practice a fifty/fifty schedule?
O: Objection, her attorney is testifying for her.

Lack of foundation
Q: What did the child say?
O: Objection, hearsay.
Q: It's not hearsay, the child will show what her present mental state was at the time.
O: Objection, hearsay and lack of proper foundation to prove the exception.

Calls for hearsay
Q: What did your sister tell you?
O: Objection, hearsay.

Incompetent, calls for legal interpretation
Q: Did you commit family violence as defined by the Texas Family Code?
O: Objection, calls for legal conclusion by the witness.

Lack of personal knowledge
Q: What did your sister believe?
O: Objection, lack of personal knowledge as to what someone else believes.

Leading
Q: Isn't it true that you refused to let my client speak to his child?
O: Objection, the question is leading on direct examination.

Question misstates testimony
Q: So you just stated that you refused to let your husband see the child last Thursday, why did you do that?
O: Objection, question misstates my client's testimony. My client said that she called her husband and he did not answer.

Calls for narrative
Q: Tell me the story of how you and your husband met?
O: Objection, calls for the client to state a narrative

Calls for privileged or confidential information
Q: What did your attorney tell you?
O: Objection, the question asks for privileged information.

Calls for speculation
Q: What did your husband think?
O: Objection, calls for speculation

Asked and answered
Q: Isn't it true you signed the document?
A: No.
Q: But isn't it true you signed it?
O: Objection, asked and answered.