

# HEARSAY OBJECTIONS

## HEARSAY DEFINED—

“Hearsay” is a statement, other than one made by a declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted. — 801(c)

## STATEMENTS WHICH ARE NOT HEARSAY

- Prior Statement of a Witness made at trial or hearing and subject to cross-exam. — 801(d)(1)
- Admission by a Party-Opponent — 801(d)(2)

## HEARSAY EXCEPTIONS—AVAILABILITY OF DECLARANT IMMATERIAL

- Present Sense Impression — 803(1)
- Excited Utterance — 803(2)
- Then Existing Mental, Emotional, or Physical Condition — 803(3)
- Statements for Medical Diagnosis or Treatment — 803(4)
- Recorded Recollection — 803(5)
- Records of Regularly Conducted Activity (Business Records Exception) — 803(6)
  - 1) Records made at or near the time of recording
  - 2) By, or from, information transmitted by a person with knowledge
  - 3) Kept in the course of regularly conducted business activity
  - 4) It was the regular practice of that business activity to make records
- Absence of Entry in Records — 803(7)
- Public Records and Reports — 803(8)
- Records by Vital Statistics — 803(9)
- Absence of Public Record or Entry — 803(10)
- Records of Religious Organizations — 803(11)
- Marriage, Baptismal, and Similar Certificates — 803(12)
- Family Records — 803(13)
- Records of Documents Affecting an Interest in Property — 803(14)
- Statements in Records Affecting an Interest in Property — 803(15)
- Statements in Ancient Documents — 803(16)
- Market Reports, Commercial Publications — 803(17)
- Learned Treatises — 803(18)
- Reputation Concerning Personal or Family History — 803(19)
- Reputation Concerning Boundaries or General History — 803(20)
- Reputation as to Character — 803(21)
- Judgment of Previous Conviction — 803(22)
- Judgment as to Personal, Family, or General History, or Boundaries — 803(23)
- Other Exceptions (statement having equivalent guarantees of trustworthiness) — 803(24)

## HEARSAY EXCEPTIONS—DECLARANT UNAVAILABLE

- Former Testimony — 804(b)(1)
- Dying Declaration — 804(b)(2)
- Statement Against Interest — 804(b)(3)
- Statement of Personal or Family History — 804(b)(4)
- Statement of Recent Perception — 804(b)(5)
- Other Exceptions (statement having equivalent guarantees of trustworthiness) — 804(b)(6)

\*\*All references are to the Wyoming Rules of Evidence\*\*

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