

### **3 California Evidence (4th), Presentation At Trial**

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## **XII. OBJECTIONS TO INADMISSIBLE EVIDENCE**

- A. Requirement of Proper Objection.
  - 1. [§367] Right To Object and Practice.
  - 2. Objection by Motion in Limine.
    - (a) [§368] Purpose and Scope of Motion.

- (b) [§369] Procedure.
    - (c) [§370] Necessity of Further Objection at Trial.
  - 3. Waiver.
    - (a) [§371] Failure To Object.
    - (b) [§372] Insufficient or Belated Objection.
    - (c) [§373] Other Acts Constituting Estoppel or Waiver.
    - (d) [§374] Conduct Not Constituting Waiver or Estoppel.
  - 4. General Objection.
    - (a) [§375] Insufficient.
    - (b) [§376] Sufficient.
  - 5. Specific Objection.
    - (a) [§377] Necessity and Form.
    - (b) Defective Specific Objections.
      - (1) Objection on Wrong Ground.
        - (aa) [§378] Civil Cases.
        - (bb) [§379] Criminal Cases.
      - (2) [§380] Objection of No Foundation Laid.
  - 6. [§381] Objection to Line of Questions.
- B. Other Requirements.
- 1. [§382] Request for Limiting Instruction.
  - 2. Motion To Strike.
    - (a) [§383] Nature of Requirement and Form of Motion.
    - (b) [§384] Bad Question: Motion Insufficient and Unnecessary.
    - (c) [§385] Bad Answer: Motion Necessary.
  - 3. [§386] Assignment of Misconduct.
- C. Effect of Court's Failure To Rule.
- 1. Objection.
    - (a) [§387] Ruling Expressly Reserved.
    - (b) [§388] Admission Subject to Motion To Strike.
    - (c) [§389] Ruling Neglected.
  - 2. [§390] Motion To Strike.
  - 3. [§391] Motion in Limine.
- D. [§392] Exclusion on Court's Own Motion.
- E. Use of Evidence Admitted Without Proper Objection.
- 1. Sufficient To Sustain Judgment.
    - (a) [§393] General Principle.
    - (b) [§394] Hearsay.
    - (c) [§395] Other Illustrations.
  - 2. Insufficient Despite Failure To Object.
    - (a) [§396] Irrelevant Matter.
    - (b) [§397] Fundamental Error.
    - (c) [§398] Supervening Change in Law.
    - (d) [§399] Incompetency of Counsel.
    - (e) [§400] Extrinsic Evidence Violating Parol Evidence Rule.

### **XIII. EXCLUSION OF ADMISSIBLE EVIDENCE: OFFER OF PROOF**

A. Necessity of Offer.

1. [§401] Preservation of Issue for Appeal.
2. [§402] Form of Offer.

B. Where Offer Is Unnecessary.

1. [§403] Question Clearly Disclosing Admissibility.
2. [§404] Judge's Ruling Making Offer Futile.
3. [§405] Cross-Examination.