

PRELIMINARY HEARING SCENARIOS

1. In a domestic violence case, a neighbor hears defendant say to his wife, "I'm going to kill you." The neighbor reports this to the police officer investigating the case.
 - a. Can the police officer testify to this at PX?
 - b. What if the neighbor reports this statement to a police officer who is not testifying at the PX but this officer tells the statement to his partner, who is testifying at PX?
2. In a domestic violence case, the victim tells the neighbor (before police arrive), "I got this black eye from my husband punching me in the face." The neighbor reports this statement to the police officer.
 - a. Can the police officer testify to this statement at the PX?
 - b. Could your answer to question above change depending on the way in which victim reported to neighbor (calm and collected vs. excited and emotional)?
 - c. What if victim testifies at PX and says that the black eye came from when she fell down the stairs?
3. In an assault case, a police officer needs to testify about the victim's injuries, specifically that the victim received 15 stitches to treat a laceration on his arm. Which of these scenarios would provide for admissible testimony at PX?
 - a. The officer gets a signed medical release from victim and goes to the medical records clerk at hospital and obtains a printout of victim's medical records detailing the treatment of the laceration. The officer reads the records and writes down the findings in her police report.
 - b. The officer goes to the ER and speaks to the treating ER physician, who tells her what he did to treat the laceration.
 - c. The victim tells the police officer that he went to the ER and received 15 stitches in his arm.
4. In an embezzlement case, victim tells detective that his bookkeeper embezzled \$45,000 from his business over a 6 month period.
 - a. What information would you need to ensure that detective can testify to the theft amount at PX?