

# PREDICATES

Judge Ed Spillane  
Presiding Municipal Court Judge  
College Station, TX

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## LEARNING OBJECTIVES

- 1. Discuss the importance of proper predicates in criminal trials
- 2. Develop an understanding of how different predicates are established depending on the situation and piece of evidence
- 3. Understand the role of a Judge in working with both pro se and attorneys in this process and making rulings

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## Initial Rules

- Marking Evidence: Do you have any rules?



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## PRO SE DEFENDANTS

- How do we handle all of this?
- Must follow rules?
- Your role?



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## Start with General and then we will get more Specific

- Introducing an exhibit:
  1. Mark
  2. Predicate questions
  3. Tender exhibit to defense for inspection
  4. Move for admission



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## Your Turn

- Objections, voir dire
- Specificity: How is predicate deficient
- Take the time to make the right ruling



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## After Admission

- Don't forget, don't forget, don't forget



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## Publishing

- Have a rule: bailiff, prosecutor, defense?
- Do you have a smart board or screen to show digital, computer evidence?



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## Generic Evidence

- Chain of custody (bag of cocaine)
- Questions: Have you seen exhibit A, When and where; what did you do
- How do you know it is the same object



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### Chain of Custody Continued, generic

- Has it been altered other than the identifying sticker
- Is it in the same or substantially similar condition as when you first saw it
- How did it get to the courtroom today?



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### Uniquely identified evidence

- Have you seen Exhibit A?
- When and where
- How do you know it's the same?
- What did you do with it
- Altered?
- How did it get here



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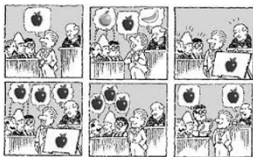
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### Demonstrative Evidence

- Purpose?



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## PHOTOGRAPHS

- A Word about Pro Se and docket call
- I'm showing you a photograph marked as A
- Recognize the \_\_\_\_ in this photograph
- Is this a fair and accurate depiction of the \_\_\_\_\_ as you observed it?



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## Digital Cameras

- Does your system include a digital recorder?
- How does it work, when does it record, what time period, relevant
- Have you watched/listened to recording
- Identify voices



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## Digital Cameras

- Device and operator competent
- How did we get this recording to Ex. A?
- Is Ex. A a true and accurate copy of the images originally captured through the digital X?



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## In Court Demonstration

- Did you see it, what happened, will you show us, is this the same as the way it happened?



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## Search and Seizure

Introductory questions

Observations

Temporary Detention

Arrest-with warrant; without warrant; pat down



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## Search

- By Warrant
- Without Warrant
- Authenticate items offered into evidence pursuant to the search



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## Admissions

- What are they?
- No Miranda; no custody; Miranda; Recorded; Juvenile



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## Hearsay

- Exceptions



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## Impeachment

- Prior inconsistent statement, conviction



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## Experts

- Texas Rule of Evidence 702: qualification; reliability; relevance
- Texas Rule of Evidence 705: voir dire: expertise; specific opinion; information to show expertise is accepted; facts/data available to support your opinion



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## Documents

- Business Record: Rule 902 (10)(b)



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## Traffic Stop

- Introductory; id, where, why, when, what
- Stop



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# HGN

- HGN



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# The End



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