

How to Present Evidence in Court



What is evidence and why should I use it?

Evidence is anything you use to prove your claim. You and your witness' testimony is evidence, however you can also use physical evidence in Court. Physical evidence can include many things:

- Photographs
- Letters
- Documents
- Emails
- Text messages
- Records from businesses, hospitals, or other organizations
- Other physical items

All evidence that is properly admitted will be considered by the Court when it makes its decision.



Why is evidence important?

While you can present a case with testimony only, physical evidence is often more trustworthy than what a person says. For example, in a domestic violence case, if you tell the Court your ex-partner left you threatening text messages, but your ex-partner testifies that it is a lie; the Court may not know whom to believe. However, if you give a printout of these messages, the Court will be more likely to believe you.

Physical evidence can also help you explain something that is difficult to put into words. Remember the saying: "A picture is worth a thousand words." When something is difficult to explain, a drawing or photograph may be clearer.



How do I use evidence in Court?

You cannot just walk into court with a photograph or document and show it to the judge. You must do multiple things before the Court will even look at the physical evidence you bring. Moreover, the rules for using each type of evidence are different. However, when you follow the right steps, the physical evidence will be "admitted", and the Court will consider it when making a decision.



What steps do I have to follow for a Court to admit evidence?

Step 1. Gather Physical Evidence: Before you go to your court hearing, review the evidence you want the Court to consider. You should make at least three copies of each piece of evidence if you can. One copy for you, one copy for the other party, and one copy for the Court.

Step 2. Mark the Evidence: After you have gathered your evidence you should mark them for Court. You can use stickers or a marker/pen if you write clearly. Mark them "Exhibit 1," "Exhibit 2," and so forth. If you do not have stickers, the court reporter often has ones you can use.

Step 3. Show Everyone the Exhibit: When you want to show the Court one of your exhibits you should first show it to the other party or their attorney. Then you can ask permission to supply a copy to the Court.

Step 4. Lay a Foundation: For the Court to consider and look at your evidence you must "lay a foundation." Laying a foundation means you show what the exhibit is and that it is

authentic (not fake). Different kinds of exhibits have different foundation requirements. The most common forms of evidence are discussed below.

Laying Foundation for a Photograph:

1. Explain why the photograph is connected to your case. For example, you may say: "This photo shows the injury I suffered after my ex-partner punched me on January 1, 2021."
2. Explain what you know about this photograph and how it was taken. For example, you may say: "My sister took this photograph two days after the incident."
3. Explain how you know what date the photograph is taken. If the photograph has a timestamp be sure to note that the Court.
4. Explain that the photo "fairly and accurately" depicts what it is showing on the date it was taken. For example, you may say: "This photo is a fair and accurate depiction of how my face and side looked two days after my boyfriend punched me on January 1, 2021."

Laying Foundation for a Text Message:

1. Explain why the screenshot of the text message is connected to your case. For example, you may say: "This is a text message I received from my ex-partner threatening to beat me up."
2. Explain when and how you received the message. For example, you may say: "I received this message on my phone on January 1, 2021."
3. Explain how you know this message came from the opposing party. For example, you may say: "I received this text message from my ex-partner's phone number. I have texted them on this number multiple times."
4. Explain that the text message is in the same condition as when you received it. For example, you may say: "This is a screenshot of the message. It has not been changed and the screenshot was taken straight from my phone."

Step 5. Testify About the Exhibit: In addition to laying a foundation for the exhibit, you or a witness must testify about the exhibit and why it is relevant to your case.

Step 6. Move for Admission: "Move" or ask the Court to admit the exhibit into evidence. The other party or their attorney may "object" to the exhibit for some reason. If this happens, try to respond as best you can. If you can't respond, let the Court decide. If your exhibit is not excluded through objections, the exhibit will be admitted into evidence.

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