

I. Hearsay 1: This is the first of a series of assignments dealing with hearsay. **Important:** Read first the chapter by Younger in your reader.

Decide which of the following out-of-court statements would be excluded as evidence by the hearsay rule. The person making the statement is NOT in court but his or her utterance is offered by a third person who is the witness. Give the legal reason for any answer that is not hearsay (e.g. "the utterance is used to show *hearer's state of mind*").

1. *Issue:* Whether X might have entered into an improper agreement with Y.
X's statement to Y: "If you give me \$60, I'll write your term paper for you."
2. *Issue:* Whether a fire had broken out in the movie theatre.
X's statement: There's a fire out in the lobby.
3. *Issue:* That X did not know the hour of the final exam.
X asked Y: "What time is the final exam?"
4. *Issue:* Had X promised Y a lifetime of bliss and of joy?
X's statement to Y, the day after their wedding: "I never promised you an easy life."
5. *Issue:* Had X used vulgar language in speaking to Y?
X's statement to Y: "You're just a f---ing bitch."
6. *Issue:* Had X committed himself to have dinner with Y?
X's statement to Y: "I invite you to have dinner with me tonight."
7. *Issue:* Was the marriage between the King and Queen ever consummated?
The Queen's statement: "The King and I never slept together as husband and wife."
8. *Issue:* To show that X is psychic.
X's statement: "There will be a major earthquake in 6 months."
9. *Issue:* To prove that X's brakes were faulty.
X's statement on leaving the house that morning: "My brakes are bad."
10. *Issue:* Whether X was responsible for causing a panic in the movie theatre.
X's statement: There's a fire out in the lobby.
11. *Issue:* Whether Y had been told that her grandmother had died.
X's statement to Y: "I'm sorry to have to tell you that your grandmother died this morning."
12. *Issue:* Whether the Queen had ever gained consciousness following a cerebral hemorrhage.
The Queen's statement: "The King and I never slept together as husband and wife."
13. *Issue:* Had X promised Y a lifetime of bliss and of joy?
X's statement to Y, the day after their wedding: "I promise to make you eternally happy."

14. *Issue*: Whether X believed that his brakes were faulty.

X's statement on leaving the house that morning: "My brakes are bad."

15. *Issue*: To claim that there was a fire in the lobby of the movie theatre.

X's statement: "There's a fire out in the lobby."