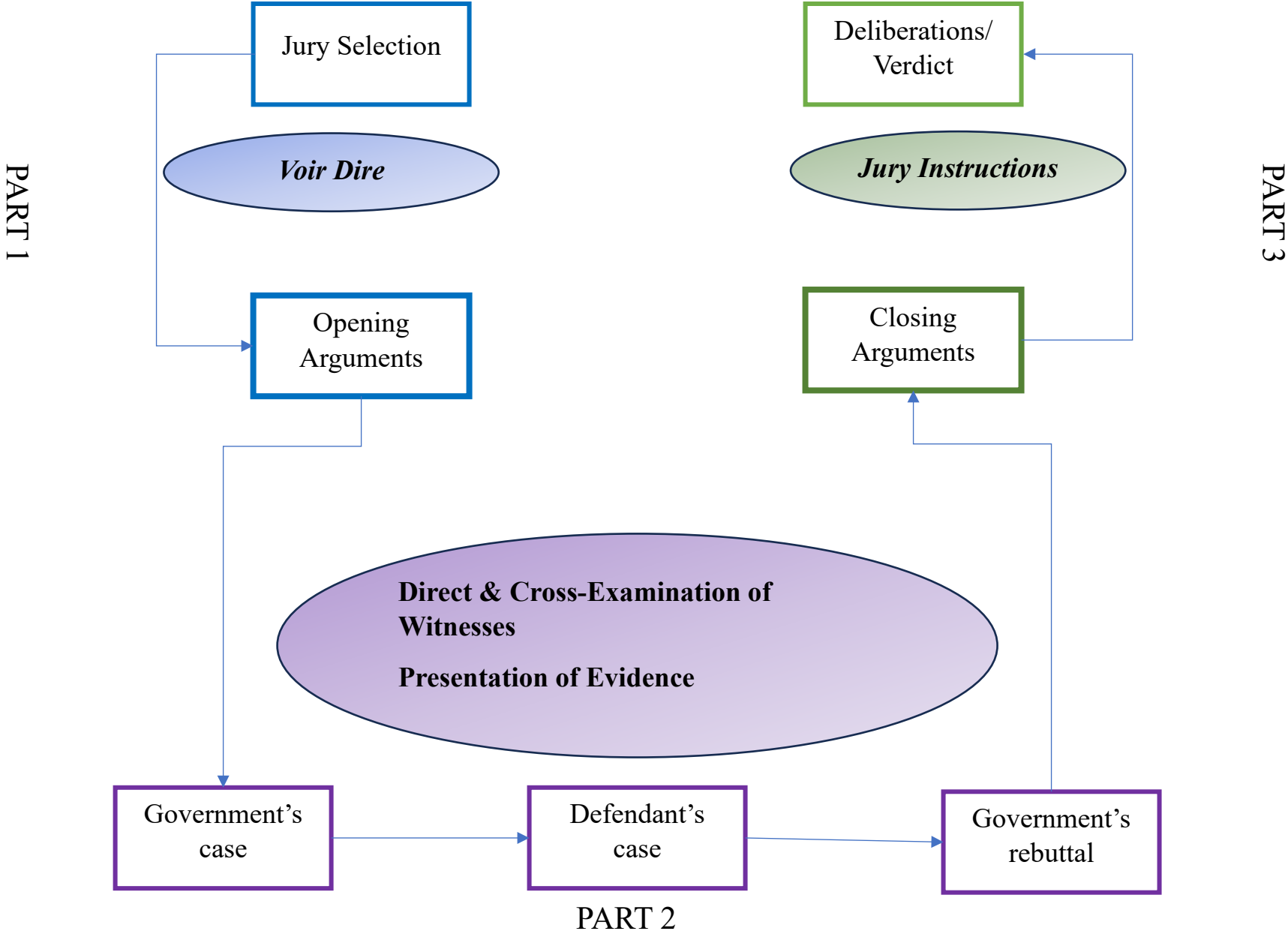


# Stages of a criminal jury trial



## *Part 2: Government and Defense present their cases*

- Admissibility
- Adverse or hostile witness
- Affiant
- Affirmative Defense
- Evidence
- Foundation
- Impeachment
- *Mens rea*
- Witnesses
  - Lay witness
  - Expert witness
- Qualification of expert witness

ADMISSIBILITY of evidence (exhibits and testimony) must be relevant, authentic, and admissible.

ADVERSE OR HOSTILE WITNESS a witness who identifies with the opposing party

AFFIANT person filing an affidavit, which is a written statement under oath; deponent.

AFFIRMATIVE DEFENSE: A defense of extenuating or mitigating circumstances such as insanity, self-defense or entrapment to avoid criminal responsibility without denying the charge. The prosecution then must disprove the defense beyond a reasonable doubt.

EVIDENCE Any information presented in support of a statement or claim.

FOUNDATION The process of demonstrating that the evidence offered is what the proponent claims it is, e.g. an eyewitness observing an event or an expert witness attesting to the authenticity of evidence.

IMPEACHMENT process of discrediting or undermining a witness by presenting evidence or asking questions that contradict their testimony or reveal a bias, inconsistency, or falsehoods.

MENS REA The intention or knowledge of a particular crime required by law to convict a defendant.

WITNESSES A person answering questions under oath during a trial. *Lay witnesses* are *fact* witnesses testifying about what they saw, said, heard or did. An *expert witness* is an *opinion* witness. It is a person with specialized knowledge whose opinion could help the jury make sense of factual evidence.

QUALIFICATION: Criteria (education, training or experience) to allow an expert witness to testify.

Source: <https://www.expertinstitute.com/resources/insights/the-differences-between-expert-witness-and-lay-witness-testimony/>; <https://coloradoprosecutors.org/learn-the-law/definitions/Presenting Evidence in Court>, EL PASO COUNTY COMBINED COURTS SELF HELP RESOURCE CENTER (brochure); [https://www.law.cornell.edu/wex/lay\\_a\\_foundation](https://www.law.cornell.edu/wex/lay_a_foundation)