**1.13 EXCLUSION OF EVIDENCE**

The law prevents some types of information from being presented as evidence in a court of law. This helps you focus on important and reliable evidence by excluding irrelevant, improper, or unreliable information.

An attorney has a duty to object when the other [another] side offers evidence that the attorney believes is not admissible. You should not be influenced by the fact that objections are made to certain questions or to certain evidence. You should also not be influenced by the number of objections that are made.

When an objection is made the court will decide whether the evidence should be excluded.

The court may "overrule" an objection and permit the evidence to be considered. That does not indicate any opinion of the court as to the weight or effect of that evidence. The decision will be based only on whether the law permits you to consider such evidence.

If the court sustains an objection, you must disregard the question and any answer entirely. You may not draw any inference from the question, or speculate what the witness would have said if permitted to finish answering the question.

I may direct that certain evidence be stricken from the record and instruct you to disregard that evidence. If that happens you must not consider any evidence which the court has instructed you to disregard. Your verdict must be based solely on legally admissible evidence.

My rulings on these matters will be determined by the law and are not based on my views as to the merits of the case, the evidence, the witnesses, or the attorneys.

Use Note

This instruction should be given in every case.

Comment

At some point jurors begin to wonder why they are not hearing evidence offered by one of the parties. This instruction is intended to reduce juror frustration, if that is possible.

It is not feasible to instruct the jury on all the rules of evidence and why they have been formulated. But the jury should know that the judge is sensitive to juror concern about why evidence is being excluded.