HEARSAY EXCEPTION QUIK-CHART

HEARSAY EXCEPTION	NATURE OF STATEMENT	ELEMENTS
STATEMENTS OF MENTAL OR PHYSICAL STATE [EC §1250; EC §1251; EC §1252; PRE 803(3); FRE 803(4)] 1. Statement of Then-Existing State of Mind or Physical Sensation [EC §§1250, 1252; FRE 803(3)]	Declarant's then-existing mental or physical state to prove such state or as evidence explaining acts or conduct – not memory or belief	a) Declarant's state of mind, emotion or physical sensation at the time the statement was made must be at issue: b) Statement must be a direct manifestation of declarant's state of mind, emotion or physical sensation; and c) Indicia of trustworthiness.
Statement of Previously Existing State of Mind of Physical Sensation [EC §§1251, 1252, 240; FRE 803(4))	Declarant's mental or physi- cal state at a prior time to statement to prove only such state	a) Declarant unavailability; b) Declarant's state of mind, emotion or physical sensation must be at issue; and c) Indicia of trustworthiness.
ADMISSIONS [EC §§1220-1227; FRE 801] 1. Party Admissions and Confessions [EC §1220; FRE 801(d)(2)(A)]	Opinion, hearsay or any- thing else from an opposing party in the case	a) Declarant is a party; b) The party made the statement; and c) Statement offered by a party opponent against declarant. Federal Rules: Party admissions are admissible nonhearsay (FRE 801(d)(Z)(A)).
2. Adioptive Admissions [EC §1221; FRE 801(d)(2)(8)]	Adoption of something said by another in his or her presence – words, conduct or stence	The party must: a) have knowledge (i.e., heard and understood) of the content of the other person's hearsay statement and b) by words or conduct adopt or express a belief in the truth of the statement. Federal Rules: Adoptive admissions are admissible nonhearsay (FRE 801(d)(2)(B)).
3. Authorized Admissions (EC §1222; FRE 801(d)(2)(C)(D))	Statement made by some- one authorized to speak for an opposing party in the case concerning the sub- ject matter spoken about	Declarant must be authorized by the party to either: a) make the hearsay statement (express or implied) or b) make the statement for the party regarding the subject metter of the statement. Federal Pulos: Authorized admissions are admissible nonhearsay (FRE 801(d)(2)(C)(D)).
4. Admission of Co-Conspirator (EC §1223; FRE 801(d)(2)(E))	Statement made by some- one participating in a con- spiracy to commit a crime or civil wrong	a) Existence of a conspiracy; b) Declarant participated in the conspiracy when the statement was made; c) Statement made in furtherance of conspiracy; and d) At the time statement made the co-conspiracy or would do so at a later time.
		Federal Rules: Admissions by co-conspirators are admissible nonhearsay (FRE 801(d)(2)(E)).

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Table of Contents Hearsay Exceptions Cheat Sheet

- 1. Understanding the eBook Hearsay Exceptions Cheat Sheet
 - The Rise of Digital Reading Hearsay Exceptions Cheat Sheet
 - Advantages of eBooks Over Traditional Books
- 2. Identifying Hearsay Exceptions Cheat Sheet
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
- 3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Hearsay Exceptions Cheat Sheet
 - User-Friendly Interface
- 4. Exploring eBook Recommendations from Hearsay Exceptions Cheat Sheet
 - Personalized Recommendations

- Hearsay Exceptions Cheat Sheet User Reviews and Ratings
- Hearsay Exceptions Cheat Sheet and Bestseller Lists
- 5. Accessing Hearsay Exceptions Cheat Sheet Free and Paid eBooks
 - Hearsay Exceptions Cheat Sheet Public Domain eBooks
 - Hearsay Exceptions Cheat Sheet eBook Subscription Services
 - Hearsay Exceptions Cheat Sheet Budget-Friendly Options
- 6. Navigating Hearsay Exceptions Cheat Sheet eBook Formats
 - ∘ ePub, PDF, MOBI, and More
 - Hearsay Exceptions Cheat Sheet Compatibility with Devices
 - Hearsay Exceptions Cheat Sheet Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - o Adjustable Fonts and Text Sizes of Hearsay Exceptions Cheat Sheet
 - Highlighting and Note-Taking Hearsay Exceptions Cheat Sheet
 - Interactive Elements Hearsay Exceptions Cheat Sheet
- 8. Staying Engaged with Hearsay Exceptions Cheat Sheet
 - o Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Hearsay Exceptions Cheat Sheet
- 9. Balancing eBooks and Physical Books Hearsay Exceptions Cheat Sheet
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Hearsay Exceptions Cheat Sheet
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Hearsay Exceptions Cheat Sheet
 - Setting Reading Goals Hearsay Exceptions Cheat Sheet
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Hearsay Exceptions Cheat Sheet
 - Fact-Checking eBook Content of Hearsay Exceptions Cheat Sheet

- Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
- 14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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