

### **MBE RULES CHEAT SHEET**

1. Venue
  - Refers to the proper place for a trial, even though several courts could exercise jurisdiction.
  - Is a question of convenience.
  - Is proper where the defendant reside or if more than one defendant and domicile, where the claim arose.
  - A State in which a corporation is authorized to do business but is not domiciled has jurisdiction to hear the claim.
2. Secondary evidence: cannot be used if an original exists, unless there is a good reason for the non-production of the original
3. Evidence of habits of animals
  - Admissible to prove they acted in accordance with the habit on a given occasion. E.g., the reaction of a dog trained in finding drugs when sniffing a suitcase potentially with cocaine in it.
  - Inadmissible to prove the matter asserted because a dog's bark is not an assertion, so it cannot be considered as evidence, much less hearsay or the like.
4. Prior ID as Non-Hearsay
  - The witness in the stand must be the person that identified the suspect
  - The witness on the stand cannot be anyone else, like the police officer that organized the ID line up.
5. Publication of an oral defamatory matter/slander
  - Is the communication of a defamatory matter intentionally or by a negligent to one other than the person defamed
  - For example, calling yealling at someone "you are a thief" in a private room, where the person yealling knew or should have known that other outside the room could hear
  - Unless its a public figure, neither negligence nor malice are needed to prove slander
6. Hearsay Exception of "Former Testimony"
  - Will allow hearsay evidence (a statement from someone not present in court to testify) to be admitted in court when the declarant is UNAVAILABLE to testify at the new trial;
  - The statement is a prior court statement under oath at a previous trial in which the declarant was cross-examined
  - Regardless of whether that opportunity was effectively used at that time
7. Art IV US Constitution – Powers of Congress
  - Authorizes Congress to make federal laws prohibiting the destruction or removal of wild animals from federal land without express permission of the regulatory agency
  - This power is PLENARY prevails over any contradictory state law
8. Rule 12
  - Is about defenses, objections and motions to dismiss

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**Richard Bailey**



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