

1 Article 1.
2 General Provisions.

3 **Rule 101. Scope.**

4 These rules govern proceedings in the courts of this State to the extent and with the
5 exceptions stated in Rule 1101. (1983, ch. 701, s. 1.)
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7 **Rule 102. Purpose and construction.**

8 (a) In general. – These rules shall be construed to secure fairness in administration,
9 elimination of unjustifiable expense and delay, and promotion of growth and development of
10 the law of evidence to the end that the truth may be ascertained and proceedings justly
11 determined.

12 (b) Subordinate divisions. – For the purpose of these rules only, the subordinate
13 division of any rule which is labeled with a lower case letter shall be a subdivision. (1983, c.
14 701, s. 1.)
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16 **Rule 103. Rulings on evidence.**

17 (a) Effect of erroneous ruling. – Error may not be predicated upon a ruling which
18 admits or excludes evidence unless a substantial right of the party is affected, and

19 (1) Objection. – In case the ruling is one admitting evidence, a timely objection
20 or motion to strike appears of record. No particular form is required in order
21 to preserve the right to assert the alleged error upon appeal if the motion or
22 objection clearly presented the alleged error to the trial court;

23 (2) Offer of proof. – In case the ruling is one excluding evidence, the substance
24 of the evidence was made known to the court by offer or was apparent from
25 the context within which questions were asked.

26 Once the court makes a definitive ruling on the record admitting or excluding evidence,
27 either at or before trial, a party need not renew an objection or offer of proof to preserve a claim
28 of error for appeal.

29 (b) Record of offer and ruling. – The court may add any other or further statement
30 which shows the character of the evidence, the form in which it was offered, the objection
31 made, and the ruling thereon. It may direct the making of an offer in question and answer form.

32 (c) Hearing of jury. – In jury cases, proceedings shall be conducted, to the extent
33 practicable, so as to prevent inadmissible evidence from being suggested to the jury by any
34 means, such as making statements or offers of proof or asking questions in the hearing of the
35 jury.

36 (d) Review of errors where justice requires. – Notwithstanding the requirements of
37 subdivision (a) of this rule, an appellate court may review errors affecting substantial rights if it
38 determines, in the interest of justice, it is appropriate to do so. (1983, c. 701, s. 1; 2003-101, s.
39 1; 2006-264, s. 30.5.)
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41 **Rule 104. Preliminary questions.**

42 (a) Questions of admissibility generally. – Preliminary questions concerning the
43 qualification of a person to be a witness, the existence of a privilege, or the admissibility of
44 evidence shall be determined by the court, subject to the provisions of subdivision (b). In
45 making its determination it is not bound by the rules of evidence except those with respect to
46 privileges.

47 (b) Relevancy conditioned on fact. – When the relevancy of evidence depends upon the
48 fulfillment of a condition of fact, the court shall admit it upon, or subject to, the introduction of
49 evidence sufficient to support a finding of the fulfillment of the condition.

50 (c) Hearing of jury. – Hearings on the admissibility of confessions or other motions to
51 suppress evidence in criminal trials in Superior Court shall in all cases be conducted out of the

1 hearing of the jury. Hearings on other preliminary matters shall be so conducted when the
2 interests of justice require or, when an accused is a witness, if he so requests.

3 (d) Testimony by accused. – The accused does not, by testifying upon a preliminary
4 matter, subject himself to cross-examination as to other issues in the case.

5 (e) Weight and credibility. – This rule does not limit the right of a party to introduce
6 before the jury evidence relevant to weight or credibility. (1983, ch. 701, s. 1.)

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8 **Rule 105. Limited admissibility.**

9 When evidence which is admissible as to one party or for one purpose but not admissible as
10 to another party or for another purpose is admitted, the court, upon request, shall restrict the
11 evidence to its proper scope and instruct the jury accordingly. (1983, c. 701, s. 1.)

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13 **Rule 106. Remainder of or related writings or recorded statements.**

14 When a writing or recorded statement or part thereof is introduced by a party, an adverse
15 party may require him at that time to introduce any other part or any other writing or recorded
16 statement which ought in fairness to be considered contemporaneously with it. (1983, c. 701, s.
17 1.)