**1A.02 Striking Evidence – Simple Question and Answer**

Both the answer to that question and the question itself must be disregarded. The law does not allow you to consider them in this case. You are to proceed as if the question had not been asked nor the answer given.

Use Note

This instruction should accompany the simple motion to strike the answer to a question. The reason that the question itself must be disregarded is that a question is not evidence and once the answer is taken from the case, the question is meaningless. If only a portion of an answer is stricken, the judge should use Instruction 1A.03.

Comment

Under Alaska R. Evid. 103(a), a timely motion to strike is a proper way of preserving an evidence point. This instruction explains the most simple procedure for striking evidence. The instruction assumes that if only an ordinary answer is stricken, it is better to tell the jury to disregard it and to move on than to give a long instruction that might unduly emphasize the evidence that has been stricken.