

## Evidence Midterm Issue Outline

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December 7, 2015

### Essay #1

Walt statements: hearsay, prior identification exception, character evidence/352/403, non character intent, opportunity or other limited purpose re Norteno jacket. Ace smile: hearsay adoptive admission exception/exemption, non hearsay consciousness of guilt, 352/403.

Chemist Cal: hearsay, business record, official record, use for a non hearsay limited purpose, testimonial-non-testimonial hearsay, confrontation, writing lacking formality or solemnity, probabilistic evidence.

Lou re Ace's statement: non hearsay; character evidence, habit when arrested for guilty activity, common plan, intent, 352/403

Ollie: relevance, hearsay, declaration against interest, trustworthiness, Chambers v Mississippi

### Essay #2

Dan-Pat statement: relevance, hearsay: excited utterance, state of mind, authorized admission (agency and tiny rule admitting evidence where liability of PD depends on liability of Dan), PD's knowledge of D's condition; apology (FRE vs CA), offer to compromise, verbal act non hearsay, 352/403.

Dan-Doctor: hearsay, state of mind, CA vs FRE re past symptoms and cause of accident, authorized admission, statement used directly or as non hearsay.

PD records: hearsay; business record, foundation, consistent statement, operator's lay opinion in CA vs FRE, operator's notes re Dan condition within the scope of business

Dan being fired: inadmissible subsequent precaution, records of termination hearing admissible in CA.