

Evidence Midterm Issue Outline

Bruce Kinnison

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Essay #1

Vic's statement that he was afraid of Ace: Relevance, hearsay, any relevant non-hearsay purpose, any state of mind exception to hearsay rule? 352-403

Vic's statement of intent to "whack" Ace: Relevance, hearsay, exception for state of mind to show future acts, conduct of V which exonerates A. Can A exclude V reference to planned bank robbery as irrelevant and bad character evidence? 352-403, *Chambers v Mississippi*.

Wendy statement to police, he had it coming. Relevance? Hearsay, exception for spontaneous or co-conspirator? Confrontation, testimonial statement? 352-403

Wendy dirty look at Ace: Relevance, hearsay assertive conduct, or non hearsay. 352-403

Ace silence after Wendy: Relevance, hearsay, adoptive admission, confrontation. 352-403

Rifles and handguns: Relevance, bad character evidence, limited purpose, e.g., showing familiarity with firearms, 352-403

Growing marijuana: Relevance, bad character evidence, limited non-character purpose? 352-403

Book: Relevance, hearsay, non hearsay showing association with Vic. 352-403

Essay #2

Ollie's blurted statement: Hearsay; exception for spontaneous; authorized admission, either agency theory or where liability of the party depends on liability of declarant? Redaction possibility? 352-403

Pat former testimony: hearsay, former testimony exception, unavailable due to forgetfulness?

Ollie's former testimony: hearsay, unavailable? Same interest as separate trial? If not former testimony, possible prior consistent or inconsistent statements.

Don's police report: Hearsay, official record, admissible in civil case against state where state police are principal witnesses?

Pat complaint to Don: 1. If contained in Don's report, hearsay, official report exception, multiple hearsay, declaration regarding Pat's physical condition as qualifying second level hearsay, personal knowledge of being struck with nightstick.
2. If made to Don with Don testifying: see above.

Ten campers' testimony: Relevance, habit-custom, similar occurrence?? 352-403.