

Evidence Midterm Issue Outline

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Essay #1

Vic statements: hearsay, dying declaration, fresh complaint, confrontation, bad character evidence, exception for common plan, motive or intent

Walt's's arrest statements: hearsay, statement against interest, objective standard, unavailability, character evidence, confrontation

Mike's testimony: past contacts with Ace and Walt, relevance, bad character evidence, exception for identity, intent, 352-403

Dan's testimony: relevance, character evidence, conduct of crime victim exonerating D, 352-403.

Essay #2

Harry and Pat testimony re wedding ceremony: hearsay, non hearsay, verbal act, operative fact

Record of Harry's prior marriage to Gwen: relevance, character evidence, limited purpose, habit, 352-403

Harry statement to Alice re informal marriage: hearsay, not admission, character evidence, limited purpose exception for lack of A's knowledge

Harry's testimony that he believed that he had never been officially married: relevance unless communicated to Alice.

Bob's testimony re wedding ceremony: Relevance, Harry's presence and participation at ceremony, Harry's drunken state and "I don't" re knowledge of marriage, operative fact-verbal act issue, 352-403.

Jerry's testimony: relevance, Harry's presence at ceremony, 352-403.

Ted's testimony re Bob's statement: hearsay, prior inconsistent statement offered both as hearsay exception and impeachment (CA) and as impeachment (FRE), failure to allow witness opportunity to explain inconsistency.