

Rules of Evidence

Chapter 16

- How are the rules of evidence formed? Who creates them? Is there one set of uniform rules?
- What are the four basic types of evidence?
 - What are the two types of witnesses? Explain the difference between the two and what they can give testimony on?
 - Read rule 602 of the federal rules of evidence. What must a witness have in order to be able to testify?
 - What is foundation?
 - What are the three different types of exhibits? Explain each one.
 - What is a stipulated fact?
 - What is Judicial Notice?
- Discuss the differences between direct evidence and circumstantial evidence
 - Read the quote on page 420 (car accident) explain why this quote is direct evidence
 - Explain the story about the brownies on page 421 why is this circumstantial evidence and not direct?
- Vocabulary

What is Evidence (415-421)

- What is Evidence
 - Testimony of a Witness
 - Lay Witnesses – Testimony from personal knowledge
 - Foundation [Required] – preceding questions to a witness establishing their presence and their qualifications to be a witness
 - Expert Witness – Testimony regarding conclusions drawn based on expertise
 - Professional in their field presenting expertly drawn conclusions based on information
 - Exhibits
 - Actual Evidence – “real” evidence (actual / physical / tangible items from the event or crime)
 - Documentary Evidence – Written evidence (reports / e-mails / record) – gathered during discovery
 - Demonstrative Evidence – Created for use in court (diagrams / photographs etc.)
 - Stipulated Facts – Undisputed facts that both sides agree to be facts
 - Judicial Notice – Common Knowledge / public records (laws of a state / population and geographical statistics / Constitution etc.)

What is Evidence

- Direct Evidence
 - Eyewitness evidence / proves a point / confessions
- Circumstantial Evidence – Far more common than direct
 - Information from which inferences may be drawn
 - Not eyewitness / allows people to draw reasonable conclusions
 - DNA Evidence is Circumstantial Evidence

Circumstantial Evidence / Direct Evidence

- Read United States v Lawson (416-418)
 - Answer Case Analysis Questions
 - What was the basic reason for Lawson's appeal? What case did he claim gave him grounds and what did he indicate this case said?
- Given our study of witnesses and witness testimony look up the meaning to "privileged communication"
 - To whom are your communication's privileged?

United States v Lawson

- What is relevant evidence? How can one determine if evidence is relevant?
 - Consider the examples of evidence in relation to relevancy on page 422 explain why the first two examples are considered “relevant” and the last two are not.
- What is Impeachment?
- What is Hearsay?
 - Is all Hearsay inadmissible in court?
 - Why would our system have rules to prevent hearsay from influencing a trial?

**Relevancy / Impeachment /
Hearsay**

- Read *Bowling v Commonwealth of Virginia* (423-426)
 - Complete both case analysis questions

Bowling v Commonwealth of Virginia

- Complete Application and Analysis
Question (1) on page 428
 - (the rules of evidence are sometimes difficult to understand) take your time and do your best

Application and Analysis