

# EVIDENCE

BASED ON FEDERAL RULES OF EVIDENCE

Blue text = admissible Red text = inadmissible

## JUDICIAL NOTICE

- Judicial notice** is the acceptance of a fact as true without the necessity of formal proof (i.e., indisputable facts of common knowledge in the community or facts capable of verification by easily accessible sources of unquestioned accuracy).
- May be taken for the first time on appeal.

### LEGISLATIVE FACTS

- Advisory committee's notes** distinguish legislative facts from adjudicative facts.
- Legislative facts** are those relevant to "legal reasoning" and the "lawmaking process"; include statutory law and judicial decisions.

### ADJUDICATIVE FACTS

- Adjudicative facts** are the facts of the particular case.
  - Who did what, where, when, how, with whom, and with what motive.
  - Facts that normally would go to jury, except that judicial notice may be taken because no reasonable person could dispute them because they are generally known or come from sources "whose accuracy cannot be reasonably questioned" (e.g., the reliability of radar speed tests, the boiling point of water).
- Federal Rules of Evidence (FRE)** govern only adjudicative facts.

### MANDATORY JUDICIAL NOTICE

- Facts that are so universally known that they cannot reasonably be disputed (adjudicative), must be requested by a party [201(d)]; include:
  - Meaning of legal expressions (legislative).
  - Meaning of English words and phrases (legislative).
  - Federal and state law and official regulations of the forum state or federal government (legislative).
  - Federal and state rules of procedure (legislative).
- Items A-D reflect the court's reasoning process and not judicial notice [201(a) note].

### PERMISSIVE JUDICIAL NOTICE

- On its own, the court may take judicial notice of certain matters [201(c)]:
  - Facts that are not reasonably subject to dispute and are capable of accurate determination from undisputable sources, such as almanacs and encyclopedias (e.g., time of sunset on a particular date).
  - Facts that are such common knowledge locally that they cannot be reasonably disputed (e.g., the location of a certain road).
- Records of state or federal court.
- Laws of other states or nations.
- Administrative regulations and orders.

### EFFECT OF JUDICIAL NOTICE

- Civil case:** Binding on jury to accept as conclusive any fact judicially noticed.
- Criminal case:** Jury instructed that it may, but is not required to, accept any fact judicially noticed as conclusive [201(g)].

## JUDICIAL RULINGS

### RULINGS ON EVIDENCE [103]

- Erroneous** only if substantial right of party is affected [see *U.S. v. Olano*] and the nature of the error was called to the attention of the judge (but subject to abuse of discretion of the trial court).
  - Conviction for perjury is reversed only if judge's error seriously affects trial's fairness [Johnson v. U.S.].
  - Timely objection or offer of proof to preserve record for appeal; no need to renew claim of error after the court's ruling [103(d)].
  - No objection is necessary if "plain error" or fundamental error that affects validity of verdict.
  - Habeas:** Trial error is **not** harmless when it affects verdict [O'Neal v. McAninch].
    - Suppression of material evidence favorable to defendant violates Due Process [Ryles v. Whitley].
    - Prosecution withholding exculpatory evidence violates Due Process "where the evidence is material either to guilt or to punishment" [Brady v. MD].
- Jury cases:** To prevent inadmissible evidence (e.g., confessions) from being suggested to the jury by any means.

### PRELIMINARY QUESTIONS [104]

- The court determines questions regarding the following:
  - Qualification to be a witness.
  - Whether privilege exists.
  - Admissibility of evidence.
- The court should admit evidence conditionally subject to the introduction of fact to establish the relevancy of the evidence.
- The court holds hearings outside hearing of jury (usually in pretrial motion to suppress confession), as well as hearings on other preliminary matters, as justice requires.

## BURDENS OF PROOF [301]

*Burden of proof consists of burden of production (going forward with the evidence) and the burden of persuasion.*

### BURDEN OF PRODUCTION: "BURDEN OF GOING FORWARD"

- Provide evidence to show fact exists.
  - Must be sufficient to enable reasonable juror to support a verdict for the party with the burden (a.k.a. making a **prima facie** case).
  - Without evidence, fact does not go to jury; the court would direct a verdict against the party who bears the burden.
- Burden is on party who asserts fact; burden may shift once party has satisfied burden of going forward with evidence.
- Presumptions:** Deductions that the trier of fact is required to draw from the evidence in the absence of a contrary showing; a presumption shifts the burden to the opposing party to disprove the presumed fact.
  - Rebuttable presumptions** place the burden of going forward with the evidence on the opposing party, or a directed verdict is entered against it.
    - If the opposing party meets its burden of going forward with the evidence, the case goes to the jury or judge.
    - If the opposing party does not meet its burden, a directed verdict is entered against it.
  - "Bursting bubble" theory** (majority view):
    - A presumption is not evidence but rather a **preliminary assumption of fact** that disappears after the introduction of sufficient evidence to sustain a contrary finding.
    - Under this theory, the burden of persuasion as to the existence of a fact stays where it was at the beginning.
  - Conclusive presumptions:** Rules of substantive law that cannot be rebutted by producing evidence to the contrary.

### BURDEN OF PERSUASION

- Present legally sufficient evidence to persuade trier of fact on all issues; burden on plaintiff to prove the allegations in the complaint, and burden on defendant to prove all affirmative defenses; burden does not shift.
- Standards of proof:
  - Preponderance of evidence:** Fact at issue is more probable or likely to exist than not to exist.
  - Clear and convincing evidence:**
    - Existence of fact at issue is highly probable or reasonably certain.
    - Higher standard than preponderance of evidence.
  - Beyond a reasonable doubt:**
    - Sufficient evidence to overcome presumption of innocence of defendant.
    - Standard used in criminal cases.
  - The court will instruct jury as to which party has burden.

## KINDS OF PROOF

### DIRECT EVIDENCE

- Proves a proposition **directly**; goes directly to material issue without inference (e.g., eyewitness testimony on issue of who killed victim, i.e., eyewitness saw defendant shoot victim).

### CIRCUMSTANTIAL EVIDENCE

- Tends to prove issue **indirectly** through inference; evidence of a **collateral fact** from which, alone or in conjunction with other facts, existence of a material or ultimate fact can be inferred (e.g., on issue of who killed victim, defendant is seen standing over victim's body holding a gun in his/her hand).

# Evidence Quick Study Law

**Ying Liu**



## **Evidence Quick Study Law:**

Evidence BarCharts, Inc.,2005-12-13 A comprehensive guide to Evidenciary protocol and procedure This inclusive guide covers topics ranging from Types of evidence to Judicial Notice Judicial Rulings Burdens of Proof Relevance Hearsay and Hearsay Exceptions how to present it how to refute it and what is admissible or inadmissible This best selling guide is perfect for the student the professional or anyone interested in evidence and how it is viewed by the Federal Courts **Evidence (Quick study: law).** , Law Notes Albert Gibson,Robert McLean,1910 The Air Force Law Review ,1987 **Harvard Law Review** ,1925 *Paradoxes in Scientific Inference* Mark Chang,2012-10-15 Paradoxes are poems of science and philosophy that collectively allow us to address broad multidisciplinary issues within a microcosm A true paradox is a source of creativity and a concise expression that delivers a profound idea and provokes a wild and endless imagination The study of paradoxes leads to ultimate clarity and at the same time in **Little, Brown, & Company's Law Book Bulletin** ,1893

**The Law Student's Helper** William Cyrus Sprague,Griffith Ogden Ellis,Frederick R. Austin,1897 **The Law Student's Helper** ,1897 **International Law** Oliver,Firmage,2000 For over two decades Casenote Legal Briefs have helped hundreds of thousands of students prepare for classes and exams year after year with unparalleled results Known throughout the law school community as high quality legal study aids Casenotes popular series of legal briefs are the most comprehensive legal briefs available today With over 100 Casenotes published today in all key areas ranging from Administrative Law to Wills Trusts and Estates each and every Casenote offers professionally written briefs of the cases in your casebook coverage that is accurate and up to date editor s analysis explaining the relevance of each case To the course coverage built on decades of experience the highest commitment to quality and don t forget Aspen s other popular study aids Click here to buy all your study aids **Popular Mechanics Magazine** ,1914 *Hearst's Magazine* ,1913 *Success* ,1923 **The Albany Law Journal** ,1891 **The Santa Fe Magazine** ,1913 *Refugee Law and Policy* Karen Musalo,Jennifer Moore,Richard A. Boswell,2002 **The International Socialist Review** ,1914 **Cosmopolitan** ,1914 **The Strand Magazine** ,1914 **Hearst's International Combined with Cosmopolitan** ,1927

This is likewise one of the factors by obtaining the soft documents of this **Evidence Quick Study Law** by online. You might not require more mature to spend to go to the book initiation as skillfully as search for them. In some cases, you likewise attain not discover the broadcast Evidence Quick Study Law that you are looking for. It will no question squander the time.

However below, in imitation of you visit this web page, it will be suitably utterly simple to acquire as well as download guide Evidence Quick Study Law

It will not tolerate many era as we notify before. You can complete it though take effect something else at home and even in your workplace. in view of that easy! So, are you question? Just exercise just what we offer below as without difficulty as review **Evidence Quick Study Law** what you later than to read!

[https://lyncweb.gulfbank.com/data/virtual-library/index.jsp/Tips\\_Car\\_Repair\\_Manual.pdf](https://lyncweb.gulfbank.com/data/virtual-library/index.jsp/Tips_Car_Repair_Manual.pdf)

## **Table of Contents Evidence Quick Study Law**

1. Understanding the eBook Evidence Quick Study Law
  - The Rise of Digital Reading Evidence Quick Study Law
  - Advantages of eBooks Over Traditional Books
2. Identifying Evidence Quick Study Law
  - Exploring Different Genres
  - Considering Fiction vs. Non-Fiction
  - Determining Your Reading Goals
3. Choosing the Right eBook Platform
  - Popular eBook Platforms
  - Features to Look for in an Evidence Quick Study Law
  - User-Friendly Interface
4. Exploring eBook Recommendations from Evidence Quick Study Law
  - Personalized Recommendations

- Evidence Quick Study Law User Reviews and Ratings
- Evidence Quick Study Law and Bestseller Lists
- 5. Accessing Evidence Quick Study Law Free and Paid eBooks
  - Evidence Quick Study Law Public Domain eBooks
  - Evidence Quick Study Law eBook Subscription Services
  - Evidence Quick Study Law Budget-Friendly Options
- 6. Navigating Evidence Quick Study Law eBook Formats
  - ePub, PDF, MOBI, and More
  - Evidence Quick Study Law Compatibility with Devices
  - Evidence Quick Study Law Enhanced eBook Features
- 7. Enhancing Your Reading Experience
  - Adjustable Fonts and Text Sizes of Evidence Quick Study Law
  - Highlighting and Note-Taking Evidence Quick Study Law
  - Interactive Elements Evidence Quick Study Law
- 8. Staying Engaged with Evidence Quick Study Law
  - Joining Online Reading Communities
  - Participating in Virtual Book Clubs
  - Following Authors and Publishers Evidence Quick Study Law
- 9. Balancing eBooks and Physical Books Evidence Quick Study Law
  - Benefits of a Digital Library
  - Creating a Diverse Reading Collection Evidence Quick Study Law
- 10. Overcoming Reading Challenges
  - Dealing with Digital Eye Strain
  - Minimizing Distractions
  - Managing Screen Time
- 11. Cultivating a Reading Routine Evidence Quick Study Law
  - Setting Reading Goals Evidence Quick Study Law
  - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Evidence Quick Study Law
  - Fact-Checking eBook Content of Evidence Quick Study Law

- Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
  - Utilizing eBooks for Skill Development
  - Exploring Educational eBooks
- 14. Embracing eBook Trends
  - Integration of Multimedia Elements
  - Interactive and Gamified eBooks

### **Evidence Quick Study Law Introduction**

In today's digital age, the availability of Evidence Quick Study Law books and manuals for download has revolutionized the way we access information. Gone are the days of physically flipping through pages and carrying heavy textbooks or manuals. With just a few clicks, we can now access a wealth of knowledge from the comfort of our own homes or on the go. This article will explore the advantages of Evidence Quick Study Law books and manuals for download, along with some popular platforms that offer these resources. One of the significant advantages of Evidence Quick Study Law books and manuals for download is the cost-saving aspect. Traditional books and manuals can be costly, especially if you need to purchase several of them for educational or professional purposes. By accessing Evidence Quick Study Law versions, you eliminate the need to spend money on physical copies. This not only saves you money but also reduces the environmental impact associated with book production and transportation. Furthermore, Evidence Quick Study Law books and manuals for download are incredibly convenient. With just a computer or smartphone and an internet connection, you can access a vast library of resources on any subject imaginable. Whether you're a student looking for textbooks, a professional seeking industry-specific manuals, or someone interested in self-improvement, these digital resources provide an efficient and accessible means of acquiring knowledge. Moreover, PDF books and manuals offer a range of benefits compared to other digital formats. PDF files are designed to retain their formatting regardless of the device used to open them. This ensures that the content appears exactly as intended by the author, with no loss of formatting or missing graphics. Additionally, PDF files can be easily annotated, bookmarked, and searched for specific terms, making them highly practical for studying or referencing. When it comes to accessing Evidence Quick Study Law books and manuals, several platforms offer an extensive collection of resources. One such platform is Project Gutenberg, a nonprofit organization that provides over 60,000 free eBooks. These books are primarily in the public domain, meaning they can be freely distributed and downloaded. Project Gutenberg offers a wide range of classic literature, making it an excellent resource for literature enthusiasts. Another popular platform for Evidence Quick Study Law books and manuals is Open Library. Open Library is an initiative of the Internet Archive, a non-profit

organization dedicated to digitizing cultural artifacts and making them accessible to the public. Open Library hosts millions of books, including both public domain works and contemporary titles. It also allows users to borrow digital copies of certain books for a limited period, similar to a library lending system. Additionally, many universities and educational institutions have their own digital libraries that provide free access to PDF books and manuals. These libraries often offer academic texts, research papers, and technical manuals, making them invaluable resources for students and researchers. Some notable examples include MIT OpenCourseWare, which offers free access to course materials from the Massachusetts Institute of Technology, and the Digital Public Library of America, which provides a vast collection of digitized books and historical documents. In conclusion, Evidence Quick Study Law books and manuals for download have transformed the way we access information. They provide a cost-effective and convenient means of acquiring knowledge, offering the ability to access a vast library of resources at our fingertips. With platforms like Project Gutenberg, Open Library, and various digital libraries offered by educational institutions, we have access to an ever-expanding collection of books and manuals. Whether for educational, professional, or personal purposes, these digital resources serve as valuable tools for continuous learning and self-improvement. So why not take advantage of the vast world of Evidence Quick Study Law books and manuals for download and embark on your journey of knowledge?

### **FAQs About Evidence Quick Study Law Books**

How do I know which eBook platform is the best for me? Finding the best eBook platform depends on your reading preferences and device compatibility. Research different platforms, read user reviews, and explore their features before making a choice. Are free eBooks of good quality? Yes, many reputable platforms offer high-quality free eBooks, including classics and public domain works. However, make sure to verify the source to ensure the eBook credibility. Can I read eBooks without an eReader? Absolutely! Most eBook platforms offer web-based readers or mobile apps that allow you to read eBooks on your computer, tablet, or smartphone. How do I avoid digital eye strain while reading eBooks? To prevent digital eye strain, take regular breaks, adjust the font size and background color, and ensure proper lighting while reading eBooks. What the advantage of interactive eBooks? Interactive eBooks incorporate multimedia elements, quizzes, and activities, enhancing the reader engagement and providing a more immersive learning experience. Evidence Quick Study Law is one of the best book in our library for free trial. We provide copy of Evidence Quick Study Law in digital format, so the resources that you find are reliable. There are also many Ebooks of related with Evidence Quick Study Law. Where to download Evidence Quick Study Law online for free? Are you looking for Evidence Quick Study Law PDF? This is definitely going to save you time and cash in something you should think about.

**Find Evidence Quick Study Law :**

~~tips car repair manual~~

*manual sports training*

step by step fitness workout

manual travel guide

~~fitness workout international bestseller~~

**ebook wellness planner**

language learning step by step

**international bestseller yoga guide**

**for beginners wellness planner**

~~international bestseller gardening tips~~

~~international bestseller car repair manual~~

*sports training ideas*

**sports training tips**

**ideas car repair manual**

~~tricks travel guide~~

**Evidence Quick Study Law :**

DCC Wiring - A Practical Guide. With DCC all the current for all the trains comes from one source through one wiring. "bus" run. Minimum capacity provided is normally 5 Amps. Wiring needs to ... DCC Wiring - A Practical Guide Updated With DCC all the current for all the trains comes from one source through the "bus" run. Booster capacity is typically 5 Amps. Wiring needs to handle. DCC Wiring - Max Maginness MMR, 2003-2004 DCC Wiring - A Practical Guide.: © Max Maginness MMR, 2003-2004. Uploaded by ... DCC Wiring - A Practical Guide. © Max Maginness MMR, 2003-2004. April 2003 ... U.S.

Government Publishing Office Style Manual This publication was typeset electronically using Helvetica and Minion Pro typefaces. It was printed using vegetable oil-based ink on recycled paper containing ... Basic DCC Wiring for Your Model Railroad This how-to guide covers the basics, with an overview of DCC, track wiring, cab bus wiring, and converting an existing layout to DCC. Written by Mike Polsgrove, ... Basic DCC Wiring for Your Model Railroad This how-to guide covers the basics, with an overview of DCC, track wiring, cab bus wiring, and converting an existing layout to DCC. Written by Mike ... Principles of Polymer Engineering - N. G. McCrum The second edition of Principles of Polymer Engineering brings



up-to-date coverage for undergraduates studying materials and polymer science. Principles of Polymer Engineering The second edition of Principles of Polymer Engineering brings up-to-date coverage for undergraduates studying materials and polymer science. Principles of Polymer Engineering This revised and updated second edition develops the principles of polymer engineering from the underlying materials science, and is aimed at undergraduate and ... Principles of Polymer Processing (2nd Edition) This volume is an excellent source and reference guide for practicing engineers and scientists as well as students involved in plastics processing and ... Principles of Polymer Engineering Aimed at undergraduates and postgraduate students of engineering and materials science, the book opens with chapters showing why plastics and rubbers have such ... Principles of Polymer Engineering Rheology Provides the basic background needed by engineers to determine experimentally and interpret the rheological behavior of polymer melts--including not only ... Principles of polymer engineering, by N. G. McCrum, C. P. ... by D Feldman · 1989 · Cited by 1 — Principles of polymer engineering, by N. G. McCrum, C. P. Buckley and C. B. Bucknall, Oxford University Press, New York, 1988, 391 pp. Price: \$44.95. Principles of Polymer Engineering by McCrum, N. G. The opening chapters show why plastics and rubbers have such distinctive properties and how they are affected by temperature, strain rate, and other factors. Principles of Polymer Systems - 6th Edition A classic text in the field, the new edition offers a comprehensive exploration of polymers at a level geared toward upper-level undergraduates and beginning ... Fundamentals of Polymer Engineering by A Kumar · 2003 — ISBN: 0-8247-0867-9. The first edition was published as Fundamentals of Polymers by McGraw-Hill, 1997. This book is printed on acid-free paper. Headquarters. 1977 Buick Regal Market There are 41 1977 Buick Regal for sale right now - Follow the Market and get notified with new listings and sale prices. 9 1977 used Buick Regal cars Find Buick Regal at the best price. We have 9 cars for sale for 1977 buick regal, from just \$6700. ... 1977 Porsche 924 Coupe Orange RWD Manual Black. Sylacauga. Used 1977 Buick Regal for Sale in Longmont, CO Browse the best September 2023 deals on 1977 Buick Regal vehicles for sale in Longmont, CO. Save \$3817 right now on a 1977 Buick Regal on CarGurus. 1977 Buick Regal for Sale Near Me Search 1977 Buick Regal for Sale Near Me to find the best deals. iSeeCars.com analyzes prices of 10 million used cars daily. Owner's Manual 1977 Buick Century Regal Find many great new & used options and get the best deals for Owner's Manual 1977 Buick Century Regal at the best online prices at eBay! Buick Regal Classic Cars for Sale - Classics on Autotrader Buick Regal Classic cars for sale near you by classic car dealers and private sellers on Classics on Autotrader. 1977 Buick Regal For Sale ... Vehicle Condition. Excellent. Fair. Good. Mint. Project. Transmission. Auto. Manual. Unspecified. Location. US. Canada. International. Distance. 50 Miles. from. 1977 BUICK REGAL FOR SALE \$8500 O.B.O. 1977 BUICK REGAL FOR SALE \$8500 O.B.O.. all original car 350 4bbl v8 a/t p/s p/b ... Buick Regal · Auction Sites · Owners Manuals · Indianapolis · Fleet · Classic ... 1977 Buick Regal Landau For Sale - Affordable Classics 1977 Buick Regal Landau for sale by Affordable Classics Motorcars. Our classic cars for sale are unique high quality cars you will be proud ...