# Character Evidence and Objections

## THREE-STEP ANALYSIS

Is there evidence of a person's character trait?

- No: There is no character evidence.
- Yes: See # 2.

Three Forms of Character Evidence:

Fyidence of Prior Action

- Evidence of Prior Action

  Opinion evidence
  - \* Reputation evidence
- Habit evidence is evidence of something a person does routinely. Habit evidence is not character evidence.

Is the evidence being offered to show that the person acted in accordance with that character trait?

- No: There is no character evidence.
- Yes: See # 3.

Note: Evidence of a defendant's prior act may be used to show their motive, intent, knowledge, or identity.



- Is there an applicable exception to the character evidence rule?
  - Defendant's Character can be introduced by the defense. Prosecution can rebut only after defense opens the door.
- Exception #2: Evidence of Victim's Character can be introduced by the defense.

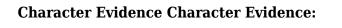
Exception #3: Evidence of Any Witness's
Character for Dishonesty can be introduced by
either party. The opposing party can then rebut with
evidence of the witness's honesty.

## OBJECTIONS: WHAT TO SAY

- Objection. The question calls for character evidence.
- Your Honor, this is not evidence of a prior action that shows Mr. Smith's character. It is evidence of his habit of taking a walk around the neighborhood every evening. A daily walk is not indicative of any particular character trait.
- This is evidence of a prior action taken by Mr. Smith, which is offered to show that he acted in accordance with a character trait for violence.
- This evidence is not being offered to show a propensity for violence; it's being offered to show the defendant's motive.
- Your Honor, an exception to the character evidence rule applies. This is evidence of the defendant's character that is being offered by the defense.
- The prosecution may not offer evidence of the defendant's character until the defense opens the door this evidence. The defense has not done so.
- This evidence is admissible because Ms. Ridinghood is expected to be called as a witness and this evidence relates to her honesty

# **Character Evidence Character Evidence**

**Michael Hoelscher** 



Delve into the emotional tapestry woven by in **Character Evidence Character Evidence**. This ebook, available for download in a PDF format (\*), is more than just words on a page; itis a journey of connection and profound emotion. Immerse yourself in narratives that tug at your heartstrings. Download now to experience the pulse of each page and let your emotions run wild.

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