

# HEARSAY

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W says D shot V → W believes D shot V

Sincerity  
Ability to communicate

W believes D shot V → D shot V

Perception  
Memory

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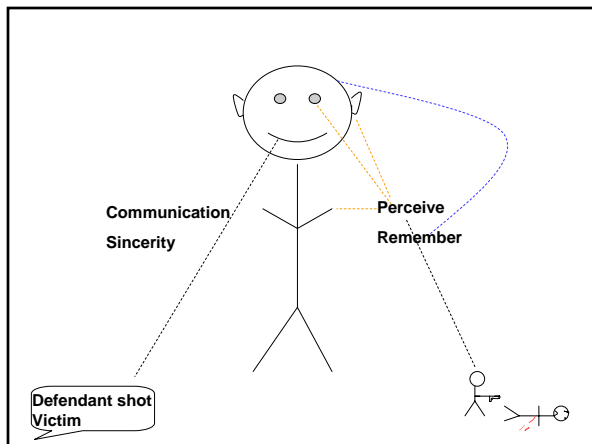
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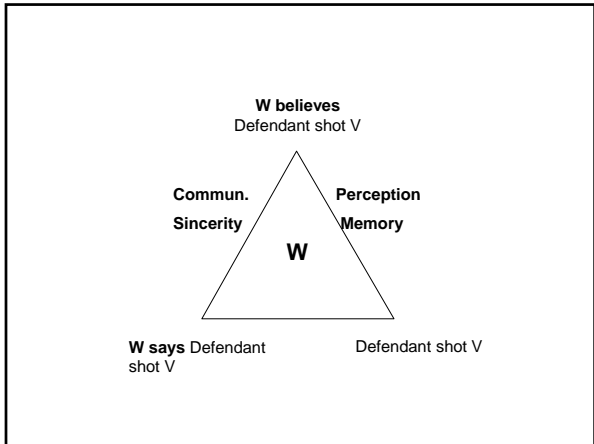
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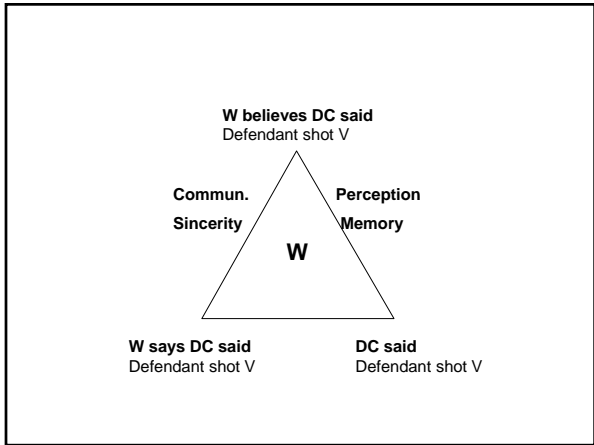
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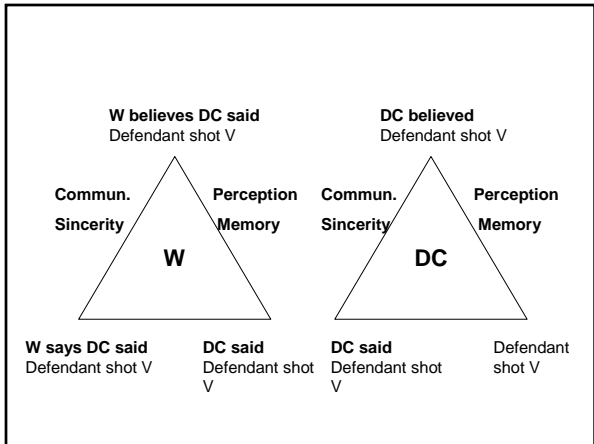
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**THREE-STEP ANALYSIS**

1. Is there an out-of-court statement?
  - Oral
  - Written
2. What is the statement being offered to prove?
3. Does the probative value of the statement depend on the *Declarant's* credibility?
  - Do we care about whether the *Declarant* was lying or mistaken?

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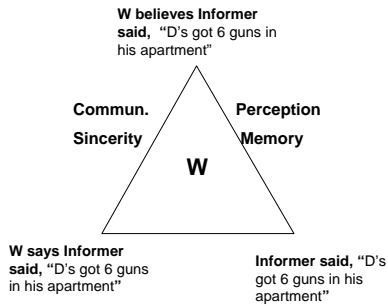
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**DID DEFENDANT POSSESS FIREARMS?**




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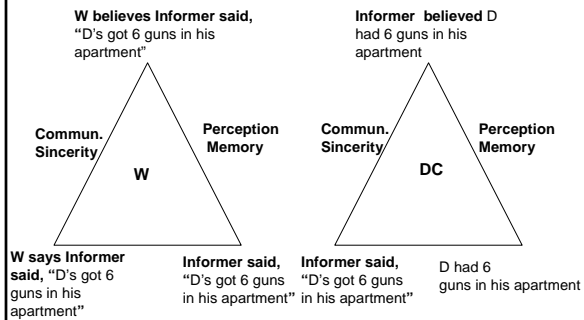
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**DID DEFENDANT POSSESS FIREARMS?**




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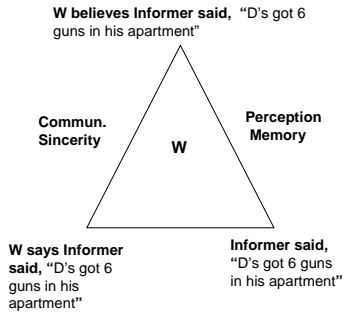
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**DID THE POLICE HAVE REASONABLE CAUSE TO SEARCH DEFENDANT'S APARTMENT?**



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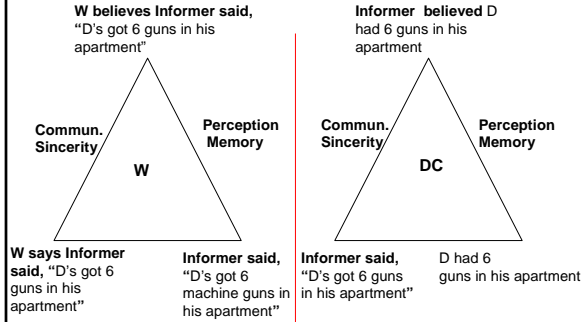
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**DID THE POLICE HAVE REASONABLE CAUSE TO SEARCH DEFENDANT'S APARTMENT?**



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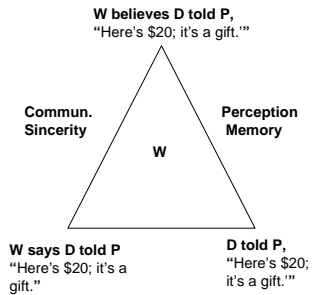
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**WAS IT A GIFT OR A LOAN?**



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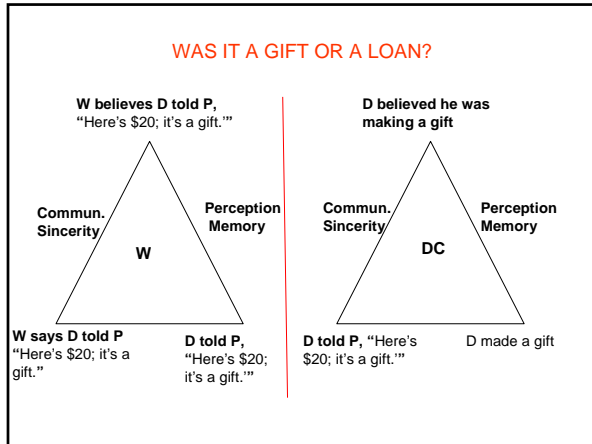
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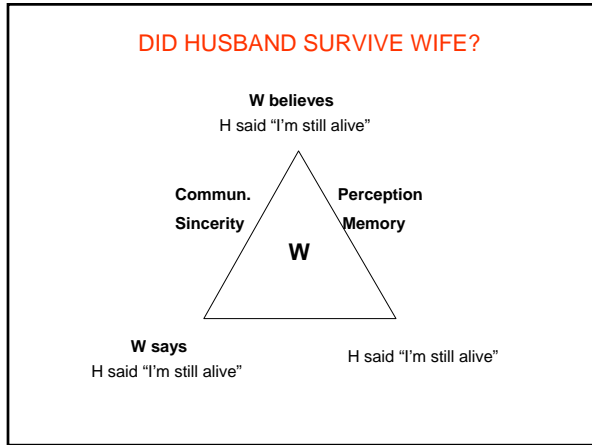
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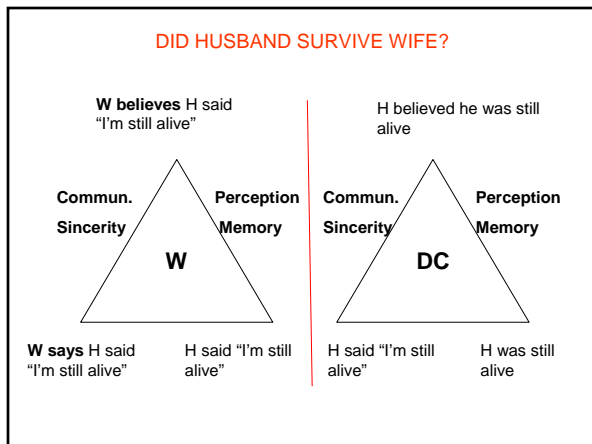
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IMPORTANT HEARSAY EXCEPTIONS

1. Admission by party opponent
2. Statement against interest
3. Business records
4. Public records
5. Excited utterance
6. Present sense impression

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ADMISSION BY PARTY OPPONENT

- Any statement made by opponent
- Doesn't have to be admission
- If opponent is a business
  - Statement made by an employee
    - Concerning a matter within scope of employee's duties

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STATEMENT AGAINST INTEREST

- Can be made by anyone
- Must be against the speaker's interest at the time the statement was made
  - Only dis-serving statements

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**BUSINESS RECORDS**

- Records made in the regular course of business
- Regularly kept by the business
- Not every piece of paper kept by business
- Double hearsay

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**PUBLIC RECORDS**

- Records, reports of public offices or agencies

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**EXCITED UTTERANCES AND PRESENT SENSE IMPRESSION**

- Excited Utterance
  - Statement about a startling event made while person is under the stress of the event
- Present Sense Impression
  - Statement describing an event made while a person is perceiving an event or immediately after person perceived the event

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