

Character Evidence



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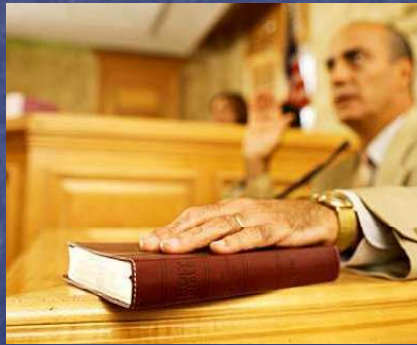
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Myths About Prior Conduct

- 1. Few will be discovered.
- 2. Witnesses exhibit tell-tale signs.
- 3. Prohibitively costly.
- 4. Rarely admissible.
- 5. If no conviction, not admissible.
- 6. Admissible only to impeach.

2

Prior Inconsistent Statements and Statements to Show Bias or Interest



3

TRE 613

- 2015 amendments relax predicate and move Texas closer to federal.
- Before 2015, opportunity to explain or deny prior statement *during impeachment* was in foundation.
- No application to party admissions.

4

FRE 613

- Favors impeaching party over witness, judge and jury.
- Admitting prior statement after witness excused not in witness' best interests, and not efficient for court.

5

FRE 613

- Witness need not be informed of time and place of prior statement and person to whom statement made during cross.

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