

Understanding Evidence

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Paul C. Giannelli

DISTINGUISHED UNIVERSITY PROFESSOR EMERITUS AND
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Preface

This book is written for students in evidence and trial practice courses. The focus is on the Federal Rules of Evidence, which have been adopted in one form or another in over forty jurisdictions. Since the last edition, the Supreme Court adopted a number of amendments to the Federal Rules of Evidence. The major ones deal with hearsay issues relating to prior consistent statements and ancient documents. Another amendment concerns the self-authentication of electronic records. In addition, the Supreme Court further defined the parameters of the approach to Confrontation Clause jurisprudence that it embarked on in *Crawford v. Washington*. The new case is *Ohio v. Clark* (2015). Moreover, in *Pena-Rodriguez v. Colorado* (2017), the Supreme Court carved out an exception to Rule 606 based on constitutional grounds: “[W]here a juror makes a clear statement that indicates he or she relied on racial stereotypes or animus to convict a criminal defendant, the Sixth Amendment requires that the no-impeachment rule give way in order to permit the trial court to consider the evidence of the juror’s statement and any resulting denial of the jury trial guarantee.”

In 45 years of teaching, one’s debt to past scholars is immense. Morgan, Wignore, McCormick, Ladd, and Maguire immediately come to mind. The debt is no less to current scholars: Weinstein, Berger, Inwinkelried, Broun, Mosteller, Nance, Park, Mueller, Kirkpatrick, Ken Graham, and Michael Graham, to name but a few.

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Suggestions for improvements and the identification of errors are welcome: pcg@case.edu.

Paul C. Giannelli
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