

RULES OF EVIDENCE CHEAT SHEET

(Please refer to “Simplified Rules of Evidence” section for the complete rule)

Rules 402 and 403 – RELEVANT EVIDENCE is generally admissible unless it is unfairly prejudicial, may confuse the issue, or waste the court’s time.

Rule 404 – CHARACTER EVIDENCE is generally not admissible to prove conduct, except:

- Character of Accused offered by Accused (State may rebut)
- Character of Victim offered by Accused (State may rebut), or peacefulness of victim offered by State to rebut self-defense.
- Character of Witness, as provided in Rules 607-609.
- Other crimes, wrongs or acts are not admissible to prove action in conformity with character but are admissible for other purposes.

Rule 405 – If character admissible, OPINION AND GENERAL REPUTATION are admissible. Specific conduct only admissible during direct examination when character is an essential element. Otherwise, only during cross-examination.

Rule 406 – HABIT OR ROUTINE is admissible to prove action in conformity therewith.

Rule 407 – SUBSEQUENT REMEDIAL MEASURES are not admissible to prove liability but may be admissible to show ownership, control, feasibility of precautionary measures (if controverted), or for impeachment.

Rule 408 – Evidence of COMPROMISE OR OFFERS TO COMPROMISE are not admissible to prove liability, invalidity of claim, or value of claim. May be admissible for other purposes.

Rule 409 – PAYMENT OF MEDICAL OR SIMILAR EXPENSES is not admissible to prove liability.

Rule 410 – Withdrawn GUILTY PLEAS, nolo pleas, statements made in federal Rule 11, or similar, proceedings, and plea discussions that don’t result in guilty plea (or plea is withdrawn), are not admissible. Plea discussion statements are admissible if another such statement has been admitted and the statement ought to be considered with it, or in a criminal perjury proceeding.

Rule 501- PRIVILEGES include: spouses, attorney/client, grand jurors, state secrets, and psychiatrist/patient.

Rule 601 – Everyone is COMPETENT to be a witness.

Federal Rules Of Evidence

Marco Cascella



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Table of Contents Federal Rules Of Evidence

1. Understanding the eBook Federal Rules Of Evidence
 - The Rise of Digital Reading Federal Rules Of Evidence
 - Advantages of eBooks Over Traditional Books
2. Identifying Federal Rules Of Evidence
 - 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 Federal Rules Of Evidence
 - User-Friendly Interface
4. Exploring eBook Recommendations from Federal Rules Of Evidence
 - Personalized Recommendations

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

- 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

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