

What is Relevant Evidence?

- To be relevant, and thus admissible, evidence must be probative, which means that it must tend to prove something material to the case.
- Relevance requires:
 - Logical relevance
 - This means it must tend to prove or disprove a fact at issue.
 - Legal Relevance
 - This means the evidence must be admissible and cannot be used to prove something that is inadmissible or not “provable” in the case. For example:
 - If a suit based on a contract is barred by the statute of frauds, the oral evidence of that contract would have no legal relevance.

What is relevant? (part 2)

- The standard of probability rule:
 - The evidence, to be relevant, only has to make a material fact more probable than it would be without the evidence.
 - The evidence need not make a major impact, it must only increase the probability by a “scintilla”
 - How much weight to actually give a piece of evidence is the decision of the trier of fact.
- In addition, evidence may be considered irrelevant if it exceeds (in scope) the issue at hand
 - (The evidence should be limited to what is actually necessary to prove the fact in question.)

What is relevant? (part 3)

- If evidence “ought” not be relevant (i.e., the jury really should not consider that issue in making its determination), evidence can be excluded even though technically relevant.
- For Example:
 - A person’s membership in a gang
 - A person’s mental incapacity or instability
 - Whether the defendant was covered by car insurance
 - Etc.

Rule 403 and the Limits of Relevance

- This rule states that evidence can be excluded, even if relevant and not proscribed by any other rule of evidence if there is a danger of any of the following:
 - unfair prejudice
 - confusion of the issues
 - misleading the jury
 - undue delay
 - waste of time
 - needless presentation of cumulative evidence

Rule 403 and the Limits of Relevance - part 2

- This is sometimes known as the “fall back” exception, because it is what attorneys can “fall back” on to challenge evidence if there is no more specific challenge to the evidence.
- Important: Rule 403 requires that the danger of any of these factors “substantially outweigh” the probative value of the evidence introduced.
- In reality, this makes Rule 403 challenges hard (but not impossible) to win.

Computer Animation and Demonstrations

- Although not evidence themselves, certain visual aids to help the jury understand complex facts and events can be used.
- However, it is very important that the jury not believe that these demonstrations or artist renderings are evidence themselves. The judge must be careful to:
 - Caution the jury not to accept the demonstrations as fact, but rather as the depiction of the person giving evidence
 - Caution the jury that demonstrations are only designed to aid in the presentation of evidence, not to BE the presentation of evidence.
 - Only allow demonstrations that are in accordance with the testimony supporting it