

AVAILABLE CASE LAW

State v. Hannah (1968)

The beyond-a-reasonable-doubt burden does not apply to threshold matters involving the admissibility of evidence. In Tilly, the proponent of evidence need only prove these evidentiary matters by a preponderance of the evidence (i.e., it must establish that all elements are more likely than not true)

State v. Jadicus (2004)

All Tilly criminal trials are bifurcated with a guilt phase and a penalty phase. It is improper for an attorney to comment on sentencing or discuss potential penalties during the guilt phase of trial.

Gabriel v. Gardner (1995)

As long as the proponent of the statement produces evidence that would permit a reasonable jury to find that a given person made a particular statement, the court must assume for the purposes of assessing the statement's admissibility that the statement was made by that person.

Cotter v. Hughes (1995)

Trial judges must ensure that any and all scientific testimony or evidence admitted is not only relevant but reliable. In determining whether expert testimony is sufficiently reliable to be admitted, judges should consider only the methods employed and the data relied upon, not the conclusions themselves.

Turnabout Trademarks v. Blue Badger Designs LLC (1998)

In assessing reliability under Cotter v. Hughes, judges should consider, among other factors, whether the theory or technique has been or can be tested, whether it has been subjected to peer review and publication, whether it has a known error rate, and whether it has gained widespread acceptance within the field. These factors, while relevant, are not necessarily dispositive. For example, lack of publication does not automatically foreclose admission; sometimes wellgrounded but innovative theories will not have been published. Indeed, there is no definitive checklist in making a preliminary assessment of whether reasoning or methodology underlying expert testimony is scientifically reliable. Judges must make such assessments based on the totality of the circumstances, and the proponent of such expert testimony must meet the threshold proof requirement by a preponderance of the evidence.

Marnie v. Max (1999)

Rule 703 does not afford an expert unlimited license to testify or present a

chart in a manner that simply summarizes the testimony of others without first relating that testimony to some “specialized knowledge” on the expert’s part as required under Rule 702. The court must distinguish experts relying on hearsay to form scientific conclusions from conduits who merely repeat what they are told. The testimony of the former is admissible; that of the latter is not.

Potochnik Corporation v. Blue Balloons International (2003)

In the state of Tilly, the definition of “hearsay” does not exclude out-of-court statements made by a witness on the stand or by other witnesses who have already testified—or may testify—in a particular trial. The Court understands that other jurisdictions may have different rules concerning hearsay, but in the state of Tilly, these statements are still considered hearsay pursuant to Rule 801.

State v. Harms (1982)

Rule 801(d)(2) may be invoked in only one direction in a criminal case. Specifically, Rule 801(d)(2) permits the State to offer statements by a criminal defendant. Rule 801(d)(2) does not permit a defendant to offer statements from the defendant.

Navarra v. O’Hara (2016)

For purposes of Rule 801(d)(2), sheriffs, police officers, prosecutors, informants, and others working with law enforcement officials are not an “opposing party” of a criminal defendant.

Condoriano Shipping v. Sogeking Inc. (1985)

Rule 404(b)(2) expressly authorizes admission of other-acts evidence to prove matters like motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake, or lack of accident. Evidence of a prior assault on the murder victim may be admissible to show that the defendant killed the victim in order to prevent her from testifying against him in the assault trial. Testimony that a defendant stole a key that was used to gain access to a business he is charged with robbing may be admissible during his robbery prosecution to prove preparation. Evidence of a murder committed 12 years before the current murder may be admissible to show defendant’s knowledge of what he was doing as both murders were committed in the same manner. There is no exhaustive list of purposes under 404(b)(2). The courts shall determine whether the proposed evidence is actually being used for a 404(b)(2) purpose on a case-by-case basis. In doing so, the courts are still bound by all other evidence rules, including 402 and 403.