Basic Evidence

Problems Accompanying
Strange v. Wrigley

I. Relevance

A. Assume that the defendant knew the plaintiff before the shooting incident. As a result, the defendant plans to testify that he had reason to fear the plaintiff because before the shooting the defendant had heard that the plaintiff had entered another person’s house (in a neighboring town) where he allegedly raped the owner. In rebuttal, the plaintiff will seek to offer expert testimony from a medical doctor that the alleged rape victim-homeowner was not raped or otherwise physically harmed. Is this expert-testimony from the plaintiff relevant?

B. As in the present case the defendant did not know the plaintiff before this shooting incident. However, a week before the trial a person who claimed to be a neighbor of the plaintiff for the past six (6) years told the defendant he knew something important about the plaintiff. According to this neighbor the plaintiff has a reputation for entering the unlocked doors of his neighbors, threatening them with bodily harm if they failed to give him whatever he demanded. Is the testimony of this neighbor-witness relevant? On rebuttal, may the plaintiff present testimony from another neighbor-witness that the defendant has a similar reputation?

C. Suppose that the plaintiff was carrying a violin case in his right hand. Upon seeing the plaintiff carrying the violin case the defendant dropped to one knee aimed his gun at the plaintiff and shouted, “Drop that violin case!” Instead of dropping the violin case, the defendant will testify that the plaintiff suddenly raised the violin case to his shoulder and “aimed” it at the defendant. The defendant will testify that he feared the violin case concealed a sawed-off shot gun. So, he (the defendant) shot the plaintiff.

In rebuttal, the plaintiff will offer to prove that a search of the violin case revealed only a violin (a Stradivarius) in that case, but no gun. Is this testimony regarding the contents of the violin case relevant?
D. Suppose the defendant offers a letter which plaintiff admits he wrote. Apparently the plaintiff wrote the letter to a friend wherein he generally describes to that friend how to file a personal injury action against a homeowner for assault, battery and damages. The letter included such phrases as:

1. “set up”;
2. “turn it on these homeowner-chumps to the max”;
3. “avoid getting killed;
4. “wish for a cowboy homeowner”; 
5. “expensive looking house”; and 
6. “luxury car in the driveway”.

Is this letter relevant?