

Evidence



Evidence To Destroy

Annelies Wilder-Smith



Evidence To Destroy:

Destruction of Evidence Jamie S. Gorelick, Stephen Marzen, Lawrence Solum, 1995-12-31 A practice manual as well as an authoritative resource Destruction of Evidence analyzes issues from the standpoints of civil litigation criminal litigation and the laws of professional responsibility Destruction of Evidence also discusses in depth such areas as the spoliation inference the tort of spoliation discovery sanctions ethics and routine destruction Also included is an expanded discussion of discovery sanctions including procedural issues choice of law considerations the requirements for preserving sanctions issues for appellate review burdens of proof and appellate review The supplement keeps you up to date on the continuing development of the controversial torts of both first and third party spoliation of evidence Massachusetts has declined to recognize a cause of action in tort for intentional or negligent spoliation of evidence The Supreme Court of Mississippi did not recognize an independent cause of action for the intentional spoliation of evidence against first or third party spoliators Nevada declined to recognize an independent tort spoliation of evidence when weighed against the andquot potentially endless litigation over a speculative loss and by the cost to society of promoting onerous record and evidence retention policiesandquot Constitutional implications in the realm of criminal law Many states within the last year have been addressing the potential for due process violations when evidence is destroyed and are continuing to adopt and expand the rules dictated by Brady Trombetta and Youngblood While each of these new jurisdictions refused to find due process violation this trend recognizes the increased potential for constitutional violations when evidence is destroyed Hawaii refused to find a constitutional violation where a police officer failed to save her completed police report citing Brady The Supreme Court of Mississippi ruled that a defendant was not denied due process by spoliation of crime scene evidence citing Trombetta Nevada using a bad faith standard ruled that an independent laboratory s failure to refrigerate a defendant s blood sample did not violate due process A New Jersey court did not find a due process violation where the police had lost a videotape of the administration of breath tests for a DUI charge Oklahoma ruled that a defendant s due process rights were not violated when the police destroyed latent crime scene fingerprints citing Youngblood Using an exculpatory evidence standard the Supreme Court of South Dakota ruled that the State s release of a rape victim s vehicle without notice to the defendant did not violate the defendant s due process rights

Advanced Case Law Methods: A Practical Course Richard Cappalli, 2021-10-01 This book by the author of The American Common Law Method is an excellent source of continuing judicial education for judges at all levels as well as an accessible teaching tool for the classroom An opening section explains the basic principles of common law methods for creating and applying case law Advanced Case Law Method then examines the methods used by appellate courts in four states to create case lines on distinct topics After each case in each line the author poses several questions concerning the court s performance as a creator and user of case law For instance one chapter traces the at will employment doctrine as developed by the New York Court of Appeals and subsequent efforts to create public policy

exceptions to the rule Another looks at the struggle of the appellate courts of Pennsylvania to limit the intentional infliction of emotional distress tort doctrine The New Hampshire group of cases goes back to the mid 18th century and examines railroad liability issues culminating in the 21st century with duties imposed on internet information providers when the buyer of information causes harm to the seller The Texas cases treat the spoliation doctrine which penalizes a party responsible for causing key evidence to disappear Following the questions raised by the examined cases Advanced Case Law Methods includes the suggested responses The text is then supplemented by a section intended to make the questions and suggested responses a springboard for discussion at seminars conferences and even classrooms Judges therefore won t have to worry about doing homework and getting wrong answers Published under the Transnational Publishers imprint The Sexual Murderer Eric Beauregard, Melissa Martineau, 2016-10-04 Sexual homicide continues to be one of the most widely reported and sensationalised forms of murder attracting fascination from the public and scholars alike Despite this continued interest few empirical studies have been conducted on this particular form of sexual crime The Sexual Murderer provides an analytical review of the state of knowledge on the sexual murderer and his offense and presents new data that confronts some of the accepted ideas and myths surrounding this type of homicide The authors draw on original data stemming from both offenders and the police to present an exhaustive and accurate picture of the sexual murderer and his offense and compare the sex offenders who do kill with sex offenders who despite being very violent do not Each chapter includes a section on the practical implications of the findings and what the findings mean for professionals working with these cases and for the criminal justice system This book explores themes including the role of fantasies paraphilias and personality criminal career context of the crime journey to murder modus operandi and crime scene sex trade workers avoiding detection body disposal pathways and whether we can predict sexual homicide occurrence This book is a comprehensive resource for academic and professionals involved in sexual homicide cases such as psychologists psychiatrists investigators and profilers as well as individuals working in the field of sexual violence This book will also be of interest to students taking courses on homicide sexual homicide and serial homicide **California Guide to Criminal Evidence 2024-25 (8th edition)** Judge Elia V. Pirozzi (Ret.), 2025-02-01 This treatise is used by attorneys and judges throughout California as a comprehensive resource on evidentiary and constitutional issues It is unique in its approach with numerous checklists courtroom scripts and easy reference charts The California Guide to Criminal Evidence currently in its 8th edition is the one publication in California that provides a systematic approach for practitioners and judicial officers to efficiently address evidentiary and constitutional issues during a trial or motion hearing Complete with federal and state case and statutory law legal commentary and comprehensive easy to access flowcharts and tables the California Guide to Criminal Evidence is the primary resource a litigator will need to accurately resolve complex evidentiary or constitutional questions and effectively introduce an item for admission into evidence, and get it admitted by the court It is also functional and compact in that it was

created to be brought to court along with counsel's trial binder and materials to be used when quick answers are required concerning evidentiary matters. The California Guide to Criminal Evidence was designed as a practice guide to assist attorneys navigate through the maze of legal issues that surface during a proceeding with ease, speed, and precision. Although organized with a criminal law emphasis, the California Guide to Criminal Law Evidence has been widely used by both civil and criminal law practitioners, judges, and law professors. Unlike other evidence treatises on the market, the California Guide to Criminal Evidence was written for new and experienced litigators, complete with in-depth legal analysis and commentary, practice charts, and tables, sample scripts, and scholarly and practical insight from an experienced criminal and civil trial judge. It highlights what judges look for and expect from counsel when seeking to introduce specific items of evidence for admission and how to respond to a judge's questions swiftly, concisely, and with applicable legal reasoning. While other books on the market cover evidence and constitutional issues separately, the California Guide to Criminal Evidence does both for one affordable price, far below the cost of other texts, offering less content. And while competitor publications focus primarily on California state cases, the California Guide to Criminal Evidence contains a comprehensive examination of the Federal Rules of Evidence and U.S. Supreme Court and Ninth Circuit Court of Appeals decisions. And the California Guide to Criminal Evidence can be purchased in print version or eBook format. There is simply no equal to this unique practice resource on the market today. The California Guide to Criminal Evidence is organized in two distinct parts. Part 1 is a comprehensive discussion and analysis of the Evidence Code, the Fourth, Fifth, and Sixth Amendments to the U.S. Constitution, and all relevant case and statutory law. The discussion is organized to give the practitioner a practical and step-by-step methodology to assess the admissibility of evidence in a criminal trial or hearing. This approach requires the practitioner to address the following questions whenever the admissibility of evidence is in issue: Chapter 1: Relevance: Is the evidence relevant? Chapter 2: Foundation: Can the necessary foundation be established for the evidence? Chapter 3: Hearsay: Does the evidence constitute hearsay, and if so, does it fall within a recognized exception to the hearsay rule? Chapter 4: Statutory Limits on Particular Evidence: Is the evidence subject to exclusion or limitation under evidentiary rules related to character evidence, impeachment, or privilege? Chapter 5: Exclusion of Evidence on Constitutional Grounds: Is the evidence subject to exclusion under the Fourth, Fifth, or Sixth Amendment to the U.S. Constitution? Chapter 6: Discretionary Exclusion Under Evid. C. 352: Can the evidence survive exclusion under Evidence Code 352? Chapter 7: Preliminary Fact Determinations: Does the admissibility of a particular item of evidence depend on the existence or nonexistence of some other fact? Chapter 8: Burdens/Presumptions: Are there any burdens of proof or presumptions applicable to a fact or issue in the case? Part 2 provides an assortment of charts and tables to assist the practitioner in addressing the evidentiary issues discussed in Part 1 quickly and effectively in the courtroom. These charts and tables cover topics such as evidentiary objections, hearsay exceptions, character evidence, privileges, and numerous issues under the U.S. Constitution. REVIEWS and WORDS OF PRAISE: What took us several hours of

research in the law library this book succinctly and accurately summarized It s hard to imagine a criminal trial lawyer not having this useful guide in his trial briefcase James Campbell Esq Campbell DeMetrick PLC San Francisco Past President of the American Board of Criminal Lawyers Former Dean of the Nat l College of DUI Defense The book gives quick and reliable answers to all evidence questions demonstrating what is admissible what is not and the hows and whys of using the rules of evidence to win cases All busy lawyers will find it useful just about every day Edward Mallett Mallett Saper Berg LLP Past President of the Nat l Ass n of Criminal Defense Lawyers With this book I will no longer be panicking when the issue of admissibility as to a critical piece of evidence is suddenly being litigated mid trial Louis J Shapiro Law Offices of Louis J Shapiro Los Angeles Certified Specialist Criminal Law This book provides a systematic approach to determining evidence issues complete with insightful commentary flowcharts and tables to identify analyze and resolve evidence and constitutional questions during trial While serving as a Superior Court Judge it was always within arms reach and one of my most valuable resources Honorable Stanford Reichert ret California Superior Court Judge

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Roscoe's Digest of the Law of Evidence in Criminal Cases Henry Roscoe,Horace Smith,1874 *California. Supreme Court. Records and Briefs* California (State)., Court of Appeal Case s C000008 The Law Reports ,1881 **A Digest of the Law of Evidence in Criminal Cases** Henry Roscoe,1874 *Electronic Evidence and Discovery* Michele C. S. Lange,Kristin M. Nimsger,2004 Changes in the way evidence is exchanged namely the emergence of so called e discovery is no exception Litigaors cannot continue to ignore the fact that as much as 30% of all evidence in maintained in electronic form Lawyers need to accept the change and use it of possibly face malpractice action **A Selection of Cases on Evidence at the Common Law** James Bradley Thayer,1930 **United States of America V. Mancillas** ,1977

Colorado Revised Statutes Colorado,2008 **The Journal of Laboratory and Clinical Medicine** ,1916 Electronic Evidence Paul R. Rice,2005 This book provides practical and often non intuitive suggestions on the creation preservation collection and strategic use of electronic evidence *Evidence ...: Evidence taken in England. 1927* Great Britain. Royal Commission on Agriculture in India,1927 *Journals of the House of Commons of Canada* Canada. Parliament. House of Commons,1894 **The American State Reports** Abraham Clark Freeman,1906

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