

American court system u2db

Law



American Court System Affiliation: There are several purposes one of which is to prove that the character is not affected by the civil or criminal nature of the case, the other is to prove an individual's conduct through circumstantial evidence and lastly is in order to strengthen the credibility of a witness or even to impeach the witness. The character trait of an individual is not admissible if it is trying to prove conformity with the occasion or case (Rothstein, 2000). An example is in the case of *Wiggins v. State*, 778 S. W. 2d 877, 893 (Tex. App.—Dallas, 1989 pet. ref'd where the defendant was trying to prove honesty and this was a case of sexual assault a crime where character of honesty or not could not conform to the case (Schlueter and Barton, 2009).

Rape is a sensitive issue where the character of the individual is at question and hence admissibility of the character as evidence brings into question issues of credibility and also conduct of the person and in this case therefore, the judge based on article IV rule 404 of the federal rules.

The examples provided by other responses makes I consider the possibility that the admissibility of character evidence depends on the type of case especially the murder cases and the sexual assault cases which are most affected.

The rules are different for a victim because they may be pertinent in the defense of the case. The law under Rule 404 (a) (2) allows for the evidence of the victim of several cases to be admissible before the court to also rule out fabrication (Mueller and Kirkpatrick, 2010).

References

Mueller, C. and Kirkpatrick, L. (2010). *Federal Rules of Evidence 2010 Statutory Supplement*. New York: Aspen Publication.

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Rothstein, P. (2000). Federal Rules of Evidence: rules of evidence for the United States courts and magistrates: practice comments. New York: West Group.

Schlueter, D. and Barton, R. (2009). Texas Rules of Evidence Manual (8th Ed.). New York: Juris Publishing Inc.