

UNITED STATES DISTRICT COURT FOR DISTRICT OF PUERTO RICO
FEDERAL BAR EXAMINATION
SAMPLE EVIDENCE QUESTIONS

In a criminal case, the prosecution announced before trial that it intended to introduce into evidence prior bad acts on the part of the defendant. The prosecutor explained that he intended to use the evidence to show defendant's motive, opportunity and plan to commit the offense. The defense objects. The court should:

- a. Admit the evidence because it is one of the permitted uses of evidence of crimes, wrongs or other acts, since the prosecutor provided reasonable notice to the defendant.
- b. Exclude the evidence because evidence of crimes, wrongs or other acts may never be used against the defendant in a criminal case.
- c. Admit the evidence, if it is self-authenticating.
- d. Exclude the evidence because it violates the defendant's right to confront his accuser under the 6th Amendment of the Constitution.

Answer: (a)

Source: Federal Rule of Evidence 404(b)

During its case in chief, plaintiff calls to the stand the defendant in the case. Plaintiff uses the direct examination to attack the defendant's credibility and prove his causes of action. Defendant's counsel objects, claiming that the plaintiff cannot put the defendant on the stand as his witness, to then discredit him. Which is the best alternative?

- a. Defendant's counsel is correct; plaintiff may not prove his case by impeaching a witness he called to the stand.
- b. Defendant is wrong; any party, including the party that called the witness, may attack the witnesses' credibility.
- c. Defendant's counsel is correct; once you call a witness, it becomes your witness and you may not attack its testimony or credibility.
- d. Defendant's counsel is wrong because it is the lawyer's duty to discredit opposing party.

Answer: (b)

Source: Federal Rule of Evidence 607