

Direct and Circumstantial Evidence (cont.)

- COMMENT

3 Witkin, California Evidence (4th ed. 2000) Presentation at Trial, §§ 142–143; 1 Witkin & Epstein, California Criminal Law (3d ed. 2000) Criminal Trial, § 652.

- CALJIC 2.01 should only be given when circumstantial evidence is “substantially relied upon for proof of guilt.” The instruction should not be given when the problem of inferring guilt from a pattern of incriminating circumstances is not present. (People v. Williams, 162 Cal.App.3d 869, 874, 876, 208 Cal.Rptr. 790, 793, 794 (5th Dist.1984). Accord, People v. Wright, 52 Cal.3d 367, 406, 276 Cal.Rptr. 731, 802 P.2d 221 (1990).)

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1 California Evidence 5th Circumstantial Evidence Witkin

Edward W. Jessen



1 California Evidence 5th Circumstantial Evidence Within:

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 California. Court of Appeal (5th Appellate District). Records and Briefs California (State)., **California. Court of Appeal (2nd Appellate District). Records and Briefs** California (State)., The Cambridge Handbook of the Law of Algorithms Woodrow Barfield,2020-11-05 Algorithms are a fundamental building block of artificial intelligence and increasingly society but our legal institutions have largely failed to recognize or respond to this reality The Cambridge Handbook of the Law of Algorithms which features contributions from US EU and Asian legal scholars discusses the specific challenges algorithms pose not only to current law but also as algorithms replace people as decision makers to the foundations of society itself The work includes wide coverage of the law as it relates to algorithms with chapters analyzing how human biases have crept into algorithmic decision making about who receives housing or credit the length of sentences for defendants convicted of crimes and many other decisions that impact constitutionally protected groups Other issues covered in the work include the impact of algorithms on the law of free speech intellectual property and

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