**ESSAY**

**(Part II)**

On May 5, at 2 p.m., in City Park, Victim was hit from behind and temporarily knocked unconscious. Upon regaining consciousness moments later, Victim discovered that his bag containing valuables had been stolen.

While investigating the crime later that day, Police Officer interviewed Witness. Witness told Police Officer that she had seen the robbery of Victim and had recognized Defendant, a resident of the neighborhood, as the perpetrator. Witness also told Police Officer that Defendant had a reputation in the neighborhood for violence, that everyone was afraid of him, and that she shouldn’t be talking to the police at all. Nevertheless, Witness agreed to accompany Police Officer to police headquarters, where she looked at photographs of suspects and signed a written statement. The statement read, “I was walking in City Park on May 5, at 2 p.m., when I saw Defendant. I saw Defendant attack Victim and then run away with Victim’s bag. I know Defendant from the neighborhood and recognized Defendant as suspect number 1 on the 12- person photograph display shown to me today by Police Officer.”

Defendant was subsequently arrested and charged with robbery and assault.

At Defendant’s trial, Prosecutor called Witness to the stand. In response to questions from Prosecutor, Witness testified that she had no memory of the incident. She stated that she did not remember seeing anyone in City Park at the time of the alleged robbery. When Prosecutor asked Witness whether her sudden memory loss was because she was afraid of Defendant, Witness said that she had never seen Defendant before in her life and was not afraid of him because she did not know him. When Witness was asked whether she had told Police Officer that Defendant had robbed Victim, Witness denied ever making that statement.

Immediately after this testimony, Prosecutor offered Witness’s signed statement into evidence to impeach Witness’s credibility and to prove that Defendant was in City Park and attacked Victim. An authenticated copy of Witness’s statement was provided to Defense Counsel. Defense Counsel had raised no constitutional challenges to Witness’s identification of Defendant at police headquarters. However, Defense Counsel objected to Prosecutor questioning Witness about the statement and to admission of the copy of the statement. The judge sustained both objections.

After the prosecution had rested, Defense Counsel called Buddy to the stand. Buddy testified that he had never met Defendant. He also testified that some of his friends had recently met Defendant a few times, and that they think that Defendant is an honest and gentle

person who would never hurt anyone. Prosecutor objected to this testimony. The judge

sustained the objection and excluded Buddy’s testimony.

The rules of evidence in this jurisdiction are identical to the Federal Rules of Evidence.

1. Should the judge have permitted Prosecutor to question Witness about Witness’s written statement and admitted the copy of the statement to impeach Witness’s credibility? Explain.
2. Should the judge have admitted Witness’s written statement to prove that Defendant was in City Park and attacked Victim? Explain.

3. Should the judge have admitted Buddy’s testimony to prove Defendant’s character for honesty and gentleness? Explain.