**Rules for Evidence Essay**

**Impeachment and methods**:

A witness’s credibility may be attacked by any party, including the party calling her. For

the purpose of impeaching the credibility of a witness, a party may show that the witness has, on another occasion, made statements that are inconsistent with some material part of her present testimony. Under the Federal Rules, an inconsistent statement may be proved by either examination of the witness or by extrinsic evidence.

To prove a prior inconsistent statement by extrinsic evidence, the witness generally must be given an opportunity at some point to explain or deny the allegedly inconsistent statement, and the statement must be relevant to some issue in the case.

**Hearsay**:

Hearsay is an out-of-court statement offered into evidence to prove the truth of the matter

asserted. Hearsay is not admissible unless it falls within an exception. However, a declarant’s statement identifying a person as someone the declarant perceived earlier is not hearsay if the declarant testifies at trial and is subject to cross-examination about the statement. Photo identifications are within the scope of this rule, and the prior identification need not have been made at a formal proceeding or under oath. However, where a prior inconsistent statement was made under penalty of perjury at a prior trial, hearing, or other proceeding, or in a deposition, it is admissible nonhearsay.

**Character evidence**:

Character evidence is generally inadmissible to prove that a person acted in conformity with a particular character trait. However, a criminal defendant may introduce evidence of a relevant character trait to show his innocence. A witness may testify to the defendant’s good reputation (or that he has heard nothing bad) or may give his personal opinion concerning that trait of the defendant. However, the witness may not testify to specific acts of conduct of the defendant to prove the trait in issue.