

CASES AND MATERIALS ON
EVIDENCE

Eighth Edition

John F. Sutton, Jr.
Olin Guy Wellborn III

American Casebook Series®



CASES AND MATERIALS ON EVIDENCE

Eighth Edition

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Preface to the Eighth Edition

This is basically a book about the Federal Rules of Evidence and state codifications based on them. Therefore, few cases decided before 1975 are presented. Materials are organized entirely according to the Federal Rules. Each of the ten chapters corresponds to one of the first ten articles of the Rules. Within chapters and sections we have followed the sequence of the Rules except where logic or pedagogy required reordering. The order of chapters represents our notions of the best presentation, but any teacher familiar with the Rules can easily map a different path.

The instructor should assign the Federal Rules of Evidence as required materials along with the casebook. The Table of Contents and each chapter and section heading within the casebook identify the corresponding federal rules. Goode and Wellborn, *Courtroom Evidence Handbook* (West 1995) contains the rules, a concise treatise with case illustrations and citations, a comprehensive list of common objections and responses (with authority), checklists, and question-and-answer examples of a number of basic foundations. Many teachers will also assign a state codification, as we do.

The present edition follows the general structure and sequence of materials of the Seventh Edition. In addition to the usual updating and substitution of some recent cases and materials for older ones, we have added a number of informational notes throughout. We have also tried to clarify the presentation by breaking down previously unsegregated materials into smaller, labeled sections and subsections. We have revised or reorganized materials relatively extensively in a few instances, particularly in Chapter 3 (Procedures for Admitting and Excluding Evidence) and in both sections of Chapter 5 (Opinions and Expert Testimony).

The Supreme Court of the United States continues to issue important evidence decisions. In the Seventh Edition, which appeared in 1992, we added as principal cases *Huddleston v. United States* (1988), *United States v. Owens* (1988), *Bourjaily v. United States* (1987), *Beech Aircraft Corp. v. Rainey* (1988), *Idaho v. Wright* (1990), *Rock v. Arkansas* (1987), *Kentucky v. Stincer* (1987), *Tanner v. United States* (1987), *Maryland v. Craig* (1990), *Doe v. United States* (1988), and *Braswell v. United States* (1988), and excerpts from *Dowling v. United States* (1990) and *United States v. Zolin* (1989). These cases are all retained in the present volume. New to the present edition are *Tome v. United States* (1995), *Williamson v. United States* (1994), and *Daubert v. Merrell Dow Pharmaceuticals*,

Inc. (1993). In addition to the Supreme Court opinions in *Daubert*, we include the Ninth Circuit's 1995 decision on remand in the same case.

JOHN F. SUTTON, JR.
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July, 1995

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