

Federal Rules of Evidence

Rule 401. Test for Relevant Evidence

Evidence is relevant if:

- (a)** it has any tendency to make a fact more or less probable than it would be without the evidence; and
- (b)** the fact is of consequence in determining the action.

Federal Rules of Evidence

Rule 401. Test for Relevant Evidence

Evidence is relevant if:

(a) PROBATIVE and

(b) MATERIAL

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Rule 402. General Admissibility of Relevant Evidence

Relevant evidence is admissible unless any of the following provides otherwise:

the United States Constitution;

a federal statute;

these rules; or

other rules prescribed by the Supreme Court.

Irrelevant evidence is not admissible.

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Rule 403. Excluding Relevant Evidence for Prejudice, Confusion, Waste of Time, or Other Reasons

The court may exclude relevant evidence if its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, misleading the jury, undue delay, wasting time, or needlessly presenting cumulative evidence.

Federal Rules of Evidence

Rule 404. Character Evidence; Other Crimes, Wrongs, or Acts

(a) Character Evidence.

(1) Prohibited Uses. Evidence of a person's character or character trait is not admissible to prove that on a particular occasion the person acted in accordance with the character or trait.

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Rule 404. Character Evidence; Other Crimes, Wrongs, or Acts

(a) Character Evidence.

(2) Exceptions for a Defendant or Victim in a Criminal Case. The following exceptions apply in a criminal case:

(A) a defendant may offer evidence of the defendant's pertinent trait, and if the evidence is admitted, the prosecutor may offer evidence to rebut it;

(B) subject to the limitations in Rule 412, a defendant may offer evidence of an alleged victim's pertinent trait, and if the evidence is admitted, the prosecutor may:

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Federal Rules of Evidence

Rule 404. Character Evidence; Other Crimes, Wrongs, or Acts

(a) Character Evidence.

(3) Exceptions for a Witness. Evidence of a witness's character may be admitted under Rules 607, 608, and 609.

Federal Rules of Evidence

Rule 404. Character Evidence; Other Crimes, Wrongs, or Acts

(b) Other Crimes, Wrongs, or Acts.

(1) Prohibited Uses. Evidence of any other crime, wrong, or act is not admissible to prove a person's character in order to show that on a particular occasion the person acted in accordance with the character.

(2) Permitted Uses. This evidence may be admissible for another purpose, such as proving motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake, or lack of accident.

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Federal Rules of Evidence

Rule 404. Character Evidence; Other Crimes, Wrongs, or Acts

(b) Other Crimes, Wrongs, or Acts.

(3) Notice in a Criminal Case. In a criminal case, the prosecutor must:

(A) provide reasonable notice of any such evidence that the prosecutor intends to offer at trial, so that the defendant has a fair opportunity to meet it;

(B) articulate in the notice the permitted purpose for which the prosecutor intends to offer the evidence and the reasoning that supports the purpose;
and

Federal Rules of Evidence

Rule 404. Character Evidence; Other Crimes, Wrongs, or Acts

(b) Other Crimes, Wrongs, or Acts.

(3) Notice in a Criminal Case. In a criminal case, the prosecutor must:

(C) do so in writing before trial — or in any form during trial if the court, for good cause, excuses lack of pretrial notice.

Federal Rules of Evidence

Rule 405. Methods of Proving Character

(a) By Reputation or Opinion. When evidence of a person's character or character trait is admissible, it may be proved by testimony about the person's reputation or by testimony in the form of an opinion. On cross-examination of the character witness, the court may allow an inquiry into relevant specific instances of the person's conduct.

(b) By Specific Instances of Conduct. When a person's character or character trait is an essential element of a charge, claim, or defense, the character or trait may also be proved by relevant specific instances of the person's conduct.

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Rule 406. Habit; Routine Practice

Evidence of a person's habit or an organization's routine practice may be admitted to prove that on a particular occasion the person or organization acted in accordance with the habit or routine practice. The court may admit this evidence regardless of whether it is corroborated or whether there was an eyewitness.