

**QUESTION 13 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK V
OR IN EXAMPLIFY ANSWER SCREEN 13**

Defendant Daniels is awaiting trial in state court on homicide charges in the death of his former business associate, Victor. Daniels and Victor had carried out several business deals - some legitimate, some not - over the past 18 months. Prior to Victor's demise, they were both strong, burly, physically intimidating men. Victor was also well schooled in the use of firearms and both were skilled with knives.

Victor lost his life on a Sunday afternoon spent drinking and arguing with Daniels about a proposed scheme while the two were alone at Victor's fishing cabin in the north woods. According to Daniels, a very angry Victor grabbed a gun and aimed it at Daniels. Fortunately, Victor's shot missed. Daniels, fearing for his life, pulled a knife from his belt and stabbed Victor before Victor could line up another shot.

The prosecution disagrees with Daniels' version of events, particularly because the police found no firearm at the scene that had been fired in the past several months, nor was there residue on Victor's hands that evidenced him having recently fired a gun.

In support of Daniels' theory that he killed Victor in self-defense, Daniels plans to call Victor's twin brother Bob to testify to Victor's reputation for aggression, especially when drinking. Daniels also intends to call Victor's sister, who will testify she cut off all contact with Victor 12 years earlier, after he pulled a gun on her in anger, but didn't fire it.

The prosecutor objects to both evidentiary proffers, complaining both are improper character evidence under Michigan Rules of Evidence 404 (Character Evidence Not Admissible to Prove Conduct; Exceptions) and 405 (Methods of Proving Character).

Analyzing only MRE 404 and 405, answer the following questions and explain your answers:

1. How should the court rule on the MRE 404 objection for each piece of evidence?

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2. How should the court rule on the MRE 405 objection for each piece of evidence?

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