

QUESTION 2 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK I

Donald Defendant's Buick was lawfully stopped by Michigan State Troopers when he ran a red light. A subsequent lawful search revealed cocaine in a clear plastic bag under the driver's seat. Defendant was later charged with possessing cocaine with the intent to deliver.

Defendant's trial began in July 2013 with jury selection and with the prosecutor making an opening statement. Defendant's counsel reserved his opening statement until after the close of the prosecution's case. The prosecutor then called Defendant's neighbor as the first witness. After establishing that the witness had lived in the neighborhood with Defendant for a few years, the prosecutor asked the witness to "give his opinion as to Defendant being an honest or dishonest person."

Defense counsel objected, contending that the prosecutor was attempting to elicit improper character evidence.

Later, after the prosecution rested, and sensing that Defendant might testify in his defense, the prosecutor asked the court, outside the presence of the jury, to allow introduction of Defendant's three prior convictions for impeachment purposes, should he testify in his defense. The convictions are: 1) a 2006 conviction for the misdemeanor Making a False Statement to Police, for which Defendant was released from a jail sentence in 2007; 2) a felony conviction for sexual misconduct for which Defendant finished serving a prison sentence in 2005; and 3) a 2000 felony larceny conviction for which Defendant completed a probation sentence in 2002.

How should the court rule on defense counsel's objection to the question to Defendant's neighbor? Explain your answer.

Which, if any, of Defendant's convictions are admissible should Defendant testify? Explain your answer.

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