

A young entrepreneur is on trial for tax fraud. He testified that the inconsistencies in his tax returns were attributable to bookkeeping errors, not a willful desire to avoid taxes. The prosecution seeks to introduce evidence of the entrepreneur's juvenile adjudication for felony credit-card fraud that occurred nine years earlier. The entrepreneur's attorney objects to introduction of this evidence.

Is evidence of the juvenile adjudication admissible over the entrepreneur's objection?

- A. No, because juvenile adjudications are inadmissible to attack a criminal defendant's character for truthfulness.
- B. No, because specific instances of conduct cannot be used to attack a criminal defendant's character for truthfulness.
- C. Yes, because the juvenile adjudication involves a felony offense.
- D. Yes, because the juvenile adjudication occurred within the last ten years.

Explanation:

Under Federal Rule of Evidence (FRE) 609, a **juvenile adjudication** is admissible to attack a witness's character for truthfulness only if:

evidence of the adjudication is offered in a **criminal case** against a **witness other than the defendant**

an adult's conviction for that offense would be admissible to attack the witness's credibility *and*

admitting the evidence is necessary to fairly determine guilt or innocence—eg, when a *full* evaluation of the witness's credibility is essential to a fair outcome.

An adult conviction is admissible to attack a witness's credibility if the conviction (1) involved a **felony** or **crime of dishonesty** and (2) satisfies any required balancing tests. Adult convictions that are less than ten years old are considered highly probative and, as a result, are typically admissible.

Here, the prosecution seeks to introduce evidence of the entrepreneur's juvenile adjudication for a felony offense that is less than ten years old. But since FRE 609 specifically precludes admission of a juvenile adjudication against a *defendant-witness*, evidence of the entrepreneur's juvenile adjudication is inadmissible (**Choices C & D**).

(Choice B) **Specific instances of conduct** are admissible to attack a defendant-witness's character for truthfulness. The prosecution may (1) inquire into a bad act on cross-examination or (2) introduce evidence of an *adult* criminal conviction that involved a felony or crime of dishonesty.

Educational objective:

A nondefendant witness's juvenile adjudication is admissible to attack his/her character for truthfulness if (1) the adjudication is offered in a criminal case, (2) an adult's conviction for that offense would be admissible to attack the witness's credibility, and (3) admitting the evidence is necessary to fairly determine guilt or innocence.

References

Fed. R. Evid. 609 (use of juvenile adjudication to attack witness's character for truthfulness).

Impeaching with juvenile adjudication

