

A defendant was charged with conspiracy to possess cocaine with intent to distribute. While on bail with travel restricted to his home state, he purchased an airplane ticket to another country by using an alias. At trial, the prosecution seeks to introduce evidence of the defendant's ticket purchase.

Should the court admit this evidence?

- A. No, because the evidence does not make any fact of consequence to the trial more or less probable than it would have been without the evidence. (47%)
- B. Yes, because the evidence is relevant both to show the defendant's consciousness of guilt and to show his motive to commit the crime. (5%)
- C. Yes, because the evidence is relevant to show the defendant's consciousness of guilt. (41%)
- D. Yes, because the evidence is relevant to show the defendant's motive to commit the crime. (5%)

Incorrect

Correct answer C

41% Answered correctly

46 secs Time Spent

2023 Version

Explanation:

Evidence is admissible only if it is **relevant**—ie, tends to make a material fact more or less probable than it would be without the evidence. Here, the prosecution seeks to introduce evidence that, while on bail and under a travel restriction, the defendant purchased an airplane ticket to another country by using an alias. That evidence shows the defendant's consciousness of guilt, which makes the material fact of his guilt *more* probable **(Choice A)**. Therefore, the court should admit the evidence.

(Choices B & D) Evidence of the defendant's intent to flee is relevant to show his consciousness of guilt—but not his motive to commit the crime. The reason is that this evidence does nothing to make the defendant's motive to conspire to distribute cocaine more or less probable.

Educational objective:

Evidence is only admissible if it is relevant—ie, has some tendency to make a material fact more or less probable. Evidence showing a defendant's consciousness of guilt is relevant because it makes the material fact of the defendant's guilt more probable.

References

Fed. R. Evid. 401 (test for relevant evidence).

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