

A defendant is on trial for the murder of his father. The defendant's defense is that he shot his father accidentally.

The prosecutor calls a police officer to testify that on two occasions in the year prior to this incident, he had been called to the defendant's home because of complaints of loud arguments between the defendant and his father, and had found it necessary to stop the defendant from beating his father.

Is this evidence admissible?

- A. No, because it is improper character evidence.
- B. No, because the police officer lacks firsthand knowledge of who started the quarrels.
- C. Yes, to show that the defendant is a violent person.
- D. Yes, to show that the defendant killed his father intentionally.

Explanation:

Noncharacter purposes for admitting crime or bad act

(MIMIC)

<u>M</u>otive	To show purpose for committing charged crime
<u>I</u>ntent	To establish guilty mind or negate good faith
Absence of <u>M</u>istake	To negate mistake or accident & prove deliberate act
<u>I</u>dentify	To connect defendant to crime with unique pattern of behavior (ie, criminal signature)
<u>C</u>ommon plan or scheme	To show preparation or planning
Other	To show knowledge of crime, opportunity to commit crime, consciousness of guilt, etc.

Evidence of a **criminal defendant's** prior **crimes or bad acts** is improper character evidence, and is inadmissible, when it is offered to prove that the defendant:

has a particular character trait (eg, a violent disposition) *and*

acted in accordance with that trait on the occasion at issue (eg, committed the charged murder because of that violent disposition).

But evidence of prior crimes or bad acts may be **admissible** for **relevant, noncharacter purposes** (ie, **MIMIC**). This includes proving the defendant's **absence of mistake or accident**. Therefore, evidence that the police officer stopped the defendant from beating his father twice in the prior year is admissible to show that the defendant killed his father intentionally—not accidentally (**Choices A & C**).

(Choice B) The beatings can be used to show lack of accident on the occasion at issue regardless of who started the quarrels, so the fact that the police officer lacks firsthand knowledge of who did so is irrelevant.

Educational objective:

Evidence of a criminal defendant's prior crimes or bad acts may be admissible for relevant, *noncharacter* purposes (ie, **MIMIC**). This includes proving the defendant's absence of mistake or accident.

References

Fed. R. Evid. 404(b) (admissibility of crimes, wrongs, or other acts).

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