

A defendant was charged with manufacturing methamphetamine with intent to distribute. At the defendant's trial, the prosecutor calls the defendant's college roommate. The roommate will testify that when he and the defendant were in college, eight years before the trial, he saw the defendant use cocaine on several occasions while studying for finals. The defendant objects to the roommate's testimony.

Is the roommate's testimony admissible?

- A. No, because it is improper character evidence.
- B. No, because the defendant was never convicted of the previous acts.
- C. Yes, because it is probative of intent, and intent is an element of the charged crime.
- D. Yes, because it is probative of the defendant's knowledge about drugs.

Incorrect

Correct answer A

Collecting Statistics

43 secsTime Spent

2023Version

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>ntity	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 that a **criminal defendant** committed other **crimes or bad acts** is generally ***inadmissible*** when offered to prove the defendant's **character trait and conformance** with that trait on the occasion at issue—ie, for propensity purposes.* This stems from concerns that a jury would improperly convict the defendant based on the defendant's bad character as opposed to actual guilt.

However, evidence of other crimes or bad acts may be ***admissible*** for **relevant, noncharacter purposes** (MIMIC)—eg, to prove the defendant's **intent** to commit the charged crime or **knowledge** of a fact pertinent to the crime. But here, evidence of the defendant's use of cocaine in college does nothing to establish the defendant's intent to distribute methamphetamine or knowledge about drugs that is pertinent to that charge (**Choices C & D**). Therefore, the roommate's testimony is *not* admissible.

*An exception exists for criminal and civil cases involving sexual assault or child molestation. In such cases, evidence that the accused committed any other sexual assault or child molestation is admissible for propensity purposes.

(Choice B) A defendant need not have been convicted of a prior crime for that crime to be admissible for MIMIC purposes.

Educational objective:

Evidence that a criminal defendant committed other crimes or bad acts is not admissible when offered to prove the defendant's character trait and conformance with that trait on

the occasion at issue. However, such evidence may be admissible for relevant, noncharacter purposes (MIMIC).

References

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

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