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The FEDERAL EVIDENCE REVIEW:

- Monitors current federal evidence developments, cases and trends
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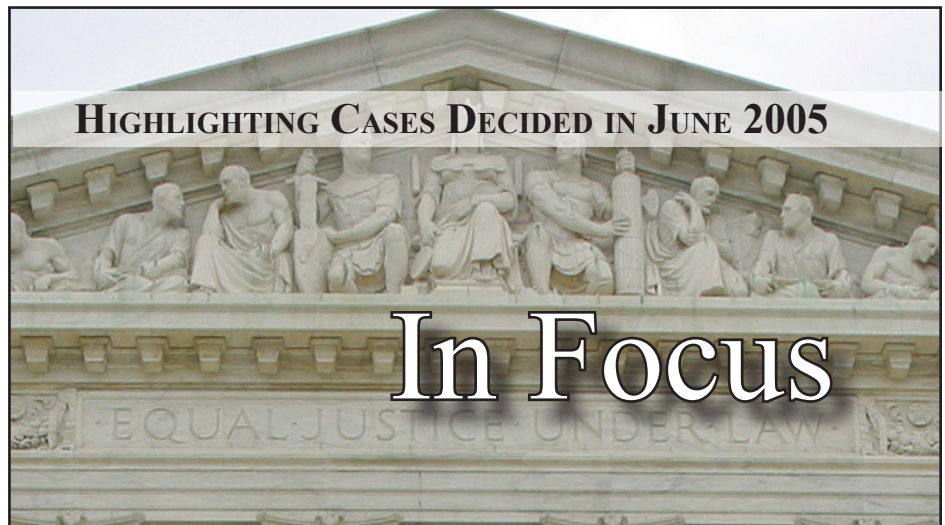
#### Cases Covered This Issue:

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#### Covered Since Vol. 1, No. 1:

• Cases reviewed	316
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**“Emergency” Testimony?** Statements during 911 telephone call and to responding officers at the scene were “testimonial” – 6th Cir. (p. 582)

**Staying On Point:** Defendant was not entitled to offer unlimited narrative testimony which was irrelevant – 7th Cir. (p. 600)

**At The 11th Hour:** Probative value of “eleventh hour” defense polygraph evidence was substantially outweighed by its unfairly prejudicial impact under FRE 403 and properly excluded – 7th Cir. (p. 608)

**Testimony Not Before Lunch:** In premeditated murder case, isolated reference to witness in past tense, suggesting she was deceased, and defendant’s statement that killing murder victim was like “cutting up chicken” were not unfairly prejudicial under FRE 403 – 4th Cir. (p. 608)

**Holder of Privilege:** Failure of defendant husband to assert marital communications privilege during wife’s trial testimony waived privilege – 9th Cir. (p. 628)

**Handwriting Expert:** No error (or even plain error) in admitting handwriting expert’s testimony even though only a few documents were “definitely” authored by the defendant, some were “probably” authored by him and no “definitive conclusion” could be reached – 3d Cir. (p. 646)

**Lead Story:** Psychological Expert Evidence in Criminal Cases - (p. 567)

**Culture Stereotype Study:** Expert testimony concerning cultural stereotypes was appropriately excluded, particularly where the transborder study was based on “scant evidence” – 9th Cir. (p. 640)

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