

## Case Brief

Evidence unit 7: rule 403

1/28/15

### Identity of Case

People v. Burns, 241 P.2d 308 (Dist. Ct. App. 152)

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### Summary of Facts/Procedural History

Defendant on trial for murder, defendant alleges the bruises were from a fall on the beach. Pictures of the victim post-autopsy were entered into evidence at trial. You could see the bruises, but you could also see the garish nasty results of the autopsy...and the existence of the bruises and their locations were not in dispute. Defendant objects under 403, shown to the jury anyways, and guilty verdict.

Defendant appeals on abuse of discretion in admission of the autopsy photos. Reversed.

### Statement of the Issue

Can pictures which tend to be gruesome and are purported to be facts not in dispute be entered onto the record?

### Holding

It is a discretionary issue, but this is a classic case of abuse of 403 discretion.

### Reasoning

Especially because the bruises and their locations were not in dispute, there was very little probative value to these pictures. That probative value was more than outweighed by the tendency of this sort of picture to enflame and disgust the jury, prejudicing them against the defendant.

### Evaluation