

Case Brief

Evidence, Unit 8

1/28/15

Identity of Case

State v. English, 159 S.E. 318 (1931)

Page 74 of the casebook

Summary of Facts/Procedural History

Before defendant was arrested and charged with the murder of his wife, two separate black men were arrested and charged (though never convicted) and one of them gave what the police officer thought was a convincing confession of murdering the woman (although he was released and never followed up on so who really knows). Defendant was not allowed to enter this information onto the record under the hearsay rule. Appeals, judgment confirmed.

Statement of the Issue

Is a prior suspects' statement to the police admissible?

Holding

No, not under the hearsay rule. It is a statement that occurred outside of the court, the declarant is not available for cross exam, and the statements are being offered for the truth of the matter asserted, that the black person did it (and not the defendant).

Reasoning

It is certainly very relevant to the defendant, but the evidence is just too unreliable. Although we are pre FRE's at this point, the prohibition against hearsay is fairly strong (if poorly defined).

Evaluation