

Case Brief

Evidence Unit 7: rule 403

18/28/15

Identity of Case

Ballou v. Henri Studios, 656 F.2d 1147 (5th Cir. 1981)

Page 65 of the casebook

Summary of Facts/Procedural History

Ballou was killed in an MVA and sued defendant. Pre-trial, plaintiff moves to omit evidence of plaintiff's intoxicated state. Judge agrees to do so, upon a decision (poorly written) that the evidence was not credible and that it would "prejudice the jury because you never know how they will respond to alcohol."

Defendant appeals for abuse of discretion, appellate court agrees and reverses/remands for new trial.

Statement of the Issue

Can evidence be considered prejudicial because it is not credible? Does the prejudicial value in this case outweigh its probative value?

Holding

Credibility is not a basis for determining prejudicial value, nor is credibility an issue for an order on motion in limine.

Reasoning

This judge was just really dumb.

The decision to accept a nurse's testimony that there was not alcohol on his breath over the results of the blood alcohol test was an improper use of judicial discretion, it should've gone to the jury. That's a 104 b issue, where the judge just decides whether there is sufficient evidence to support a finding of reliability and lets the jury decide the rest.

Believability of the evidence in any case has nothing to do with whether it is relevant or prejudicial. There really was no reasonable basis for the judges decision on the 403 issue.

Evaluation