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===== Start of Answer #2 (1011 words) =====

1. Did the court properly admit Wayne's testimony about Mac's question to Sal?

Logical relevance

Evidence must be relevant to be admissible. Evidence is logically relevant if it has tendency to prove material fact of consequence more or less probable than it would be without the evidence.

Here, Mac's question to Sal is logically relevant because it proves the material fact of consequence, which is the fact that ABC might have been aware that there was some problem in the fuel tank as Mac saw the fuel feed reads low and he cleared some gunk from the line. This makes the negligent plane maintenance of ABC more probable than without it.

Legal relevance

Relevance evidence may be excluded if its probative value is substantially outweighed by unfair prejudice, waste of time, misleading of the juries, confusion of the issues, and presentation of cumulative evidence.

Here, ABC will argue that this evidence will substantially create unfair prejudice of ABC and the trier of fact might easily determine ABC's fault before they examine each evidence presented. ABC will argue that it was only a question raised by a delivery person Wayne who does not have sufficient knowledge and skill to determine the matter and it should not be admitted to influence the trier of fact.

However, all evidence will basically create some prejudice and the probative

value of this evidence will not be substantially outweighed by the prejudice it creates.

Therefore, this evidence was legally relevant.

Hearsay

Hearsay is out-of-court statement offered to prove the truth of the matter therein. Hearsay statement is not admissible unless it falls within any nonhearsay, exceptions or exemptions. Statement for the hearsay purpose is assertion by words or conducts intended for assertion.

Effect on the hearer - State of mind

Here, ABC will argue that Mac's question to Sal was a hearsay statement because it was offered to prove the truth of the matter, ABC knew that there was not enough fuel. ABC will argue that it should not have been admitted because it did not fall within any exceptions, exemptions or nonhearsay.

However, a statement is not a hearsay if it was made for effect on the hearer to give notice or knowledge.

Here, Mac's question was not to prove the truth of the matter, but it was for the effect on the hearer. Mac told Sal that the fuel feed read low and asked him if they should do complete system check of the fuel line and fuel valves. Mac only tried to let Sal know what he thought and to give Sal a notice.

Therefore, this was not a hearsay statement and the court properly admitted this evidence.

2. Did the court properly admit Wayne's testimony about Sal's answer?

Logical relevance

See definition above.

Here, Sal's answer to Mac's question was logically relevant because it had a tendency to prove the material fact of consequence, that the complete systems check of the fuel line and fuel valves was not necessary because a little stuff is normal and did not cause any problems. This is helpful to prove that ABC did not think that there was an issue at the fuel system before the flight started.

Legal relevance

See definition above.

Here, this evidence does not create unfair prejudice that substantially outweighs its probative value because it

Hearsay

See definition above.

Effect on the hearer / Statement of knowledge

See definition above.

Here, ABC will also argue that this evidence should not have been admitted because it is a hearsay statement not falling within any exceptions, exemptions, or nonhearsay.

However, as discussed above, under Mac's question, Sal's answer is also not a

hearsay statement. Sal's answer is offered to show the effect on the hearer, Sal, and not to prove the truth of the matter, fault of ABC.

Therefore, the court properly admitted this evidence.

3. Did the court properly permit ABC to ask Wayne about college?

Logical relevance

See definition above.

Here, this evidence is logically relevant because it impeaches the credibility of the witness, Wayne.

Legal relevance

See definition above.

Here, Pete will argue that the prejudice of this evidence substantially outweighs its probative value because the trier of fact will automatically disregard Wayne's testimony because of this minor misconduct.

However, the level of prejudice it created does not amount to level that will substantially outweigh its probative value. Therefore, this evidence is legally relevant.

Impeachment

Any party can impeach the credibility of the witnesses on the stand. Impeachment can be done by prior inconsistent statement, contradiction, bias, prior conviction, reputation of truthfulness, or prior bad acts.

Prior bad acts not amounting to conviction

Prior misconduct of the witness can be used to impeach a witness. However, no extrinsic evidence is admissible.

Here, ABC properly asked Wayne about his dishonesty involved in his application for a job. ABC did not attempt to introduce extrinsic evidence.

Therefore, this evidence was properly admitted.

4. Did the court properly admit the excerpt from the maintenance record?

Logical relevance

See definition above.

Here, this evidence was logically relevant because it proves the material fact that ABC determined during the maintenance procedure that ABC completed the preflight check and there was no problem in the fuel system.

Legal relevance

See definition above.

Here, Pete will argue that the probative value of this evidence is substantially outweighed by its probative value. However, this evidence is probative in proving the existence of the record of ABC's preflight maintenance procedure and absence of notice to ABC that there was any issue in the fuel system. Therefore, this evidence was legally relevant.

