

# Evidence

Admissibility: Material and Relevant

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## Materiality

- Material evidence is related to the matter in issue.
- ASK: What fact is my opponent trying to prove?
  - If the thing they're trying to prove is not a matter in issue in the case, the evidence is immaterial.

# Relevance

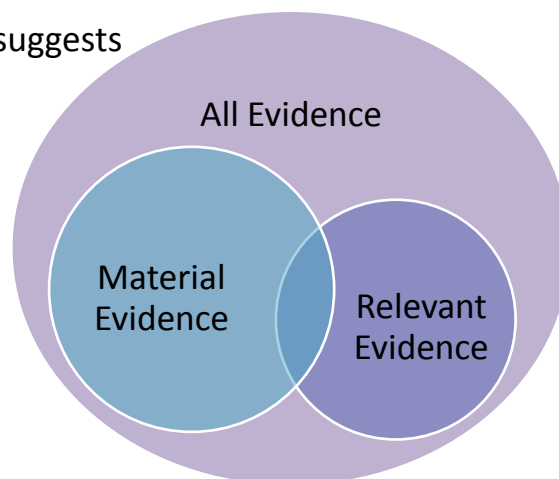
- Relevant evidence has some ability – as a matter of logic and human experience – to make the thing it is being used to prove more likely than that thing would appear without the evidence.
- ASK: Does the evidence help prove the fact that my opponent is trying to prove?
  - If the evidence does not make the fact more likely, it is irrelevant.

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## Relationships between evidence

Text suggests  
this:

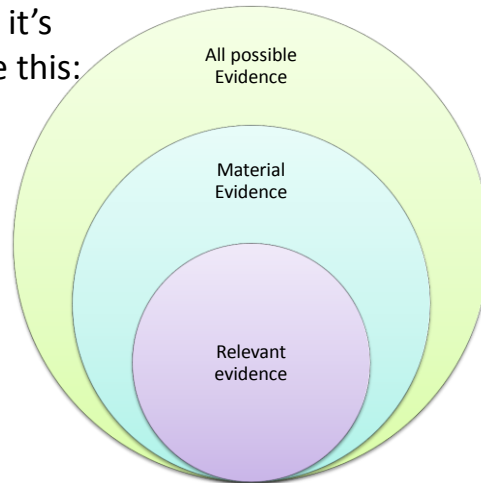


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## Relationships between evidence

I suggest it's  
more like this:



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## Relevance: direct or circumstantial

- Direct evidence: IF BELIEVED conclusively establishes a material fact
  - Relevance is inherent in that definition, direct evidence can't be irrelevant.
- Circumstantial evidence: IF BELIEVED **may** render a material fact more likely but inferential reasoning is required
  - Relevance is vitally important in determining whether circumstantial evidence is admissible

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