Table of Contents
2001 EVIDENCE SYMPOSIUM

INTRODUCTION TO THE EVIDENCE SYMPOSIUM:
THE NEW GENERATION OF REALISTS
IN EVIDENCE LAW ........Professor Edward J. Imwinkelried 527

SECTION I: IS THE FLORIDA SUPREME COURT UP TO THE TASK
OF BEING AMERICA'S CRIMINAL EVIDENCE COURT?

HAS FLORIDA WON OR LOST THE BATTLE BY
ELIMINATING SECTION 90.803(4) AS AN
ALTERNATIVE TOOL IN PROSECUTING
CHILD SEXUAL ABUSE? ............... Celina E. Contreras 533

THROWING THE BABY OUT WITH THE BATHWATER:
WHY CHILD SEXUAL ABUSE ACCOMMODATION SYNDROME
SHOULD BE ALLOWED AS A REHABILITATIVE
TOOL IN THE FLORIDA COURTS ........Michael D. Stanger 561

THE FLORIDA SUPREME COURT VS. THE UNITED STATES
SUPREME COURT: THE FLORIDA DECISION IN CONNOR
v. STATE AND THE FEDERAL INTERPRETATION
OF CONFRONTATION AND FEDERAL
RULE OF EVIDENCE 807 ............... Stacey Schulman 583

NAVIGATING BETWEEN EXTREMES: THE FLORIDA
SUPREME COURT’S RULINGS ON THE ADMISSION
OF SIMILAR FACT EVIDENCE IN CHILD
SEXUAL ABUSE CASES ...............George Franklin 619

WHEN CHILDREN AND THE ELDERLY ARE VICTIMS:
BALANCING THE RIGHTS OF THE ACCUSED AGAINST
THOSE OF THE VICTIM ....... Professor Charles W. Ehrhardt 645

RESPONSE ......................... Celina E. Contreras 661

REPLY TO PROFESSOR EHRRADT ........Michael D. Stanger 663

REPLY TO PROFESSOR EHRRADT ........George Franklin 665
SECTION II: EVIDENTIARY ISSUES IN CRIMINAL CASES

HOW MUCH IS TOO MUCH? RULE 704(B) OPINIONS ON PERSONAL USE VS. INTENT TO DISTRIBUTE ......................... Dana R. Hassin 667

A RECIPE FOR CONFUSION: CONGRESS AND THE FEDERAL RULES OF EVIDENCE ............... Professor Daniel J. Capra 691

RESPONSE ........................................ Dana R. Hassin 705

ADMISSIBILITY OF PLEA AGREEMENTS ON DIRECT EXAMINATION—ARE THERE ANY LIMITS? ..................... James D. Carlson 707

ADMISSIBILITY OF PLEA AGREEMENTS ON DIRECT EXAMINATION: THE LIMITS VANISH....................... Professor Daniel J. Capra 751

STATEMENTS OF BYSTANDERS TO POLICE OFFICERS CONTAINING AN ACCUSATION OF CRIMINAL CONDUCT OFFERED TO EXPLAIN SUBSEQUENT POLICE CONDUCT ............... Joëlle Hervic 771

OUT-OF-COURT ACCUSATIONS OFFERED FOR “BACKGROUND”: A MEASURED RESPONSE FROM THE FEDERAL COURTS .... Professor Daniel J. Capra 803

A REPLY TO PROFESSOR CAPRA .................. Joëlle Hervic 819

SECTION III: ADMISSIBILITY OF REDACTED CONFESSIONS AND STATEMENTS AGAINST PENAL INTEREST IN STATE AND FEDERAL COURTS AND THE RELATIONSHIP BETWEEN THEM

HYPOTHETICAL FACT-PATTERN

CASTING LIGHT ON THE GRAY AREA: AN ANALYSIS OF THE USE OF NEUTRAL PRONOUNS IN NON-TESTIFYING CODEFENDANT REDACTED CONFESSION UNDER BRUTON, RICHARDSON, AND GRAY ....................... Bryant M. Richardson 826

THE EXCEPTION THAT SWALLOWS THE RULE: THE DISPARATE TREATMENT OF FEDERAL RULE OF EVIDENCE 804(b)(3) AS INTERPRETED IN UNITED STATES V. WILLIAMSON ............... Richard T. Sahuc 867

THE FUTURE IMPLICATIONS OF LILLY V. VIRGINIA ...................... Jennifer Christianson 891
TALES OUT OF SCHOOL—SPILLOVER CONFESSIONS
AND AGAINST-INTEREST STATEMENTS
NAMING OTHERS ........Professor Christopher B. Mueller 929

REBUTTAL .........................Bryant M. Richardson 969

A RESPONSE TO PROFESSOR MUELLER. Jennifer Christianson 973

SECTION IV: EVIDENCE OF INNOCENCE OFFERED BY THE CRIMINAL DEFENDANT, NOT SO FAST

ADMISSIBILITY OF POLYGRAPH EVIDENCE AND REPRESSED MEMORY EVIDENCE WHEN OFFERED BY THE ACCUSED ............... Yvette J. Bessent 975

PERRY MASON MEETS THE “LEGITIMATE TENDENCY” STANDARD OF ADMISSIBILITY (AND DOESN’T LIKE WHAT HE SEES) ......................... Brett C. Powell 1023

EXPERT TESTIMONY ON EYEWITNESS IDENTIFICATION: ADMISSIBILITY AND ALTERNATIVES.....Thomas Dillickrath 1059

EVIDENCE OF INNOCENCE OFFERED BY THE CRIMINAL DEFENDANT: “NOT SO FAST”; RESPONSE ........ Professor Kenneth W. Graham, Jr. 1101

RESPONSE ......................... Yvette J. Bessent 1119

A RESPONSE TO PROFESSOR GRAHAM .......Brett C. Powell 1123

A RESPONSE TO PROFESSOR GRAHAM ....Thomas Dillickrath 1125