

Tuesday, November 21, 2006

Beware hearsay from deceased witnesses / Defendants may impeach their witnesses who turn hostile.

Here is a short description of three important recent Virginia Supreme Court decisions: *Â* - A decedent's oral discussion is inadmissible at a criminal trial if it does not fall squarely within a hearsay exception. In this case, it was reversible error to admit such evidence. *Hodges v. Com.* *Â* *Â* - The issuance of a criminal summons does not permit a police search. *Moore v. Virginia.* *Â* - A criminal defendant is permitted to impeach a defense witness who turns hostile on the witness stand. The failure of the trial court to grant this right was reversible error. *Dupress v. Com.* Jon Katz.

Posted by Jon Katz in Criminal Defense at 00:00