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SUPERIOR COURT OF CALIFORNIA, COUNTY OF

THE PEOPLE OF THE STATE OF)	Case No.
CALIFORNIA,)	
)	
Plaintiff,	)	POINTS AND AUTHORITIES IN
	)	SUPPORT OF THE ADMISSIBILITY
OF)	
vs.	)	PORTIONS OF A POLICE REPORT
	)	CONTAINING PRIOR INCONSISTENT
	)	STATEMENTS WHEN THE AUTHOR IS
	)	UNAVAILABLE TO AUTHENTICATE
HIS)	
Defendant.	)	REPORT
)	
	)	Date:
	)	Time:
_____	)	Dept:

I.

FACTUAL BACKGROUND

(Set forth a brief discussion of what prior inconsistent statements you wish to elicit from the police report)

II.

ISSUE:

MAY A POLICE REPORT BE ADMITTED TO DEMONSTRATE PRIOR
INCONSISTENT STATEMENTS OF A WITNESS WHEN THE AUTHOR
OF THE REPORT IS UNAVAILABLE AT TRIAL?

Evidence Code § 1280 permits evidence of a writing made as
a record of an act, condition, or event admissible when offered
to prove such act, condition, or event if:

1 (a) the writing was made by and within the scope of duty
2 of public employee;

3 (b) the writing was made at or near the time of the act,
4 condition, or event; and

5 (c) the sources of information and method and time of
6 preparation were such as to indicate its trustworthiness.

7 Police reports fall within this hearsay exception.

8 **(Nissel v. Certain Underwriters of Lloyd's of London (1998) 62**
9 **Cal.App.4th 1103, 1107, fn.4; Ganian v. Zolin (1995) 33**

10 **Cal.App.4th 634, 639.)** Portions of a police report may (without
11 the testimony of the report's author) be introduced into
12 evidence to impeach a witness, although it would be improper for
13 an "uncleansed" police report to be sent into the jury room.

14 **(People v. Dasher (1988) 198 Cal.App.3d 28, 39.)**

15 Dated:

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19 Attorney for Defendant
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