

Eight evidence reversals: discussion card

Indiana Court of Appeals and Supreme Court. 176 opinions, 8 reversals.

8 of 176 opinions reversed because of an evidence ruling, in whole or in part

176 opinions. 8 reversals. Of 176 opinions that raised an evidence question on appeal (ten were coded “raised, not reached”), eight were reversed because an evidence ruling contributed to reversal, in whole or in part. Six let evidence in or let it reach the jury; two kept it out. Credibility was central in four, on the AI-assisted reading of the notes (a hypothesis, not a coded finding). The right-hand column offers a discussion question drawn from each holding.

Let in. The ruling under review admitted evidence or took judicial notice.

Kept out. The ruling under review excluded evidence.

Reached the jury. Excluded material got to the jury anyway.

RULE	CASE	WHAT THE APPELLATE COURT FOUND	DISCUSSION QUESTION
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No. 25A-JC-703 · Decided Oct. 16, 2025 · Reporter cite, unverified: 271 N.E.3d 578

Rule 201

Let in

Matter of E.K.

Court of Appeals,
published opinion

[Opinion on the court's site](#)

Court took judicial notice of substantive facts (drug-screen results) in a CHINS case; the finding was reversed.

Is the fact I am noticing an adjudicative fact beyond reasonable dispute, or is it substantive proof the parties should have to establish?

No. 25A-CR-494 · Decided Dec. 16, 2025 · Reporter cite, unverified: 273 N.E.3d 515

Notice-and-demand statute (IC 35-36-11)

Let in

Fischer v. State

Court of Appeals,
published opinion

[Opinion on the court's site](#)

State gave no notice under IC 35-36-11-2, so the lab report could not come in through a surrogate witness; not harmless under Rule 66(A); Level 1 neglect conviction reversed and remanded, other convictions affirmed. The Confrontation Clause claim was not decided; the statutory question was reviewed de novo.

Did the State give the statutory notice before trial (check the deadline in IC 35-36-11-2)? If not, is the person who ran the test and prepared the report the one testifying?

RULE	CASE	WHAT THE APPELLATE COURT FOUND	DISCUSSION QUESTION
No. 25S-CR-349 · Decided Dec. 17, 2025 · Reporter cite, unverified: 271 N.E.3d 559			
Confrontation Clause Let in	<i>Taylor v. State</i> Supreme Court, published opinion Opinion on the court's site	Supreme Court (3-2 on transfer), on the State's concession of a Confrontation Clause violation (a detective relayed the dealer's statement naming Taylor), held the error not harmless beyond a reasonable doubt, vacated the Level 1 felony conviction and remanded for a new trial. No. 25S-CR-349 (transfer from 24A-CR-2107).	Is the statement testimonial, and has the defendant had a real opportunity to cross-examine the declarant? If it came in anyway, was it the only direct evidence tying the defendant to the charge?
No. 25A-CR-836 · Decided Feb. 25, 2026 · Reporter cite, unverified: 277 N.E.3d 561			
Rules 404(b), 403 and a denied mistrial Reached the jury	<i>Morgan v. State</i> Court of Appeals, published opinion Opinion on the court's site	Excluded Rule 404(b)/403 material reached the jury; denial of mistrial reversed.	What exactly goes back to the jury room? Has excluded material been screened out of the exhibits?
No. 25A-CR-1789 · Decided March 18, 2026 · Reporter cite, unverified: 278 N.E.3d 782			
Rule 412 Let in	<i>State v. Watson</i> Court of Appeals, published opinion Opinion on the court's site	Trial court's pretrial ruling admitting the complainant's prior accusations was reversed on the State's interlocutory appeal because the defendant did not show them demonstrably false.	Has the proponent shown the prior accusation was admitted false or is demonstrably false, and have I stated my basis on the record?
No. 25A-CT-1008 · Decided March 23, 2026 · Reporter cite, unverified: 277 N.E.3d 1276			
Rule 408 Kept out	<i>Boehm v. Washboard BDF LLC</i> Court of Appeals, memorandum decision Opinion on the court's site	Memorandum decision (not binding precedent); the appellee filed no brief. Striking pre-negotiation emails under Rule 408 was an abuse of discretion; summary judgment reversed on the contract and attorney-fee counts, affirmed on negligence.	Was the communication part of a compromise negotiation, or did it simply precede one?

RULE	CASE	WHAT THE APPELLATE COURT FOUND	DISCUSSION QUESTION
No. 25A-CR-1615 · Decided April 21, 2026 · Reporter cite, unverified: 279 N.E.3d 1071			
Rule 704(b) Let in	<i>Neace v. State</i> Court of Appeals, published opinion Opinion on the court's site	Two witnesses vouched for the child victim; the voir dire door-opening argument failed. New trial ordered.	Is this background about interviews in general, or an opinion that this child is telling the truth? Did voir dire truly open the door?
No. 25A-TR-367 · Decided May 8, 2026 · Reporter cite, unverified: 282 N.E.3d 495			
Rule 806 Kept out	<i>In re Trust of B. Alice McCoy</i> Court of Appeals, published opinion Opinion on the court's site	Impeaching emails were excluded as hearsay without review; Rule 806 lets the declarant's credibility be attacked.	Have I read the proffered impeachment before ruling? Does Rule 806 apply because hearsay, including a deposition, is already in evidence?

HOW TO READ THIS CARD

These are discussion questions for educators, not instructions to judges and not a statement of Indiana law. Read the opinion, the current rule and your own judicial ethics guidance before relying on any of this.

What “reversed” means here. An evidence ruling contributed to reversal, in whole or in part. Other opinions in the data were reversed in part on non-evidence grounds such as double jeopardy or fees, and are not counted. Seven of the eight are published; Boehm is a memorandum decision, which is not binding precedent.

How far to trust the rows. AI-assisted screening, then a primary-source audit by AI agents (all eight reversals, 12 random criminal opinions and 14 other opinions checked against the court’s own documents); no person has yet read every record. The October 23, 2026 audit corrected the Taylor, Fischer, Watson, Morgan and Boehm rows, and the corrections are included here. A keyword scan of the other 168 opinions found no ninth evidence reversal; that scan was not a full read. Direction (let in, kept out, reached the jury) is an AI-assisted reading of the holding. The dataset as a whole is a screening sample coded with AI assistance and not fully verified.

Citations. Docket numbers and decision dates are taken from the opinions. Reporter (N.E.3d) citations are unverified; lead with the docket number and check the opinion on the court’s site before citing.