

# Leveraging AI in Enriching Judicial Education

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EXPLORATORY PROJECT · FIELD GUIDE

## The evidence rules, as a year of appeals saw them

A field guide to 16 rule families: what each rule asks, and how 176 appellate opinions treated it. Each mark is one opinion.

● Affirmed, no error    ○ Raised, not reached    ■ Error, harmless    ◆ Error, reversible

Run on full-text opinions from July 1, 2025 to June 30, 2026. 176 Indiana appellate opinions (Court of Appeals and Supreme Court) found by ranked searches: a screening sample, not a complete census.

### 103 · 106 · 1002

Arts. I, X

#### Preservation & foundation

Rules 103, 106, 1002

How error gets preserved, when the rest of a statement comes in, and the original-document rule.



5 opinions: 2 affirmed, 2 not reached, 1 harmless

**THIS YEAR** Of five opinions, two affirmed with no error, one was error but harmless (error found or assumed), and two raised but not reached.

### 201

Art. II

#### Judicial notice

Rule 201

A court may notice an adjudicative fact only when it is not subject to reasonable dispute.



1 opinion: 1 reversed

**THIS YEAR** The reversal is *Matter of E.K.*: judicial notice of substantive facts (drug-screen results) in a CHINS case.

### 401–403

Art. IV

#### Relevance & balancing

Rules 401–403

Relevance and the Rule 403 balance, plus the everyday motions that ride with them: limine, motions to strike, exhibits.



24 opinions: 10 affirmed, 2 not reached, 12 harmless

**THIS YEAR** Of 24 opinions, ten affirmed with no error, twelve were error but harmless (error found or assumed), and two raised but not reached.

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## 404

Art. IV

## Character & other acts

Rule 404

Character evidence cannot show action in conformity; other acts come in for other purposes if relevant and not unfairly prejudicial.



**36 opinions: 27 affirmed, 8 harmless, 1 reversed**

**THIS YEAR** Of 36 opinions, 27 affirmed with no error, eight were error but harmless (error found or assumed), and one reversed. The reversal is *Morgan v. State*: excluded Rule 404(b) and 403 material reached the jury room, and the denial of a mistrial was reversed. The one reversal turned on a denied mistrial, not on a Rule 404(b) admission ruling.

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## 408

Art. IV

## Compromise offers

Rule 408

Offers to compromise and the negotiations around them are not admissible to prove or disprove the disputed claim.



**2 opinions: 1 affirmed, 1 reversed**

**THIS YEAR** Of two opinions, one affirmed with no error, and one reversed. The reversal is *Boehm v. Washboard BDF LLC*: striking pre-negotiation emails under Rule 408 was an abuse of discretion (a memorandum decision; summary judgment reversed in part).

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## 412

Art. IV

## Rape shield

Rule 412

A victim's other sexual behavior or predisposition is largely off limits, with narrow exceptions, including prior accusations shown to be false.



**5 opinions: 4 affirmed, 1 reversed**

**THIS YEAR** Of five opinions, four affirmed with no error, and one reversed. The reversal is *State v. Watson*: on the State's interlocutory appeal, prior accusations had not been shown to be demonstrably false.

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## 601–613

Art. VI

## Witnesses & impeachment

Rules 601–613

Who may testify and how: competency, personal knowledge, juror testimony, impeachment by conviction and by prior statement.



**5 opinions: 4 affirmed, 1 not reached**

**THIS YEAR** Of five opinions, four affirmed with no error, and one raised but not reached.

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## 701–705

Art. VII

### Lay & expert opinion

Rules 701–705

Lay opinion, expert testimony and its bases, including the skilled-witness line.



**13 opinions: 9 affirmed, 1 not reached, 3 harmless**

**THIS YEAR** Of 13 opinions, nine affirmed with no error, three were error but harmless (error found or assumed), and one raised but not reached.

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## 704(b)

Art. VII

### Vouching

Rule 704(b)

Witnesses may not give opinions on intent, guilt or innocence in a criminal case, on the truth or falsity of allegations, on whether a witness testified truthfully, or on legal conclusions. (Check the wording against the official Rule 704(b) text.)



**11 opinions: 9 affirmed, 1 harmless, 1 reversed**

**THIS YEAR** Of eleven opinions, nine affirmed with no error, one was error but harmless (error found or assumed), and one reversed. The reversal is *Neace v. State*: two witnesses vouched for the child victim, the door-opening argument failed, and a new trial was ordered.

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## 801–805

Art. VIII

### Hearsay

Rules 801–805

The definition of hearsay, its exceptions (excited utterance, state of mind, recorded recollection, business records), and unavailable declarants.



**31 opinions: 19 affirmed, 3 not reached, 9 harmless**

**THIS YEAR** Of 31 opinions, 19 affirmed with no error, nine were error but harmless (error found or assumed), and three raised but not reached.

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## 806

Art. VIII

### Impeaching a hearsay declarant

Rule 806

When hearsay is admitted, the declarant’s credibility may be attacked as if the declarant had testified.



**1 opinion: 1 reversed**

**THIS YEAR** The reversal is *In re Trust of B. Alice McCoy*: impeaching emails were excluded as hearsay without review; Rule 806 lets the declarant’s credibility be attacked.

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## 901–902

Art. IX

## Authentication

Rules 901–902

Evidence must be shown to be what its proponent says it is; self-authenticating records under Rule 902.



**17 opinions: 16 affirmed, 1 harmless**

**THIS YEAR** Of 17 opinions, 16 affirmed with no error, and one was error but harmless (error found or assumed).

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## Confrontation

Constitution

## Confrontation Clause

U.S. Const. amend. VI; Ind. Const. art. 1, § 13

Testimonial statements of absent witnesses require an opportunity to cross-examine. Counted here only when it is the lead issue.



**6 opinions: 2 affirmed, 3 harmless, 1 reversed**

**THIS YEAR** Of six opinions, two affirmed with no error, three were error but harmless (error found or assumed), and one reversed. The reversal is *Taylor v. State*: the State conceded a Confrontation Clause violation (a detective relayed a dealer's statement); the Supreme Court held the error not harmless and ordered a new trial.

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## PPS

Statute

## Protected Person Statute

Ind. Code § 35-37-4-6

A statute allowing certain statements of child and other protected victims to be admitted.



**2 opinions: 1 affirmed, 1 not reached**

**THIS YEAR** Of two opinions, one affirmed with no error, and one raised but not reached.

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## Suppression

Constitution

## Suppression & exclusionary rule

Fourth, Fifth Amendments; statute

Suppression, the exclusionary rule, Miranda, and statutory admissibility of test results.



**9 opinions: 8 affirmed, 1 harmless**

**THIS YEAR** Of nine opinions, eight affirmed with no error, and one was error but harmless (error found or assumed).

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## Other

Mixed

## Other doctrines

Corpus delicti, discovery, spoliation

Corpus delicti, discovery violations, spoliation, and revocation-hearing evidence.



**8 opinions: 5 affirmed, 2 harmless, 1 reversed**

**THIS YEAR** Of eight opinions, five affirmed with no error, two were error but harmless (error found or assumed), and one reversed. The reversal is *Fischer v. State*: the State gave no notice under the notice-and-demand statute, so a lab report could not come in through a surrogate witness; the Confrontation Clause claim was not decided, so the opinion is filed under other doctrines.

### READING THESE ENTRIES

Family counts use first-match placement: an opinion that cites several rules is filed under the first matching family. Rule pages on the website count every citing opinion, so Rule 404 shows 36 here and 37 on its page. Confrontation appears in the issue label of 12 opinions but is the lead issue in 6; the Fischer opinion, which rested on a notice-and-demand statute and did not decide the Confrontation Clause claim, is filed under other doctrines.

Rule descriptions are plain-language orientation, not rule text; consult the current Indiana Rules of Evidence (on the website, one page per rule). The website shows the rule text as supplied, including the amendment to Rule 103(b) effective July 1, 2026; other rules carry their own effective dates. Official text: <https://rules.incourts.gov/Content/evidence/default.htm>

The “This year” lines are computed from the opinion table. For the 49 opinions from July to September 2025, the table has no holding notes, so those lines use outcome counts only. “Reversed” means an evidence ruling contributed to reversal, in whole or in part. Not legal advice.