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FEDERAL RULES OF EVIDENCE

2011-2012 Edition Prepared by Professor Daniel J. Capra

also including
CALIFORNIA EVIDENCE CODE
(with selected comments)
UNIFORM RULES OF EVIDENCE
REPORT ON CASELAW DIVERGENCE FROM FRE

WEST.

The Rules of Evidence are based on logic and argumentation theory

















Circumstantial Evidence

Motive







Circumstantial Evidence

Motive opportunity







Circumstantial Evidence

Motive Consistent action opportunity





CREDIBILITY



CREDIBILITY





The "Burden of Proof"



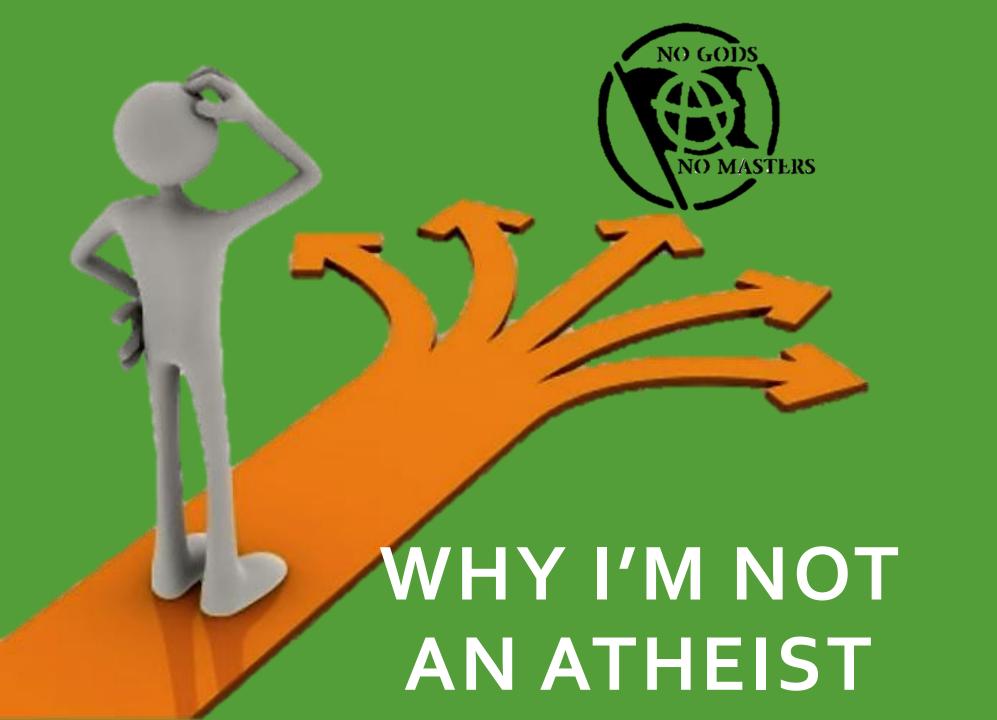
The Burden of Proof

The person making the claim bears the burden



If you're going to claim that scientists are lying, doctors are being paid off, there is a global conspiracy, etc. the burden is on you to prove your claim.

thelogicofscience.com



"AGNOSTIC"

"AGNOSTIC"

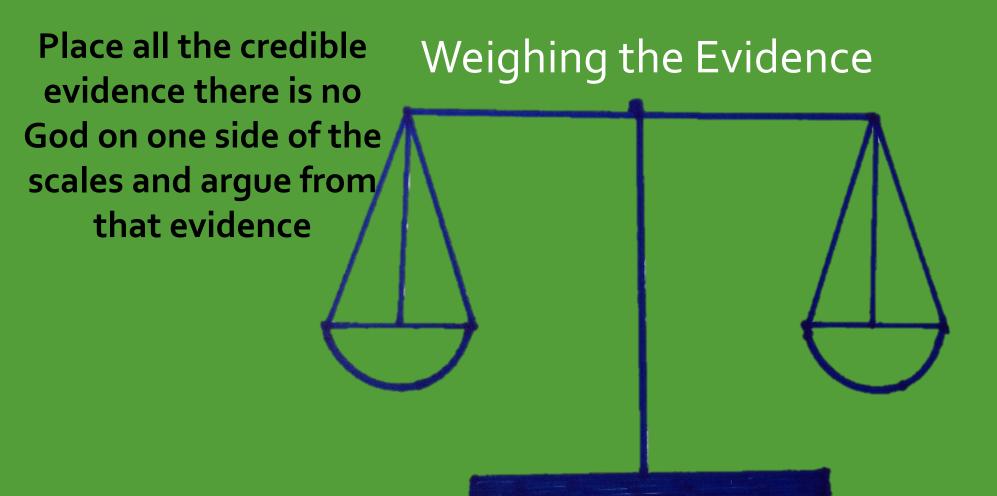
SCALES OF JUSTICE

Weighing the Evidence



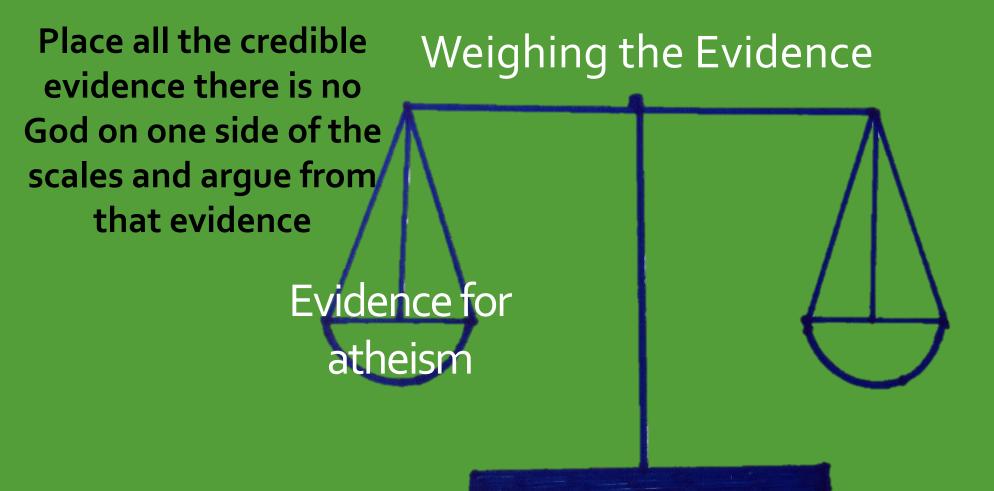
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SCALES OF JUSTICE



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Place all the credible evidence there is no God on one side of the scales and argue from that evidence

Weighing the Evidence

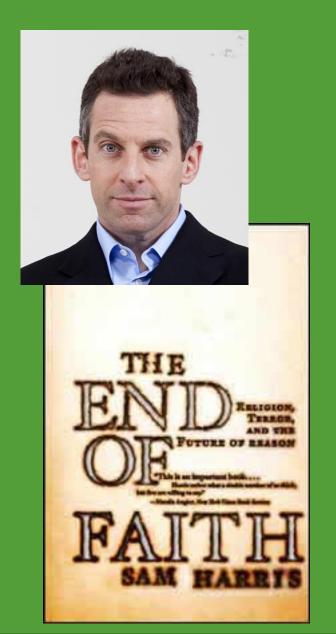
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Evidence for atheism

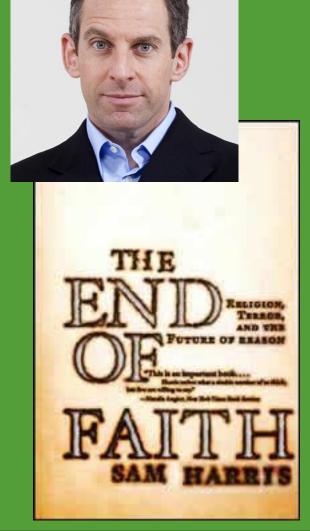
Evidence against

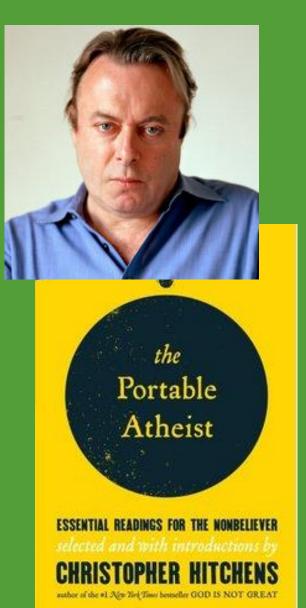
The Four Horsemen of the New Atheism

The Four Horsemen of the New Atheism

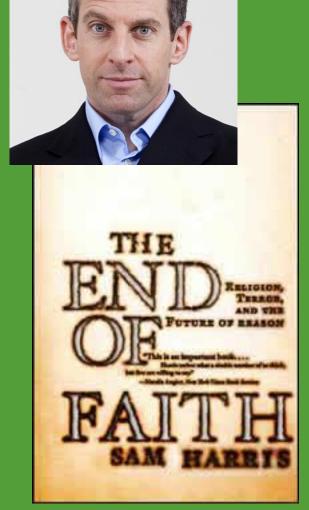


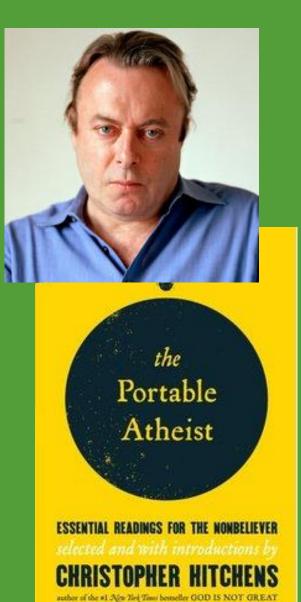
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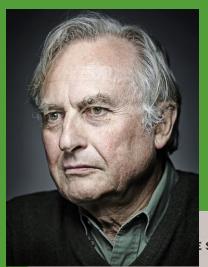




The Four Horsemen of the New Atheism







STSELLER

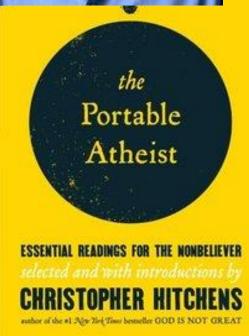
The GOD Delusion

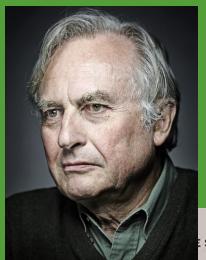
Richard Dawkins

The Four Horsemen of the New Atheism





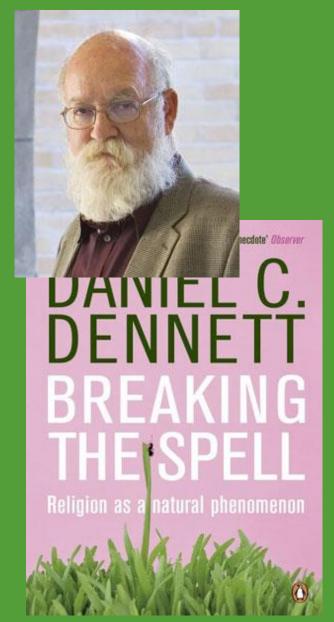




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The GOD Delusion

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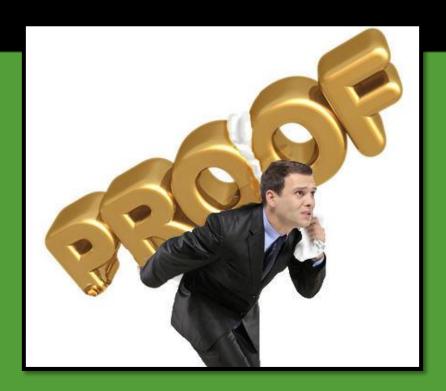






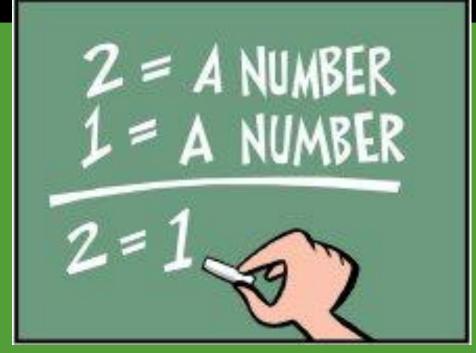


They shift the burden of proof



They shift the burden of proof





They use logical fallacies and rhetoric tricks





They shift the burden of proof



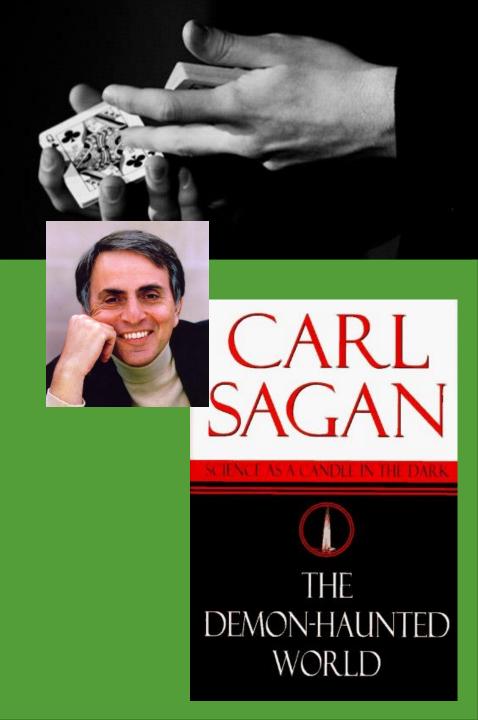


They shift the burden of proof

The burden of proof is on whomever is making the assertion

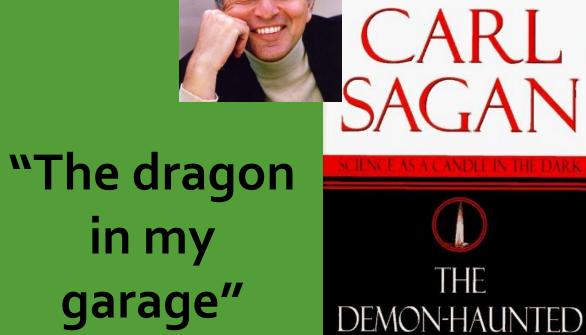


They shift the burden of proof





They shift the burden of proof



WORLD

Atheism sleight



They shift burden of

A fire-breathing dragon lives in my garage."

Suppose (I'm following a group therapy approach by the psychologist Richard Franklin) I seriously make such an assertion to you. Surely you'd want to check it out, see for yourself. There have been innumerable stories of dragons over the centuries, but no real evidence. What an opportunity!

"Show me," you say. I lead you to my garage. You look inside and see a ladder, empty paint cans, an old tricycle—but no dragon.

"Where's the dragon?" you ask.

"Oh, she's right here," I reply, waving vaguely. "I neglected to mention that she's an invisible dragon."

You propose spreading flour on the floor of the garage to capture the dragon's footprints.

"Good idea," I say, "but this dragon floats in the air."

Then you'll use an infrared sensor to detect the invisible fire.

"Good idea, but the invisible fire is also heatless."
You'll spray-paint the dragon and make her visible.

"Good idea, except she's an incorporeal dragon and the paint won't stick."

And so on. I counter every physical test you propose with a special explanation of why it won't work.

Now, what's the difference between an invisible,

incorporeal, floating dragon who spits heatless fire and no dragon at all? If there's no way to disprove my contention, no conceivable experiment that would count against it, what does it mean to say that my dragon exists? Your inability to invalidate my hypothesis is not at all the same thing as proving it true. Claims that cannot be tested, assertions immune to disproof are veridically worthless, whatever value they may have in inspiring us or in exciting our sense of wonder. What I'm asking you to do comes down to believing, in the absence of evidence, on my say-so.

The only thing you've really learned from my insistence that there's a dragon in my garage is that something funny is going on inside my head. You'd wonder, if no physical tests apply, what convinced me. The possibility that it was a dream or a hallucination would certainly enter your mind. But then why am I taking it so seriously? Maybe I need help. At the least, maybe I've seriously underestimated human fallibility.

Imagine that, despite none of the tests being successful, you wish to be scrupulously open-minded. So you don't outright reject the notion that there's a fire-breathing dragon in my garage. You merely put it on hold. Present evidence is strongly against it, but if a new body of data emerge you're prepared to examine it and see if it convinces you. Surely it's unfair of me to be



EAS A CANDIL IN THE DARK



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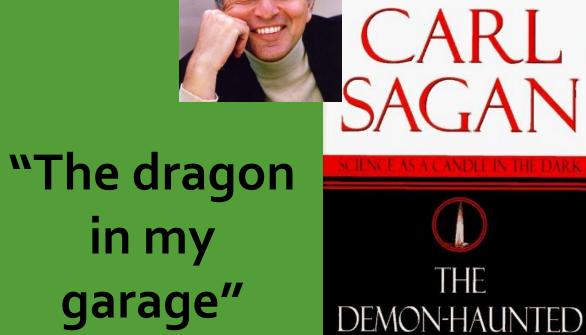
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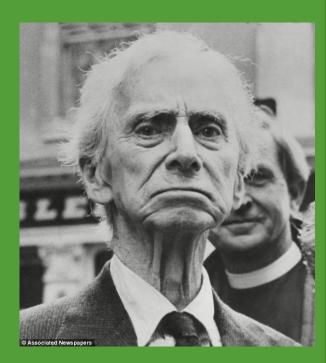
WORLD





They shift the burden of proof

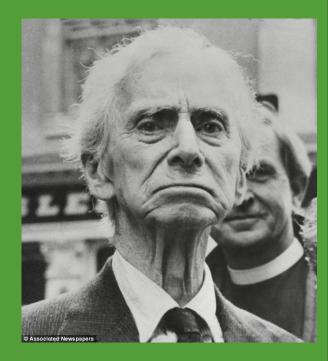
Bertrand Russell's teapot



Many orthodox people speak as though it were the business of sceptics to disprove received dogmas rather than of dogmatists to prove them. This is, of course, a mistake. If I were to suggest that between the Earth and Mars there is a china teapot revolving about the sun in an elliptical orbit, nobody would be able to disprove my assertion provided I were careful to add that the teapot is too small to be revealed even by our most powerful telescopes. But if I were to go on to say that, since my assertion cannot be disproved, it is intolerable presumption on the part of human reason to doubt it, I should rightly be thought to be talking nonsense. If, however, the existence of such a teapot were affirmed in ancient books, taught as the sacred truth every Sunday, and instilled into the minds of children at school, hesitation to believe in its existence would become a mark of eccentricity and entitle the doubter to the attentions of the psychiatrist in an enlightened age or of the Inquisitor in an earlier time.



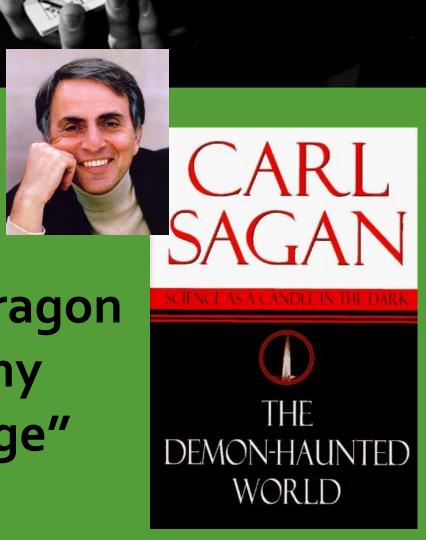
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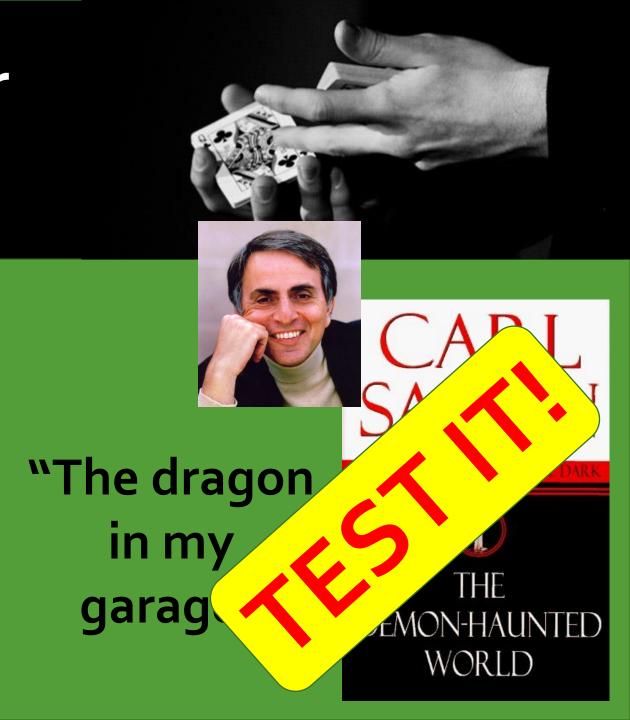
They shift the burden of proof







They shift the burden of proof





They shift the ourden of proof



f hand?



the roof













This Train Is Bound For Glory

New Words and Music Adaptation by Woody Guthrie

This train is bound for glory, this train.
This train is bound for glory, this train.
This train is bound for glory,
Don't carry nothing but the righteous and the holy.
This train is bound for glory, this train.

This train don't carry no gamblers, this train; This train don't carry no gamblers, this train; This train don't carry no gamblers, Liars, thieves, nor big shot ramblers, This train is bound for glory, this train.

This train don't carry no liars, this train; This train don't carry no liars, this train; This train don't carry no liars, She's streamlined and a midnight flyer, This train don't carry no liars, this train.







How much Diet Dr. Pepper is in my
Chick-fil-A cup?



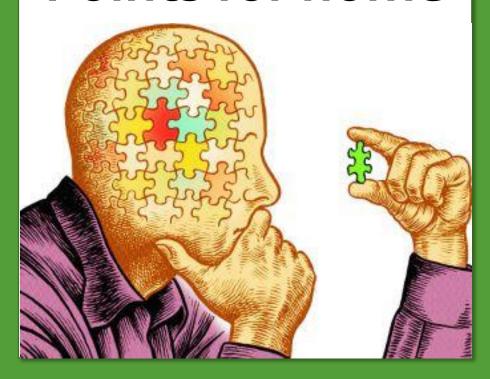


How much Diet Dr. Pepper is in my
Chick-fil-A cup?

You don't answer in Fahrenheit

"What can be known about God is plain to them, because God has shown it to them"

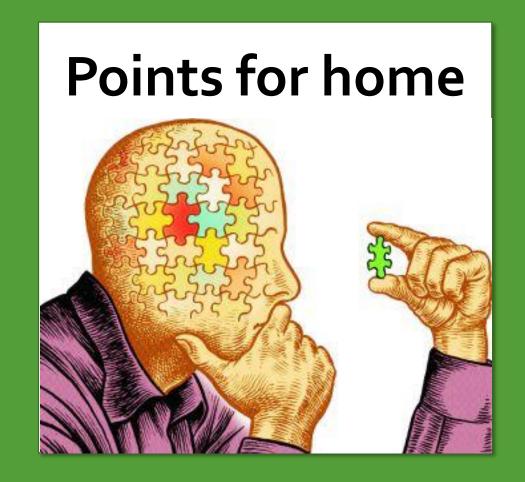
(Rom. 1:19)



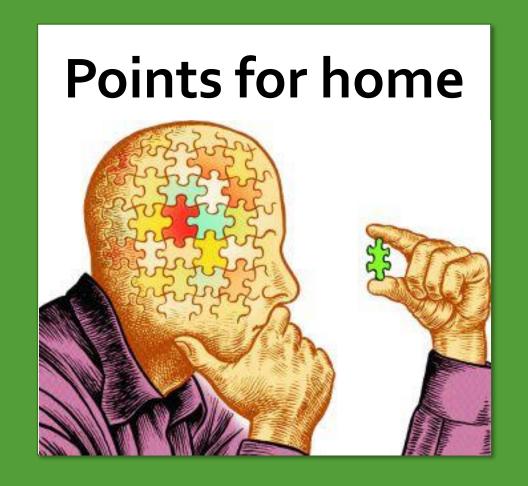
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(Rom. 1:19)

I need to understand what I am looking for

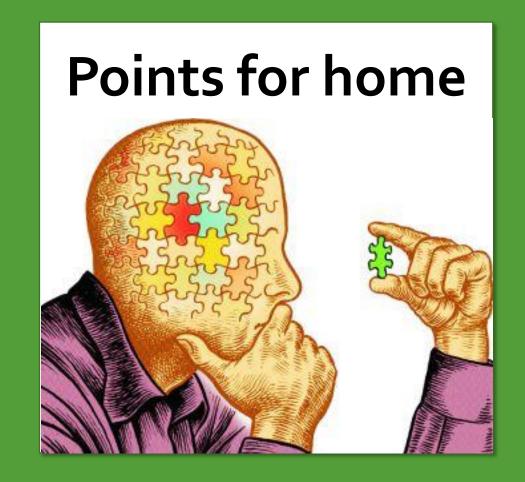


"For his invisible attributes, namely, his eternal power and divine nature, have been clearly perceived, ever since the creation of the world, in the things that have been made. So they are without excuse " (Rom. 1:20)

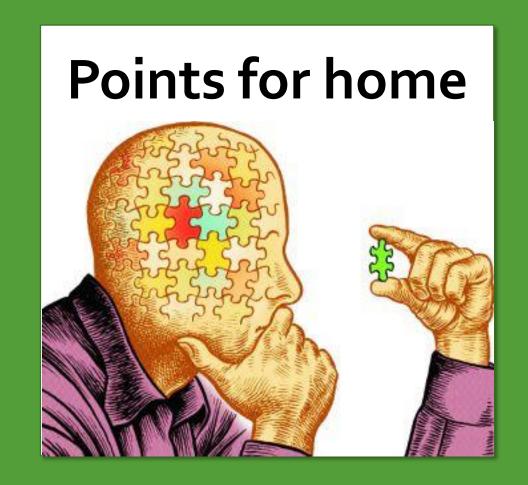


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I need to recognize what I see



"Although they knew God, they did not honor him as God or give thanks to him, but they became futile in their thinking, and their foolish hearts were darkened. Claiming to be wise, they became fools " (Rom. 1:21-22)



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I need to remember humility

