



# CaseLaw

## Update

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#### CaseLaw This Week

Week Ending May 21, 2004

#### Evidence – Similar Transaction

#### Evidence – Videotape

#### Evidence – Similar Transaction

*Williams v. State*, A04A0194 (05/06/04), 04 FCDR 1604, 2004 Ga. App. LEXIS 612

The Court of Appeals affirmed the defendant's convictions for child molestation. The defendant appealed the use of evidence of a similar transaction, contending that the incident used as a prior transaction occurred twelve years prior to the trial in the instant case. The court held that "**particularly in the area of sexual offenses, the admissibility of similar transaction evidence is liberally construed.**" The court properly admitted the evidence because the fact that the prior transaction incident was twelve years old went to weight, not admissibility.

#### Evidence – Videotape

*Williams v. State*, A04A0194 (05/06/04), 04 FCDR 1604, 2004 Ga. App. LEXIS 612

The Court of Appeals affirmed the defendant's convictions for child

molestation. The defendant claimed that the trial court's admission into evidence of several pornographic videotapes was improper and prejudicial. The trial court allowed the tapes to be introduced but they were not viewed by the jury. The defendant relied primarily on the rule announced in *Simpson v. State* which states, "[i]n a prosecution for a sexual offense, evidence of sexual paraphernalia found in defendant's possession is inadmissible unless it shows defendant's lustful disposition toward the sexual activity with which he is charged or his bent of mind to engage in that activity. **Under this rule, sexually explicit material cannot be introduced merely to show a defendant's interest in sexual activity. It can only be admitted if it can be linked to the crime charged.**" The court found that all of the victims in the instant case were shown sexually explicit videotapes before the molestation. Under *Simpson*, this was sufficient for introduction of the videotapes.

#### PAC Summer Interns

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