



CaseLaw

Update

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CaseLaw This Week

Week Ending October 1, 2004

• Evidence

Evidence - Character

Wilkes v. State, A04A1132 (09/10/04),
04 FCDR 3077, 2004 Ga. App. LEXIS
1215

Defendant's conviction for burglary was affirmed. Defendant claimed that the state's introduction of the testimony of defendant's parole officers improperly placed his character into issue. Defendant's parole officers arrived at defendant's home with an arrest warrant based upon a phone call from defendant's sister earlier that morning stating that defendant had removed his electronic monitoring device and was bleeding and unresponsive. Once defendant's parole officers arrived at defendant's home and observed defendant and his surroundings, the officers were able to connect defendant to a crime committed hours earlier. The Court found defendant's claim meritless because the fact that defendant's parole officers were the first responders in the case made the officers' testimony a necessary part of the State's case to explain defendant's condition, his wounds, and his bloody clothing. **The**

Court found that evidence that is probative for another purpose is admissible even though it may incidentally place defendant's character in evidence.



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