

Rule 401. Relevant evidence, defined.

Relevant evidence means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.

General

- 27-401 *State v. Hernandez*, 299 Neb. 896, 911 N.W.2d 524 (2018)
Statements the accused made during a police interview were relevant and admissible when the voluntariness of interview statements was an issue for the trier of fact.
- 27-401 *State v. McCurdy*, 25 Neb. App. 486, 908 N.W.2d 407 (2018)
DNA evidence was properly admitted where it was “at least minimally relevant” to “corroborat[ing] [witness] testimony” as “[r]elevancy requires only that the degree of probativeness be something more than nothing.”
- 27-401 *State v. Rocha*, 295 Neb. 716, 890 N.W.2d 178 (2017)
Recording of law enforcement official’s comments in a recorded interview questioning the defendant’s veracity during same are “relevant for the purpose of providing context to the defendant’s statement” if the defendant’s statement is relevant and if the official’s comment does indeed provide context
- 27-401 *State v. Carpenter*, 293 Neb. 860, 880 N.W.2d 630 (2016)
NNebraska courts recognize the specific contradiction doctrine, whereby “one party has introduced admissible evidence that creates a misleading advantage and the opponent is then allowed to introduce previously suppressed or otherwise inadmissible evidence to counter the misleading advantage.”
- 27-401 *State v. Grant*, 293 Neb. 163, 876 N.W.2d 639 (2016)
State’s evidence that another person did not commit the crime at issue was relevant to prove defendant did commit the crime, even if defendant did not claim the other person had committed the crime.
- 27-401 *State v. Johnson*, 290 Neb. 862, 862 N.W.2d 757 (2015)
The trial court erred in admitting inconclusive DNA testing results because “unless the State presents the statistical significance of DNA testing results that shows a defendant cannot be excluded as a potential source in a biological sample, the results are irrelevant. They are irrelevant because they do not help the fact finder assess whether the defendant is or is not the source of the sample.”