

## Writing Class 1 Assignment –*McGlew* Case Analysis

To: Associates  
From: Supervising Attorneys  
Re: **LS 1 Albert – Criminal Case Analysis;**  
***State v. McGlew*, Admissibility of prior bad acts under NH Rule 404(b)**  
Date: August 10, 2007

I realize that you are new to the firm, and wanted to give you some guidance on what we expect. I would like you to closely read and analyze the criminal law case *State v. McGlew*; this case will help us prepare to represent a new client, Maureen Albert. *State v. McGlew* is provided to you in a separate document.

I'm providing specific guidance about how to read and analyze this case in the hopes that this will help you understand the basis of the court's ruling.

### **Specifically, please do the following for Skills Class 1:**

- Read *State v. McGlew*. Take notes, highlight, circle, place post-its or otherwise mark areas of the case that you have questions about or think are important.
- Read the questions below – take notes about the answers. We will be working on these and writing answers for classes 2 and 3.
  1. What multiple-part test did the court use to decide whether the defendant's prior bad acts could be admitted as evidence against him under N.H. R. Evid. 404(b)?
  2. What additional specific legal grounds did the court rely on in finding the prior bad acts inadmissible under 404(b) evidence?
  3. What specific facts did the *McGlew* court rely on in finding the prior bad acts evidence inadmissible under Rule 404(b)?
  4. Name two other facts from *McGlew* the court mentions but does not rely on.
  5. Does the court specifically say what evidence is required to show a "nexus"? Please explain your answer.
  6. Describe how Justice Horton disagrees with the majority opinion.

### **NOTE:**

- Most Legal Skills assignments are accessible to you in advance. However, please remember that class discussions will be limited to the particular assignment(s) for that day. Thus, although it is perfectly permissible to read or review future assignments including cases and case files, questions and discussion about future assignments will not be addressed until they are due.