



Victim's state of mind, including their emotional condition, is relevant if it relates directly to the circumstances that gave rise to a potential confrontation with the defendant and the status of the victim and defendant's relationship.



Statements that merely relate to factual events are provable by better evidence (e.g., witness testimony), and thus exception does not apply.

Rule 803(3), Then Existing Mental/Emotional/Physical Condition

Witness 1

- V called me crying and said D was "very jealous".

Witness 2

- She said, "I'm afraid [he] is going to whip me later."

Witness 3

- She said, "He makes me come home early and I can't have visitors."

Witness 4

- She said, "We fought. That mark is from a hot gun he put to my face."

Witness 5

- She said, "I am going to leave him when school is done in May."

Witness 6

- She said that he beat her and added, "I'm going to leave and stay with my brother."

Witness 7

- She said, "He doesn't let me wear shorts in public. He'd kill me if I left."

Witness 8

- She grew quiet and introverted and then said, "he beat me."

Lathan, 138 N.C.
App. 234 (2000)