

THE CO-CONSPIRATOR EXCEPTION TO THE HEARSAY RULE

OUTLINE

I. Introduction

II. Applicable North Carolina statutory provisions

- A. N.C.G.S. Section 8C-1, Rule 801 (c)
- B. N.C.G.S. Section 8C-1, Rule 801 (d) (E)

III. Interpretive North Carolina case law

- A. State v. Valentine, 357 N.C. 512, 591 S.E.2d 846 (2003)

- B. Other pertinent cases

State v. Stephens, 175 N.C.App. 328, 623 S.E.2d 610 (2006)

State v. Barnes, 345 N.C. 184, 481 S.E.2d 44 (1997), cert den 522 U.S. 876, 118 S.Ct. 196, 139 L.Ed.2d 134 (1997), cert den 523 U.S. 1024, 118 S.Ct. 1309, 140 L.Ed.2d 473 (1998)

State v. Williams, 345 N.C.137, 478 S.E.2d 782 (1996)

State v. Withers, 111 N.C.App. 340, 432 S.E.2d 692 (1993)

State v. Mahaley, 332 N.C. 583, 423 S.E.2d 58 (1992), cert den 513 U.S. 1089, 115 S.Ct. 749, 130 L.Ed.2d 649 (1995)

State v. Willis, 332 N.C. 151, 420 S.E.2d 158 (1992)

State v. Cotton, 102 N.C.App. 93, 401 S.E.2d 376 (1991), cert den 329 N.C. 501, 407 S.E.2d 543 (1991)

State v. Morris, 102 N.C.App. 541, 402 S.E.2d 845 (1991)

State v. Turner, 98 N.C.App. 442, 391 S.E.2d 524 (1990)

State v. Fink, 92 N.C.App. 523, 375 S.E.2d 303 (1989)

State v. Nichols, 321 N.C. 616, 365 S.E.2d 561 (1988)

State v. Phillips, 88 N.C.App. 526, 364 S.E.2d 196 (1988), rev'd on other grounds 325 N.C. 222, 381 S.E.2d 325 (1989)

State v Brooks, 83 N.C.App. 179, 349 S.E.2d 630 (1986)

State v. Collins, 81 N.C.App. 346, 344 S.E.2d 310 (1986)

State v. Lipford, 81 N.C.App. 464, 344 S.E.2d 307 (1986)

State v. Gary, 78 N.C.App. 29, 337 S.E.2d 70 (1985)

State v. Potter, 252 N.C 312, 113 S.E.2d 573 (1960)

State v. Wells, 219 N.C. 354, 13 S.E.2d 613 (1941)

IV. Relevance of the Sixth Amendment, United States Constitution

V. Impact of United States Supreme Court case of Crawford v. Washington, 541 U.S. 36, 124 S.Ct. 1354, 158 L.Ed.2d 177 (2004)

- A. The Crawford rule
- B. How and when Crawford applies
- C. When Crawford doesn't apply

VI. Conclusion

