

(b)(3) Permitted Uses; Doctrine of Chances. The court may admit ~~prior act~~ evidence of another crime, wrong or act

47 for a proper, non-character statistical inference that alleged acts or omissions at issue are more probable than not because they involve under the Doctrine of Chances. This

48 ~~Doctrine is a theory of logical relevance that rests on the objective improbability of the~~

49 ~~same rare misfortune befalling one individual over and over. Doctrine of Chances~~

50 ~~evidence involves rare events happening with unusual frequency, provided that the trial court makes specific findings that each of the following requirements are met, by a preponderance of the evidence:-~~

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52 ~~(b)(3)(A) Evidence admitted under the Doctrine of Chances must meet the~~

53 ~~following four foundational requirements, and the trial court shall make specific~~

54 ~~findings with respect to each of these.~~

~~72~~

~~73 (b)(3)(B)(1) The trial court shall determine by a preponderance of the evidence~~

74 ~~whether the prior acts occurred. The crime, wrong or other act that is the subject of the proffered evidence occurred.~~

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56 (b)(3)(A)(~~21~~) ~~Materiality.~~ The issue for which the evidence of a crime, wrong or other act uncharged misconduct

57 ~~evidence~~ is offered must be in bona fide dispute.

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59 (b)(3)(A)(~~23~~) ~~Similarity.~~ Each uncharged incident crime, wrong or other act that is the subject of the proffered evidence must be roughly similar to

60 ~~the charged crime~~ alleged acts or omissions at issue, and there must be some significant similarity between all of the crimes, wrongs, acts or omissions

61 ~~the charged and uncharged incidents~~ to suggest a decreased likelihood of

62 coincidence, and thus an increased probability that of the the defendant acts or omissions at issue

63 ~~committed all such acts.~~

64

65 (b)(3)(A)(~~43~~) ~~Independence.~~ Each crime, wrong or other act that is the subject of the proffered evidence ~~accusation~~ must be independent of the

66 others. ~~The existence of collusion among various accusers would render~~

67 ~~ineffective the comparison with chance repetition.~~

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69 (b)(3)(A)(~~45~~) ~~Frequency.~~ The party against whom the evidence of crime, wrong or other act is directed defendant must have been accused of the

70 crime, wrong or other act ~~or suffered an unusual loss~~ more frequently than the typical person

71 ~~endures such losses accidentally.~~

~~72~~

~~73 (b)(3)(B) The trial court shall determine by a preponderance of the evidence~~

74 ~~whether the prior acts occurred.~~

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76 (b)(3)(C) Evidence admitted under the Doctrine of Chances is subject to

77 admission under Rule 403.

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79 (b)(3)(D) In all cases in which ~~Doctrine of Chances~~ evidence of another crime, wrong, or act
is admitted, the trial

80 court shall instruct the jury as to the proper use of such evidence. The jury shall

81 be instructed on both the permitted and prohibited uses of ~~the Doctrine of~~
~~82 Chances~~ evidence of another crime, wrong, or other act.