

# PREFACE

## 2025 Supplement

This supplement assesses all published appellate opinions on evidence law through April 2025. In addition, as explained in earlier prefaces, I have included select unpublished decisions that helpfully illustrate evidence law in action and which enlighten our understanding of evidence doctrine. Citation of such authority is governed by § 752.31(2).

For the 2025 supplement, the following developments are especially noteworthy:

- The use of “illustrative aids” in presenting cases based on new federal Rule 107, a rule fully consistent with current Wisconsin law; See new § 901.13 Illustrative Aids.
- New § 201.5 on “Judicial notice and the internet.”
- The impact of the Supreme Court’s decision welcoming “group” evidence in *Diaz v. US* (2024) and how it conflicts with the prohibition against character/propensity proof in § 904.04; see § 404.4.
- Recent case law on the “greater latitude” rule, § 404.402.
- The monumentally significant impact of the Supreme Court opinion in *Smith v. Arizona* (2024) on the definition of hearsay, the confrontation right, and expert testimony; See § 801.301 (hearsay definition), 802.302 (confrontation), and § 702.6042 (expert testimony).

As always, I welcome your suggestions, corrections, comments, and criticisms, including typos, as well as more substantive concerns.

Daniel D. Blinka  
Professor of Law  
Marquette University Law School  
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Milwaukee, WI