

# Oklahoma Law Review

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Volume 56 | Number 3

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1-1-2003

## Correction

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### Recommended Citation

*Correction*, 56 OKLA. L. REV. xx (2003),  
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## CORRECTION

Because of an inputting error which occurred after the conclusion of the editorial process, part of a critical text quotation was missing from page 404 of the *Oklahoma Law Review*, vol. 56, no. 2. The error affected Liesa L. Richter's article, "Evidence: Is Oklahoma Balancing the Scales of Justice by Tying the Hands of Trial Judges?: The 2002 Amendment to Section 2403 of the Oklahoma Evidence Code Mandating Admission of In-life Victim Photographs in Homicide Cases." The *Review* regrets the error. The relevant portion of page 404 should have read as follows. The missing words are in italics:

### *III. The Amendment to Section 2403*

Consistent with this view, the Oklahoma legislature lifted the long-standing judicial ban on the admission of in-life photographs of victims in homicide prosecutions.<sup>89</sup> The legislature statutorily reversed the Oklahoma Court of Appeals' precedent concerning the admission of in-life photographs through an amendment to section 2403 itself. In stark contrast to the former, almost per se judicial rule excluding in-life victim photographs, the legislature amended section 2403 to create a per se rule of admissibility for such photographs in homicide cases. Section 2403 now reads:

Although relevant, evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, misleading the jury, undue delay, needless presentation of cumulative evidence, or unfair and harmful surprise. *However, in a prosecution for any criminal homicide, an appropriate photograph of the victim while alive shall be admissible evidence when offered by the district attorney to show the general appearance and condition of the victim while alive.*<sup>90</sup>

By providing that appropriate in-life photographs of homicide victims "shall be admissible" to show the general appearance and condition of the victim while alive, the amendment declares such photographs relevant pursuant to section 2401 and removes such photographs from the balancing test . . . .

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89. See *supra* note 6.

90. Act of Mar. 19, 2003, ch. 3, § 15, 2003 Okla. Sess. Law Serv. 17, 30-31 (West) (to be codified at 12 OKLA. STAT. § 2403) (emphasizing language added to section 2403 by the 2002 and 2003 amendments).