

TITLE 59

EVIDENCE

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CHAPTER

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2 AUTHENTICATION AND CONTENT OF RECORDS

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CHAPTER 1 [RESERVED]

CHAPTER 2 AUTHENTICATION AND CONTENT OF RECORDS

Section

2-101 Official records

§2-101. Official records. — Books or records of account or minutes of proceedings of any department or agency of the state of Pohnpei, or of any predecessor thereof, shall be admissible to prove the act, transaction or occurrence as a memorandum of which the same were made or kept. Copies or transcripts (authenticated by the official having custody thereof) of any books, records, papers or documents of any department or agency of the state of Pohnpei, or of any predecessor thereof, shall be admitted in evidence equally with the originals thereof.

Source: TTC §340 (1966); 7 TTC §51 (1970); 7 TTC §51 (1980)

Note: Reference to the United States of America has been omitted.

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CHAPTER 3 PRESUMPTIONS

Section

3-101 Presumptions as to intoxication

§3-101. Presumptions as to intoxication. —

(1) Upon the trial of any civil or criminal action, or preliminary proceeding in a criminal action, arising out of facts alleged to have been committed by any person while driving a vehicle while under the influence of intoxicating liquor, the amount of alcohol in the person's blood at the time of the test shown by chemical analysis of his blood, breath or urine shall be given rise to the following presumptions affecting the burden of proof:

(a) If there was at that time less than 0.05 percent by weight of alcohol in the person's blood, it shall be presumed that the person was not under the influence of intoxicating liquor at the time of the alleged acts.

(b) If there was at that time 0.05 percent or more but less than 0.10 percent by weight of alcohol in the person's blood, such fact shall not give rise to any presumption that the person was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining whether the person was under the influence of intoxicating liquor at the time of the alleged acts.

(c) If there was at that time 0.10 percent or more by weight of alcohol in the person's blood, it shall be presumed that the person was under the influence of intoxicating liquor at the time of the alleged acts.

(2) Percent by weight of alcohol in the blood shall be based upon grams of alcohol per 100 milliliters of blood.

(3) The foregoing provisions shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was under the influence of intoxicating liquor at the time of the alleged acts.

Source: D.L. No. 4L-158-78 §§1 – 3, 11/23/78

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CHAPTER 4 PRIVILEGES

Section

4-101 Spouses

4-102 Certain conversations with anthropologists privileged

§4-101. Spouses. — Neither husband nor wife shall be compelled to testify against the other in the trial of an information, complaint, citation or other criminal proceeding.

Source: TTC §341 (1966); 7 TTC §1 (1970); 7 TTC §1 (1980)

§4-102. Certain conversations with anthropologists privileged. — Subject to the limitations provided in this section, conversations held with an anthropologist in confidence in his professional character shall be privileged. No statement made in such a conversation nor the substance thereof shall be divulged without the consent of the person making it, nor shall the identity of any person making such a statement on any particular subject be divulged without his consent, except as provided herein. This privilege, however, shall not extend to the professional opinions or conclusions of an anthropologist even though they may be based in whole or in part on such conversations, nor shall it or the prohibition against divulging such statements or the identity of persons making them apply to admissions or confessions indicating that the person making them has committed murder in the first or second degree or voluntary manslaughter or is threatening to commit a crime in the future.

Source: TTC §342 (1966); 7 TTC §2 (1970); 7 TTC §2 (1980)

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