

Impeachment on Collateral Matters

The general rule is to the effect that a party may not use extrinsic evidence to impeach a witness on collateral matters. A matter is deemed to be collateral if it is not relevant for any purpose other than contradicting the witness. Another way of testing the rule is to determine whether the party seeking to introduce the evidence of contradiction would be entitled to prove the same as part of his case.

Let us look at a few cases dealing with this issue:

The Pelican, Inc. v. Downey 567 N.E.2nd 847 (1991)

“Evidence not properly admissible for any purpose other than contradiction of the witness is collateral and the court did not err in excluding it on that ground.”

Jones v. Southern Pacific R.R. 962 F.2d 447 (1992)

“While litigants are entitled to introduce extrinsic evidence to contradict a witness testimony on material matters in the merits of the case, there is no right to impeach a witness with respect to collateral or irrelevant matters”

Highley v. State 535 N.E. 2d 1241 (1989)

“A party may inquire into a collateral matter on cross-examination, but the questioner is then bound by the answer received; the impeaching party cannot thereafter offer extrinsic evidence to disprove the answer unless the extrinsic evidence would be independently admissible.”

U.S. v. Payne 102 F.3d 289 (1996)

“one may not contradict for the sake of contradiction”