

Problem 1.4: Knowledge (CB 27)

Edwin Wingate, a truck driver for a Georgia seafood company, drove to Louisiana to pick up two shipments of catfish ordered by his employer. In Des Allemands and Vacherie, Louisiana, he loaded sealed boxes of frozen catfish onto his truck and began his return trip. Shortly before Wingate reached the state line, Louisiana Wildlife and Fisheries agents stopped and searched his truck. Agents found that almost two-thirds of the shipment consisted of undersized channel catfish.

Wingate was charged with possessing undersized catfish in violation of Louisiana Revised Statutes 56:326(A)(7)(b) (2019), which states: “No person shall take or possess these fish under or over the prescribed sizes for commercial purposes. . . : The channel catfish, locally called the white catfish, the eel catfish, or the willow catfish—eleven inches minimum length with the mouth closed or eight inches with the collarbone off . . . .”

If this case were tried under the Federal Rules of Evidence, how should the trial judge rule on the prosecutor’s relevance objection to Wingate’s proposed testimony that he never opened the boxes and had no idea how big the catfish were? Cf. *State v. Wingate*, 668 So. 2d 1324, 1328–29 (La. App. 1996).