

Supplement Index

ACCESSORIES

Generally, § 601

ACCIDENT

Excuse or defense, § 628
Homicide, § 587
Jury instructions, § 454.54
Sample summation, § 454.54

ACCOMPLICES

Kidnapping, § 515.2

ADMISSIBILITY OF OPINIONS

Techniques and procedures, § 296.1

ADMISSIONS

Suppression of Evidence (this index)

AGE

Evaluation of potential jurors,
§ 351.3

ALIBI WITNESSES

Direct examination, § 388

ALLOCUTION

Death penalty, defendant's right of
allocution at sentencing,
§ 698.5.1

AMNESIA

Hypnosis (this index)

ANTITERRORISM

Antiterrorism and Effective Death
Penalty Act (AEDPA), § 705.1

APPEALS

Bail, § 31
Collateral appeals, timing, § 119.9
Right to appeal, § 706.26

APPEARANCE AND Demeanor OF DEFENDANT

Generally, § 720
Courtroom holding cells unconstitutional,
§ 720.2
Disruptive defendant, § 721
Dressing client, § 722
Shackling defendant in front of jury,
§ 720.1

APPELLATE REVIEW

Death penalty
Generally, § 698.4
Constitutional attack through state
appellate system, § 700
Federal sentencing guidelines,
§ 706.22, 706.26
Venue, § 342

ARMED CAREER CRIMINAL ACT

Generally, § 706.23.1
Predicate offenses, § 706.18

ARMED ROBBERY

Generally, § 664 *et seq.*
Actual robbery, necessity of, § 672
Brandishing weapon, § 665.1
Carjacking (this index)
Claim of right defense, § 674.2
Defenses
Generally, § 674
Claim of right, § 674.2
Identification of weapon, § 676
Perpetrator, identity of, § 675
Possession charge merged into
robbery, § 677.1
Variance, § 677
Voluntary intoxication, § 674.1
Definitions, statutory, § 666
Elements of crime
Generally, § 667 *et seq.*

CRIMES OF VIOLENCE: HOMICIDE AND ASSAULT

ARMED ROBBERY—Cont'd

- Elements of crime—Cont'd
 - Actual robbery, necessity of, § 672
 - Flight, use of weapon during, § 670
 - Mere possession of weapon without display, § 669
 - Unloaded or harmless weapon, use of, § 671
 - Use of weapon or instrument, § 668
 - Value of property stolen, § 673
 - Weapon or instrument, § 667
- Flight, use of weapon during, § 670
- Identification of weapon, § 676
- Intoxication defense, § 674.1
- Jury instructions, § 666.1
- Mere possession of weapon without display, § 669
- Perpetrator, identity of, § 675
- Possession charge merged into robbery, § 677.1
- Punishment, statutes increasing, § 665
- Unloaded or harmless weapon, use of, § 671
- Use of weapon or instrument, § 668
- Value of property stolen, § 673
- Voluntary intoxication defense, § 674.1

ARRAIGNMENT

- Rights of defendant, § 21

ARREST

- Illegal arrest, application of exclusionary rule, § 481.1

ARTIFICIAL INTELLIGENCE (AI)

- Search under warrant, § 471.6

ASSAULT AND BATTERY

- Aggravated assault, § 500
- Assault
 - Aggravated assault, § 500
 - Attempt to commit, § 502
 - Degree of offense, § 499.1
 - Federal officer, assault on, § 499.2

ASSAULT AND BATTERY—Cont'd

- Assault—Cont'd
 - Mental element, § 498
 - Nature of the act, § 499
- Attempt to commit, § 502
- Battery, § 503
- Conviction for more than one offense based on same act, § 512.8
- Defenses
 - Conviction for more than one offense based on same act, § 512.8
 - Self-defense, § 511
- Degree of offense, § 499.1
- Federal officer, assault on, § 499.2
- Mental element, § 498
- New trial, improper jury verdict, § 512.9
- Same act, conviction for more than one offense based on, § 512.8
- Self-defense, § 511
- Sentences
 - Death sentence on indefinite felony murder, § 512.60
 - Grossly disproportionate, § 512.10

ASSISTED SUICIDE

- Generally, § 574.2
- Text, assisted suicide by, § 574.15

ATTEMPTS

- Assault, § 502
- Second degree murder, § 555.2
- Voluntary manslaughter, § 559.1

ATTENUATION DOCTRINE

- Search and seizure, § 479.7

ATTORNEYS

- Bail, § 29.1
- Duties of counsel, § 49.1
- Hypnosis
 - Presence of counsel, § 642
 - Right of counsel to aid of hypnotist, § 639
- Preliminary hearing, joint representation, § 304.1

INDEX

ATTORNEYS—Cont'd

Suppression of confessions and admissions, § 489

AUDIO

Police body cam audio, § 479.15

AUTOMOBILES

Carjacking (this index)

Searches, § 479

Vehicular Homicide (this index)

AUTOPSY

Attacking the autopsy

Generally, § 147.1 to 147.5

Abusive head trauma cases,
§ 147.2

Bias in pathologist findings,
§ 147.3

Conflicting opinions on cause of
death, § 147.1

Limiting medical examiner's
testimony, § 147.4

Substitute medical examiner
testimony, § 147.5

Death certificates, § 122.2

Reports, § 122.1

Time of death, setting, § 137

BABY SYNDROME

Homicide, nature of act or omission
causing death, § 588.4

BAD FAITH

Summation, bad faith comments by
prosecutor regarding defense
strategy, § 435.3

BAIL

Counsel, right to, § 29.1

Excessive bail, release of client, § 43

Federal Bail Reform Act of 1984,
§ 37.1

Immigration detainers, § 30:2

Reform, § 30.1

Release of client

Excessive bail, § 43

Other factors in application, § 44

BALLISTICS

Expert, evidence, § 200.1

BARGAINS

Plea bargains. **Pleas** (this index)

BATTERED WOMEN

Generally, § 628.1 et seq.

Deadly force, use of, § 628.7

Defense case, § 628.6

Development of defense, § 628.2

Expert testimony, § 628.8

Investigation, § 628.3

Jury instructions, explanation of bat-
tered person syndrome evidence,
§ 628.11

Pre-trial considerations

Investigation, § 628.3

Motions, § 628.4

Sentencing, consideration of abuse as
basis for downward departure,
§ 628.11

Trial

Generally, § 628.5

Deadly force, use of, § 628.7

Defense case, § 628.6

Expert testimony, § 628.8

Voir dire, § 628.9

Voir dire, § 628.9

BATTERY

Generally, § 503

BITE-MARKS

Evidence unsupported, § 256.2

Identification, § 542.8

BLACK BOX EVIDENCE

Generally, § 542.10

BLOOD

DNA Testing (this index)

Luminol testing, § 117.1

Stains, form and position, § 110

Tests, § 119.8

BRAIN DEVELOPMENT SCIENCE

Juveniles, § 800

CRIMES OF VIOLENCE: HOMICIDE AND ASSAULT

BRANDISHING WEAPON

Armed robbery, § 665.1
Federal sentencing guidelines,
§ 706.19

BUFFALO CREEK

Corporate murder or manslaughter,
§ 743

BULLETS

Individual bullets, matching to batch,
§ 174.1

BURDEN OF PROOF

Evidence (this index)

CAMERAS

Pole camera, § 479.8
Police body cam audio, § 479.15
Trail cameras, § 479.18

CAPACITY TO COMMIT CRIME

Generally, § 618 et seq.
Drug use, § 619
Extreme emotional disturbance,
§ 620.2
Guilty but mentally ill statute,
§ 620.1
Insanity, § 620
Intoxication, § 618

CAREGIVER LIABILITY

Homicide, § 588.1

CARJACKING

Generally, § 677.2
Elements, pre-1994 amendment,
§ 677.2.1
From the person or presence require-
ment, § 677.2.3
Intent requirement, § 677.2.2

CAUSATION

Act and death, causal connections
between. **Homicide** (this index)
Autopsy, conflicting opinions on
cause of death, § 147.1
Involuntary manslaughter, § 569.1

CELL PHONES

Assisted suicide by text, § 574.15
Data from phone, § 538.1
Scope of search of smartphone,
§ 474.2
Suppression of evidence, § 471.2

CELL TOWER RECORDS

Expert witnesses, § 415.1

CHAIN OF CUSTODY

Firearms, § 210.1

CHARACTER AND REPUTATION

Character disorders of accused,
§ 604.1
Evidence (this index)

CHARGE TO JURY

Jury Instructions (this index)

CHILD ABUSE

Homicide, nature of act or omission
causing death, § 588.3
Past pattern, § 588.2

CLAIM OF RIGHT DEFENSE

Armed robbery, § 674.2

CLERIC-PENITENT PRIVILEGE

Generally, § 542.12

CLOTHES

Dressing client, § 722
Evaluation of potential jurors,
§ 351.8

CODEFENDANTS

Confession, § 288.1
Direct examination, § 381.1
Sentence disparities, § 706.28
Witnesses, § 288

COMPOSITE SKETCHES

Generally, § 542.9

COMPULSION

Excuse or defense, § 626

CONCURRENT SENTENCES

Permitted, sentencing, § 706.14

INDEX

- CONFESSIONS AND ADMISSIONS**
Codefendant's confession, § 288.1
Illegal audio recordings, § 485.1
Juvenile false confessions, § 482.3
Suppression of Evidence (this index)
- CONSCIOUSNESS OF GUILT**
Identification cases, § 496.5
- CONSENT**
Hypnosis, consent forms, § 641
Kidnapping defense, § 525
Searches, § 476
- CONSPIRACY**
Conspirators, § 602.1
Narcotics conspiracy statute, § 694.10
Second degree murder, § 555.1
- CONTINUING CRIMINAL ENTERPRISE**
Death penalty, § 694.10
- CORPORATE MURDER OR MANSLAUGHTER**
Generally, § 738 et seq.
Buffalo Creek, § 743
Complex history, § 739
FDA, § 745
Fire safety, § 747
Mine safety, § 742
Product safety, § 746
Recent cases, § 744
Twilight Zone criminal case, § 741
Workplace and regulatory history, § 740
- CORPUS DELICTI**
Homicide, § 579
- COUNSEL**
Attorneys (this index)
Duties, § 49.1
- CROSS EXAMINATION**
"Opening the door" debunked, § 402.1
- CROSS EXAMINATION—Cont'd**
Police witnesses, § 411
Psychiatric diagnosis, reliability, § 420
Techniques, § 403
- CROSS EXAMINATION OF EXPERT WITNESS**
Right to confrontation, § 414.1
- CROSS-RACIAL IDENTIFICATION**
Instructions, § 496.3, 496.4
- CRUEL AND UNUSUAL PUNISHMENT**
Method of execution, § 698.2
- DEATH CERTIFICATES**
Autopsy, § 122.2
- DEATH PENALTY**
Generally, § 694 et seq.
Absence of defendant during jury's announcement of death sentence, § 694.8
Allocution, defendant's right at sentencing, § 698.5.1
Antiterrorism and Effective Death Penalty Act (AEDPA), § 705.1
Beliefs, defendant's, evidence of, § 694.3
Conclusion, § 706
Constitutional attacks
Due process violations, § 699.2
Federal habeas corpus proceeding, § 701
Procedural issues, § 699, 699.1
State appellate system, use of, § 700
State attacks, § 696.1
Continuing criminal enterprise, § 694.10
Cruel and unusual punishment, § 698.2
Delay in execution of capital sentences, § 698.3
Due process violations, § 699.2
Elements of statute, § 694.2

DEATH PENALTY—Cont'd

- Federal act, § **694.11**
- Federal habeas corpus proceedings
 - Generally, § **701**
 - Drafting petition, § **703**
 - Matters related to petition, § **704**
 - Recent developments, § **705**
 - Sample petition, § **703**
- Furman v. Georgia, § **695**
- Gregg v. Georgia, § **696, 698**
- Habeas corpus. Federal habeas corpus proceedings, above
- Identification of state death penalty statutes, § **705.2**
- Indefinite felony murder, § **512.60**
- Ineffective presentation of mitigating evidence, § **698.4.1**
- Judicial override of jury's recommendation of life imprisonment, § **694.6**
- Jury
 - Absence of defendant during jury's announcement of death sentence, § **694.8**
 - Habeas relief, jury instructions, § **719.12**
 - Judicial override of jury's recommendation of life imprisonment, § **694.6**
 - Mitigating factors, instruction on, § **698.6**
 - Parole ineligibility, informing jury, § **694.7**
 - Responsibility of jury in capital sentencing, § **694.5**
 - Right to jury sentencing, § **698.5**
- Juveniles, § **801**
- Mail bomb statute, § **694.9**
- Mandatory death penalties
 - Generally, § **697**
 - Invalidation, effect of, § **697.2**
- Mentally disabled persons, § **697.1.1**
- Method of execution, § **698.2**
- Minors, § **697.1**

DEATH PENALTY—Cont'd

- Mitigating factors
 - Ineffective presentation of mitigating evidence, § **698.4.1**
 - Jury instruction, § **698.6**
 - Waiver of mitigating evidence, § **698.7**
- Narcotics conspiracy statute, § **694.10**
- Parole ineligibility, informing jury, § **694.7**
- Reliability of evidence admitted at sentencing hearing, § **694.4**
- Retroactivity, § **698.1**
- Review of sentence, § **698.4**
- Sixth Amendment attack on defense presented against defendant's wishes, § **701.1**
- State constitutional attacks
 - Generally, § **696.1**
 - Federal habeas corpus proceedings, § **701**
 - State appellate system, use of, § **700**
- State statutes, identification of, § **705.2**
- Statutory interpretation, § **694.1**
- Waiver of mitigating evidence, § **698.7**

DEFENSES

- Accident, § **628**
- Armed Robbery** (this index)
- Battered Women** (this index)
- Capacity to Commit Crime** (this index)
- Compulsion, § **626**
- Deceased defense witness, § **542.14**
- Double jeopardy, § **625**
- Duress, § **626**
- Entrapment, § **624**
- Fear, § **626**
- Insanity** (this index)
- Institutionalization, § **626.1**
- Jail house recordings, § **284.1**
- Kidnapping, § **523, 525**

INDEX

DEFENSES—Cont'd

- Legal duty, exercise of, § 622
- Miscellaneous excuses or defenses
 - Generally, § 621 et seq.
 - Accident, § 628
 - Compulsion, § 626
 - Double jeopardy, § 625
 - Duress, § 626
 - Entrapment, § 624
 - Fear, § 626
 - Institutionalization, § 626.1
 - Legal duty, exercise of, § 622
 - Prevention of crime, § 623
- Mutually antagonistic defenses, § 343.1
- Prevention of crime, § 623
- Proving, § 527
- Self-Defense** (this index)

DEGREES OF HOMICIDE

- Generally, § 543 et seq.
- Definitions and distinctions, § 544
- First Degree Murder** (this index)
- Involuntary manslaughter. **Manslaughter** (this index)
- Manslaughter** (this index)
- Second Degree Murder** (this index)

DELAY IN PROSECUTING

- Preliminary motions, right to fair trial, § 349.11

DELIBERATION

- First degree murder, § 550

DEMEANOR

- Appearance and Demeanor of Defendant** (this index)

DEMURRER

- Indictment, grounds for demurrer, § 321

DIRECT EXAMINATION

- Alibi witnesses, § 388
- Codefendants, § 381.1
- Expert witnesses, admissibility, § 390
- Pseudonyms, § 381.3

DIRECT EXAMINATION—Cont'd

- Sequestration of witnesses, § 381.2
- Should defendant take the stand, § 382

DISCOVERY

- Generally, § 349.5
- Due Process Protections Act, § 349.7
- Reciprocal discovery, § 349.6

DISRUPTIONS

- Disruptive defendant, § 721

DNA TESTING

- Generally, § 119.1 to 119.5
- Admissibility of test results, § 119.2
- Collateral sources for DNA sample, sue of, § 119.7
- Compelled giving of sample, § 119.5
- Hospital blood tests, § 119.8
- Regulation of testing, § 119.4
- Statutory control, § 119.3
- Timing, collateral appeals, § 119.9

DOCTOR-PATIENT PRIVILEGE

- Generally, § 542.13

DOMESTIC VIOLENCE

- Battered Women** (this index)
- Interstate Domestic Violence** (this index)

DOUBLE JEOPARDY

- Generally, § 625
- Preliminary motions, § 349.12

DRAWINGS OF MURDER SCENE

- Generally, § 538.1

DRIVING UNDER THE INFLUENCE

- Felony murder in DUI cases, § 685.2

DRONES

- Trail drones, § 479.18

DRUG USE

- Capacity to commit crime, § 619

DUE PROCESS

Death penalty, due process violations,
§ 699.2

Miranda v. Due Process, § 490.2

DURESS

Excuse or defense, § 626

DUTIES OF COUNSEL

Investigation, crime scene, § 49.1

DWELLING

Self-defense, duty to retreat, § 613

DYING DECLARATIONS

Searching scene of crime, § 59

ENTRAPMENT

Generally, § 624

Federal sentencing guidelines,
§ 706.20

EVENT DATA RECORDER

Black box evidence, § 542.10

EVIDENCE

Generally, § 526 et seq.

Admissibility

DNA test results, § 119.2

Firearms, § 180

Photographs, admissibility, § 71

Ballistics, expert, § 200.1

Bite-mark

Identification, § 542.8

Unsupported, § 256.2

Black box evidence, § 542.10

Burden of proof

Generally, § 526

Sufficiency of evidence, § 526.1

Chain of custody, firearms, § 210.1

Character and reputation

Accused, § 540

Gang membership, § 540.1

Intended victim, § 536.1

Cleric-penitent privilege, § 542.12

Composite sketches, § 542.9

Data from cell phone, § 538.1

EVIDENCE—Cont'd

Death penalty, ineffective presenta-
tion of mitigating evidence,
§ 698.4.1

Defenses, proving. **Defenses** (this
index)

DNA test results, admissibility,
§ 119.2

Doctor-patient privilege, § 542.13

Drawings of murder scene, § 538.1

Event data recorder, “black box”
evidence, § 542.10

Experts. **Expert Witnesses** (this
index)

Firearms, admissibility, § 180

Functional magnetic resonance imag-
ing, § 542.6

Gang membership, § 540.1

Grand jury, exculpatory evidence,
§ 306.1

Hair comparison testimony, § 542.4

Hearsay evidence, § 538

Hypnosis, evidence obtained from
person under, § 635

Inadmissibility of results absent wit-
ness testimony, § 542.15

Ineffective presentation of mitigating
evidence, death penalty,
§ 698.4.1

Intended victim, character and repu-
tation, § 536.1

Intent, § 535

Judicial notice of geocoordinates,
§ 542.20

Juror evaluation of evidence, § 542.2

Malice, § 532

Mathematical probability, evidence
based on, § 542.3

Miscellaneous evidentiary factors

Generally, § 532 et seq.

Bite-mark identification, § 542.8

Character and reputation, above

Composite sketches, § 542.9

Event data recorder, “black box”
evidence, § 542.10

Gang membership, § 540.1

INDEX

EVIDENCE—Cont'd

Miscellaneous evidentiary factors
—Cont'd
Hair comparison testimony,
§ 542.4
Hearsay evidence, § 538
Intent, § 535
Juror evaluation of evidence,
§ 542.2
Malice, § 532
Mathematical probability, evidence
based on, § 542.3
Motive evidence, § 534
Other crimes, § 533
Overview evidence, summary vs.,
§ 542.17
Polygraph, § 542.5
Private parties, illegal wiretaps by,
§ 542.16
Sanity, presumption of, § 539
Spousal privilege, § 542.7
State laboratory mishandling of
evidence and misconduct,
§ 542.18
Summary vs. overview evidence,
§ 542.17
Third-party guilt, evidence of,
§ 542.11
Withholding evidence by prosecu-
tor, § 542.1
Missing, due to hacking, § 542.19
Missing evidence
Due to hacking, § 542.19
Missing evidence, preliminary
motions, § 349.13
Mitigating evidence, ineffective pre-
sentation of, death penalty,
§ 698.4.1
Motive evidence, § 534
Other crimes, § 533
Overview evidence, summary vs.,
§ 542.17
Photographs, admissibility, § 71
Polygraph, § 542.5
Preservation, types of evidence, § 88
Sanity, presumption of, § 539

EVIDENCE—Cont'd

Self-defense, evidence of victim's
prior violent conduct, § 609.1
Spousal privilege, § 542.7
State laboratory mishandling of evi-
dence and misconduct, § 542.18
Sufficiency of evidence, § 526.1
Summary vs. overview evidence,
§ 542.17
Suppression. **Suppression of Evi-
dence** (this index)
Third-party guilt, evidence of,
§ 542.11
Violent deaths, submission as evi-
dence, § 256.1
Withholding evidence by prosecutor,
§ 542.1

EXCLUSIONARY RULE

Suppression of Evidence (this
index)

EXCULPATORY EVIDENCE

Preliminary motions, § 349.1

EXIGENT CIRCUMSTANCES

Search without warrant, § 479.2

EXPECTATION OF PRIVACY

GPS location information, § 471.4

EXPERT WITNESSES

Generally, § 542
Ballistics evidence, § 200.1
Battered women, § 628.8
Cell tower records, § 415.1
Direct examination, admissibility,
§ 390
False confessions, § 482.2
Hypnosis, choosing expert, § 646
Identification, § 496.2
**Pre-Menstrual Syndrome and Vio-
lent Crime** (this index)
Psychiatric diagnosis, reliability,
§ 420

EXTREME EMOTIONAL DISTURBANCE

Capacity to commit crime, § 620.2

EXTREME INDIFFERENCE TO HUMAN LIFE

Second degree murder, § 552.1

FACIAL RECOGNITION TECHNOLOGY

Generally, § 495.1

FALSE CONFESSIONS

Suppression of evidence, § 482.2

FDA

Corporate murder or manslaughter, § 745

FEAR

Defense or excuse, § 626

FEDERAL JURISDICTION

Murder for hire, § 574.25

FEDERAL OFFICER

Assault on, § 499.2

FEDERAL SENTENCING GUIDELINES

Generally, § 706.14 et seq.

Appellate review

Generally, § 706.22

Right of appeal, § 706.26

Armed Career Criminal Act

Generally, § 706.23.1

Predicate offenses, § 706.18

Codefendants' sentences, disparity between, § 706.28

Commentary, § 706.17

Defendant's demeanor, § 706.29

Disparities

Generally, § 706.22

Co-defendants' sentences, § 706.28

Federal and state sentencing, § 706.24

Entrapment, imperfect, § 706.20

Firearms and weapons

Brandishing weapon, § 706.19

Crime of violence, use of firearm or machine gun, § 706.23

Dangerous weapon, § 706.19.1

FEDERAL SENTENCING GUIDELINES—Cont'd

Homosexuals, increased vulnerability, § 706.25

Obstruction of justice, § 706.30

Responsibility, acceptance of, § 706.21

Substantial assistance, departure based on, § 706.16

Upward departure, § 706.15

FELONY MURDER

Generally, § 589

Causal connections between act and death, § 590

DUI cases, § 685.2

First degree murder, § 547

Second degree murder, § 555.3

Timing of formulation of intent to commit predicate felony, § 590.1

FETUS

Jury instructions, killing non-viable fetus, § 719.9

Vehicular homicide, viable fetus as person, § 685.1

FINGERPRINTS

Latent prints, § 86.1

Sample summation, fingerprint evidence, § 454.55

FIREARMS

Generally, § 148 et seq.

Admissibility in evidence, § 180

Angle of shot, § 167

Armed Robbery (this index)

Brandishing weapon, § 665.1, 706.19

Chain of custody, § 210.1

Expert ballistics evidence, § 200.1

Federal Sentencing Guidelines (this index)

Identification

Generally, § 200 et seq.

Chamber markings, § 205

Expert ballistics evidence, § 200.1

Fired shells, § 208

INDEX

FIREARMS—Cont'd

- Identification—Cont'd
 - Mechanical condition, § 203
 - Missing weapon, location, § 209
 - Pin impressions, firing, § 206
 - Preliminary matters, § 201
 - Recent firing, § 202
 - “Smoking” bullets, § 207
 - Tests, firing, § 204
- Individual bullets, matching to batch, § 174.1
- Involuntary manslaughter, § 570
- Stop and frisk, firearm exception, § 479.4

FIRE SAFETY

- Corporate murder or manslaughter, § 747

FIRST DEGREE MURDER

- Generally, § 545 et seq.
- Deliberation, § 550
- Felony murder, § 547
- Formed design, § 545
- Intent
 - Generally, § 545
 - Transferred intent, § 545.1
- Malice, determination of, § 548
- Premeditation, § 550
- Sentencing considerations, § 556.1
- Transferred intent, § 545.1

FIRST STEP ACT

- Techniques of plea negotiations, § 466.2

FOOD

- Failure to provide, § 588

FUNCTIONAL MAGNETIC RESONANCE IMAGING

- Evidence, § 542.6

GANG MEMBERSHIP

- Evidence, § 540.1

GLOBAL POSITIONING SYSTEM (GPS)

- Expectation of privacy, § 471.4

GLOBAL POSITIONING SYSTEM (GPS)—Cont'd

- Plea negotiations, GPS monitoring as condition or probation, § 466.1
- Suppression of GPS monitoring, § 471.5
- Warrant requirement for use of, § 471.1

GRAND JURY

- Generally, § 305
- Exculpatory evidence, § 306.1
- Immunity, § 312
- Right to appear, § 308.1

GROSS NEGLIGENCE

- Vehicular homicide, § 682

GUILTY PLEAS

- Pleas (this index)

HABEAS CORPUS

- Death Penalty (this index)

HAIR

- Comparison testimony, § 542.4

HEARSAY EVIDENCE

- Generally, § 538
- Deceased defense witness, § 542.14

HOMICIDE

- Generally, § 543 et seq.
- Abortion related crimes after, § 591.1
- Accidents, § 587
- Caregiver liability, § 588.1
- Causal connection between act and death
 - Generally, § 595
 - Felony murder, § 590
 - Provocative act murder, § 598.1
 - Time element, § 596
 - Year-and-a-day rule, § 596
- Child abuse
 - Homicide, § 588.3
 - Past pattern, § 588.2
- Corpus delicti, § 579
- Death Penalty (this index)

HOMICIDE—Cont'd

- Degrees
 - First Degree Murder** (this index)
 - Manslaughter** (this index)
 - Second Degree Murder** (this index)
- Elements of culpable homicide
 - Generally, § 576 et seq.
 - Causal connection between act and death, above
 - Corpus delicti, § 579
 - Intention to take life, § 577
 - Intoxication, § 577.1, 577.2
 - Killing of human being, § 576
 - Nature of act or omission causing death, below
 - Statute of limitations, § 575.1
- Felony Murder** (this index)
- First Degree Murder** (this index)
- Food, shelter, or medical attention, failure to provide, § 588
- Intention to take life, § 577
- Intoxication
 - Involuntary, § 577.2
 - Voluntary, § 577.1
- Killing of human being, § 576
- Manslaughter** (this index)
- Nature of act or omission causing death
 - Shaken baby syndrome, § 588.4
- Nature of act or omission causing death
 - Generally, § 586 et seq.
 - Accidents, § 587
 - Caregiver liability, § 588.1
 - Child abuse
 - Homicide, § 588.3
 - Past pattern, § 588.2
 - Food, shelter, or medical attention, failure to provide, § 588
 - Particular negligent or reckless acts, § 586
- Particular negligent or reckless acts, § 586
- Provocative act murder, § 598.1
- Second Degree Murder** (this index)

HOMICIDE—Cont'd

- Statute of limitations, § 575.1
 - Suicide** (this index)
 - Vehicular Homicide** (this index)
 - Year-and-a-day rule, § 596
- HOMOSEXUALS**
- Federal sentencing guidelines, increased vulnerability of homosexuals, § 706.25
- HOSPITALS**
- Blood tests, DNA testing, § 119.8
- HUSBAND AND WIFE**
- Self-defense, paramour situations, § 610
 - Spousal privilege, § 542.7
- HYPNOSIS**
- Generally, § 629 et seq.
 - Age regression, § 651, 655
 - Aid of hypnotist, right of counsel to, § 639
 - AMA approval, § 636
 - Amnesia
 - Generally, § 654
 - Age regression, § 655
 - Treatment, § 656
 - Antagonism of courts, § 636
 - Association method, § 653
 - Concentration, § 645
 - Consciousness of subject, § 631
 - Consent forms, § 641
 - Counsel
 - Aid of hypnotist, right of counsel to, § 639
 - Presence of, § 642
 - Courts, hypnosis and
 - Generally, § 635 et seq.
 - Aid of hypnotist, right of counsel to, § 639
 - AMA approval, § 636
 - Antagonism of courts, § 636
 - Evidence obtained from person under hypnosis, § 635
 - Films, § 638

INDEX

HYPNOSIS—Cont'd

- Courts, hypnosis and—Cont'd
 - Law enforcement officials, hypnosis by, § 640
 - Recordings, § 638
 - Techniques employed, § 637
- Evidence obtained from person under hypnosis, § 635
- Expert, choosing, § 646
- Extent and depth of trance, § 632
- Films, § 638
- Intent, § 658
- Jury
 - Influencing, § 663
 - Voir dire, § 662
- Law enforcement officials, hypnosis by, § 640
- Memory development, § 652
- Memory retrieval, § 650
- Nature and effect, § 630
- Polygraph, § 661
- Preparing witnesses, § 629, 647
- Pre-psychotic subject, § 643
- Recordings, § 638
- Relaxation, § 645
- Skill of hypnotist, § 634
- Sound induction techniques, § 644
- Subconscious and unconscious desires, § 657
- Techniques
 - Generally, § 637
 - Association method, § 653
 - Sound induction techniques, § 644
- Transient situational insanity, § 659
- Truthfulness of hypnotized person, § 633
- Truth verification, § 660
- Voir dire, § 662
- Witnesses
 - Assisting witness's recollection, § 649
 - Determining and negating witness's fears, § 648
 - Preparing witnesses, § 647

IDENTIFICATION

- Bite-mark identification, § 542.8
- Consciousness of guilt in identification cases, § 496.5
- Cross-racial identification instructions, § 496.3, 496.4
- Expert ballistics evidence, § 200.1
- Experts, § 496.2
- Facial recognition technology, § 495.1
- Firearms
 - Generally, § 200 et seq.
 - Chamber markings, § 205
 - Expert ballistics evidence, § 200.1
 - Fired shells, § 208
 - Mechanical condition, § 203
 - Missing weapon, location, § 209
 - Pin impressions, firing, § 206
 - Preliminary matters, § 201
 - Recent firing, § 202
 - “Smoking” bullets, § 207
 - Tests, firing, § 204
- Suppression of Evidence** (this index)

ILLEGAL AUDIO RECORDINGS

- Confessions and admissions, § 485.1

IMMIGRATION DETAINERS

- Bail, § 30:2

IMMUNITY

- Grand jury, § 312

IMPEACHMENT

- Exclusionary rule, application of, § 481

IMPOUNDMENT AND INVENTORY WITHOUT ARREST

- Search without warrant, § 479.9

INDICTMENT

- Generally, § 316
- Defects in form, § 318
- Demurrer, grounds, § 321
- Dismissal, § 324.1, 326

INDICTMENT—Cont'd

Grounds for dismissal, § 326

Kidnapping, § 515.1

Motions

Grounds, § 326

Nolle prosequi, § 324.1

Quashing or setting aside indictment, § 324

Nolle prosequi, § 324.1

Quashing indictment, motion, § 324

Setting aside indictment, motion, § 324

INEVITABLE DISCOVERY

Search without warrant, § 479.10

INSANITY

Capacity to commit crime, § 620

Evidence, § 529

Guilty but mentally ill statute, § 620.1

Jury instructions, insanity defense, § 454.51, 719.5

Pleading insanity defense, § 27

Presumption of sanity, § 539

Proving, § 529

Summation, discussing defendant's sanity, § 435.1

Transient situational insanity, § 659

INSTITUTIONALIZATION

Defense or excuse, § 626.1

INSTRUCTIONS

Jury Instructions (this index)

INTENT

Carjacking, § 677.2.2

Evidentiary factors, § 535

Felony murder, timing of formulation of intent to commit predicate felony, § 590.1

First degree murder, § 545

Homicide, intention to take life, § 577

Hypnosis, § 658

Murder for hire, § 574.30

Transferred intent, § 545.1

INTERNET

Exclusionary rule, IP address privacy, § 469.50

INTERROGATION

Police interrogation, new statutes regarding, § 482.1

INTERSTATE DOMESTIC VIOLENCE

Generally, § 512.100 et seq.

Elements of 18 U.S.C.A. 2261(a), § 512.101

Intimate partner, what constitutes for statutory purposes, § 512.102

Stalking, interstate, § 512.104

Venue, § 512.103

INTERVIEWING PROCEDURES

Public defender essentials, § 5.1

Representing non-English speaking defendants, § 11:1

INTOXICATION

Armed robbery, voluntary intoxication defense, § 674.1

Capacity to commit crime, § 618

Involuntary

Generally, § 577.2

Jury instructions, § 719.11

Vehicular homicide, § 685, 689

Voluntary, § 577.1, 674.1

INVESTIGATIONS

Battered women, § 628.3

Jail house recordings, § 284.1

Searching Scene of Crime (this index)

JAIL HOUSE RECORDINGS

Investigations, § 284.1

JUDGES

Plea negotiations, judge's participation, § 463.1

JURY INSTRUCTIONS

Generally, § 454.5 et seq., 719.1 et seq.

Accident, § 454.54

INDEX

JURY INSTRUCTIONS—Cont'd

- Armed robbery, § 666.1
- Battered person syndrome evidence, explanation of, § 628.11
- Capital cases, habeas relief, § 719.12
- Criminal responsibility, lack of, § 719.6
- Cross-racial identification, § 496.3, 496.4
- Fetus, non-viable, killing, § 719.9
- Identification, cross-racial, § 454.52
- Insanity defense, § 454.51, 719.5
- Intoxication, involuntary, § 719.11
- Lesser included offenses, § 719.10
- Parent's duty to child, § 454.53
- Pre-menstrual syndrome, § 734
- Progression charge, § 719.2
- Proper instructions, § 454.5, 719.4
- Reasonable doubt, § 719.7
- Self-defense, § 607.1
- Time-barred offenses, § 719.8
- Timing of requests, § 454.56
- Unanimity instruction, § 719.3
- Unanimity of jurors, § 454.57

JURY PERSUASION AND COMMUNICATION

- Generally, § 707 et seq.
- Conclusion, § 719
- Forms of persuasive communication, § 709
- Imagery in speech, § 715
- Indirect suggestion through word manipulation, § 717
- Informative and affective connotations of words and their effects in trial, § 718
- Language, § 712
- Other influences, § 718.1
- Personal communication, § 711
- Suggestion
 - Indirect suggestion through word manipulation, § 717
 - Power of, § 714
 - Types of verbal suggestion and its relation to jury, § 716

JURY PERSUASION AND COMMUNICATION—Cont'd

- Suggestion—Cont'd
 - Understanding effect of, § 713
- Voir dire, § 708
- Words as viewed through social and personal experience, § 710

JURY SELECTION

- Generally, § 350 et seq.
- Age, § 351.3
- Anonymous juries, § 352.1
- Attorney criteria in jury selection, § 367.1
- Authoritarian personality, § 367.9, 367.10
- Behavioral clues, § 367.2
- Challenges
 - For cause, § 363
 - Peremptory, § 365
- Clothes, § 351.8
- Cognitive set, § 367.12
- Courting the juror, § 367.18
- Defendant, specific perceptions by jury, § 367.16
- Defense jurors, good candidates, § 367.8
- Entire panel, questions for, § 357
- Evaluation of potential jurors
 - Generally, § 351.1 to 351.9
 - Age, § 351.3
 - Clothes, § 351.8
 - Jury, the, § 351.2
 - National origin, § 351.4
 - Occupation, § 351.7
 - Physical appearance, § 351.6
 - Religion, § 351.5
 - Summary, § 351.9
- Expertise, danger of juror with too much, § 367.14
- For cause challenges, § 363
- Heterogeneous group, selecting, § 367.13
- Individualists, § 367.11
- Most favorably biased jury, finding, § 367.6

JURY SELECTION—Cont'd

- National origin, § 351.4
- Observation of jurors, § 367.3
- Occupation, § 351.7
- Perception of guilt, § 367.15
- Peremptory challenges, § 365
- Physical appearance, § 351.6
- Psychology of jury selection
 - Generally, § 367.1 et seq.
 - Attorney criteria in jury selection, § 367.1
 - Authoritarian personality, § 367.9, 367.10
 - Behavioral clues, § 367.2
 - Cognitive set, § 367.12
 - Courting the juror, § 367.18
 - Defendant, specific perceptions by jury, § 367.16
 - Defense jurors, good candidates, § 367.8
 - Expertise, danger of juror with too much, § 367.14
 - Goals of voir dire, § 367.7
 - Heterogeneous group, selecting, § 367.13
 - Individualists, § 367.11
 - Most favorably biased jury, finding, § 367.6
 - Observation of jurors, § 367.3
 - Perception of guilt, § 367.15
 - Right and wrong, distinguishing, § 367.5
 - Scientific selection, § 367.17
 - Subjective tendencies, § 367.15
 - Trial by one's peers, § 367.4
- Religion, § 351.5
- Right and wrong, distinguishing, § 367.5
- Scientific selection, § 367.17
- Scope of examination, § 354
- Subjective tendencies, § 367.15
- Voir dire
 - Generally, § 352 et seq., 708
 - Anonymous juries, § 352.1
 - Battered women, § 628.9
 - Goals, § 367.7

JURY SELECTION—Cont'd

- Voir dire—Cont'd
 - Hypnosis, § 662
 - Questions for entire panel, § 357
 - Scope of examination, § 354

JURY TRIAL

- Right to jury trial, § 350

JUVENILE FALSE CONFESSIONS

- Confessions and admissions, § 482.3

JUVENILES

- Sentencing, § 706.9
 - Generally, § 706.9, 800 to 803
 - Aggregate life sentence, § 803
 - Brain development science, § 800
 - Cases distinguishing lack of availability of parole from statutory prohibition, § 804
 - Death penalty, § 801
 - Mandatory life without parole, § 802
- Transfer hearing, § 304.2

KIDNAPPING

- Generally, § 513 et seq.
- Accomplices, § 515.2
- Consent defense, § 523
- Defenses
 - Consent, § 523
 - Federal laws, § 525.1
 - Parental kidnapping, § 525
 - State laws, § 525.2
- Definitions, § 513
- Degree of offense, § 515
- Elements, § 516, 518
- Federal law defenses, § 525.1
- Indictment, form of, § 515.1
- Nature of act, § 518
- Nature of offense
 - Accomplices, § 515.2
 - Definitions, § 513
 - Degree of offense, § 515
 - Indictment, form of, § 515.1
- Parental kidnapping defense, § 525
- State law defenses, § 525.2

INDEX

KILL ZONE THEORY

Elements of culpable homicide,
§ 581.1

LEGAL DUTY

Exercise of, excuse or defense, § 622

LESSER INCLUDED OFFENSES

Jury instructions, § 719.10

Plea negotiations, § 455

LIMITATION OF ACTIONS

Homicide, § 575.1

LINEUPS

Suppression of evidence, § 493

LUMINOL TESTING

Generally, § 117.1

MAIL BOMBS

Statute, § 694.9

MALICE

First degree murder, § 548

Second degree murder, § 553

MANDATORY DISCLOSURE

Preliminary motions, § 349.4

MANSLAUGHTER

Generally, § 558 et seq.

Causation, § 569.1

Firearms, § 570

Involuntary

Generally, § 568

Causation, § 569.1

Contributory negligence as a
defense, § 569.2

Firearms, § 570

Negligence, § 569

Negligence, § 569

Passion or emotion, § 560

Provocation

Generally, § 561

Words or gestures, § 564

Self-defense or protection, § 562

Vehicular homicide, § 681

Voluntary

Generally, § 559

MANSLAUGHTER—Cont'd

Voluntary—Cont'd

Attempted voluntary manslaughter,
§ 559.1

Passion or emotion, § 560

Vehicular homicide, § 681

Words or gestures as provocation,
§ 564

MARITAL PRIVILEGE

Particular witnesses, § 280.1

MATHEMATICAL PROBABILITY

Evidence based on, § 542.3

MEDICAL ATTENTION

Failure to provide, § 588

MENTAL CAPACITY

Summation, discussing defendant's
capacity, § 435.1

MENTAL ILLNESS

Guilty but mentally ill statute,
§ 620.1

Insanity (this index)

MENTALLY DISABLED PERSONS

Death penalty, § 697.1.1

MINE SAFETY

Corporate murder or manslaughter,
§ 742

MINORS

Death penalty, § 697.1

MIRANDA RULE

Generally, § 490

Public safety exception, § 490.1

MIRANDA V. DUE PROCESS

Confessions and admissions, § 490.2

MISSING EVIDENCE

Preliminary motions, § 349.13

MOTIONS

Indictment (this index)

Preliminary Motions (this index)

Suppression Motions (this index)

CRIMES OF VIOLENCE: HOMICIDE AND ASSAULT

MOTIVE EVIDENCE

Generally, § 534

MURDER

Death Penalty (this index)

Felony Murder (this index)

First Degree Murder (this index)

Homicide (this index)

Intent, murder for hire, § 574.30

Murder for hire

Federal jurisdiction, § 574.25

Intent, § 574.30

Second Degree Murder (this index)

Third degree murder, § 557

NARCOTICS

Narcotics conspiracy statute,
§ 694.10

NATIONAL ORIGIN

Evaluation of potential jurors,
§ 351.4

NATIVE AMERICAN TERRITORY

Preliminary motions, venue, § 342.1

NEGLIGENCE

Involuntary manslaughter, § 569,
569.1

vehicular homicide, § 682, 683

NEGOTIATIONS

Pleas (this index)

NEW TRIAL

Assault and battery, improper jury
verdict, § 512.9

NOLLE PROSEQUI

Generally, § 324.1

NOLO CONTENDERE

Pleading, § 28

**NON-ENGLISH SPEAKING
DEFENDANTS**

Interviewing procedures, § 11:1

**NON-FATAL STRANGULATION
CHARGES**

Strangulation, § 254.1

OBSTRUCTION OF JUSTICE

Federal sentencing guidelines,
§ 706.30

OCCUPATION

Evaluation of potential jurors,
§ 351.7

OPENING STATEMENT

P.M.S. defense, § 733

Prosecution statement, § 368

OTHER CRIMES

Evidentiary factors, § 533

PACKAGES

Hand touch, search without warrant,
§ 479.17

PARENTAL LIABILITY

Party house, § 900

School shootings, § 901

PARENT AND CHILD

Jury instructions, parent's duty to
child, § 454.53

Kidnapping defense, parental kidnap-
ping, § 525

PAROLE

Death penalty, informing jury of
parole ineligibility, § 694.7

Juveniles, life without parole, § 802

PARTICULAR WITNESSES

Failure to disclose cooperating
witness's mental health his-
tory, § 288.2

Marital privilege, § 280.1

PARTY HOUSE

Parental liability, § 900

PHOTOGRAPHS

Generally, § 74

Admissibility, § 71

"Ring" and similar devices, § 75.1

Suppression of evidence,
photographic identifications,
§ 495

Videos, § 74

INDEX

PHYSICAL APPEARANCE

Evaluation of potential jurors,
§ 351.6

PHYSICIAN-PATIENT PRIVILEGE

Generally, § 542.13

PICTURES

Generally. **Suppression of Evidence**
(this index)

PLACE OF BUSINESS

Self-defense, duty to retreat, § 613

PLAIN VIEW DOCTRINE

Search without warrant, § 479.1

PLEADING

Prison healthcare conditions, § 28:6

PLEAS

Generally, § 25 to 28.4

Acceptance of plea, court's power
and duty, § 467.2

Bargains

Breach of agreement, conse-
quences, § 467.4

Enforcing, § 28.4

Negotiations, below

Package deals, § 467.3

Breach of agreement, consequences,
§ 467.4

Civil consequences, § 28

Conditional plea, revocation, § 467.1

Effect and extent of plea, § 465

Enforcing plea bargain, § 28.4

Factual basis, searching crime scene,
§ 54.1

GPS monitoring as condition of
probation, § 466.1

Guilty plea

Competence to enter, § 467.5

Relief from, § 28.3

Withdrawing, § 28.2

Insanity defenses, § 27

Judge's participation in negotiations,
§ 463.1

Lesser offense plea, § 455

Miscellaneous considerations, § 28.1

PLEAS—Cont'd

Negotiations

Generally, § 25, 455 et seq.

Acceptance of plea, court's power
and duty, § 467.2

Breach of agreement, conse-
quences, § 467.4

Effect and extent of plea, § 465

GPS monitoring as condition of
probation, § 466.1

Guilty plea, competence to enter,
§ 467.5

Judge's participation, § 463.1

Lesser offense plea, § 455

Offer to cooperate, § 463

Package deals, § 467.3

Practice and procedure

Generally, § 467

Acceptance of plea, court's
power and duty, § 467.2

Breach of agreement, conse-
quences, § 467.4

Guilty plea, competence to
enter, § 467.5

Package deals, § 467.3

Revocation of conditional plea,
§ 467.1

Revocation of conditional plea,
§ 467.1

Sentencing considerations, § 466

Techniques

Effect and extent of plea, § 465

First Step Act implementation,
§ 466.2

Judge's participation, § 463.1

Offer to cooperate, § 463

Sentencing considerations,
§ 466

Time for plea, § 460

Time for plea, § 460

Nolo contendere, § 28

Offer to cooperate, § 463

Package deals, § 467.3

Permitted pleas, § 26

Relief from guilty plea, § 28.3

Restorative justice, § 28.5

PLEAS—Cont'd

- Revocation of conditional plea,
§ 467.1
- Sentencing considerations, § 466
- Withdrawing guilty plea, § 28.2

POLE CAMERAS

- Search and seizure, § 479.8

POLICE

- Body cam audio, § 479.15
- Cross examination of police officers,
§ 411
- Interrogation, new statutes regarding,
§ 482.1

POLYGRAPH

- Generally, § 542.5
- Hypnosis, § 661

PRELIMINARY HEARING

- Generally, § 292
- Joint representation, § 304.1
- Juveniles, transfer hearing, § 304.2
- Waiver, § 302

PRELIMINARY MOTIONS

- Generally, § 349.10
- Delay in prosecuting, right to fair
trial, § 349.11
- Discovery, § 349.10
- Double jeopardy, § 349.12
- Due Process Protections Act, § 349.7
- Equitable estoppel as grounds for
dismissal, § 349.14
- Exculpatory evidence, § 349.1
- Jurisdiction in Native American terri-
tory, § 342.1
- Mandatory disclosure, § 349.4
- Missing evidence, § 349.13
- Promises, rewards, and inducements,
§ 349.2
- Recusal of trial judge, § 342.2
- Right to fair trial, delay in prosecut-
ing, § 349.11
- Rule 11, § 349.3
- Severance, § 343, 343.1

PRELIMINARY MOTIONS

—Cont'd

- Statements, motions to suppress,
§ 349.15
- Venue, § 334, 342

PREMEDITATION

- First degree murder, § 550

**PRE-MENSTRUAL SYNDROME
AND VIOLENT CRIME**

- Generally, § 723 to 737
- Conclusion, § 737
- Criminal proceedings, P.M.S. in,
§ 726
- Expert witnesses
 - Locating, § 730
 - Preparing, § 731
 - Qualifying, § 732
- Jury considerations, § 729
- Jury instructions, § 734
- Opening statement, § 733
- Physiology of menstrual cycle, § 724
- P.M.S., generally, § 725
- Precedent for use of P.M.S., § 727
- Pretrial notice of defense, § 728
- Sentencing, § 736
- Testimony by defendant, § 735

PRESUMPTIONS

- Sanity, § 539

PREVENTION OF CRIME

- Excuse or defense, § 623

PRISON HEALTHCARE

- Pleading, § 28:6

PRIVACY

- GPS location information, § 471.4

PRIVILEGES

- Cleric-penitent, § 542.12
- Physician-patient, § 542.13

PROBABLE CAUSE

- Lack of, search under warrant, § 473

INDEX

PROBATION

GPS monitoring as condition of probation, § 466.1

PRODUCT SAFETY

Corporate murder or manslaughter, § 746

PROMISES, REWARDS, AND INDUCEMENTS

Preliminary motions, § 349.2

PROPERTY, DEFENSE OF

Generally, § 616

PROSECUTORS

Misconduct in sentencing proceedings, § 706.8

Summation

Bad faith comments regarding defense strategy, § 435.3

Restrictions on prosecution's summation, § 435.2

Withholding evidence, § 542.1

PROVOCATION

Manslaughter (this index)

Provocative act murder, § 598.1

Self-defense, provocation or aggression by slayer, § 609

PSEUDONYMS

Direct examination, § 381.3

PSYCHOLOGICAL INJURY

Sentencing considerations, § 706.10

PUBLIC DEFENDER ESSENTIALS

Interviewing procedures, § 5.1

REASONABLE DOUBT

Jury instructions, § 719.7

RELIGION

Evaluation of potential jurors, § 351.5

REPORTS

Autopsy, § 122.1

REPRESENTATION

Preliminary hearing, joint representation, § 304.1

RESTITUTION

Consideration in sentencing, § 706.2

RESTORATIVE JUSTICE

Pleading, § 28.5

RIGHT TO CONFRONTATION

Cross examination of expert witness, § 414.1

RIGHT TO FAIR TRIAL

Preliminary motions, delay in prosecuting, § 349.11

“RING” AND SIMILAR DEVICES

Generally, § 75.1

ROBBERY

Armed Robbery (this index)

SANITY

Insanity (this index)

SCENE OF CRIME

Searching Scene of Crime (this index)

SCHOOL SHOOTINGS

Parental liability, § 901

SCIENCE

Juvenile brain development, § 800

SEARCH AND SEIZURE

AI, § 471.6

Attenuation doctrine, § 479.7

Automobile searches, § 479

Cell phone location tracking, § 472

Cell tower dump, § 474.4

Community caretaking exception, § 479.13

Consent searches, § 476

Evolving technology, § 471.7

Exclusionary rule, § 469

Execution of warrant, § 474

Exigent circumstances, § 479.2

SEARCH AND SEIZURE—Cont'd

- Failure to preserve evidence,
§ 479.11
- Firearm exception to stop and frisk,
§ 479.4
- Global positioning system, warrant
requirement for use of, § 471.1
- Good faith exception, § 479.6
- GPS monitoring, suppression,
§ 471.5
- Impoundment and inventory without
arrest, § 479.9
- Inevitable discovery, § 479.10
- Plain touch exception, § 479.3
- Plain view doctrine, § 479.1
- Pole cameras, § 479.8
- Probable cause, lack of, § 473
- Protective sweep, § 474.1
- Reasonable expectation of privacy,
lack of, § 479.12
- Smartphone, scope of search of,
§ 474.2
- Sneak and peak warrants, § 474.3
- State action, lack of, § 479.5
- Stingray, § 471.3
- Stop and frisk, firearm exception,
§ 479.4
- Suppression of GPS monitoring,
§ 471.5
- Unlawful, generally, § 468
- Warrant, search under
 - Generally, § 471
 - AI, § 471.6
 - Areas not specified, § 474.5
 - Cell phone location tracking,
§ 471.2
 - Cell tower dump, § 474.4
 - Evolving technology, § 471.7
 - Execution of warrant, § 474
 - Facial invalidity, § 472
 - Fleeing suspect, warrantless entry,
§ 474.6
 - GPS monitoring, suppression,
§ 471.5
 - Other law enforcement recordings,
§ 474.7

SEARCH AND SEIZURE—Cont'd

- Warrant, search under—Cont'd
 - Probable cause, lack of, § 473
 - Protective sweep, § 474.1
 - Smartphone, scope of search of,
§ 474.2
 - Sneak and peak warrants, § 474.3
 - Stingray, § 471.3
 - Wiretap minimization, § 474.8
- Warrant, search without
 - Generally, § 475 et seq.
 - Attenuation doctrine, § 479.7
 - Automobile searches, § 479
 - Community caretaking exception,
§ 479.13
 - Consent searches, § 476
 - Continuation of stop, § 479.16
 - Exigent circumstances, § 479.2
 - Failure to preserve evidence,
§ 479.11
 - Firearm exception to stop and
frisk, § 479.4
 - Good faith exception, § 479.6
 - Hand touch of package, § 479.17
 - Impoundment and inventory
without arrest, § 479.9
 - Inevitable discovery, § 479.10
 - Plain touch exception, § 479.3
 - Plain view doctrine, § 479.1
 - Pole cameras, § 479.8
 - Police body cam audio, § 479.15
 - Reasonable expectation of privacy,
lack of, § 479.12
 - State action, lack of, § 479.5
 - Trail cameras and drones, § 479.18
 - What constitutes seizure, § 479.14

SEARCHING SCENE OF CRIME

- Dying declarations, § 59
- Evidence, types of, preservation, § 88
- Factual basis for plea, § 54.1
- Fingerprints, latent, § 86.1
- Photographs, admissibility, § 71

SECOND DEGREE MURDER

- Generally, § 552 et seq.

INDEX

SECOND DEGREE MURDER

—Cont'd

- Attempted, § 555.2
- Conspiracy to commit, § 555.1
- Extreme indifference to human life, § 552.1
- Malice, § 553
- Second degree felony, § 555.3
- Sentencing, § 556.1

SELF-DEFENSE

- Generally, § 607.2
- Assault and battery, § 511
- Battered Women** (this index)
- Complete defense, right to present, § 621.1
- Contemporaneous crime exception, § 617.1
- Husband, wife, and paramour situations, § 610
- Instructions to jury, § 607.1
- Manslaughter, § 562
- Property, defense of, § 616
- Proving, § 528
- Provocation or aggression by slayer, § 609
- Reasonableness of belief, § 607
- Retreat, duty to
 - Generally, § 612
 - Place of business or dwelling, § 613
- Victim's prior violent conduct, evidence of, § 609.1

SENTENCING

- Abuse of discretion, § 706.3
- Assault and battery
 - Death sentence on indefinite felony murder, § 512.60
 - Grossly disproportionate sentences, § 512.10
- Battered women, consideration of abuse as basis for downward departure, § 628.11
- Concurrent sentences permitted, § 706.14
- Death Penalty** (this index)

SENTENCING—Cont'd

- Federal "crimes of violence," § 706.12
- Federal sentencing for "criminal episode," § 706.13
- Federal Sentencing Guidelines** (this index)
- First degree murder, sentencing considerations, § 556.1
- Juveniles** (this index)
- Other considerations
 - Generally, § 706.1 et seq.
 - Abuse of discretion, § 706.3
 - Concurrent sentences permitted, § 706.14
 - Federal "crimes of violence," § 706.12
 - Federal sentencing for "criminal episode," § 706.13
 - Juveniles, § 706.9
 - Prosecutorial misconduct in sentencing proceedings, § 706.8
 - Psychological injury to victim's family, § 706.10
 - Reduction in verdict, § 706.6
 - Remorse, lack of, § 706.5
 - Restitution, § 706.2
 - Victim impact letters, ex parte consideration, § 706.7
 - Vindictiveness in resentencing, § 706.4
- Plea negotiations, sentencing considerations, § 466
- Pre-menstrual syndrome and violent crime, § 736
- Prosecutorial misconduct in sentencing proceedings, § 706.8
- Psychological injury to victim's family, § 706.10
- Reduction in verdict, § 706.6
- Remorse, lack of, § 706.5
- Restitution, consideration of, § 706.2
- Second degree murder, § 556.1
- Victim impact letters, ex parte consideration, § 706.7

CRIMES OF VIOLENCE: HOMICIDE AND ASSAULT

SENTENCING—Cont'd

Vindictiveness in resentencing,
§ 706.4

SEQUESTRATION

Witnesses, § 381.2

SEVERANCE

Generally, § 343
Mutually antagonistic defenses,
§ 343.1

SHACKLES

Defendant, shackling in front of jury,
§ 720.1
Prosecution witness, shackling,
§ 285.1

SHELTER

Failure to provide, § 588

SIXTH AMENDMENT

Death penalty, constitutional attacks,
§ 701.1

SKETCHES

Composite sketches, § 542.9

SPEEDING

Vehicular homicide, § 690

SPOUSAL PRIVILEGE

Generally, § 542.7

STALKING

Interstate stalking, § 512.104

STATE ACTION

Search without warrant, lack of state
action, § 479.5

STATUTE OF LIMITATIONS

Homicide, § 575.1

STINGRAY

Search under warrant, § 471.3

STOP AND FRISK

Continuation of stop, § 479.16
Firearm exception, § 479.4

STRANGULATION

Deficient non-fatal strangulation
charges, § 254.1
Strangulation v. suffocation, § 254.2

**STRANGULATION V.
SUFFOCATION**

Strangulation, § 254.2

SUICIDE

Generally, § 574.1, 574.20
Assisted suicide, § 574.2
Assisted suicide by text, § 574.15

SUMMATION

Generally, § 424
Accident, sample summation,
§ 454.54
Bad faith comments by prosecutor
regarding defense strategy,
§ 435.3
Discussing defendant
Bad faith comments by prosecutor
regarding defense strategy,
§ 435.3
Mental capacity, § 435.1
Restrictions on prosecution's sum-
mation, § 435.2
Sanity, § 435.1
Fingerprint evidence, sample summa-
tion, § 454.55
Mental capacity, § 435.1
Restrictions on prosecution's summa-
tion, § 435.2
Sample summations
Accident, § 454.54
Fingerprint evidence, § 454.55
Sanity, § 435.1

SUPPRESSION OF EVIDENCE

Admissions. Confessions and admis-
sions, below
Arrest, illegal, § 481.1
Cell phone location tracking, § 471.2
Confessions and admissions
Generally, § 482 et seq.
Counsel, right to, § 489
Derivative evidence, § 491

INDEX

SUPPRESSION OF EVIDENCE

—Cont'd

- Confessions and admissions—Cont'd
 - Expert testimony and false confessions, § 482.2
 - Involuntary statements, § 483
 - Miranda rule and public safety exception, § 490, 490.1
 - Miranda v. Due Process, § 490.2
 - Miscellaneous factors, § 486
 - Police interrogation, new statutes regarding, § 482.1
- Continuation of stop, § 479.16
- Derivative evidence, § 491
- Evolving technology, § 471.7
- Exclusionary rule
 - Generally, § 469, 480
 - Application
 - Generally, § 480
 - Arrest, illegal, § 481.1
 - Impeachment, § 481
 - Arrest, illegal, § 481.1
 - Impeachment, § 481
 - Internet protocol (IP) address privacy, § 469.50
 - Warrantless arrest from residence, § 481.2
 - Warrantless entry by ruse, § 481.3
- Expert testimony, § 482.2, 496.2
- False confessions, § 482.2
- GPS monitoring, § 471.5
- Hand touch of package, § 479.17
- Identification
 - Experts, § 496.2
 - Lineups, § 493
 - Photographic identifications, § 495
 - Procedures, new statutes regarding, § 496.1
- Impeachment, § 481
- Internet protocol (IP) address privacy, § 469.50
- Lineups, § 493
- Miranda rule and public safety exception, § 490, 490.1
- Photographic identifications, § 495
- Police body cam audio, § 479.15

SUPPRESSION OF EVIDENCE

—Cont'd

- Searches. **Search and Seizure** (this index)
 - Statements, motions to suppress, § 349.15
 - Trail cameras and drones, § 479.18
- ### TECHNIQUES AND PROCEDURES
- Admissibility of opinions, § 296.1
- ### TERRORISM
- Antiterrorism and Effective Death Penalty Act (AEDPA), § 705.1
- ### THIRD DEGREE MURDER
- Generally, § 557
- ### TIME-BARRED OFFENSES
- Jury instructions, § 719.8
- ### TIME OF DEATH
- Setting, § 137
- ### TRAFFIC LAWS
- Vehicular homicide, violation of traffic laws, § 686, 690
- ### TRAILS
- Cameras, § 479.18
 - Drones, § 479.18
- ### VEHICULAR HOMICIDE
- Generally, § 678 et seq.
 - Client interview checklist, § 688.1
 - Defense
 - Generally, § 688
 - Client interview checklist, § 688.1
 - Intoxication, alleged, § 689
 - Mechanical defects, alleged, § 691
 - Reduced charge, considering, § 693
 - Speeding, § 690
 - Surrounding circumstances, § 692
 - Traffic violations, alleged, § 690
 - Equipment, defective, § 687, 691
 - Felony murder in DUI cases, § 685.2
 - Fetus, viable, as person, § 685.1
 - Gross negligence, § 682

VEHICULAR HOMICIDE—Cont'd

- Intoxication, § **685, 689**
- Mechanical defects, alleged, § **691**
- Mental culpability
 - Generally, § **680**
 - Gross negligence, § **682**
 - Ordinary negligence, § **683**
 - Penalties, § **684**
 - Recklessness, § **682**
 - Voluntary manslaughter, § **681**
- Negligence, § **682, 683**
- Penalties, § **684**
- Recklessness, § **682**
- Reduced charge, considering, § **693**
- Speeding, § **690**
- Statutory considerations, § **679**
- Surrounding circumstances, § **692**
- Traffic laws, violation of, § **686, 690**
- Voluntary manslaughter, § **681**

VENUE

- Appellate review, § **342**
- Change of venue motion, § **334**
- Interstate domestic violence,
§ **512.103**
- Native American territory, jurisdiction,
§ **342.1**

VERDICT

- Inconsistent verdicts, § **606.1**

VICTIMS

- Character and reputation of intended
victim, § **536.1**
- Impact letters, ex parte consideration,
§ **706.7**
- Psychological injury to victim's family,
sentencing considerations,
§ **706.10**

VIDEO AND VIDEOTAPES

- Generally, § **74**
- "Ring" and similar devices, § **75.1**

VIOLENT DEATHS

- Bite mark evidence unsupported,
§ **256.2**
- Submission as evidence, § **256.1**

VOIR DIRE

- Jury Selection** (this index)

WAIVER

- Death penalty, waiver of mitigating
evidence, § **698.7**
- Preliminary hearing, § **302**

WARRANTS

- Search and Seizure** (this index)

WEAPONS

- Armed Robbery** (this index)
- Federal Sentencing Guidelines** (this
index)
- Firearms** (this index)

WIRETAP

- Minimization
- Search and seizure, § **474.8**

WITNESSES

- Codefendants, § **288, 288.1, 381.1**
- Confession, codefendants, § **288.1**
- Deceased defense witness, § **542.14**
- Examination
 - Cross Examination** (this index)
 - Direct Examination** (this index)
- Expert Witnesses** (this index)
- Hypnosis** (this index)
- Inadmissibility of results absent witness
testimony, § **542.15**
- Medical examiner, § **147.4, 147.5**
- Sequestration, § **381.2**
- Shackling prosecution witness,
§ **285.1**

**WITNESS MENTAL HEALTH
HISTORY**

- Particular witnesses
- Failure to disclose cooperating,
§ **288.2**