

Table of New and Retitled Sections

CHAPTER 2. ACCUSATORY INSTRUMENTS

- § 2:2.50 Information—Sufficiency—Specific crimes *[New]*
- § 2:9.50 Misdemeanor complaint—Insufficiency *[New]*
- § 2:19.50 Indictment—Multiplicitous counts *[New]*

CHAPTER 3. APPEAL

- § 3:15.50 Codefendant's objection *[New]*
- § 3:29.50 Voir dire *[New]*
- § 3:38.50 Limited by mixed question of law and fact *[New]*

CHAPTER 5. BAIL [CPL 500–540]

- § 5:2.50 Bail—Examination of sufficiency *[New]*
- § 5:2.70 Bail—Modifications; revocation *[New]*

CHAPTER 7. CONFESSION AND ADMISSION

- § 7:11.50 Correctional facility phone *[New]*
- § 7:26.50 Harmless error *[New]*
- § 7:41.50 Waiver—Mental competency *[New]*
- § 7:76.50 Suppression hearings—Appellate review *[New]*
- § 7:81 Expert testimony—False confession *[New]*

CHAPTER 8. COUNSEL

- § 8:13.50 Harmless error in improperly permitting pro se *[New]*
- § 8:34.50 Examples of effective trial counsel—Defenses *[New]*
- § 8:36.30 Examples of effective trial counsel—Motion to dismiss *[New]*
- § 8:38.70 Examples of effective trial counsel—Summation *[New]*
- § 8:38.80 Examples of effective trial counsel—Verdict sheet *[New]*
- § 8:42.50 Examples of ineffective trial counsel—Suppression hearing *[New]*
- § 8:45.50 Effective counsel—Excessive sentence *[New]*

CHAPTER 10. CRIMINAL JURY INSTRUCTIONS

§ 10:17.50 Missing and destroyed evidence *[New]*

CHAPTER 12. DEFENSES

§ 12:9.50 Due process right to present a defense *[New]*

§ 12:24.30 Justification—Self-defense—Excessive force *[New]*

§ 12:24.50 Justification—Self-defense—Initial aggressor *[New]*

§ 12:24.70 Justification—Self-defense—Lawful intent *[New]*

CHAPTER 13. DISCOVERY

§ 13:10.50 Disclosure of exculpatory matter—Impeachment—
Civil lawsuit *[New]*

§ 13:12.30 Disclosure of exculpatory matter—Surveillance video
[New]

§ 13:12.70 Disclosure of exculpatory matter—Third-party
culpability *[New]*

§ 13:13.30 Disclosure of witness contact information *[New]*

CHAPTER 15. DOUBLE JEOPARDY, STATUTORY EXEMPTION FROM PROSECUTION, AND COLLATERAL ESTOPPEL

§ 15:8.50 Double jeopardy—After partial verdict *[New]*

§ 15:15.50 Double jeopardy—After sentence *[New]*

CHAPTER 16. EAVESDROPPING; PEN REGISTER; AND VIDEO SURVEILLANCE

§ 16:11.50 Recording of an inmate's phone call *[New]*

CHAPTER 17. EVIDENCE

§ 17:21.50 Examination of witness—Scope of defense
examination *[New]*

§ 17:22.50 Examination of a witness—Recall *[New]*

§ 17:30.50 Impeachment—Illegally seized evidence *[New]*

§ 17:32.50 Impeachment—Law enforcement witness *[New]*

§ 17:52.50 Hearsay—*Crawford* and scientific evidence *[New]*

§ 17:55.50 Hearsay—Background—Complete narrative *[New]*

§ 17:70.50 Past recollection recorded *[New]*

§ 17:72.50 Hearsay—Silence as evidence in chief *[New]*

§ 17:81.50 *Frye* Rule *[New]*

TABLE OF NEW AND RETITLED SECTIONS

- § 17:85.50 Photograph on social media *[New]*
- § 17:120.50 Uncharged crimes—Background *[New]*
- § 17:121.50 Uncharged crimes—Knowledge *[New]*
- § 17:139.50 Uncharged crimes—Robbery *[New]*
- § 17:145.50 Stipulation to writings *[New]*
- § 17:145.70 Video authentication *[New]*
- § 17:146 Refreshed recollection *[New]*

CHAPTER 22. GRAND JURY [CPL § 190]

- § 22:12.50 Evidence—Video evidence *[New]*

CHAPTER 23. GUILTY PLEA

- § 23:7.50 Unauthorized plea—Jurisdictionally flawed count *[New]*
- § 23:9.50 Allocution—Advice of consequences—Deportation *[New]*
- § 23:17.50 Specific performance of plea agreement—Cooperation agreement *[New]*
- § 23:28.50 Withdrawal—Suppressed Evidence *[New]*

CHAPTER 25. IDENTIFICATION

- § 25:15.50 First-time in-court identification *[New]*
- § 25:27.50 Evidentiary presumption *[New]*
- § 25:35.50 Photograph or video identification by non-eyewitness *[New]*
- § 25:38.50 Testimony identifying a codefendant not on trial *[New]*

CHAPTER 31. OFFENSES

- § 31:7.50 Mistake of fact *[New]*
- § 31:7.70 Involuntary possession *[New]*
- § 31:33.50 Torture *[New]*
- § 31:39.50 Intentional assault—Public servant assault *[New]*
- § 31:41.50 Felony assault and homicide—In furtherance of *[New]*
- § 31:48.50 Reckless assault and homicide—By doctor *[New]*
- § 31:55.50 Suicide *[New]*
- § 31:57.50 Strangulation *[New]*
- § 31:66.50 Forcible touching *[New]*
- § 31:68.50 Sex offenses—Child sexual abuse accommodation syndrome *[New]*
- § 31:68.70 Sex offenses—Other child abuse experts *[New]*
- § 31:70.50 Kidnapping, unlawful imprisonment—Kidnapping of child by parent *[New]*
- § 31:85.50 Property *[New]*
- § 31:107.50 Robbery—Instruction to jury *[New]*

NY COURT OF APPEALS ON CRIMINAL LAW

- § 31:109.50 Unlawful use of secret scientific material *[New]*
- § 31:125.50 Health care fraud *[New]*
- § 31:129.50 Identity fraud *[New]*
- § 31:146.50 Tampering with a witness *[New]*
- § 31:151.50 Drugs—Public place and open view *[New]*
- § 31:165.50 Sex trafficking *[New]*
- § 31:173.50 Aggravated family offense *[New]*
- § 31:176.50 Unlawful surveillance *[New]*
- § 31:180.20 Second amendment *[New]*
- § 31:180.50 Weapons—Definitions *[New]*
- § 31:191.50 Intended surrender of a firearm *[New]*
- § 31:193.25 Firearm license [Penal Law § 400.00] *[New]*
- § 31:193.75 Enterprise corruption *[New]*
- § 31:194.50 Crime of terrorism *[New]*

CHAPTER 32. POST-JUDGMENT MOTIONS

- § 32:10.50 Actual innocence *[New]*

CHAPTER 33. PROSECUTORS

- § 33:9 Prosecutor for abuse of vulnerable persons *[New]*

CHAPTER 35. RETROACTIVITY

- § 35:1.50 Direct appeal timing *[New]*

CHAPTER 37. SEARCH AND SEIZURE

- § 37:14.50 Overview of levels of a warrantless intrusion—Duration of warrant's authority *[New]*
- § 37:39.50 Probable Cause—Hospital clothes *[New]*
- § 37:39.75 Probable Cause—Traffic violation *[New]*
- § 37:43.50 Automobile—Authorized stops *[New]*
- § 37:49.50 Automobile—Stop and questioning *[New]*
- § 37:54.50 Bicycle stop *[New]*
- § 37:72.50 Mistaken premise for seizure *[New]*
- § 37:73.50 Peace officer's limited arrest authority *[New]*
- § 37:105.50 Standing—Appellate review *[New]*

CHAPTER 39. SENTENCE

- § 39:28.50 Second felony offender—Prior sentence required before present crime *[New]*
- § 39:28.70 Second drug offender with prior violent felony *[New]*
- § 39:28.80 Second child sexual assault felony *[New]*
- § 39:30.50 Effect of resentencing *[New]*
- § 39:51.50 Post-judgment sentence challenge *[New]*

TABLE OF NEW AND RETITLED SECTIONS

- § 39:56.50 Collateral consequences *[New]*
- § 39:59 Civil commitment or supervision—In general
[Retitled]
- § 39:59.15 Civil commitment or supervision—Venue *[New]*
- § 39:59.25 Civil commitment or supervision—Trial *[New]*
- § 39:59.50 Civil commitment or supervision—Hearsay *[New]*
- § 39:59.75 Civil commitment or supervision—Remedy *[New]*

CHAPTER 40. SPEEDY TRIAL, READINESS, AND APPEAL

- § 40:14.50 Illusory statement of readiness *[New]*
- § 40:21.50 Defendants joined for trial *[New]*

CHAPTER 44. TRIAL

- § 44:1.50 Right of trial by jury—Commencement *[New]*
- § 44:7.50 Court interpreter *[New]*
- § 44:11.50 Order of examination *[New]*
- § 44:61.50 Substitution of alternate juror *[New]*
- § 44:69.50 Ex parte communication with a witness *[New]*
- § 44:96.50 Inconsistent and repugnant verdicts—Remedy *[New]*