

Index

ACCIDENT RECONSTRUCTION

Experimental evidence, § 726

Staged events, video, § 425-2

ADMISSIONS

Tacit admissions, § 803(25)(B)-1

ADVOCATE

Office of Victim Advocate, confidentiality of information, § 557

APOLOGY RULE

Generally, § 438

APPEAL AND REVIEW

Record on appeal, § 103-1; § 103-2

ARREST

Generally inadmissible, § 603-3; § 803(22)-1

ATTORNEY-CLIENT PRIVILEGE

Exception in derivative lawsuits, § 521-5

Fiduciary exception, § 521-5

AUTHENTICATION

Business records, § 902-8

Data copied from electronic device, § 902-14

Digital evidence, § 901-11; 901-(b)(11)

Electronic source, records and data, proposed rules, § 902-8

Medical records, § 902-8

Non-existence of a public record, Pa.R.E. 902(13), § 902-13

Public records, § 902-8

Records generated by electronic process, § 902-14

Text messages, Pa.R.E. 901, § 901-6

AUTISM

Victims and witnesses with, § 829

BENEVOLENT GESTURE MEDICAL PROFESSIONAL LIABILITY ACT

Apology rule, § 438

BURDEN OF PROOF

Substantial evidence, § 323

BUSINESS RECORDS

Authentication, § 902-8

CHILDREN AND MINORS

- Competency of witnesses
 - Hearsay statement of incompetent declarant, § 601-3
- Depositions, hearsay, § 824
- Tender years exception to hearsay rule, § 824

CHOICE OF LAW

- Assessment of expert testimony, § 101-1

CLAIMS INABILITY

- Subject matter of statement to remember
 - Prior statements by declarant-witness, § 803.1(4)-1

COMPETENCY OF WITNESSES

- Children and minors
 - Hearsay statement of incompetent declarant, § 601-3

COMPLETE THE STORY

- Hearsay exception, not recognized, § 803-1
- Res gestae exception for other act evidence, § 404-9

CONFIDENTIAL OR PRIVILEGED INFORMATION

- Confidential communications with human trafficking caseworkers, § 554
- Confidentiality of information
 - Office of Victim Advocate, § 557
 - Office of Victims' Services, § 557
- Insurance data, § 555
- Pennsylvania Health Insurance Exchange Authority, Re-insurance Program, § 556

CONTINGENT FEES

- Expert witnesses, § 439
- Witness, basis for excluding testimony, § 439

CREDIBILITY OF WITNESSES

- Bolstering, § 607-1; § 702-3
- Expert testimony, assessing, § 702-7
- Expert testimony on credibility, § 702-3
- Testimony that witness is lying not allowed, § 608-1; § 702-3

CRIMINAL LAW AND PROCEDURE

- Cross-examination, pro se defendendant, § 611-1

CROSS-EXAMINATION

- Criminal defendants
 - Pro se defendant, § 611-1

CUSTODY

- Exhibits in court proceedings, § 135

CUSTOMS AND USAGES

- Business and commerce
 - Mailbox rule, § 326-21

INDEX

CUSTOMS AND USAGES—Cont'd

- Business and commerce—Cont'd
- Receipt, presumptions, § 326-21
- Receipt, presumptions, § 326-21

DECLARANT-WITNESS, PRIOR STATEMENTS

- Claims inability
- Remember, subject matter of statement, § 803.1(4)-1

DEMONSTRATIVE EVIDENCE

- Authentication
- Digital evidence, § 901-11

DIGITAL EVIDENCE

- Authentication, § 901-(b)(11)

DOCTRINE OF ESTOPPEL

- Presumptions, § 326-9

DOUBLE JEOPARDY

- Bar to prosecution appeal, § 133-3; § 133-4

DUE PROCESS OF LAW

- Defendant's presence, § 622-1

ELECTRONIC DATA

- Authentication, § 902-8

ELECTRONIC RECORDS

- Authentication, § 902-8

ESTOPPEL

- Doctrine of, presumptions, § 326-9

EVENT DATA RECORDER (EDR)

- Motor vehicles, cases involving, § 702.2

EXECUTIVE PRIVILEGE

- Privileges and immunities, § 533

EXHIBITS

- Custody, court proceedings, § 135

EXPERIMENTAL EVIDENCE

- Accident reconstruction, § 726

EXPERT WITNESSES

- Contingent fee, basis to exclude, § 439
- Fees, § 702-5
- Testimony, eyewitness identification, § 702-3
- Testimony concerning witness credibility, § 702-3

EYEWITNESS IDENTIFICATION

- Expert testimony, § 702-3

FORENSIC LABORATORY REPORT CERTIFICATION

Generally, § 622-2; § 802

HEARSAY

Absence of public records and reports, Pa.R.E. 803(10)

Autism, victims with, § 829

Machine-generated data, § 801-1

Prior statement, declarant-witness claims inability to remember subject matter,

Pa.R.E. 803.1(4)

Public records and reports

Generally, Pa.R.E. 803(8), § 803(8)-1

Absence of, Pa.R.E. 803(10), § 803(10)-1

Victims with intellectual disabilities, § 829

Witnesses and victims with intellectual disabilities or autism, § 829

HUMAN TRAFFICKING

Confidential communications with human trafficking caseworkers, § 554

IMMIGRATION STATUS

Admissibility, § 413-1

IMPEACHMENT OF WITNESSES

Improper, testimony that witness is lying not allowed, § 608-1; § 702-3

INSURANCE

Data, confidential information, § 555

JUDICIAL ADMISSIONS

Generally, § 127

JUDICIAL PRIVILEGE

Privileges and immunities, § 533

JURY

Notetaking, § 132

LEGISLATIVE PRIVILEGE

Privileges and immunities, § 533

LETTERS AND OTHER CORRESPONDENCE

Mailing, receipt, presumptions, § 326-21

MAIL AND MAILING

Presumption of receipt, § 326-21

MAILBOX RULE

Presumption of receipt, § 326-21

Receipt, presumptions, § 326-21

MARITAL PRESUMPTION

Presumptions, § 326-9

MEDICAL CARE AND TREATMENT

Benevolent Gesture Medical Professional Liability Act (Apology Rule), § 438

INDEX

MEDICAL RECORDS

Authentication, § 902-8

MENTAL DISABILITIES

Witnesses, § 829

MENTALLY DEFICIENT AND MENTALLY ILL PERSONS

Witnesses, § 829

MOTOR VEHICLES

Vehicle event data recorder (EDR), § 702-2

Vehicle event data recorder and confrontation, § 622-2

OFFICE OF VICTIM ADVOCATE

Confidentiality of information, § 557

OFFICE OF VICTIMS' SERVICES

Confidentiality of information, § 557

OFFICERS AND EMPLOYEES

Public records, Pa.R.E. 803(8)

OPINION EVIDENCE

Lay witnesses

Property owner's testimony about value of property, § 701-1

PHYSICIAN-PATIENT PRIVILEGE

Pennsylvania Health Insurance Exchange Authority, Re-insurance Program,
§ 556

PRESUMPTION OF PATERNITY

Presumptions, § 326-9

PRESUMPTIONS

Doctrine of estoppel, § 326-9

Mailbox rule, § 326-21

Marital presumption, § 326-9

Presumption of paternity, § 326-9

Receipt, § 326-21

PRIOR STATEMENTS

Declarant-witness claims inability to remember subject matter of statement,
Pa.R.E. 803.1(4)

PRIVILEGES AND IMMUNITIES

Generally, § 501-1

Confidential communications with human trafficking caseworkers, § 554

Confidentiality of information

Office of Victim Advocate, § 557

Office of Victims' Services, § 557

Executive, § 533

Insurance data, confidentiality, § 555

Judicial, § 533

Legislative, § 533

PRIVILEGES AND IMMUNITIES—Cont'd

Pennsylvania Health Insurance Exchange Authority, Re-insurance Program,
§ 556

PUBLIC RECORDS

Absence of public record, **Pa.R.E. 803(10)**
Authentication, § 902-8
Hearsay exception, **Pa.R.E. 803(8)**

RAP MUSIC

As evidence of crime victim's character, § 404-4

RECEIPTS

Business custom, § 326-21
Presumptions, § 326-21

RELATED EVIDENCE LAW

Custody
Exhibits, § 135

RELEVANCY

Apology rule, § 438
Benevolent Gesture Medical Professional Liability Act, § 438

SEQUESTRATION

Right of crime victim to be present at criminal proceeding, § 615-1

SEXUAL OFFENSES

Confidential communications with human trafficking caseworkers, § 554
Responses and behaviors of victims, § 728
Victim's past sexual conduct or victimization, § 412-1

STAGED EVENTS

Video, accident reconstruction, § 425-2

STIPULATIONS

Impact on weight of evidence, § 403-1

SUPPORT DOG

Trial court's discretion, § 611-1

TACIT ADMISSIONS

Admissions, § 803(25)(B)-1

TAMPERING WITH WITNESS

Relevant to consciousness of guilt, § 431

TELECOMMUNICATIONS

Text messages, **Pa.R.E. 901**, § 901-6

TEXT MESSAGES

Authentication, **Pa.R.E. 901**, § 901-6

VEHICLE EVENT DATA RECORDER (EDR)

Generally, § 702.2

INDEX

VEHICLE EVENT DATA RECORDER AND CONFRONTATION

Motor vehicles, § **622-2**

VICTIM

Confidentiality of information

Office of victim advocate, § **557**

Office of victims' services, § **557**

Right to be present at criminal proceeding, § **615-1**

VIDEO

Staged events, accident reconstruction, § **425-2**

VIDEOTAPES AND VIDEOCONFERENCING

Presence of defendant in criminal cases, § **622-1**

WAIVER

Deficient record on appeal, § **103-2**; § **133**

WITNESSES

Contingent fee agreement with witness as basis for excluding testimony, § **439**

Eyewitness identification, expert testimony, § **702-3**

Face-covering and the right to confrontation, § **622-1**

Support dog, § **611-1**