

# Index

## **ALTERNATE OR ALTERNATIVES**

Testing, blood and breath, § 19:05

## **APPELLATE REVIEW**

Evidence, admission of, prejudicial effect, § 2:15

## **ATTORNEYS**

Competent counsel, right to, § 1:10

Conflicts of interest, representation of criminal defendant, § 1:10

Discipline for improper conduct, § 1:05

Ineffective assistance of counsel, § 1:10

Role of and right to

competent counsel, § 1:10

discipline for improper conduct, § 1:05

Waiver of right to counsel, criminal cases, § 1:12

## **ATTORNEYS' FEES**

Costs, attorneys' fees as, § 37:07

Discipline for improper conduct, § 1:05

## **BLOOD TESTS**

Alternative, § 19:05

Criminal cases, § 19:05

## **BREATH TESTS**

Alternative, § 19:05

Criminal cases, § 19:05

## **BURDEN OF PROOF**

Criminal cases, defendant's burdens, § 9:14

Disability discrimination, § 9:03

Party with burden, civil cases, § 9:03

## **COCONSPIRATORS**

Hearsay evidence, § 16:05

## **COMPETENCE**

Criminal defendant, proof of competence, § 9:13

## **CONDUCT**

Attorneys, discipline for improper conduct, § 1:05

## **CONFESSIONS**

Custodial confessions, § 31:05

Voluntariness, § 31:03

**CONFLICTS OF INTEREST**

Representation of criminal defendant, § 1:10

**CONSTITUTIONALITY**

Presumptions, statutes, § 12:12

**COSTS**

Attorneys' fees as costs, § 37:07

Disbursements, allowable, § 37:06

Settlements and assessment of costs, § 37:09

**CRIMINAL CASES**

Blood tests, § 19:05

Breath tests, § 19:05

Burden of proof, defendant, § 9:14

Competence of defendant, proof of, § 9:13

Defendant's burden of proof, § 9:14

Hearsay evidence, § 16:01

Identification

accused, relevance, § 13:17

proof of, § 9:13

Ineffective assistance of counsel, § 1:10

Instructions to jury, § 35:07

Jury trial, waiver of right, § 6:01

Mistrial, § 32:03

Other crimes, wrongs, or acts, § 13:14

Plea

agreements, § 37:10

withdrawing after verdict, § 33:04

Polling jurors, waiver of right, § 36:14

Presumptions, § 12:13

Right to counsel

ineffective assistance of counsel, § 1:10

waiver of, § 1:12

Sentencing, § 36:15

**DAMAGES**

Excessive or inadequate

grounds for new trial, § 33:02

remittitur, § 36:10

Medical malpractice, non-economic damage caps, § 6:18

Punitive damages, § 36:10

**DEAD MAN'S STATUTES**

Repealed, § 22:01

**DEMONSTRATIVE AIDS**

Opening statements, use in, § 7:06

**DISABILITY DISCRIMINATION**

Burden of proof, § 9:03

## INDEX

### **DOCUMENTARY EVIDENCE**

Opening statement, references to documents, § 7:04

### **EVIDENCE**

Admissibility ruling on, § 2:15

New trial, newly discovered evidence, § 33:03

### **FALSE OR FALSITY**

Discipline for improper conduct, § 1:05

### **HEARSAY EVIDENCE**

Coconspirators' statements, § 16:05

Criminal cases, § 16:01

Nontestimonial statements, § 16:33

Present sense impressions, § 16:07

Unavailability, generally, § 16:31

### **HONESTY-TESTING DEVICES**

Communications made during examination using, privileged, § 23:13

### **IDENTIFICATION**

Accused, identification of, relevance, § 13:17

Criminal cases, proof of, § 9:13

### **INSTRUCTIONS TO JURY**

Generally, § 35:01

Criminal cases, rules applicable in, § 35:07

### **JUDGES**

Recusal of judge, § 2:08

### **JUDGMENTS**

Plea agreements, § 37:10

### **JUDICIAL NOTICE**

Examples, facts refused judicial notice, § 11:06

Refusal of judicial notice, examples, § 11:06

### **JURY AND JURORS**

Impartial jury, right to trial by, § 6:01

Peremptory challenges, number of  
adverse interests, defendants having, § 6:18  
civil cases, § 6:18

Polling jury, § 36:14

Right to trial by jury, § 6:01

### **LEGITIMATE TENDENCY TEST**

Similar crime evidence, § 13:14

### **LIE DETECTOR TESTS**

Communications made during examination, privileged, § 23:13

### **MEDICAL MALPRACTICE**

Non-economic damage caps, § 6:18

**MIRANDA RULE**

Custodial confessions, § 31:05

**MISTRIAL**

Grounds, § 32:03

**NEW TRIAL**

Grounds for

generally, § 33:02

newly discovered evidence, § 33:03

Newly discovered evidence, § 33:03

**OPENING STATEMENTS**

Argument to jury distinguished, § 7:04

Content, § 7:04

Demonstrative aids, use of, § 7:06

Scope, § 7:04

Visual aids, use of, § 7:06

**OPINION EVIDENCE AND EXPERT TESTIMONY**

Criteria for admission of expert testimony, § 15:04

Discretion of trial court, §§ 15:04, 15:05

Personal property, value of, § 15:02

Qualification of experts, § 15:05

Real property, value of, § 15:02

Subject matter, § 15:07

Testimony by experts, § 15:04

**OTHER CRIMES, WRONGS, OR ACTS**

Relevancy, § 13:14

**OWI-BAC**

Blood and breath tests, § 19:05

Informed consent statute, § 30:03

**PERSONAL PROPERTY**

Value of, lay testimony, § 15:02

**PLAIN VIEW DOCTRINE**

Illegally obtained evidence, § 30:04

**PLEA**

Agreements, § 37:10

Withdrawal after verdict, § 33:04

**POLYGRAPH EXAMINATIONS**

Privileged communications, § 23:13

**PRESUMPTIONS**

Criminal cases, § 12:13

Statutes, constitutionality, § 12:12

**PRIOR CONVICTIONS**

Other crimes, wrongs, or acts, § 13:14

## INDEX

### **PROBABLE CAUSE**

Search warrant, probable cause showing as basis for issuance, § 30:07

### **PUNITIVE DAMAGES**

Excessive, § 36:10

### **QUALIFICATIONS**

Experts, § 15:05

### **REAL AND DEMONSTRATIVE EVIDENCE**

Tests in criminal cases, § 19:05

### **REAL PROPERTY**

Value of, lay testimony, § 15:02

### **RECORDS AND REPORTS**

Privileged records and reports, self-incrimination, privilege against, § 24:03

### **RECUSAL**

Judge, recusal of, § 2:08

### **RELEVANCY**

Accused, identification of, § 13:17

Identification of accused, § 13:17

Legitimate tendency test, similar crime evidence, § 13:14

Other crimes, wrongs, or acts, § 13:14

Probative value vs. prejudicial effect, § 13:14

Total picture, § 13:01

### **SEARCH AND SEIZURE**

Civil cases, § 30:01

Consent, § 30:03

Illegally obtained evidence, § 30:01

Inevitable discovery rule, § 30:01

Plain view doctrine, § 30:04

Private persons, evidence obtained by, § 30:01

Probable cause showing as basis for issuance of search warrant, § 30:07

Search warrants, probable cause showing as basis for issuance, § 30:07

Stop and frisk, § 30:02

Warrantless searches, § 30:05

### **SELF-INCRIMINATION**

Civil proceedings, § 24:03

### **SENTENCING**

Criminal cases, § 36:15

### **SETTLEMENT**

Costs, assessment of, § 37:09

### **STOP AND FRISK**

Illegally obtained evidence, § 30:02

**SUMMARY JUDGMENT**

Generally, § 4:14

**TAX RETURNS**

Discipline for improper conduct, § 1:05

**TRIAL**

Judges, recusal, § 2:08

Recusal of judge, § 2:08

Summary judgment, § 4:14

**VERDICT OF JURY**

Criminal sentencing, § 36:15

Form of special verdict, § 36:03

Perverse verdict, § 36:10

Polling jury, § 36:14

Special verdict, form of, § 36:03

**VISUAL AIDS**

Opening statements, use in, § 7:06

**WAIVER**

Right to counsel, § 1:12

**WARRANTS**

Warrantless searches, § 30:05

**WITNESSES**

Cross-examination

discretion of trial court, § 27:01

plausibility, § 27:03

Limiting number of, § 2:14

Number of, limiting, § 2:14

Prior convictions, proof of, generally, § 25:13

Unavailability, hearsay evidence, § 16:31