

Table of Contents

INTRODUCTION (CONTINUED)

CHAPTER 1. INTRODUCTION

§ 1:1 Scope and purpose

PART I. ARREST AND CRIMINAL INVESTIGATIVE PROCEDURES

CHAPTER 2. ARRESTS

§ 2:1 General considerations

§ 2:2 Arrest by officer without warrant—General

§ 2:3 Arrest—Reasonable or probable cause

§ 2:4 Arrest warrants

§ 2:5 Arrests by private citizens

§ 2:6 Results of illegal arrest

CHAPTER 3. STOP-AND-FRISK

§ 3:1 General considerations

§ 3:2 Facts justifying stop-and-frisk

§ 3:3 Extent of stop-and-frisk search

CHAPTER 4. SEARCH AND SEIZURE

§ 4:1 Protected areas and interests

§ 4:2 Searches by private citizens

§ 4:3 Judicial officers who may issue search warrants

§ 4:4 Probable cause required for issuance of search warrant—
General

§ 4:5 Probable cause required for issuance of search warrant—
Observation of officer, victim or private citizen

§ 4:6 Probable cause required for issuance of search warrant—
Observation of “informant”

§ 4:7 Probable cause required for issuance of search warrant—Time

§ 4:8 Probable cause required for issuance of search warrant—
Description of place and person to be searched

§ 4:10 Officer to execute warrant—Time for execution

§ 4:11 Execution of search warrant—Means and force

§ 4:12 Execution of search warrant—Detention and search of person

§ 4:13 Execution of search warrant—Property which may be seized

§ 4:15 Warrantless searches—General

§ 4:16 Warrantless searches—Incident to lawful arrest—Person

§ 4:17 Warrantless searches—Incident to lawful arrest—Articles and
area around person arrested

- § 4:19 Warrantless searches—Exigent circumstances
- § 4:20 Warrantless searches—Officer in hot pursuit
- § 4:21 Warrantless searches—Valid consent—General
- § 4:22 Warrantless searches—Consent incident to arrest
- § 4:23 Warrantless searches—Valid consent by third person
- § 4:25 Warrantless searches—Abandoned property
- § 4:26 Warrantless searches—Plain view
- § 4:27 Warrantless searches—Open fields
- § 4:28 Warrantless searches—Prisoners, probationers and parolees
- § 4:29 Warrantless searches—Border searches
- § 4:30 Warrantless searches—Vehicle—General
- § 4:31 Warrantless searches—Vehicle—Incident to lawful arrest
- § 4:32 Warrantless searches—Vehicle—Probable cause and exigent circumstances
- § 4:33 Warrantless searches—Vehicle—Inventory search
- § 4:35 Results of illegal search

CHAPTER 5. CONFESSIONS AND SELF-INCRIMINATION

- § 5:1 Confessions—General
- § 5:2 Confessions—Admissions
- § 5:3 Confessions and admissions—Miranda v. Arizona—General
- § 5:4 Confessions and admissions—Miranda v. Arizona—In custody
- § 5:5 Confessions and admissions—Miranda v. Arizona—Interrogation
- § 5:6 Confessions and admissions—Miranda v. Arizona—Waiver
- § 5:7 Confessions and admissions—Miranda v. Arizona—Request for an attorney—Subsequent interrogation
- § 5:8 Confessions and admissions—Miranda v. Arizona—Represented by counsel
- § 5:9 Confessions and admissions—Free and voluntary—Fear or promises
- § 5:10 Confessions and admissions—Miranda v. Arizona—Results of illegally induced confession
- § 5:11 Nontestimonial evidence

CHAPTER 6. LINEUPS AND IDENTIFICATION PROCEDURES

- § 6:1 Background
- § 6:2 Right to counsel at pretrial identification procedures
- § 6:3 Due process—General
- § 6:4 Due process—Lineups and show-ups
- § 6:5 Photographic identification

TABLE OF CONTENTS

**PART II. CLIENT—COUNSEL
RELATIONSHIP AND PROCEEDINGS
PRIOR TO PRELIMINARY
EXAMINATION**

CHAPTER 7. COUNSEL FOR DEFENDANT

- § 7:1 General considerations
- § 7:3 Representing multiple defendants
- § 7:4 Financial assistance in representing indigents

CHAPTER 8. BONDS

- § 8:1 General considerations
- § 8:2 Factors in setting bail; excessiveness; increase or reduction of bail
- § 8:3 Capital offenses
- § 8:4 Bail after conviction
- § 8:5 Condition and requisites of bail undertaking

**CHAPTER 9. CIVIL ACTIONS IN
CONNECTION WITH DEFENSE OF
CRIMINAL CASES**

- § 9:1 Injunctive relief in state court
- § 9:2 Injunctive relief in federal court

**CHAPTER 10. CONDEMNATIONS AND
FORFEITURES**

- § 10:2 Statutes providing for condemnation, forfeiture and confiscation
- § 10:3 Forfeiture of weapons
- § 10:4 Forfeiture relating to drugs
- § 10:6 Civil disabilities

**PART III. PRE-TRIAL JUDICIAL
PROCEEDINGS**

CHAPTER 11. PRELIMINARY EXAMINATION

- § 11:1 General considerations
- § 11:2 Outline of statutory procedures
- § 11:3 Admissibility of transcripts in other proceedings

CHAPTER 12. GRAND JURY

- § 12:1 Introduction
- § 12:2 Historical background
- § 12:3 Composition
- § 12:4 Making up grand jury list
- § 12:5 Selecting grand jury

- § 12:10 Grand jury secrecy
- § 12:11 Witnesses and evidence before grand jury
- § 12:13 Witness immunity—In Louisiana
- § 12:15 Representing witnesses subpoenaed to testify before grand jury

CHAPTER 13. INDICTMENTS AND ACCUSATIONS

- § 13:1 Scope
- § 13:2 General considerations
- § 13:3 Contents—General
- § 13:5 Contents—Former convictions
- § 13:6 Amendments

CHAPTER 14. DISCOVERY, MOTIONS

- § 14:1 General considerations
- § 14:2 Discovery—General
- § 14:3 Discovery—By defendant
- § 14:4 Information not subject to discovery by defendant
- § 14:5 Brady motion
- § 14:6 Bill of particulars
- § 14:7 Discovery—By prosecution
- § 14:9 Motion to quash—Grounds
- § 14:10 Motion to quash—Time to file
- § 14:11 Double jeopardy
- § 14:14 Double jeopardy—When jeopardy attaches
- § 14:15 Double jeopardy—Same offense
- § 14:16 Double jeopardy—Collateral estoppel
- § 14:17 Double jeopardy—Mistrial—New trial
- § 14:18 Double jeopardy—Dual sovereignty
- § 14:19 Double jeopardy—Trial in inferior court
- § 14:20 Double jeopardy—Retrial
- § 14:22 Limitations of prosecution
- § 14:23 Limitations on commencement of trial
- § 14:24 Right to speedy trial
- § 14:25 Motion to sever—Parties
- § 14:26 Motion to sever—Offenses
- § 14:27 Motion to change venue
- § 14:28 Motion for a change of judge
- § 14:29 Motion to suppress—General
- § 14:30 Motion to suppress—Illegally obtained tangible evidence—Standing
- § 14:32 Motion to suppress—Hearing on motion
- § 14:34 Competency to stand trial

CHAPTER 15. PLEA BARGAINING

- § 15:1 General
- § 15:3 Broken plea bargains

CHAPTER 16. ARRAIGNMENT

- § 16:1 Background

TABLE OF CONTENTS

- § 16:2 Entering a guilty plea
- § 16:3 Withdrawal of guilty plea

PART IV. THE TRIAL

CHAPTER 17. PRELIMINARY MATTERS AND GENERAL REQUIREMENTS

- § 17:2 Court
- § 17:3 District attorney
- § 17:4 Defendant
- § 17:5 Jury trial versus trial by judge
- § 17:6 Continuances
- § 17:8 Entering a nolle prosequi

CHAPTER 18. JURY

- § 18:1 General considerations
- § 18:3 Challenges to jury venire
- § 18:5 Points to consider in jury selection
- § 18:6 Voir dire examination
- § 18:7 Challenges for cause
- § 18:8 Peremptory challenges
- § 18:9 Method of exercising challenges
- § 18:10 Swearing the jury
- § 18:11 Sequestration

CHAPTER 19. OPENING STATEMENTS

- § 19:2 State's opening
- § 19:3 Defendant's opening
- § 19:5 Sequestration of witnesses

CHAPTER 20. PRESENTING STATE'S CASE AND ATTACKS THEREON

- § 20:1 Burden of proof
- § 20:2 Reasonable doubt
- § 20:3 Presumption of innocence
- § 20:4 Presumptions and inferences
- § 20:5 Corpus delicti
- § 20:6 Venue
- § 20:7 General requirements of proof
- § 20:8 General requirements of proof—Variance
- § 20:9 Hearings as to admissibility of confessions
- § 20:10 Witnesses—Competency and privileges
- § 20:11 Witnesses—Experts
- § 20:13 Witnesses—Accomplices
- § 20:14 Witnesses—Immunity and reduction of sentence
- § 20:18 Witnesses—Impeachment—Bad character
- § 20:19 Witnesses—Impeachment—Conviction of crime
- § 20:20 Witnesses—Impeachment—Prior inconsistent statement
- § 20:21 Witnesses—Impeachment—Interest and bias

- § 20:21.50 Interpreters [*New*]
- § 20:22 Evidence
- § 20:23 Evidence—Inflammatory
- § 20:24 Evidence—Circumstantial
- § 20:25 Evidence—Other crimes
- § 20:26 Evidence—Res gestae—Acts and statements of participants in the offense
- § 20:27 Evidence—Action of bloodhounds and other dogs
- § 20:28 Evidence—Hearsay—General
- § 20:29 Evidence—Hearsay—State of mind—Intent
- § 20:30 Evidence—Hearsay—Explanation of conduct
- § 20:31 Evidence—Hearsay—Excited utterance
- § 20:32 Evidence—Hearsay—Conspiracy
- § 20:33 Evidence—Hearsay—Dying declaration
- § 20:34 Evidence—Hearsay—Prior testimony
- § 20:35 Evidence—Hearsay—Documents and reports
- § 20:36 Evidence—Failure to produce
- § 20:37 Evidence—Best evidence
- § 20:38 Evidence—Demonstrative, real or tangible evidence
- § 20:39 Evidence—Tests of intoxication
- § 20:41 Evidence—Genetic identification—DNA
- § 20:42 Evidence—Fingerprints, handprints, and footprints
- § 20:43 Evidence—Firearms and ballistics
- § 20:51 Evidence—View of scene
- § 20:52 Evidence—Photographs
- § 20:53 Evidence—Motion pictures and video tapes
- § 20:54 Objections
- § 20:55 Mistrial

CHAPTER 21. PRESENTING DEFENDANT'S CASE AND ATTACKS THEREON

- § 21:2 General consideration of defendant's case
- § 21:3 Self-incrimination
- § 21:4 Subpoenas
- § 21:5 Immunity
- § 21:7 Implicating a third party
- § 21:8 Evidence attacking credibility of rape complainant
- § 21:9 Defendant's good character—Weight and importance
- § 21:10 Defendant's character—When state may attack
- § 21:11 Evidence of defendant's character
- § 21:12 Character of victim—Dangerous character
- § 21:15 Age as defense
- § 21:16 Insanity as defense
- § 21:17 Intoxication as defense
- § 21:18 Entrapment
- § 21:19 Justification as defense

CHAPTER 22. REBUTTAL

- § 22:1 Rebuttal by state
- § 22:2 Surrebuttal by defendant

TABLE OF CONTENTS

§ 22:4 Reopening case

CHAPTER 23. ARGUMENT

§ 23:2 Time limit on argument
§ 23:3 Reading law and other matters
§ 23:4 Scope of argument
§ 23:5 Remedy for violations

CHAPTER 24. SUBMITTING CASE TO JURY

§ 24:2 Charge—Matters that must be charged
§ 24:3 Charge—Matters that cannot be charged
§ 24:4 Charge—Lesser included offenses
§ 24:6 Sending the indictment and evidence to jury room
§ 24:7 Misconduct involving jury
§ 24:8 Recharge
§ 24:9 Allen charge

CHAPTER 25. VERDICT

§ 25:1 General considerations
§ 25:2 Mechanics related to verdicts
§ 25:3 Polling jury
§ 25:4 Impeaching verdict

CHAPTER 26. SENTENCING

§ 26:1 Capital cases
§ 26:2 Noncapital cases—Procedural
§ 26:3 Sentencing factors
§ 26:4 Probation and suspended sentences
§ 26:5 Fines
§ 26:6 First offender treatment
§ 26:7 Habitual Offender Law
§ 26:8 Concurrent and consecutive sentences
§ 26:9 Resentencing

CHAPTER 27. CONTEMPT

§ 27:1 General considerations

PART V. POST-TRIAL REMEDIES AND PROCEEDINGS

CHAPTER 28. JUDICIAL REVIEW

§ 28:2 Motion for judgment of acquittal
§ 28:3 Motion for new trial
§ 28:5 Appeals
§ 28:6 Post-conviction relief
§ 28:7 Federal habeas corpus

CHAPTER 29. ADMINISTRATIVE REVIEW

§ 29:1 Parole

§ 29:2 Clemency

CHAPTER 30. PROBATION REVOCATION

§ 30:2 Violation of conditions

§ 30:3 Arrest

§ 30:4 Preliminary hearing

§ 30:5 Final revocation hearing

§ 30:6 Results of revocation

Table of Laws and Rules

Table of Cases