

Table of New and Retitled Sections

Volume 1

CHAPTER 2. STATUTORY AND OTHER DEFINITIONS

- § 2:32.50 Georgia *[New]*
- § 2:33 Illinois: “private conversation” *[Retitled]*
- § 2:39.50 Texas *[New]*
- § 2:43.50 “Oral communication” and “pocket-dialing” *[New]*
- § 2:57 Civilian interception of face-to-face conversation with public official *[Retitled]*
- § 2:60 Civilian’s video or audio interception of public officials engaged in performance of public duties *[Retitled]*
- § 2:97 Personal computers: email, text messages, etc. *[Retitled]*
- § 2:98.30 Cell phones *[New]*
- § 2:103.10 “Surreptitious” *[New]*
- § 2:114 Defining “willfully” as “bad purpose, evil motive”; “purposely” *[Retitled]*

CHAPTER 3. CRIMES AND CIVIL ACTIONS RELATING TO COMMUNICATIONS PRIVACY

- § 3:53 Title III, electronic surveillance claims, and tort law *[Retitled]*
- § 3:54 Title III, electronic surveillance claims, and the Computer Fraud and Abuse Act *[Retitled]*

CHAPTER 4. TOLL RECORDS, PEN REGISTERS, AND OTHER INFORMATION ABOUT WIRE COMMUNICATIONS AND E-MAIL

- § 4:14.50 “Ongoing criminal investigation” *[New]*
- § 4:17.50 Post-cut-through dialed digits (PCTDDs) *[New]*

WIRETAPPING & EAVESDROPPING

- § 4:18.50 Determining a target's cell phone number: "stingray"; "triggerfish"; cell site simulator; digital analyzer [New]
- § 4:25 Computerized records, hearsay and the Confrontation Clause [Retitled]

CHAPTER 5. CONSENSUAL INTERCEPTIONS

- § 5:7.10 *Montejo v Louisiana* [New]
- § 5:15.10 Compelling technical assistance [New]
- § 5:31 Illinois: 720 Ill. Comp. Stat. Ann. 5/14-1 et seq. ("Article 14"); 725 Ill. Comp. Stat. Ann. 5/108A-1 et seq. [Retitled]
- § 5:31.10 720 Ill. Comp. Stat. Ann. 5/14-1: definitions [New]
- § 5:31.20 720 Ill. Comp. Stat. Ann. 5/14-2: prohibited overhearing, transmitting, recording or transcribing; unlawful devices [New]
- § 5:31.30 720 Ill. Comp. Stat. Ann. 5/14-2(a)(5): unlawful use or disclosure of conversation or communication [New]
- § 5:31.40 Penalties: 720 Ill. Comp. Stat. Ann. 5/14-4 [New]
- § 5:31.50 Exclusionary rule: 720 Ill. Comp. Stat. Ann. 5/14-5 [New]
- § 5:31.60 Law enforcement exceptions and exemptions: in 720 Ill. Comp. Stat. Ann. 5/14-2 and 5/14-3 [New]
- § 5:31.70 Public encounters between law enforcement officials and civilians; public conduct of police officers [New]
- § 5:31.80 Other Article 14 provisions [New]
- § 5:31.90 History of Article 14 [New]
- § 5:32 Illinois: application and order: 725 Ill. Comp. Stat. Ann. 5/108A-1 et seq. [Retitled]
- § 5:45.50 Massachusetts—Federal and joint federal-state investigations [New]

CHAPTER 6. OTHER EXCEPTIONS AND SITUATIONS

- § 6:4.50 Government as employer: Fourth Amendment; *City of Ontario v. Quon* [New]
- § 6:31 Interception by switchboard operators: 18 U.S.C.A. § 2512(2)(a)(I); corresponding state law [Retitled]
- § 6:32.50 Unlawful recording as evidence of innocence [New]
- § 6:54.50 Fifth Amendment challenge [New]
- § 6:54.60 Email correspondence with attorneys [New]

CHAPTER 7. STORED WIRE AND ELECTRONIC COMMUNICATIONS

- § 7:9 State law [New]

TABLE OF NEW AND RETITLED SECTIONS

- § 7:30.10 Actionable conduct: “secondary liability” *[New]*
- § 7:34.10 Scope of 18 U.S.C.A. § 2702(b)(3), the “consent” provision *[New]*
- § 7:45 In general; 18 U.S.C.A. § 2703 *[Retitled]*
- § 7:48 Contents of “stored” electronic communications and communications more than 180 days “old”: 18 U.S.C.A. § 2703(b)(1) *[Retitled]*
- § 7:48.50 Particular description of communications sought *[New]*
- § 7:51.10 The § 2703(d) factual standard: overview and history *[New]*
- § 7:51.20 Section 2703(d) factual standard: “specific and articulable facts” *[New]*
- § 7:51.30 Section 2703(d) factual standard: “reasonable grounds to believe” *[New]*
- § 7:51.40 Section 2703(d) factual standard: “relevant and material to an ongoing criminal investigation” *[New]*
- § 7:51.50 Contents of communications *[New]*
- § 7:52.50 “Emergency” disclosure pursuant to 18 U.S.C.A. § 2702(c)(4) *[New]*
- § 7:54 18 U.S.C.A. §§ 2709, 3511: “national security letters” for transactional records, etc., in counterintelligence investigations *[Retitled]*
- § 7:54.10 18 U.S.C.A. § 2709 *[New]*
- § 7:54.20 18 U.S.C.A. § 3511: judicial review of National Security Letters *[New]*
- § 7:54.30 Nondisclosure orders: termination procedure *[New]*
- § 7:54.40 Constitutional challenges to 18 U.S.C.A. § 2709 and 18 U.S.C.A. § 3511 *[New]*
- § 7:55.50 “Standing” to challenge government acquisition of contents *[New]*

Volume 2

CHAPTER 8. APPLICATION AND ORDER

- § 8:47.50 Cell phone as “facility”; phone calls; text messages *[Retitled]*
- § 8:47.75 Authority to track or determine location of phone *[Retitled]*
- § 8:49.50 Phone as inadvertent “bug”; inadvertent cell calls, a.k.a. “butt dials” *[Retitled]*
- § 8:54 Defining probable cause: *Illinois v. Gates* and its progeny *[Retitled]*
- § 8:61.50 Pen register-trap-and-trace analysis *[New]*
- § 8:64 “Moving target”; changing phone numbers *[Retitled]*
- § 8:65.50 Probable cause and particular offenses *[New]*
- § 8:81.10 Multi-jurisdictional investigations *[New]*

- § 8:92 Standard of trial judge and appellate review *[Retitled]*
- § 8:105.50 Minimizing text messages and other electronic communications *[New]*

CHAPTER 12. FOREIGN INTELLIGENCE AND NATIONAL SECURITY SURVEILLANCE OF TARGETS WHO ARE WITHIN THE UNITED STATES

- § 12:6.50 50 USCA 1881a (“Section 702”) *[Retitled]*
- § 12:6.70 *Clapper v. Amnesty International* *[New]*
- § 12:6.75 Litigation subsequent to *Clapper v. Amnesty International* *[New]*
- § 12:33.50 Communication “metadata” and other records: 50 U.S.C.A. §§ 1861 to 1862 *[New]*
- § 12:33.70 *American Civil Liberties Union v. Clapper* *[New]*
- § 12:79 Disclosure for law enforcement purposes; 50 U.S.C.A. § 1806 *[Retitled]*
- § 12:99 Release from liability: 50 U.S.C.A. §§ 1805(h), 1885a *[Retitled]*

CHAPTER 15. MINIMIZATION

- § 15:22 Minimization and electronic communications; faxes; audio files *[Retitled]*

CHAPTER 16. OTHER CRIMES AND CRIMINALS

- § 16:6.50 Different criminals, different crimes *[New]*

CHAPTER 18. INVENTORY AND NOTICE

- § 18:4 Contents and service of notice and inventory *[Retitled]*

CHAPTER 19. SEALING, CUSTODY AND STORAGE OF RECORDINGS

- § 19:19.50 A cautionary note to prosecutors and law enforcement officials *[New]*

Volume 3

CHAPTER 21. INTERNET TECHNOLOGY AND CYBERCRIME: AN OVERVIEW

- § 21:16 Civil actions arising from Internet crimes *[New]*

TABLE OF NEW AND RETITLED SECTIONS

**CHAPTER 22. COMPUTERS, THE
INTERNET AND THE FOURTH
AMENDMENT**

- § 22:5.50 The Fourth Amendment: IP addresses and blogger identities *[New]*
- § 22:9 Trial and authentication issues *[New]*
- § 22:10 What constitutes a “computer” *[New]*
- § 22:11 Social media and reasonable expectation of privacy *[New]*

**CHAPTER 23. SEARCHING COMPUTERS:
WARRANT EXCEPTIONS**

- § 23:25 Internet postings; Internet access; share software *[New]*

**CHAPTER 24. SEARCHING COMPUTERS:
WARRANT REQUIREMENTS**

- § 24:9 Law enforcement search logistics: what gets seized; where the search takes place—*When data is no longer on the device but in the cloud [Retitled]*

**CHAPTER 25. FEDERAL COMPUTER
LEGISLATION**

- § 25:26 The Cloud Act, Pub. Law No. *[Retitled]*
- § 25:27 The Cyber Intelligence Sharing and Protection Act of 2013 *[Retitled]*

**CHAPTER 26. COMPUTER FRAUD AND
ABUSE ACT, 18 U.S.C.A. § 1030**

- § 26:3.10 Venue under CFAA, 18 U.S.C.A § 1030 *[New]*
- § 26:5.10 CFAA—Anti-hacker statute or employer-employee regulation? *[New]*
- § 26:5.20 The supreme court speaks: *Van Buren v. United States [New]*
- § 26:10 CFAA and criminal case issues *[New]*

**CHAPTER 27. STATE LEGISLATION
*[Retitled]***

- § 27:7.50 Alabama—Biometric laws *[New]*
- § 27:12 Alabama—Unmanned Aircraft Vehicles (UAVs or Drones) *[Retitled]*
- § 27:14.50 Alaska—Biometric laws *[New]*
- § 27:22 Alaska—Unmanned Aircraft Surveillance *[Retitled]*

WIRETAPPING & EAVESDROPPING

- § 27:24.50 Arizona—Biometric laws *[New]*
- § 27:30 Arizona—Unmanned Aircraft Surveillance *[Retitled]*
- § 27:32.50 Arkansas—Biometric laws *[New]*
- § 27:38 Arkansas—Unmanned Aircraft Surveillance
[Retitled]
- § 27:40.50 California—Biometric Laws *[New]*
- § 27:44.50 California—Consumer Privacy Act (A pending law)
[New]
- § 27:49 California—Unmanned Aircraft Surveillance
[Retitled]
- § 27:51.50 Colorado—Biometric laws *[New]*
- § 27:58 Colorado—Unmanned Aircraft Surveillance *[Retitled]*
- § 27:60.50 Connecticut—Biometric laws *[New]*
- § 27:64.50 Connecticut—Insurance: Cyber and Data Security
[New]
- § 27:67 Connecticut—Unmanned Aircraft Surveillance
[Retitled]
- § 27:69.50 Delaware—Biometric laws *[New]*
- § 27:72.50 Delaware—Insurance: Cyber & Data Security *[New]*
- § 27:75 Delaware—Unmanned Aircraft Surveillance
[Retitled]
- § 27:77.50 Florida—Biometric laws *[New]*
- § 27:82 Florida—Unmanned Aircraft Surveillance *[Retitled]*
- § 27:84.50 Georgia—Biometric laws *[New]*
- § 27:85.50 Georgia—Computer Contaminants *[New]*
- § 27:88 Georgia—Unmanned Aircraft Surveillance *[Retitled]*
- § 27:90.50 Hawaii—Biometric laws *[New]*
- § 27:94 Hawaii—Unmanned Aircraft Surveillance *[Retitled]*
- § 27:94.50 Hawaii—Satellites *[New]*
- § 27:96.50 Idaho—Biometric laws *[New]*
- § 27:101 Idaho—Unmanned Aircraft Surveillance *[Retitled]*
- § 27:103.10 Illinois—Biometric laws *[New]*
- § 27:112 Illinois—Unmanned Aircraft Surveillance *[Retitled]*
- § 27:114.50 Indiana—Biometric laws *[New]*
- § 27:121 Indiana—Unmanned Aircraft Surveillance *[Retitled]*
- § 27:123.50 Iowa—Biometric laws *[New]*
- § 27:128 Iowa—Unmanned Aircraft Surveillance *[Retitled]*
- § 27:130.50 Kansas—Biometric laws *[New]*
- § 27:135 Kansas—Unmanned Aircraft Surveillance *[Retitled]*
- § 27:137.50 Kentucky—Biometric laws *[New]*
- § 27:142 Kentucky—Unmanned Aircraft Surveillance
[Retitled]
- § 27:144.50 Louisiana—Biometric laws *[New]*
- § 27:153 Louisiana—Unmanned Aircraft Surveillance
[Retitled]
- § 27:155.50 Maine—Biometric laws *[New]*
- § 27:161 Maine—Unmanned Aircraft Surveillance *[Retitled]*

TABLE OF NEW AND RETITLED SECTIONS

§ 27:163.10 Maryland—Biometric Laws *[New]*
 § 27:168 Maryland—Unmanned Aircraft Surveillance *[Retitled]*
 § 27:170.50 Massachusetts—Biometric laws *[New]*
 § 27:173 Massachusetts—Unmanned Aircraft Surveillance *[Retitled]*
 § 27:175.50 Michigan—Biometric laws *[New]*
 § 27:179.50 Michigan—Insurance Data Security *[New]*
 § 27:182 Michigan—Unmanned Aircraft Surveillance *[Retitled]*
 § 27:184.50 Minnesota—Biometric laws *[New]*
 § 27:192 Minnesota—Unmanned Aircraft Surveillance *[Retitled]*
 § 27:194.10 Mississippi—Biometric laws *[New]*
 § 27:199 Mississippi—Unmanned Aircraft Surveillance *[Retitled]*
 § 27:201.50 Missouri—Biometric laws *[New]*
 § 27:207 Missouri—Unmanned Aircraft Surveillance *[Retitled]*
 § 27:209.50 Montana—Biometric laws *[New]*
 § 27:213 Montana—Unmanned Aircraft Surveillance *[Retitled]*
 § 27:215.50 Nebraska—Biometric laws *[New]*
 § 27:220 Nebraska—Unmanned Aircraft Surveillance *[Retitled]*
 § 27:222.50 Nevada—Biometric laws *[New]*
 § 27:229 Nevada—Unmanned Aircraft Surveillance *[Retitled]*
 § 27:231.50 New Hampshire—Biometric laws *[New]*
 § 27:237 New Hampshire—Unmanned Aircraft Surveillance *[Retitled]*
 § 27:239.50 New Jersey—Biometric laws *[New]*
 § 27:246 New Jersey—Unmanned Aircraft Surveillance *[Retitled]*
 § 27:248.50 New Mexico—Biometric laws *[New]*
 § 27:255 New Mexico—Unmanned Aircraft Surveillance *[Retitled]*
 § 27:257.50 New York—Biometric laws *[New]*
 § 27:267 New York—Unmanned Aircraft Surveillance *[Retitled]*
 § 27:269.50 North Carolina—Biometric laws *[New]*
 § 27:276 North Carolina—Unmanned Aircraft Surveillance *[Retitled]*
 § 27:278.50 North Dakota—Biometric laws *[New]*
 § 27:285 North Dakota—Unmanned Aircraft Surveillance *[Retitled]*
 § 27:287.50 Ohio—Biometric laws *[New]*
 § 27:291.10 Ohio—Insurance: Cyber & Data Security *[New]*
 § 27:293 Ohio—Unmanned Aircraft Surveillance *[Retitled]*
 § 27:295.50 Oklahoma—Biometric laws *[New]*

WIRETAPPING & EAVESDROPPING

- § 27:303 Oklahoma—Unmanned Aircraft Surveillance
[Retitled]
- § 27:305.50 Oregon—Biometric laws *[New]*
- § 27:309 Oregon—Unmanned Aircraft Surveillance *[Retitled]*
- § 27:311.50 Pennsylvania—Biometric laws *[New]*
- § 27:317 Pennsylvania—Unmanned Aircraft Surveillance
[Retitled]
- § 27:319.50 Rhode Island—Biometric laws *[New]*
- § 27:327 Rhone Island—Unmanned Aircraft Surveillance
[Retitled]
- § 27:329.50 South Carolina—Biometric laws *[New]*
- § 27:334 South Carolina—Unmanned Aircraft Surveillance
[Retitled]
- § 27:340.10 South Dakota—Insurance: Cyber & Data Security
[New]
- § 27:341.50 South Dakota—Biometric laws *[New]*
- § 27:342 South Dakota—Unmanned Aircraft Surveillance
[Retitled]
- § 27:344.50 Tennessee—Biometric laws *[New]*
- § 27:352 Tennessee—Unmanned Aircraft Surveillance
[Retitled]
- § 27:354.50 Texas—Biometric laws *[New]*
- § 27:364 Texas—Unmanned Aircraft Surveillance *[Retitled]*
- § 27:366.50 Utah—Biometric laws *[New]*
- § 27:373 Utah—Unmanned Aircraft Surveillance *[Retitled]*
- § 27:375.50 Vermont—Biometric laws *[New]*
- § 27:376.50 Vermont—Privacy & Data Brokering Laws *[New]*
- § 27:378.50 Vermont—Unmanned Aircraft Surveillance *[New]*
- § 27:379.50 Virginia—Biometric laws *[New]*
- § 27:386 Virginia—Unmanned Aircraft Surveillance *[Retitled]*
- § 27:388.50 Washington—Biometric laws *[New]*
- § 27:394 Washington—Unmanned Aircraft Surveillance
[Retitled]
- § 27:396.50 West Virginia—Biometric laws *[New]*
- § 27:401 West Virginia—Unmanned Aircraft Surveillance
[Retitled]
- § 27:403.50 Wisconsin—Biometric laws *[New]*
- § 27:405.50 Wisconsin—Child sex offenses involving computers
[New]
- § 27:407 Wisconsin—Unmanned Aircraft Surveillance
[Retitled]
- § 27:409.50 Wyoming—Biometric Laws *[New]*
- § 27:410.50 Wyoming—Internet Privacy *[New]*

TABLE OF NEW AND RETITLED SECTIONS

§ 27:413 Wyoming—Unmanned Aircraft Surveillance *[Retitled]*

**CHAPTER 28. CELL PHONES:
TECHNOLOGY, TRACKING, AND
DATA *[Retitled]***

- § 28:2 Cell phones: the basic technology *[Retitled]*
- § 28:3 The cellular communications network *[Retitled]*
- § 28:4 Cell phones: cell site location information (CSLI) *[Retitled]*
- § 28:5 Legal requirements for obtaining CSLI *[Retitled]*
- § 28:6 Cell site simulators *[Retitled]*
- § 28:7 Cell site simulator use and the law *[Retitled]*
- § 28:8 Cell tower dumps, the Fourth Amendment, and Title III *[Retitled]*
- § 28:9 Cell phones, smart devices, GPS, and integrated systems: technological advances and legal uncertainty *[Retitled]*
- § 28:30 Introduction *[New]*
- § 28:31 Seizing an arrestee’s cell phone *[New]*
- § 28:32 Pre-arrest (a) seizures of a suspect’s phone, or (b) police calls to a detainee’s cell phone *[New]*
- § 28:33 Search “incident to arrest”: constitutional principles *[New]*
- § 28:34 *Riley v. California*: background *[New]*
- § 28:35 *Riley*: summary *[New]*
- § 28:36 *Riley*: cell phones and the justifications for the search incident doctrine *[New]*
- § 28:37 *Riley*: privacy interests—The nature of a cell phone *[New]*
- § 28:38 *Riley*: categorical, not nuanced, approach *[New]*
- § 28:39 Pre-*Riley* searches and the “good faith exception” *[New]*
- § 28:40 Introduction *[New]*
- § 28:41 Probable cause *[New]*
- § 28:42 “Particularly describing the place to be searched” *[New]*
- § 28:43 “Particularly describing . . . the . . . thing to be seized” *[New]*
- § 28:44 “Minimization” *[New]*
- § 28:45 The “exigent circumstances” doctrine: constitutional principles *[New]*
- § 28:46 “Imminent danger” exigencies; apprehend fleeing felon *[New]*
- § 28:47 Evidence-destruction exigencies *[New]*
- § 28:48 Answering the phone; reading incoming text messages; returning or initiating calls or messages *[New]*
- § 28:49 Where probable cause exists that defendant used the phone to commit the arrest offense *[New]*
- § 28:50 Exigent circumstances in the absence of a probable cause connection *[New]*

- § 28:51 Exigent searches of a cell phone’s memory *[New]*
- § 28:52 Duration of exigency *[New]*
- § 28:54 Standing to challenge admissibility of evidence obtained from or regarding a suspect’s cell phone *[Retitled]*
- § 28:55 Compelling an individual to unlock a cell phone or smart device with biometric identifiers *[New]*

CHAPTER 29. ELECTRONIC TRACKING DEVICES

- § 29:35 GPS *[Retitled]*
- § 29:36 GPS-enabled geofences *[Retitled]*
- § 29:37 GPS and the Fourth Amendment: *U.S. v. Jones* *[Retitled]*

CHAPTER 31. BIOMETRICS

- § 31:3 Biometrics: overview of biometric technology *[Retitled]*
- § 31:4 Biometric identification: fingers and hands *[Retitled]*
- § 31:5 Biometric identification: audio signal processing, voice recognition, attributes of speaker *[Retitled]*
- § 31:6 Biometric identification: eyes *[Retitled]*
- § 31:7 Biometric identification: face *[Retitled]*
- § 31:8 Biometric identification: veins *[Retitled]*
- § 31:9 Biometric identification: skin texture characteristics *[Retitled]*
- § 31:10 Biometric identification: Age Verification *[Retitled]*
- § 31:11 Biometric identification: signature *[Retitled]*
- § 31:12 Biometric identification: gait (human locomotion) *[Retitled]*
- § 31:13 Biometric identification: DNA *[Retitled]*
- § 31:14 Biometric identification: mobile multimodal biometric identification *[Retitled]*
- § 31:27 Biometric legislation: Enhanced Border Security and Visa Reform Entry Act of 2002 *[Retitled]*
- § 31:30 Biometrics and State Legislation *[Retitled]*
- § 31:30.10 Illinois: Biometric Information Privacy Act *[Retitled]*
- § 31:30.20 Texas: Capture or Use of Biometric Identifier Act *[New]*
- § 31:30.30 Washington: Biometric Statutes *[Retitled]*
- § 31:31 Existing legislation: Adding biometric data to “personal information” definitions *[New]*
- § 31:36 Government Use of Biometrics: Overview and 2021 GAO Report *[Retitled]*
- § 31:42 State Use of Biometrics: Licenses and IDs; Preventing welfare fraud *[Retitled]*
- § 31:43 State Use of Biometrics: Schools *[Retitled]*
- § 31:44 Biometrics: private industry use *[Retitled]*

TABLE OF NEW AND RETITLED SECTIONS

- § 31:51 Biometrics: Algorithmic Biases and Accuracy Errors, Disparate Impacts, NIST Testing *[New]*
- § 31:52 Biometrics in the courts: Federal decisions—Facial recognition *[New]*
- § 31:53 Biometrics in the courts: Biometrics and standing *[Retitled]*
- § 31:59 Biometrics in the courts: Cases on the horizon *[New]*

Volume 4

CHAPTER 34. GROUNDS FOR SUPPRESSION

- § 34:16.30 What constitutes “facial insufficiency”—*Dahda v. U.S.* *[New]*
- § 34:29.50 Potentially privileged communications *[Retitled]*
- § 34:30.10 Federal evidence, state prosecutions *[New]*
- § 34:30.20 State evidence, federal prosecutions *[New]*
- § 34:32 Federal choice of law issues *[Retitled]*

CHAPTER 35. LITIGATING THE SUPPRESSION MOTION

- § 35:14.50 “Against whom directed”: cell phone *[New]*

CHAPTER 36. TRANSCRIPTS AND TRANSLATIONS

- § 36:31 Jargon; fact-specific references within the translation *[Retitled]*
- § 36:38 Privileged communications *[New]*

CHAPTER 38. VOICE IDENTIFICATION

- § 38:10 Jury (or judge) comparing “X’s” voice to a voice on a contested recording; Fed. R. Evid. 901(b)(3) *[Retitled]*

CHAPTER 41. OTHER ISSUES AT TRIAL

- § 41:21 The need for interpretive or explanatory testimony *[Retitled]*
- § 41:23.20 Specificity of objection *[New]*
- § 41:24 Lay witness opinion testimony: Fed. R. Evid. 701; state equivalents *[Retitled]*
- § 41:24.10 Police interpretive testimony and Fed.R.Evid. 701 *[Retitled]*
- § 41:24.20 Lay witness testimony by a participant in the conversation *[Retitled]*

WIRETAPPING & EAVESDROPPING

- § 41:24.30 Lay witness testimony by a former member of the conspiracy; other person with knowledge *[Retitled]*
- § 41:24.40 Officer's lay witness testimony not based on participation in the conversation(s) *[New]*
- § 41:26 Fed. R. Evid. 702; state equivalents *[Retitled]*
- § 41:26.10 Witness's qualifications *[New]*
- § 41:26.20 Other requirements and restrictions: in general *[New]*
- § 41:26.30 Pretrial discovery: sample Rule 702 affidavits *[New]*
- § 41:26.35 "Overview witness" *[New]*
- § 41:26.40 "Principles and methodologies": introduction *[New]*
- § 41:27 Interpreting conversations in light of other, admitted evidence *[Retitled]*
- § 41:28 Interpreting conversations in light of other, unadmitted evidence *[Retitled]*
- § 41:28.10 Use of legal vs. non-legal terminology *[New]*
- § 41:29 Introduction *[New]*
- § 41:29.10 The strict "expert testimony" approach *[Retitled]*
- § 41:29.20 Lay opinion based on participation in and knowledge of that investigation *[Retitled]*
- § 41:29.30 The "dual witness": combined lay and expert testimony *[Retitled]*
- § 41:29.40 Distinction based on the witness's "reasoning process" *[Retitled]*
- § 41:29.50 All such testimony is lay testimony *[Retitled]*
- § 41:30 In general *[Retitled]*
- § 41:31.10 Fed. R. Evid. 704; state equivalents *[New]*
- § 41:35 Other uses of expert testimony relating to recorded conversations *[Retitled]*
- § 41:35.50 Interpretation of communications by attorney in summation *[Retitled]*
- § 41:36 Miscellaneous issues *[Retitled]*
- § 41:37 Admissions, adopted admissions, implied admissions; "context" *[Retitled]*
- § 41:44.30 Police statements of "facts," or belief or disbelief, during interrogation *[New]*
- § 41:44.50 Statements by victims and witnesses to police; 911 calls *[New]*
- § 41:56.50 Translations and the Confrontation Clause *[New]*
- § 41:57.50 Rule of Completeness; Fed. R. Evid. 106 and state equivalents *[Retitled]*
- § 41:58.50 Civil discovery of interceptions previously revealed in a criminal case *[New]*
- § 41:60 Opening statement and summation *[Retitled]*