## Index

### **ABANDONMENT**

Attempted crimes, § 47:39
Warrantless searches, abandoned property, § 5:22

### **ABDUCTION**

Generally, § 50:8

### ABSENCE

Presence and Conduct of Defendant, this index

### **ACCESSORIES**

Accomplices and Accessories, this index

### **ACCIDENT**

Defenses, § 47:35

# ACCOMPLICES AND ACCESSORIES

Generally, § 45:1-45:13

Accessories after the fact, § 45:3, 54:7

Accessories before the fact, § 45:2 Aiding offender, § 54:7

Codefendant, acquittal of, § 45:12 Conspiracy, aiding and abetting of, § 45:7

Degree of participation required, § 45:5

Evidence, this index

Foreign state, aiding criminal act in, § 45:10

Instructions to jury, § 45:13

Intent, § 45:4

Liability for other foreseeable crimes, § 45:11

Mere presence, § 45:5

Passivity, § 45:5

Persons who cannot aid and abet, § 45:8

Single behavioral incident statutes and rules, § 48:16

Withdrawal as defense, § 45:9, 47:40

### ADMINISTRATIVE HEARINGS

Driving while impaired, challenge to revocation, § 56:70

# ADMINISTRATIVE SEARCHES AND INSPECTIONS

Warrantless searches, § 5:16

## ADOPTIVE ADMISSIONS

Confessions, § 6:27

### ADULTERY

Generally, § 51:18

## AGGRAVATED SENTENCES

Procedures, § 36:35

### AGGRAVATING FACTORS

Driving while impaired, § 56:7

### AIDING AND ABETTING

Accomplices and Accessories, this index

### **AIRPORTS**

Warrantless searches, § 5:12

## ALCOHOLIC BEVERAGES

Defenses, intoxication, § 47:19 Driving While Impaired, this index Minors, providing to, § 54:14, 59:4

## ALIBI

Defenses, § 47:42

### **ALTERNATE JURORS**

Selection of jurors, § 27:13

### **ANIMALS**

Dogs, this index Fighting, § 59:7

### ANONYMOUS JURIES

Selection of jurors, § 27:14

## ANTICIPATORY WARRANTS

Search and seizure, § 5:45

appearance following complaint

in, above

#### APPEAL AND REVIEW APPEAL AND REVIEW—Cont'd Prosecution, appeals by-Cont'd Generally, § 37:1-37:31 Right of appeal, § 37:19 Acquittal, prosecution appeal of judg-Stay of adjudication, § 37:24 ment of, § 37:23 Vacation of judgment after jury Action on appeal, § 37:16 verdict, § 37:23 Bail and recognizance, § 15:16, Pro se defendants, § 37:6 15:17 Briefs, § 37:13 Publication of opinions, § 37:31 Certification of important and doubt-Release pending appeal, § 37:10 ful questions, § 37:29 Rules of Civil Appellate Procedure, Court of appeals, generally, § 37:1this index 37:31 Scope of review, § 37:14 Credit for time in custody, § 37:11 Scope of rules and statutes, § 37:1 Cross appeals by defendant, § 37:25 Sentence and Punishment, this index Defendant, appeals by, generally, Standards of review, § 37:15 § 37:5-37:18 Stay, § 37:9, 37:24 Depositions, violations, § 16:32 Supreme Court, this index Discretionary appeals, § 37:7 Suspension of rules, § 37:3 Driving while impaired, § 56:73 Time limit for decisions, § 37:30 Final argument, § 34:45 Transcript and record, § 37:12 Indigent defendants, § 37:6 Venue, § 12:12 Instructions to jury, § 33:10 Waiver of right to appeal, § 37:18 Justiciability, § 37:4 APPEARANCE BY DEFENDANT Mootness, § 37:4 Generally, § 14:1-14:10 Omnibus hearings, reviewability of Appointment of counsel, § 14:3 omnibus orders by trial judge, Arraignment, § 17:1, 18:4 § 21:16 Conditions of release, setting of, Oral argument, § 37:17 § 17:5 Parole, revocation of, § 42:16 Demand of evidentiary hearing at Pleas, this index omnibus hearing, § 17:2 Post conviction proceedings, § 39:17 Felony and gross misdemeanor cases, Preservation of issues, § 37:14 appearance following complaint Pretrial orders, appeals by prosecution, § 37:20, 37:21 Generally, § 17:1-17:6 Prior convictions and other Arraignment, § 17:1 misconduct, § 32:13, 32:29 Conditions of release, setting of, Probation, § 36:65 § 17:5 Procedure, generally, § 37:8 et seq. Demand or waiver of evidentiary Prosecution, appeals by hearing at omnibus hearing, Generally, § 37:19-37:25 § 17:2 Acquittal, judgment of, § 37:23 Guilty plea, § 17:3 Critical impact on trial of appealed Record, § 17:6 pretrial order, § 37:20 Scheduling of omnibus hearing, Cross appeals by defendant, § 17:4 § 37:25 Gross misdemeanor cases. Felony Post-conviction proceeding orders, and gross misdemeanor cases, § 37:22

Pretrial orders, § 37:20, 37:21

#### APPEARANCE BY DEFENDANT APPEARANCE BY DEFENDANT -Cont'd —Cont'd Guilty plea, § 17:3 Warrant, issuance and service of, § 18:1 Indictment, appearance following Generally, § 18:1-18:8 APPOINTMENT OF COUNSEL Arraignment, setting of date for, Appearance by defendant, § 14:3 § 18:4 **APPROVAL** Misdemeanors charged by indict-Consent or Approval, this index ment, § 18:8 Notice of evidence, § 18:6 ARRAIGNMENT Omnibus hearing, fixing date for, Appearance by defendant, § 17:1, § 18:5 18:4 "Promptly" before court, defen-ARREST dant to be taken, § 18:2 Generally, § 2:1-2:3, 4:1-4:27 Record, § 18:7 Bench warrants, § 4:9 Statement of court to defendant, § 18:3 Citation in lieu of arrest or continued custody, § 4:19 Warrant or summons, issuance and Constitutional right to be arrested, service of, § 18:1 § 4:25 Initial court appearance, generally, Defense, illegal arrest as, § 47:26 § 14:1-14:10 Execution Interpreters, § 14:9 Summons in lieu of warrant, Jurisdiction, challenges to, § 14:6 § 4:17 Misdemeanors charged by indict-Warrant, § 4:12 ment, § 18:8 Filing of warrant and supporting Notice papers, § 4:13 Evidence, § 18:6 Force, degree permitted, § 4:26 Victims and others, notification to, Hierarchy of police encounters, § 2:2 § 14:5 Home of suspect, arrest in, § 4:7 Omnibus hearing, § 17:2, 17:4, 18:5 Illegal arrest, § 4:23, 47:26 "Promptly" before court, defendant Interpreter, duty to provide, § 4:20 to be taken, § 18:2 Invalid law, arrest under, § 4:21 Record, § 14:8, 17:6, 18:7 Jurisdiction, § 4:2 Release of defendant, § 14:7 Law later declared invalid, arrest Rule 8 appearance date in felony and under, § 4:21 gross misdemeanor cases, set-Night arrests, § 4:24 ting of, § 14:4 Persons who may arrest, § 4:4 Scheduling of omnibus hearing, Place of arrest, § 4:2 § 17:4, 18:5 Probable cause, § 4:6 Statement by court to defendant, Pursuit, § 4:2 § 14:2, 18:3 Resisting arrest, § 4:27, 54:5 Summons, issuance and service of, Return of warrant, § 4:12 § 18:1 36 hour rule, § 14:10 Search and Seizure, this index Service of summons in lieu of war-Time of first court appearance following arrest, § 14:10 rant, § 4:17 Summons in lieu of warrant Waiver of evidentiary hearing at omnibus hearing, § 17:2 Generally, § 4:14-4:18

## ARREST—Cont'd Summons in lieu of warrant—Cont'd Contents of summons, § 4:15 Defects, remedy of, § 4:18 Execution and service, § 4:17 Time that defendant must appear in court, § 4:16 36 hour rule, warrants, § 4:12 Time and date Occurrence of arrest, § 4:3 Summons in lieu of warrant, time that defendant must appear in court, § 4:16 Vehicle, ordering persons out of, § 4:22 Warrantless arrests, § 4:5 Warrants Generally, § 4:8-4:13 Bench warrants, § 4:9 Contents of warrant, § 4:10 Defects, remedy of, § 4:18 Execution and return, § 4:12 Filing of warrant and supporting papers, § 4:13 Judge, role of, § 4:11 Summons in lieu of warrant, above

## ARSON AND RELATED CRIMES

Generally, § 52:16

36 hour rule, **§ 4:12** 

## **ASSAULT**

Generally, § 50:2

Domestic Assault, this index

## **ATTEMPTED CRIMES**

Generally, § 46:1-46:8

Abandonment as defense, § 47:39

Factual impossibility, § 46:5

Impossibility, § 46:7

Inherent impossibility, § 46:7

Intent, § 46:3

Legal impossibility, § 46:6

Mere preparation, requirement of more than, § 46:4

Penalty, § 46:2

Withdrawal, § 46:8

### ATTIRE AND SEATING

Presence and conduct of defendant, § 29:3

### ATTORNEY GENERAL OPINIONS

Sources of criminal law, § 1:7

### **ATTORNEYS**

Advice of counsel or others as defense, § 47:34

Bail, use to pay attorneys' fees, § 15:15

Choice, right to counsel of, § 8:4 Confessions, suspects represented by attorney, § 6:7

Critical stages of criminal proceedings, right to counsel, § 8:2

Driving while impaired, right to counsel, § 56:12, 56:63

Effective assistance of counsel, § 8:7 Entry, role and obligations of defense counsel, § 9:1-9:5

Fees, Supreme Court, § 38:20 Forfeiture of right to counsel, § 8:10 Identification of suspects, § 7:2 Indigent persons, right to counsel,

§ 8:6

Initial contact, § 9:1
Initial court appearance, § 9:5
Initial investigation, § 9:3
Interviewing suspect, § 9:2
Multiple representation proceeds

Multiple representation, procedures for, § 8:11

Notice by judge of right to counsel, § 8:3

Petty offenses, right to appointment of counsel, § 23:8

Pleas, role in negotiations, § 19:16 Post conviction proceedings, right to counsel, § 39:15

Professional responsibility, § 9:4 Prosecuting Attorneys, this index Right to counsel

Generally, § 8:1-8:11 Case law, § 8:1

Choice, right to counsel of, § 8:4 Critical stages of criminal proceedings, § 8:2

Effective assistance of counsel, **§ 8:7** 

#### ATTORNEYS—Cont'd BAIL AND RECOGNIZANCE Right to counsel—Cont'd -Cont'd Forfeiture of right to counsel, Conditions, bail without, § 15:7 § 8:10 Constitutional right to bail, § 15:1, Identification of suspects, § 7:2 15:2 Indigent persons, § 8:6 Driving while impaired, § 56:14 Multiple representation, Evidence at bail hearing, § 15:21 procedures for, § 8:11 Excessive bail, § 15:5 Notice by judge of right to counsel, Extradition cases, § 15:20 § 8:3 Fines, use of bail to pay, § 15:15 Self-representation, right of, § 8:8 Forfeiture of bail bonds, § 15:13 Sources of right under Fifth and Juveniles, **§ 15:18** Sixth Amendments, § 8:1 Law enforcement agency, notice to, Standby counsel, § 8:8 § 15:24 Statutes, § 8:1 Notice Waiver of counsel, § 8:9 Law enforcement agency, § 15:24 Withdrawal or substitution of Victim, § 15:23 counsel, § 8:5 Persons in custody, § 15:12 Self-representation, right of, § 8:8 Property of defendant, bail as, Standby counsel, right to counsel, § 15:14 § 8:8 Public defender reimbursement, use Substitution of counsel, § 8:5 of bail to pay, § 15:15 Supreme Court, attorneys' fees, § 38:20 Release at first appearance, § 15:10 Waiver of counsel, § 8:9 Review of conditions, § 15:16 Withdrawal of counsel, § 8:5 Rules of criminal procedure, § 15:3 Session, application when court not AUDIO RECORDINGS AND in, § 15:22 **MESSAGES** Statutory provisions, § 15:8 Driving while impaired, evidence, Victim, notice to, § 15:23 § 56:41 Violation of conditions of release. Evidence, § 32:63 § 15:11 AUTHENTICITY Witnesses, § 15:19 Evidence, § 32:96 **BENCH WARRANTS** AUTOMOBILES Arrest, § 4:9 Motor Vehicles, this index Bail and recognizance, § 15:4 **BAIL AND RECOGNIZANCE** Generally, § 15:1-15:24 BEST EVIDENCE RULE Absolute right to bail, § 15:2 Generally, § 32:100 Appeal, release pending, § 15:17 Application when court not in ses-**BESTIALITY** sion, § 15:22 Generally, § 51:20 Attorney fees liens, use of bail to pay, **BIFURCATED TRIAL** § 15:15 Bench warrants, § 15:4 Insanity defense, § 47:11 Cash only bail, § 15:6 **BIGAMY** Citation instead of incarceration, § 15:9 Generally, § 51:21

#### BILL OF PARTICULARS

Indictments, complaints and tab charges, § 11:5

### **BLOOD SPATTER**

Expert and opinion evidence, § 32:48

### **BLOOD TESTS**

Driving while impaired, § 56:33 Expert and opinion evidence, § 32:50

## **BODY SPECIMENS**

Identification of suspects, § 7:16

### **BREATH TESTS**

Driving while impaired, § 56:33 Expert and opinion evidence, § 32:50

### BRIBERY

Generally, § 54:3, 54:12

### **BRIEFS**

Appeal and review, generally, § 37:13

Prosecution briefs to Supreme Court, § 38:17

Supreme Court, § 38:17, 38:18

## **BURDEN OF PROOF**

Confessions, motions to suppress, § 6:21

Insanity defense, § 47:13

Post conviction proceedings, § 39:14

## BURGLARY

Generally, § 52:11, 52:12

### **BUSES**

Driving while impaired, § 56:20

## **BUSINESS RECORDS**

Evidence, § 32:60

## **BYSTANDERS**

Investigative stops and detentions, § 3:12

### **CAMERAS**

Public trial, § 28:5

### **CARELESSNESS**

Intent and scienter, § 44:4

## **CARETAKING SEARCHES**

Automobiles, § 5:64

### **CAUSATION**

Homicide, § 49:14

## **CAUSE, CHALLENGES FOR**

Selection of jurors, § 27:9

## **CERTIFICATION**

Appeal and review, important and doubtful questions, § 37:29 Driving while impaired, implied consent, § 56:68

## **CHAIN OF CUSTODY**

Evidence, § 32:96

## **CHANGE OF VENUE**

Venue, this index

### **CHARACTER EVIDENCE**

Generally, § 32:30-32:32 Defendant, § 32:31 Victim, § 32:32

### **CHECKS**

Issuance of worthless check, § 52:4

### **CHILDREN AND MINORS**

Alcohol, providing to minors, § 54:14, 59:4

Bail and recognizance, § 15:18 Custodial or parental rights, depriva-

tion of, § 50:7

Drugs and narcotics, § 53:15

Homicide, § 49:5, 49:13

Malicious punishment, § 50:3

Neglect or endangerment, § 50:4

Prior convictions and other misconduct, juvenile adjudica-

tions, § 32:14

Prostitution, this index

### CHOICE OF EVILS

Defenses, § 47:21

## **CITATIONS**

Arrest, § 4:19

Bail and recognizance, citation instead of incarceration, § 15:9

### **CIVIL RIGHTS**

Discrimination, this index

## CLOSING ARGUMENT

Final Argument, this index

Index-6

### **COLLATERAL ESTOPPEL**

Driving while impaired, § 56:38, 56:72

## **COMMERCIAL VEHICLES**

Driving while impaired, § 56:19

## **COMMUNICATIONS OFFENSES**

Generally, § 50:9

## **COMMUNITY WORK**

Parole, § 42:8

### COMPETENCY OF DEFENDANT

Generally, § 24:1-24:15

Competency, defined, § 24:2

Continuing supervision by court, § 24:9

Credit for time spent in confinement, § 24:13

Determination of competency, § 24:7 Dismissal of criminal proceedings,

§ 24:10

Felony cases, probable cause determination in, § 24:4

Forced medication, § 24:15

Gross misdemeanor cases, probable cause determination in, § 24:4

Insanity Defense, this index

Legal issues not requiring defendant's participation, determination of, § 24:11

Medical examination, § 24:5, 24:6

Misdemeanor cases, options in, § 24:14

Probable cause determination in felony and gross misdemeanor cases, § 24:4

Procedure on finding of competency or incompetency, § 24:8

Purpose of Rule 20, § 24:1

Report of medical examination, § 24:6

Statements of defendant, admissibility of, § 24:12

Suspension of criminal proceedings, § 24:3

## COMPETENCY OF WITNESSES

Evidence, § 32:104

### **COMPLAINTS**

Indictments, Complaints and Tab Charges, this index

### COMPLETENESS, RULE OF

Evidence, § 32:89

## **COMPUTERS**

Search and seizure, warrants, § 5:54

## CONCEALMENT

Criminal proceeds, § 54:8 Stolen property, § 52:3

### CONCLUSIONS OF LAW

Judges, § 30:11

Post conviction proceedings, § 39:16

### CONCURRENT SENTENCES

Generally, § 36:10, 36:39

### **CONDONATION**

Defenses, § 47:46

## CONDUCT OF DEFENDANT

Presence and Conduct of Defendant, this index

## CONFESSIONS

Generally, § 6:1-6:34

Admissions by silence, § 6:14

Adoptive admissions, § 6:27

Attorney, suspects represented by, § 6:7

Burden of proof, motions to suppress, § 6:21

Calling witness who refuses to answer, § 6:24

Circumstances of confession, defendant's right to prove, § 6:34

Civil trials "criminal in nature," § 6:31

Corroboration, lack of, § 47:67

Counsel, suspects represented by, § 6:7

Delay in taking arrestee before judge, **§ 6:4** 

Derivative evidence, § 6:16 Discovery, notice of evidence,

§ 16:15

Editing of confessions to eliminate inadmissible material, § 6:32

### CONFESSIONS—Cont'd

Examination, forcing accused to submit to, § 6:25

Foreign nationals, rights of, § 6:30 Fruit of poisonous tree, § 6:16

Harmless error, § 6:22

Identification procedures, forcing accused to submit to, § 6:25

Illegal confessions and illegal searches, relation between, § 6:33

Impeachment use of statement taken in violation of right to counsel, § 6:12

Inspection, forcing accused to submit to, § 6:25

Instructions to jury on right to silence, § 6:15

Interpreter, right to, § 6:29

Involuntariness, evidence at trial of, § 6:3

Limited use of unwarned statement, § 6:11

Miranda warning, generally, § 6:5 et seq.

Motions to suppress, § 6:21 Nature of interrogation, § 6:6 Need for interrogation, § 6:6

Persons entitled to assert privilege against self-incrimination, § 6:23

Polygraphs and similar tests, § 6:26 Prior testimony of defendant, admissibility of, § 6:28

Recording of in-custody statements, § 6:19

Request for counsel, admissibility of, § 6:13

Silence

Admissions by silence, § 6:14
Evidence of and comments on silence of defendant, § 6:14

Instructions to jury and comment on right to silence, § 6:15

Statement with warnings taken after unwarned statement, § 6:10

Statutory requirements, § 6:18
Substantial compliance with
Miranda, § 6:17

CONFESSIONS—Cont'd

Successive warnings, § 6:9
Surreptitious recording, § 6:20
Testing, forcing accused to submit to, § 6:25

Unwarned statements, § 6:10, 6:11 Voluntariness, § 6:2, 6:3 Waiver of rights, § 6:8

## CONFLICT OF LAWS

Evidence, § 32:6

# CONFRONTATION, RIGHT TO Evidence, § 32:5

### **CONFUSION**

Evidence, § 32:3

## CONSECUTIVE SENTENCES

Generally, § 36:10, 36:39

### CONSENT OR APPROVAL

Driving While Impaired, this index Warrantless searches, § 5:10

### **CONSOLIDATION OF CHARGES**

Indictments, complaints and tab charges, § 11:15

## **CONSPIRACY**

Generally, § 55:1 Aiding and abetting, § 45:7 Drugs and narcotics, § 53:14 Withdrawal as defense, § 47:40

## **CONSTITUTIONAL LAW**

Stop and frisk, § 3:1

Arrest, right to be arrested, § 4:25
Bail, right to, § 15:1, 15:2
Defenses, this index
Discovery, § 16:13
Double Jeopardy, this index
Due Process, this index
Evidence, this index
Extradition and detainers, § 41:1
Insanity defense, § 47:3
Jury trial, § 26:1
Parole, revocation hearing, § 42:12
Public trial, § 28:1
Sources of criminal law, § 1:3, 1:4
Speedy Trial, this index

### INDEX

### **CONSTRUCTION OF STATUTES**

Sources of criminal law, § 1:12

### CONTAINERS

Search and seizure, motor vehicles, § 5:61

## **CONTEMPT**

Subpoenas, § 22:4

## **CONTINGENT ORDERS**

Probation, § 36:63

## **CONTINUANCES**

Omnibus hearings, § 21:10 Speedy trial, § 25:8

## **CONTINUING DUTY**

Discovery, § 16:9

## **CONTRACTORS**

Misapplication of funds, § 52:18

## **CONTRIBUTORY NEGLIGENCE**

Defenses, § 47:38

## CONTROLLED SUBSTANCES

Alcoholic Beverages, this index Drugs and Narcotics, this index

## **COPIES AND DUPLICATES**

Evidence, § 32:67, 32:106

## **CORAM NOBIS**

Generally, § 40:3

## **CORPORATE CRIMES**

Generally, § 59:5

## **CORPUS DELICTI**

Homicide, § 49:15

## **COSTS AND EXPENSES**

Supreme Court, § 38:20

Depositions, expenses of defendant and counsel, § 16:23
Sentence and punishment, § 36:14

## COUNSEL

Attorneys, this index

### **COURT OF APPEALS**

Appeal and Review, this index

## **CREDIBILITY**

Evidence, § 32:72

### **CREDIT CARDS**

Property Crimes, this index

## CREDIT FOR TIME SERVED

Generally, § 36:11

Appeal and review, § 37:11

Competency of defendant, § 24:13

Parole, revocation of, § 42:17

### **CROSS APPEALS**

Generally, § 37:25

# CRUEL OR UNUSUAL PUNISHMENT

Generally, § 36:18

# CURATIVE AND CAUTIONARY INSTRUCTIONS

Instructions to jury, § 33:7

## **CURTILAGE**

Warrantless searches, § 5:7

## **CUSTOMS**

Warrantless searches, § 5:13

### DATE

Time and Date, this index

## DEADLOCKED JURY

Verdicts, § 31:20

## **DEBTS**

Imprisonment, § 36:18

### **DECEIT**

Fraud and Deceit, this index

## **DE FACTO COURTS**

Generally, § 30:2

## **DEFENSES**

Generally, § 47:1-47:69

Abandonment of attempt, § 47:39

Accident, § 47:35

Accomplices and accessories, with-

drawal of, § 45:9, 47:40

Advice of counsel or others, § 47:34

Affirmative or ordinary defenses,

§ 47:1

Alibi, § 47:42

Alternative perpetrator, § 47:44

Arrest, illegal, § 47:26

Attempt, abandonment of, § 47:39

#### DEFENSES—Cont'd DEFENSES—Cont'd Change in interpretation or clarifica-Laches, § 47:51 tion of law, § 47:66 Law of the case, § 47:60 Choice of evils, § 47:21 Least serious offense, prosecution of, Claim of right, § 47:32 § 47:55 Condonation, § 47:46 Legal impossibility, § 47:36 Confession, lack of corroboration, Liberty or privacy, violation of, § 47:67 § 47:17 Conspirator, withdrawal of, § 47:40 Marriage, § 47:64 Constitutional law, generally, Mistake or ignorance of fact, § 47:27 § 47:17, 47:18, 47:49-47:53, Mistake or ignorance of law, § 47:28 47:56-47:58 Multiple prosecution and punish-Contributory negligence, § 47:38 ment, § 47:56 Delay, § 47:51 Necessity, § 47:21 De minimis offenses, § 47:62 Nonenforcement of law, § 47:31 Detention, illegal, § 47:26 Notice of defenses, § 47:69 Discriminatory enforcement, § 47:52 Official actions or statements, reliance on, § 47:29 Double jeopardy, § 47:56 Ordinary or affirmative defenses, Driving while impaired, § 56:46 § 47:1 Due process, § 47:17, 47:25 Overbreadth of statutes, § 47:57 Duress, § 47:20 Perjury, retraction of, § 47:41 Dwelling, defense of, § 47:22 Emergency, § 47:21 Preemption, § 47:59 Presumption of innocence, § 47:2 Entrapment, this index Privileges, unconstitutional condi-Equal protection, § 47:52, 47:53 tions imposed on, § 47:18 Estoppel, § 47:60 Ratification, § 47:46 Ex post facto laws, § 47:58 Reasonable doubt, proof beyond, Factual impossibility, § 47:36 § 47:2 Fleeting control, § 47:65 Religious belief, § 47:50 Flippancy, § 47:24 Res judicata, § 47:60 Freedom of expression, assembly or Restitution, § 47:45 conscience, § 47:49 Retraction of perjury, § 47:41 Good motive, § 47:33 Search, illegal, § 47:26 Government estoppel, § 47:29 Selective enforcement, § 47:52 Heat of passion, § 47:23 Self-defense, § 47:22 Identification, mistaken, § 47:43 Immunity, § 47:30 Speedy trial, denial of, § 47:51 Imperfect self-defense, § 47:22 Standard "not guilty" defense, Impossibility, § 47:36 § 47:2 Independent cause, § 47:37 Statutes of limitation, § 47:48 Inherent impossibility, § 47:36 Substantive due process, § 47:17 Insanity Defense, this index Supervening cause, § 47:37 Instructions to jury, § 47:2, 47:68 Third persons, defense of, § 47:22 Interests of justice, § 47:63 Transitory anger, § 47:24 Intoxication, § 47:19 Vagueness of statutes, § 47:57 Venue, § 47:47 Joking, § 47:24 Jurisdiction, lack of, § 47:47 Venue, lack of, § 47:47 Jury nullification, § 47:61 Vindictive prosecution, § 47:54

### **DEFENSES—Cont'd**

Withdrawal of conspirator or accomplice, § 47:40

### **DELAY**

Defenses, § 47:51
Post conviction proceedings, § 39:5

## **DELIBERATIONS OF JURY**

Verdicts, § 31:19

## **DE MINIMIS OFFENSES**

Defenses, § 47:62

## **DEMONSTRATIVE EVIDENCE**

Generally, § 32:74

### **DEPOSITIONS**

Generally, § 16:6, 16:20-16:32 Circumstances under which depositions may be taken, § 16:20

Errors and irregularities in depositions, § 16:31

Expenses of defendant and counsel, § 16:23

Failure of defendant to attend, § 16:24

Method of taking, § 16:25

Misdemeanor cases, § 16:30

Notice of taking, § 16:22

Parties authorized to take depositions, § 16:21

Review of discovery violations, § 16:32

Scope and manner of examination, § 16:26

Stipulation, depositions by, § 16:29 Transcription, certification and filing, § 16:27

Use of depositions, § 16:28

## DERIVATIVE EVIDENCE

Confessions, § 6:16
Identification of suspects, § 7:8

## **DESTRUCTION OF EVIDENCE**

Generally, § 32:88

### **DETAINERS**

Extradition and Detainers, this index

## **DETENTIONS**

Arrest, this index

### DETENTIONS—Cont'd

Investigative Stops and Detentions, this index

Parole, § 42:9

Search and Seizure, this index

## DISABILITIES OF CONVICTION AND THEIR REMOVAL

Generally, § 43:1-43:5

Civil rights, loss of, § 43:1

Pardon extraordinary, restoration of rights by, § 43:5

Restoration of rights, § 43:4, 43:5 Withholding adjudication, § 43:3

## **DISABLED PERSONS**

Pleas, defendants who are disabled in communications, § 19:8

## **DISCOVERY**

Generally, § 16:1-16:32

Civil litigation, limitation of discovery in related, § 16:11

Constitutional law, § 16:13

Continuing duty to disclose, § 16:9

Defense, disclosures by, § 16:7,

16:13

Depositions, this index

Driving while impaired, § 56:13

Evidence requiring notice, § 16:15

Felony cases, generally, § 16:1-16:13

Grand jury minutes, § 16:5

Gross misdemeanor cases, generally,

§ 16:1-16:13

Indictments, disclosure of, § 11:4

Informants, identity of, § 16:4

Misdemeanor cases, generally,

§ 16:19

Motion hearings, § 16:2

Non-discoverable information, § 16:8

Notice of evidence and identification procedures

Generally, § 16:14-16:18

Evidence requiring notice, § 16:15

History, § 16:14

Method of notice, § 16:17

Other offenses to be proved,

§ 16:18

Searches, confessions and identification, § 16:15

### DISCOVERY—Cont'd

Notice of evidence and identification procedures—Cont'd
Time for notice, § 16:16
Prosecution, disclosures by, § 16:3
Purposes of rules, § 16:1
Regulation of discovery, § 16:10
Review of discovery violations, § 16:32
Sanctions, § 16:12

Scope of rules, § 16:1
Searches, confessions and identification, § 16:15

Time for notice, § 16:16

## DISCRIMINATION

Defenses, discriminatory enforcement, § 47:52
Disabilities of conviction and their

removal, § 43:1

Drugs and narcotics, discriminatory enforcement or effect, § 53:23

## **DISMISSAL**

Competency of defendant, § 24:10
Grand jury, motion for dismissal of indictment, § 13:17
Indictments, Complaints and Tab
Charges, this index
Prior convictions and other
misconduct, offenses resulting in dismissal, § 32:24
Probation, § 36:62

## **DISORDERLY CONDUCT**

Generally, § 59:1

## **DISORDERLY HOUSES**

Prostitution, § 51:30

## DISRUPTIVE DEFENDANTS

Presence and conduct of defendant, § 29:6

### **DIVERSION**

Sentence and punishment, § 36:66

### **DNA**

Expert and opinion evidence, § 32:36 Sentence and punishment, § 36:31

### DOGS

Expert and opinion evidence, dog tracking, § 32:44 Regulation, § 59:7 Search and seizure, dog sniffs, § 5:20

# DOMESTIC ABUSE ADVOCATE PRIVILEGE

Generally, § 32:78

## DOMESTIC ASSAULT

Generally, § 57:1-57:5 No contact order violations, § 57:4 Protection order violations, § 57:3 Strangulation, § 57:5

### DOUBLE JEOPARDY

Generally, § 48:1-48:10 Acquittal, § 48:7 Attachment of jeopardy, § 48:2 Civil penalties, § 48:4 Completion of jeopardy, § 48:3 Defenses, § 47:56 Dual sovereignty, § 48:6 Estoppel, § 48:9 Forfeitures, § 48:4 Harsher sentence after retrial, § 48:8 Implied acquittal, § 48:7 Interruption of jeopardy, § 48:3 Lesser offenses, convictions of, § 48:7 Pleading, § 48:10 Retrial, harsher sentence after, § 48:8 Sentence and punishment, § 36:9 Termination of jeopardy, § 48:3 Waiver of issue, § 48:10

## **DRIVE-BY SHOOTINGS**

Generally, § 58:2

## DRIVING WHILE IMPAIRED

Generally, § 56:1-56:73

Administrative hearings, challenge to revocation, § 56:70

Aggravating factors, § 56:7

"Alcohol concentration," § 56:28

"Alcoholic beverage," § 56:24

Alternate test after malfunction of testing device, § 56:66

Appeals, § 56:73

Index-12

#### DRIVING WHILE IMPAIRED DRIVING WHILE IMPAIRED -Cont'd -Cont'd Applicability, § 56:34 Evidence—Cont'd Arrests of vehicles, § 56:36 Video and audio recordings, "As measured within two hours," § 56:41 "Hazardous" substances, § 56:25 § 56:35 Ignition interlock device, § 56:55 Audio recordings, evidence, § 56:41 Implied consent Bail, § 56:14 Generally, § 56:56-56:73 Blood tests, § 56:33 Additional test, right to, § 56:67 Breath tests, § 56:33 Administrative hearings, challenge Buses, § 56:20 to revocation, § 56:70 Certification, implied consent, Advisory and request for test, § 56:68 § 56:61 Challenge to revocation, § 56:70 Alternate test after malfunction of "Chemical tests for intoxication," testing device, § 56:66 § 56:33 Appeals, § 56:73 Chemical use assessment, sentence Certification, § 56:68 and punishment, § 56:53 Challenge to revocation, § 56:70 Choice of tests, § 56:64 Choice of tests, § 56:64 Collateral attack on prior record, Collateral estoppel, § 56:72 sentence and punishment, Counsel, right to, § 56:63 § 56:48 Definitions, § 56:58 Collateral estoppel, § 56:38, 56:72 Grounds for requesting test, Commercial vehicles, § 56:19 § 56:60 Conditional release, § 56:14 Judicial hearings, challenge to Consecutive sentences, § 56:50 revocation, § 56:70 Consent. Implied consent, below Jurisdiction to request test, § 56:59 "Controlled" substances, § 56:25 Multiple tests, requests for, Counsel, right to, § 56:12, 56:63 **§ 56:62** Defenses, § 56:46 Nature, § 56:57 Degrees of offense, § 56:6 Notice of revocation, § 56:68 Development of Minnesota law, Post-driving drinking, § 56:71 § 56:2 Refusal to submit to testing, Discovery, § 56:13 § 56:69 "Driving," § 56:17 Relation to impaired driving, Electronic monitoring, § 56:52 § 56:4 Elements, generally, § 56:16-56:35 Report of test, § 56:68 Evidence Testing procedures, § 56:65 Generally, § 56:37-56:45 "Infrared breath-testing instrument," Alcohol concentration cases, lack § 56:26 of impairment in, § 56:40 Interpreters, § 56:15 Collateral estoppel, § 56:38 "Intoxicating liquor," § 56:24 Opinions on intoxication, § 56:39 Judicial hearings, challenge to revo-Refusal of testing, § 56:43 cation, § 56:70 Stipulations, § 56:42 Jurisdiction to request test, § 56:59 Sufficiency of evidence, § 56:44 Licenses, restricted, § 56:11 Test results and analysis, § 56:45 Marijuana in vehicle, § 56:30

#### DRIVING WHILE IMPAIRED DRIVING WHILE IMPAIRED -Cont'd -Cont'd Motorboats, § 56:21 Stops of vehicles, § 56:36 Motor vehicles, § 56:18 Terms, generally, § 56:16-56:35 Multiple tests, requests for, § 56:62 Tests and testing Evidence, test results and analysis, Notice § 56:45 Future effects of conviction, § 56:51 Procedures, § 56:65 Refusal to submit to testing, above Revocation, § 56:68 "Underage drinking," § 56:29 Off-road recreational vehicles, "Under the influence," § 56:27 § 56:22 "Open bottle," § 56:30 Urine tests, § 56:33 "Operating," § 56:17 Video recordings, evidence, § 56:41 Opinions on intoxication, § 56:39 "Within this state," § 56:34 "Owner." § 56:23 DRUGS AND NARCOTICS Peace officers, § 56:31 Generally, § 53:1-53:24 Penalty assessment, § 56:54 Children, § 53:15 "Physical control," § 56:17 Conspiracy, § 53:14 Police officers, § 56:31 Definitions, § 53:2, 53:17, 53:18 Post-driving drinking, § 56:71 Discriminatory enforcement or effect, "Preliminary screening test," § 53:23 § 56:32 Dispositions, § 53:22 Punishment. Sentence and punish-Evidence of substance and quantity, ment, below § 53:20 Qualified incidents, § 56:8 Refusal to submit to testing Expert and opinion evidence Drug influence recognition, Generally, § 56:10 § 32:39 Evidence, § 56:43 Implied consent, § 56:69 Drug profile evidence, § 32:40 Report of test, § 56:68 Drug triangulation, § 32:41 Fifth-degree offenses, § 53:7 Restricted licenses, § 56:11 Sentence and punishment First-degree offenses, § 53:3 Fourth-degree offenses, § 53:6 Generally, § 56:47-56:55 Chemical use assessment, § 56:53 Great bodily harm by distribution of drugs, § 53:9 Collateral attack on prior record, Importing, § 53:8 § 56:48 Knowledge of nature of substance, Consecutive sentences, § 56:50 § 53:21 Electronic monitoring, § 56:52 Misdemeanors Ignition interlock device, § 56:55 Gross misdemeanors, § 53:10-Notice of future effects of convic-53:12 tion, § 56:51 Marijuana, § 53:11, 53:12 Penalty assessment, § 56:54 Petty misdemeanors, § 53:12 Stay of execution, § 56:49 Possession, defined, § 53:18 Separate course of conduct, § 56:9 Restitution, § 53:24 Statute, § 56:3 Sale, defined, § 53:17 Stay of execution of sentence, § 56:49 Schedules, § 53:16 Stipulations, evidence, § 56:42 Second-degree offenses, § 53:4

### INDEX

## DRUGS AND NARCOTICS—Cont'd

Simulated controlled substances, § 53:13

Third-degree offenses, § 53:5 Usable quantity, § 53:19 Vulnerable adults, § 53:15

### **DUAL SOVEREIGNTY**

Double jeopardy, § 48:6

### **DUE PROCESS**

Defenses, § 47:17, 47:25 Speedy trial, relation to, § 25:4

## **DUPLICATES AND COPIES**

Evidence, § 32:67, 32:106

### **DURESS**

Defenses, § 47:20

### DWELLING, DEFENSE OF

Defenses, § 47:22

### **EAVESDROPPING**

Search and Seizure, this index

### **EDUCATION**

Schools and Education, this index

## **ELECTRONIC MONITORING**

Driving while impaired, § 56:52

## **EMBEZZLEMENT**

Public funds, § 52:10

## **EMERGENCIES**

Defenses, § 47:21

Interference with emergency call, § 54:5

Warrantless searches, § 5:24

### **EMERGENCY CALLS**

Evidence, § 32:61

### **ENDANGERMENT OF CHILD**

Generally, § 50:4

### **ENTRAPMENT**

Generally, § 47:25

Sentence and punishment, § 36:21

## **ENTRY OF PLEA**

Pleas, this index

## **ENVIRONMENTAL CRIMES**

Generally, § 59:3

## **EQUAL PROTECTION**

Defenses, § 47:52, 47:53

### **ESCAPE**

Generally, § 54:13

## **ESTOPPEL**

Waiver and Estoppel, this index

### **EVIDENCE**

Generally, § 32:1-32:108

Accomplices

Aiders and abettors, relation of, § 45:6

Corroboration, § 32:97

Audio recordings and messages, § 32:63

Authenticity, § 32:96

Bail and recognizance, § 15:19,

15:21

Best evidence rule, § 32:100

Burden of Proof, this index

Business records, § 32:60

Chain of custody, § 32:96

Character Evidence, this index

Competency of witnesses, § 32:104

Completeness, rule of, § 32:89

Conditional admission of evidence, § 32:91

Confessions, this index

Conflict of laws, § 32:6

Confrontation, right to, § 32:5

Constitutional principles, generally,

§ 32:1-32:6

Copies and duplicates, § 32:67,

32:106

Credibility, opinions on, § 32:72

Curative admissibility, § 32:90

Defense, right to present, § 32:4

Demonstrative evidence, § 32:74

Derivative evidence, this index

Destruction of evidence, § 32:88

Discovery, notice of evidence,

## § 16:15

Driving While Impaired, this index Drugs and narcotics, substance and quantity, § 53:20

**EXIGENT CIRCUMSTANCES** 

Warrantless searches, § 5:24

#### EVIDENCE—Cont'd EVIDENCE—Cont'd Duplicates and copies, § 32:67, Privileged Communications, this 32:106 index Emergency calls, § 32:61 Public defender, references to, Employer's actions against persons § 32:83 accused of crime, § 32:85 Public reports, § 32:60 Expert and Opinion Evidence, this Rebuttal, § 32:107 index Recalling of witnesses, § 32:102 Fairness doctrine, § 32:89 Recorded recollection, § 32:60 Fear, evidence of, § 32:79 Recordings, generally, § 32:62 et Grand jury, § 13:10-13:12 seq. Graphic, grisly, gruesome and Refreshing memory, § 32:98 ghastly photographs, § 32:65 Reopening of case, § 32:103 Illustrative evidence, § 32:74 Request for counsel, references to, Immunity of witnesses, § 32:105 § 32:82 Impeachment, this index Rules of evidence, § 1:9 Insanity defense, § 47:10 Scene of crime, video of, § 32:66 Insurance as motive, § 32:86 Scientific evidence. Expert and Interference with investigation or Opinion Evidence, this index witnesses, § 32:80 Separation of powers, § 32:2 Interrogator, false statements by, Sequestration of Witnesses, this § 32:81 index Investigation by police, § 32:64 Sex offenses, § 51:13 Invited error, § 32:90 Sources of criminal law, § 1:9 Judicial notice, § 32:69 "Spark of life" evidence, § 32:87 Life of victim, evidence about, Statutes related to evidence, § 32:2 § 32:87 Stipulations, § 32:70 Limited admissibility, § 32:93 Striking evidence and curative Miranda warnings, references to, instructions, § 32:92 § 32:84 Subpoenas to witnesses, § 22:1 Mugshots, § 32:68 Swearing of witnesses, § 32:101 Multiple admissibility, § 32:94 Tampering with witness, § 54:3 Multiple hearsay, § 32:95 Threats, evidence of, § 32:79 911 calls, § 32:61 Transcripts, § 32:108 Offers to plead, § 32:73 Venue, § 12:3, 12:6 Omnibus hearings, evidentiary issues, Vouching for Witness, this index § 21:4 Withdrawn pleas, § 32:73 Opening door to inadmissible evi-Written recordings and messages, dence, § 32:90 § 32:63 Order of trial, § 31:4 Photographs, § 32:65 EXCULPATORY EVIDENCE Police reports, § 32:60 Grand jury, § 13:12 Post conviction proceedings, § 39:13 **EXECUTION** Prejudice, confusion or waste of time, § 32:3 Arrest, this index Presumptions, this index

Prior Convictions and Other Misconduct, this index

### **EX PARTE CONTACTS**

Judges, § 30:9

## **EXPECTATION OF PRIVACY**

Search and seizure, automobile searches, § 5:65

### **EXPENSES**

Costs and Expenses, this index

## EXPERT AND OPINION **EVIDENCE**

Generally, § 32:33-32:59

Blood, breath and urine tests, § 32:50

Blood spatter evidence, § 32:48

Causation of death or injury, § 32:54

DNA, § 32:36

Dog tracking evidence, § 32:44

Driving while impaired, opinions on intoxication, § 56:39

Drug influence recognition, § 32:39

Drug profile evidence, § 32:40

Drug triangulation, § 32:41

Fingerprints, § 32:45

Footprints, § 32:43

Frye-Mack test, § 32:35

Gang evidence, § 32:52

Graphology, § 32:47

Gunshot residue, § 32:49

Handwriting analysis of character, § 32:47

Handwriting identification, § 32:46

Hypnosis, § 32:38

Intent, § 32:57

Legal conclusions, § 32:56

Lie detection, § 32:37

Non-expert opinions, § 32:58

Notice requirement for examinations, § 32:34

Novel scientific techniques, § 32:35

Pathologists, § 32:54

Polygraph evidence, § 32:37

Radar and laser devices, § 32:53

Spectography, § 32:42

State of mind, § 32:57

Syndrome evidence, § 32:51

Terms of art, § 32:56

Ultimate issues, § 32:56

Voice prints, § 32:42

## EXPERT AND OPINION EVIDENCE—Cont'd

Vouching for expert, § 32:59

## **EXPLOSIVES**

Generally, § 58:3

## EX POST FACTO LAWS

Defenses, § 47:58

## EXPUNGEMENT OF RECORDS

Generally, § 43:6

## EXTRADITION AND DETAINERS

Generally, § 41:1-41:6

Asylum state procedures, § 41:2

Bail and recognizance, § 15:20

Constitutional basis, § 41:1

Detainers, § 41:5

Federal prosecution, transfers for, § 41:6

Fugitive's rights, § 41:3

Procedures to be followed by demanding state, § 41:4

Speedy trial, § 25:6, 25:7

Statutory basis, § 41:1

### FACSIMILE TRANSMISSIONS

Indictments, complaints and tab charges, § 11:25

## **FAIRNESS DOCTRINE**

Evidence, § 32:89

## FALSE IMPRISONMENT

Generally, § 50:6

### **FEAR**

Evidence, § 32:79

### **FELONIES**

Appearance by Defendant, this index Competency of defendant, probable

cause determination in felony

cases, § 24:4

Discovery, this index

## FELONY MURDER

Generally, § 49:4

## FINAL ARGUMENT

Generally, § 34:1-34:5

Improper arguments, § 34:3

Instructions to jury, § 34:4

## FINAL ARGUMENT—Cont'd

Objections and instructions, § 34:4 Order of trial, § 31:13 Proper and effective arguments,

§ 34:2

Review, § 34:45

Time and order of arguments, § 34:1

## FINANCIAL TRANSACTION CARDS

Property Crimes, this index

## FINDINGS OF FACT

Judges, § 30:11

Post conviction proceedings, § 39:16

### FINES AND PENALTIES

Generally, § 36:14, 36:18

Attempted crimes, § 46:2

Bail, use to pay fine, § 15:15

Discovery, § 16:12

Double jeopardy, § 48:4

Driving while impaired, penalty assessment, § 56:54

Petty Offenses, this index

## **FINGERPRINTS**

Expert and opinion evidence, § 32:45 Identification of suspects, § 7:13

## **FIREARMS**

Weapons and Firearms, this index

## FLEETING CONTROL

Defenses, § 47:65

## **FLIGHT**

Homicide, death caused while fleeing, § 49:12

Peace officer, fleeing from, § 54:6

### **FLIPPANCY**

Defenses, § 47:24

### **FOOTPRINTS**

Expert and opinion evidence, § 32:43 Identification of suspects, § 7:13

### **FORCE**

Arrest, degree of force permitted, § 4:26

## FORCED MEDICATION

Competency of defendant, § 24:15

### FOREIGN NATIONALS

Confessions, § 6:30

Investigative stops and detentions, § 3:145

## FOREIGN STATES

Aiding criminal act in foreign state, § 45:10

### **FORFEITURES**

Generally, § 36:68

Attorneys, right to counsel, § 8:10

Bail bonds, § 15:13

Double jeopardy, § 48:4

## **FORGERY**

Generally, § 52:13

### FORMER JEOPARDY

Double Jeopardy, this index

## **FORNICATION**

Sex offenses, § 51:17

## FRAUD AND DECEIT

Financial transaction cards, § 52:14 Search incident to arrest, § 5:46

## FREEDOM OF EXPRESSION, ASSEMBLY OR CONSCIENCE

Defenses, § 47:49

### **FRISK**

Stop and Frisk, this index

## FRUIT OF POISONOUS TREE

Confessions, § 6:16

### FRYE-MACK TEST

Expert and opinion evidence, § 32:35

## **FUGITIVES**

Extradition and Detainers, this index

### **FUNERALS**

Disruption of funerals, § 59:2

### **FURLOUGHS**

Parole, § 42:5

Sentence and punishment, § 36:17

## **GANGS**

Generally, § 55:3

Expert and opinion evidence, § 32:52

Index-18

### INDEX

## **GARAGES**

Warrantless searches, § 5:18

## **GOOD MOTIVE**

Defenses, § 47:33

### **GOOD TIME**

Sentence and punishment, § 36:12

### **GOVERNMENT ESTOPPEL**

Defenses, § 47:29

### **GRAND JURY**

Generally, § 13:1-13:19

Challenge, abolition, § 13:15

Charge, § 13:6

"Citizen right" to appear before grand jury, § 13:19

Degree of proof required, § 13:11

Deliberate no-bills, § 13:12

Discovery, § 16:5

Dismissal of indictment, motion, § 13:17

Duties, § 13:1

Evidence, § 13:10-13:12

Exculpatory evidence, § 13:12

Function, § 13:1

Immunity, § 13:8

Instructions, § 13:6

Members, § 13:4

Method of selection, § 13:3

Organization, § 13:5

Persons who may be present, § 13:7

Presentments, abolition, § 13:13

Proceedings, § 13:5

Prosecutor, role of, § 13:6

Quorum, § 13:4

Record of proceedings, § 13:9

Reports of grand jury, § 13:14

Return of indictment or "no bill,"

§ 13:16

Secrecy of proceedings, § 13:18

Time when summoned, § 13:2

Transcript of proceedings, § 13:9

## GRAPHIC, GRISLY, GRUESOME AND GHASTLY **PHOTOGRAPHS**

Evidence, § 32:65

### GRAPHOLOGY

Expert and opinion evidence, § 32:47

### GROSS MISDEMEANORS

Appearance by Defendant, this index Competency of defendant, probable cause determination, § 24:4

Discovery, this index

### **GUIDELINES**

Sentence and Punishment, this index

### **GUILTY PLEAS**

Pleas, this index

### **GUNSHOT RESIDUE**

Expert and opinion evidence, § 32:49

## HABEAS CORPUS

Generally, § 40:1

### HANDWRITING

Expert and opinion evidence, § 32:46, 32:47

Identification of suspects, § 7:15

### HARASSMENT

Generally, § 57:1, 57:6, 57:7 Calls and mailings, § 50:10

## HARMFUL SUBSTANCES

Generally, § 59:3

### HARMLESS ERROR

Confessions, § 6:22

## **HAZARDOUS WASTE**

Generally, § 59:3

## HEARINGS

Omnibus Hearings, this index

Pleas, withdrawal or rejection of, § 19:41

Post Conviction Proceedings, this index

Preliminary or pretrial matters, § 20:5

Sentence and punishment, § 36:25

### **HEARSAY**

Search and seizure, probable cause, § 5:47

## HEAT OF PASSION

Defenses, § 47:23

### **HIV TESTING**

Sentence and punishment, § 36:32

### **HOMICIDE**

Generally, § 49:1-49:17 Causation, § 49:14

Child and domestic abuse, first-degree murder, § 49:5

Corpus delicti, § 49:15

Felony murder, § 49:4

First-degree manslaughter, § 49:9

First-degree murder

Generally, § 49:2-49:6

Child and domestic abuse, § 49:5

Felony murder, § 49:4

Peace and correction officers, § 49:6

Premeditation, § 49:3

Fleeing, death caused while, § 49:12

Lesser included offenses, § 49:16

Manslaughter, § 49:9

Multiple convictions, § 49:17

Peace and correction officers, first-degree murder, § 49:6

Premeditation, first-degree murder, § 49:3

Search and seizure, murder scene exception to warrant requirement, § 5:28

Second-degree manslaughter, § 49:10

Second-degree murder, § 49:7

Supreme Court, this index

Third-degree murder, § 49:8

Unborn children, crimes against, § 49:13

Vehicular homicide and related crimes, § 49:11

### **HOT PURSUIT**

Warrantless searches, § 5:24

### **HUSBAND AND WIFE**

Spousal privilege, § 32:75

### **HYPNOSIS**

Expert and opinion evidence, § 32:38

## **IDENTIFICATION OF SUSPECTS**

Generally, § 7:1-7:18

Body specimens, taking of, § 7:16

## **IDENTIFICATION OF SUSPECTS**

### -Cont'd

Challenges to identification evidence, § 7:17

Confessions, forcing accused to submit to identification procedures, § 6:25

Counsel, right to, § 7:2

Derivative evidence, § 7:8

Discovery, notice of evidence, **§ 16:15** 

Fingerprints and footprints, § 7:13

Handwriting samples, § 7:15

Impermissibly suggestive identifications, § 7:3

Independent origin of identifications, § 7:6

Inevitable discovery, § 7:9

Instructions to jury, § 7:18

Lineups, § 7:4

Mistaken identification as defense, § 47:43

"On the scene" confrontations, § 7:5 Photographic identification, § 7:10

Show-ups, § 7:5

Sufficiency of eyewitness identification, § 7:12

Voice Identification, this index

Waiver of counsel at identity confrontation, § 7:7

Weighing and measuring accused,

§ 7:14

## **IDENTITY THEFT**

Generally, § 52:17

### **IGNITION INTERLOCK DEVICES**

Driving while impaired, § 56:55

## ILLUSTRATIVE EVIDENCE

Generally, § 32:74

### **IMMUNITY**

Defenses, § 47:30

Grand jury, § 13:8

Prosecuting attorneys, § 10:8

Witnesses, § 32:105

### **IMPEACHMENT**

Confessions, impeachment use of statement taken in violation of

### IMPEACHMENT—Cont'd

right to counsel, § 6:12

Own witness, § 32:99

Prior Convictions and Other Misconduct, this index Verdicts, § 31:22

## **IMPERFECT SELF-DEFENSE**

Defenses, § 47:22

### **IMPLIED CONSENT**

Driving While Impaired, this index

### **IMPOSSIBILITY**

Attempted crimes, § 46:5-46:7 Defenses, § 47:36 Probation conditions, § 36:63

## INCENDIARY DEVICES

Generally, § 58:3

### **INCEST**

Generally, § 51:19

## INCONSISTENT VERDICTS

Generally, § 31:18

### INDECENT EXPOSURE

Generally, § 51:22

### INDEPENDENT CAUSE

Defenses, § 47:37

### INDEPENDENT ORIGIN

Identification of suspects, § 7:6

## INDEPENDENT SOURCE

Warrantless searches, § 5:27

## INDICTMENTS, COMPLAINTS AND TAB CHARGES

Generally, § 11:1-11:25

Amendment of charge, § 11:17

Appearance by Defendant, this index

Bill of particulars, abolition, § 11:5 Challenges to validity of charge, gen-

erally, § 11:18 et seq.

Consolidation of charges for trial, § 11:15

Content of complaint, § 11:6

Content of indictment, § 11:2

Counts, pleading by, § 11:11

Crimes which may be charged by complaint, § 11:9

## INDICTMENTS, COMPLAINTS AND TAB CHARGES—Cont'd

Crimes which may be charged tab charge, § 11:10

Crimes which must be charged by indictment, § 11:3

Definitions, § 11:1

Disclosure of indictment, § 11:4

Dismissal by prosecutor or court, § 11:23

Dismissal of complaint, generally, § 11:18 et seq.

Duty to charge least serious or most specific offense, § 11:20

Facsimile transmissions, § 11:25

Filing, restrictive orders, § 11:24

Forms, § 11:8

Grounds for dismissal of complaint, § 11:19

Instructions to jury in joined trials, § 11:13

Joinder of defendants, § 11:12

Joinder of offenses, § 11:11

Jurisdiction of prosecutor, § 11:7

Least serious offense, duty to charge, § 11:20

Most specific offense, duty to charge, § 11:20

Nature of complaint, § 11:6

Nature of indictment, § 11:2

Refiling of complaint, § 11:22

Restrictive orders, § 11:24

Ruling on motion to dismiss and its effects, § 11:21

Severance, § 11:14

Successive indictments, § 11:17

Surplusage, § 11:16

## INDIGENT PERSONS

Appeal and review, § 37:6
Attorneys, right to counsel, § 8:6

### **INDUCEMENT**

Prostitution, § 51:24

## INEVITABLE DISCOVERY

Identification of suspects, § 7:9 Warrantless searches, § 5:27

### **INFANTS**

Children and Minors, this index

### **INFORMANTS**

Discovery of identity, § 16:4 Search and seizure, § 5:47

### INHERENT IMPOSSIBILITY

Defenses, § 47:36

## **INSANITY DEFENSE**

Generally, § 47:3-47:16 Bifurcated trial, procedure in, § 47:11 Burden of proof, § 47:13 Constitutional basis, § 47:3 Evidence, § 47:10 Instructions to jury, § 47:12 Mental examination of defendant, § 47:6-47:8 Misdemeanor cases, § 47:16 Not guilty because of mental illness, effect of verdict, § 47:15 Notice of defense, § 47:5 Presumption of sanity, § 47:4 Refusal of defendant to be examined, § 47:7 Report of mental examination, § 47:8 Standard of insanity, § 47:9 Verdict or finding, § 47:14

## **INSPECTIONS**

Confessions, forcing accused to submit to inspection, § 6:25

### INSTRUCTIONS TO JURY

Generally, § 33:1-33:10 Accomplices and accessories, § 45:13

Additional instructions or review of testimony after jury retires, § 33:8

Confessions, right to silence, § 6:15 Content, § 33:4

Curative and cautionary instructions, § 33:7

Deadlocked jury, § 31:20 Defenses, § 47:2, 47:68 Final argument, § 34:4 Grand jury, § 13:6 Guides, § 33:1

Identification of suspects, § 7:18

### INSTRUCTIONS TO JURY

-Cont'd

Indictments, complaints and tab charges, instructions in joined trials, § 11:13

Insanity defense, § 47:12

Lesser included offenses, § 33:6

Objections, § 33:3

Order of trial, § 31:14

Preliminary Instructions, this index

Prior convictions and other misconduct, § 32:17, 32:26

Recording of instructions, § 33:9

Requests for instructions, § 33:2 Review, § 33:10 Timing of instructions, § 33:5

## INSTRUMENTALITY THEORY

Automobile searches, § 5:60

### **INSURANCE**

Evidence of motive, § 32:86

# INTENSIVE COMMUNITY SUPERVISION

Parole, § 42:7

## INTENT AND SCIENTER

Generally, § 44:1-44:9
Accomplices and accessories, § 45:4
Attempted crimes, § 46:3
Definitions of intent, § 44:2
Expert and opinion evidence, § 32:57
General and specific intent, § 44:3
Mistake of fact or law, § 44:7
Recklessness and carelessness, § 44:4
Strict liability crimes, § 44:5
Transferred intent, § 44:9
Vicarious liability, § 44:8
Voluntary action, § 44:6

## INTERESTS OF JUSTICE

Defenses, § 47:63

## INTERNATIONAL LAW

Sources of criminal law, § 1:13

## **INTERPRETERS**

Appearance by defendant, § 14:9
Arrest, duty to provide interpreter, § 4:20

### INTERPRETERS—Cont'd

Confessions, right to interpreter, § 6:29

Driving while impaired, § 56:15 Order of trial, § 31:6 Selection of jurors, § 27:15

## INTOXICATING LIQUORS

Alcoholic Beverages, this index

## **INVENTORY SEARCHES**

Automobiles, § 5:62

## **INVESTIGATIONS**

Warning subject of investigation, surveillance or search, § 54:4

# INVESTIGATIVE STOPS AND DETENTIONS

Generally, § 3:1-3:15
Bystanders, § 3:12
Foreign nationals, § 3:145
Miranda warnings, § 3:11
Passengers, § 3:12
Protective sweeps, § 3:14
Roadblocks and spot checks, § 3:10
Specific and articulable facts, § 3:8
Stop and Frisk, this index
"Stop and identify" statutes, § 3:13
Vehicles, generally, § 3:9

## INVITED ERROR

Evidence, § 32:90

### JOINDER OF DEFENDANTS

Indictments, complaints and tab charges, § 11:12

## JOINDER OF OFFENSES

Indictments, complaints and tab charges, § 11:11

## **JOKING**

Defenses, § 47:24

## **JUDGES**

Generally, § 30:1-30:11
Administrator of justice, obligations as, § 30:8
De facto courts, § 30:2
Ex parte contacts, § 30:9

Findings of fact, conclusions of law and orders, § 30:11

### JUDGES-Cont'd

Judicial officers, § 30:2

Jurisdictional requirement that judge be fully qualified, § 30:2

Misconduct, § 54:11

Orders not to discuss case, § 30:7

Pleas, role in negotiations, § 19:17

Proposals of party, adoption of, § 30:11

Publicity and other influences, advice to jurors as to, § 30:4

Removal and substitution of judges, § 30:10

Sequestration of jurors, § 30:5
Sequestration of witnesses, § 30:6
Use and decorum of courtroom,
§ 30:3

## JUDICIAL DECISIONS

Sources of criminal law, § 1:6

### JUDICIAL NOTICE

Generally, § 32:69

### **JURISDICTION**

Generally, § 12:1, 12:2

Appearance by defendant, § 14:6

Arrest, § 4:2

Defenses, § 47:47

Driving while impaired, jurisdiction to request test, § 56:59

Indictments, complaints and tab charges, § 11:7

Judges, jurisdictional requirement that judge be fully qualified, § 30:2

Preliminary or pretrial matters, attacks on jurisdiction in misdemeanor cases, § 20:4

Probation, § 36:64

## **JURY NULLIFICATION**

Defenses, § 47:61

## **JURY TRIAL**

Generally, § 26:1-26:7 Constitutional provisions, § 26:1 Grand Jury, this index Instructions to Jury, this index Lothenbach proceedings, § 26:4

Misconduct of jurors, § 54:11

### JURY TRIAL—Cont'd

Number of jurors, § 26:6

Order of trial, § 31:1

Petty offenses, right to jury trial, § 23:7

Right to jury trial, generally, § 26:1-26:7

Rules of Criminal Procedure, right to jury trial under, § 26:2

Selection of Jurors, this index

Sentence and punishment, § 26:7, 36:20

Stipulated trials, § 26:4

Unanimous verdicts, § 26:5, 31:16 Waiver of right to jury trial, § 26:3

## **JUSTICIABILITY**

Appeal and review, § 37:4

## **KIDNAPPING**

Generally, § 50:5

### **LACHES**

Defenses, § 47:51

## LASER DEVICES

Expert and opinion evidence, § 32:53

## LAW ENFORCEMENT OFFICERS

Driving while impaired, § 56:31 Evidence, police reports, § 32:60 Homicide, first-degree murder, § 49:6

### LAW OF THE CASE

Defenses, § 47:60

### **LAWYERS**

Attorneys, this index

## **LEGAL PROCESS**

Simulation, § 54:10

## **LEGISLATION**

Sources of criminal law, § 1:5, 1:11, 1:12

# LESSER OFFENSES AND LESSER INCLUDED OFFENSES

Double jeopardy, convictions of lesser offenses, § 48:7

Homicide, § 49:16

Instructions to jury, § 33:6

Plea to lesser offense, § 19:9

## LESSER OFFENSES AND LESSER INCLUDED OFFENSES

-Cont'd

Sex offenses, § 51:10

## LIFE OF VICTIM

Evidence, § 32:87

## LIMITATION OF ACTIONS

Defenses, § 47:48

### **LINEUPS**

Identification of suspects, § 7:4

## LOCAL RULES

Sources of criminal law, § 1:10

### **LOCATION**

Place or Location, this index

### MAGISTRATES

Search and seizure, issuance of warrant, § 5:41

### **MANDAMUS**

Generally, § 40:2

### **MANIPULATION**

Sentence and punishment, § 36:21

## **MANSLAUGHTER**

Generally, § 49:9

### **MARIJUANA**

Driving while impaired, § 56:30

## **MARRIAGE**

Defenses, § 47:64

## MEDIA

Privileged communications, § 32:77 Prosecuting attorneys, relations with news media, § 10:6

Subpoenas, § 22:5

## MEDICAL EXAMINATION

Competency of defendant, § 24:5, 24:6

## MEDICAL PRIVILEGE

Generally, § 32:76

## **MINORS**

Children and Minors, this index

### INDEX

### MIRANDA WARNINGS

Confessions, this index
Evidence, § 32:84
Investigative stops and detentions,
§ 3:11

## **MISCONDUCT**

Prior Convictions and Other Misconduct, this index

### **MISDEMEANORS**

Appearance by Defendant, this index Competency of defendant, § 24:14
Depositions, § 16:30
Discovery, this index
Drugs and Narcotics, this index
Gross Misdemeanors, this index
Insanity defense, § 47:16
Petty Offenses, this index
Pleas, § 19:26, 19:28

### MISREPRESENTATION

Fraud and Deceit, this index

## MISTAKE OF FACT OR LAW

Defenses, § 47:27, 47:28 Intent and scienter, § 44:7

## **MISTRIAL**

Generally, § 31:11

### **MOOTNESS**

Appeal and review, § 37:4

## **MOTORBOATS**

Driving while impaired, § 56:21

## **MOTOR VEHICLES**

Arrest, ordering persons out of vehicle, § 4:22

Driving While Impaired, this index Homicide, vehicular homicide and related crimes, § 49:11

Investigative Stops and Detentions, this index

Search and Seizure, this index Tampering with vehicle, § 52:9

### **MUGSHOTS**

Evidence, § 32:68

## **MULTIPLE HEARSAY**

Generally, § 32:95

#### MURDER

Homicide, this index

### **NARCOTICS**

Drugs and Narcotics, this index

### **NECESSITY**

Defenses, § 47:21

### **NEGLECT OF CHILD**

Generally, § 50:4

### **NEGOTIATIONS**

Pleas, this index

### **NEW TRIAL**

Postverdict motions, § 35:3, 35:6

### **NEXUS**

Search incident to arrest, § 5:40

### **NIGHT ARRESTS**

Generally, § 4:24

### 911 CALLS

Evidence, § 32:61

### NO CONTACT ORDERS

Domestic assault, § 57:4

## NO KNOCK ENTRY

Search and seizure, § 5:50

## **NOTETAKING**

Jury, § 31:8

### **NOTICE**

Appearance by Defendant, this index Attorneys, notice by judge of right to counsel, § 8:3

Bail and Recognizance, this index

Defenses, § 47:69

Depositions, § 16:22

Discovery, this index

Driving While Impaired, this index

Expert and opinion evidence, requirement for examinations, § 32:34

Insanity defense, § 47:5

Supreme Court, appeal of first degree murder cas, § 38:7

# NOVEL SCIENTIFIC TECHNIQUES

Expert and opinion evidence, § 32:35

### **NUISANCES**

Generally, § 59:6

### **NULLIFIED CONVICTIONS**

Prior convictions and other misconduct, § 32:10

### **OATH**

Selection of jurors, § 27:7

## **OBJECTIONS**

Final argument, § 34:4 Instructions to jury, § 33:3

## **OBSCENITY**

Generally, § 51:15
Calls and mailings, § 50:10

### **OBSTRUCTION**

Investigations, § 54:7 Legal process, § 54:5

## **OFFERS TO PLEAD**

Evidence, § 32:73

# OFF-ROAD RECREATIONAL VEHICLES

Driving while impaired, § 56:22

## **OMNIBUS HEARINGS**

Generally, § 21:1-21:16

Amendment of complaint, § 21:9

Appearance by defendant, § 17:2,

17:4, 18:5

Continuances, § 21:10

Court, hearings on issues raised by, § 21:7

Date of trial, § 21:15

Disposition conferences, § 21:8

Evidentiary issues, § 21:4

Filing requirements, § 21:13

Findings, necessity of, § 21:14

Other matters waiver hearings, § 21:6

Place of hearing, § 21:2

Plea permitted, § 21:15

Probable cause hearings, § 21:5

Purpose, § 21:1

Reopening, § 21:10

Reports, § 21:12

Reviewability of omnibus orders by trial judge, § 21:16

Scope, § 21:1

### OMNIBUS HEARINGS—Cont'd

Sequestration of witnesses, § 21:11 Time of hearing, § 21:3

# "ON THE SCENE" CONFRONTATIONS

Identification of suspects, § 7:5

## **OPEN FIELDS DOCTRINE**

Warrantless searches, § 5:7

### **OPENING STATEMENTS**

Order of trial, § 31:3

### **OPINION EVIDENCE**

Expert and Opinion Evidence, this index

## ORAL ARGUMENT

Appeal and review, generally, § 37:17
Supreme Court, § 38:19

## **ORDER OF TRIAL**

Generally, § 31:1-31:23

Court, trial to, § 31:23

Evidence, § 31:4

Final arguments, § 31:13

Instructions to jury, § 31:14

Interpreters, § 31:6

Judgment of acquittal, motion for, § 31:10

Jury trial, order of, § 31:1

Misconduct of witnesses, spectators, court officers and others, § 31:12

Mistrial, § 31:11

Notetaking by jury, § 31:8

Opening statements, § 31:3

Preliminary instructions, § 31:2

Questions by jurors for witnesses,

§ 31:9

Recording of proceedings, § 31:5

Verdicts, this index

View by jury or judge, § 31:7

## **OVERBREADTH OF STATUTES**

Defenses, § 47:57

## **PACKAGE PLEAS**

Withdrawal or rejection of plea, § 19:35

## **PARDON** Generally, § 42:18 Disabilities of conviction and their removal, § 43:5 **PARK ZONES** Prostitution, § 51:29 **PAROLE** Generally, § 42:1-42:17 Appeals, revocation of parole, § 42:16 Community work requirement, § 42:8 Constitutional requirements for revocation hearing, § 42:12 Credit for time served, revocation of parole, § 42:17 Defined, § 42:1 Department of Corrections, § 42:3 Detention, § 42:9 End of confinement risk assessment, **§ 42:10** Furloughs, § 42:5 Granting of parole, § 42:4 Hearings, revocation of parole, § 42:12-42:14 Intensive community supervision, § 42:7 Preliminary hearing, revocation of parole, § 42:13 Revocation of parole Generally, § 42:11-42:17 Action upon proof of violation, § 42:15 Appeals, § 42:16 Constitutional requirements for revocation hearing, § 42:12 Credit for time served, § 42:17 Hearings, § 42:12-42:14 Initiation, § 42:11 Preliminary hearing, § 42:13

# Work release, § 42:6 PARTIAL VERDICTS

Time of eligibility, § 42:2

Warrantless searches by probation or

parole officers, § 5:15

Generally, § 31:17

### **PASSENGERS**

Automobile searches, § 5:63 Investigative stops and detentions, § 3:12

## **PASSIVITY**

Accomplices and accessories, § 45:5

### **PATHOLOGISTS**

Expert and opinion evidence, § 32:54

### **PENALTIES**

Fines and Penalties, this index

### PEREMPTORY CHALLENGES

Selection of jurors, § 27:10

### **PERJURY**

Generally, § 54:2 Retraction as defense, § 47:41

### **PERMISSION**

Consent or Approval, this index

### PERVERSE VERDICTS

Generally, § 31:18

### PETTY OFFENSES

Generally, § 23:1-23:11 Collection of fine, § 23:11 Conviction, nature of, § 23:10 Counsel, right to appointment of, § 23:8 Failure to appear for trial, § 23:9 Fines Collection of fine, § 23:11 Payment as guilty plea, § 23:6 Schedules of fines, § 23:5 Guilty plea, payment of fine as, § 23:6 Jury trial, right to, § 23:7 Misdemeanor practice, generally, § 23:1-23:11 Payment of fine as guilty plea, § 23:6 Petty misdemeanors, defined, § 23:1

## Schedules of fines, § 23:5

Violations bureaus, § 23:4

demeanors, § 23:2

Reducing misdemeanors to petty mis-

## **PHOTOGRAPHS**

Evidence, § 32:65

## PHOTOGRAPHS—Cont'd

Identification of suspects, § 7:10

### PLACE OR LOCATION

Arrest, § 4:2

Omnibus hearings, place of hearing, § 21:2

Post conviction proceedings, place of hearing, § 39:10
Search of place of arrest, § 5:35

## **PLAIN FEEL**

Venue, this index

Warrantless searches, § 5:9

## PLAIN VIEW OR PLAIN SIGHT

Warrantless searches, § 5:8

### **PLEADINGS**

Double jeopardy, § 48:10
Indictments, Complaints and Tab
Charges, this index
Post conviction proceedings, § 39:6,
39:7

#### **PLEAS**

Generally, § 19:1-19:42 Appeals

Waiver of appellate rights, § 19:22 Withdrawal or rejection of plea, § 19:42

Appearance by defendant, § 17:3 Counsel, role in negotiations, § 19:16 Deferral of acceptance of plea, § 19:38

Different offense, plea to, § 19:10
Disabled in communications,
defendants who are, § 19:8
Elements of valid guilty plea, § 19:2
Entry of plea

Generally, § 19:24-19:29

Group advisory of rights, § 19:27

Misdemeanor cases, questions to defendant, § 19:26

Misdemeanor guilty plea by petition, § 19:28

Questions to defendant, § 19:25, 19:26

Time of plea, § 19:29 Finality of agreement, § 19:20 Forms for guilty pleas, § 19:3

## PLEAS—Cont'd

Group advisory of rights, § 19:27 Guilty pleas, generally, § 19:1 et seq. Hearings, withdrawal or rejection of plea, § 19:41

Importance of proper guilty pleas, § 19:1

Innocence, withdrawal of plea without assertion of, § 19:34

Judge, role in negotiations, § 19:17 Lesser offense, plea to, § 19:9

Misdemeanor cases, questions to defendant, § 19:26

Misdemeanor guilty plea by petition, § 19:28

Negotiations

Generally, § 19:12-19:23

Appellate rights, waiver of, § 19:22

Considerations in allowing plea agreement, § 19:14

Counsel, role of, § 19:16

Defendant as bound by plea agreement, § 19:19

Failure of prosecutor to honor plea agreement, § 19:18

Failure to include terms required by law, § 19:15

Finality of agreement, § 19:20 Inadmissibility of pleas, offers to plead and statements, § 19:23

Judge, role of, § 19:17

Propriety of negotiations and agreements, § 19:12

Separation of powers, role of, § 19:13

Threat of more severe consequences, § 19:21

Omnibus hearings, § 21:15

Package pleas, withdrawal or rejection of plea, § 19:35

Persons who may plead, § 19:6

Petty offenses, payment of fine as guilty plea, § 23:6

Presence of defendant, § 19:11

Questions to defendant, entry of plea, § 19:25, 19:26

Record of plea, § 19:7

Verdicts, § 31:21

#### **POLYGRAPHS** PLEAS—Cont'd Rejection of plea. Withdrawal or Confessions, § 6:26 rejection of plea, below Expert and opinion evidence, § 32:37 Selected charges, right to plead to, **POOR PERSONS** § 19:37 Indigent Persons, this index Separation of powers, role in negotiations, § 19:13 POSSESSION OF BURGLARY Sua sponte withdrawal of plea by TOOLS judge, § 19:32 Generally, § 52:12 Third parties, agreements involving benefits to, § 19:36 POST CONVICTION Threat of more severe consequences, **PROCEEDINGS** negotiations, § 19:21 Generally, § 39:1-39:17 Time Appeals, § 39:17 Entry of plea, § 19:29 Burden of proof, § 39:14 Withdrawal or rejection of plea, Conclusions of law, § 39:16 § 19:33 Counsel, right to, § 39:15 Types of pleas, § 19:5 Delay, effect of, § 39:5 Waiver of rights and defenses by Evidence, § 39:13 guilty plea, § 19:4 Exclusiveness of remedy, § 39:2 Withdrawal or rejection of plea Findings of fact, § 39:16 Generally, § 19:30-19:42 Hearings, generally, § 39:4, 39:8-Appeals, § 19:42 39:17 Deferral of acceptance of plea, Liberal construction of petition, § 19:38 § 39:7 Form of motion, § 19:31 Orders, § 39:16 Grounds and time of motion, Place of hearing, § 39:10 § 19:33 Pleadings, § 39:6, 39:7 Hearings, § 19:41 Presence of petitioner, § 39:12 Inadmissibility of withdrawn or Presiding judge, § 39:8 rejected plea, § 19:40 Record of hearing, § 39:11 Innocence, withdrawal without Relief available, § 39:3 assertion of, § 19:34 Scope of act, § 39:1 Package pleas, § 19:35 Supreme Court, first degree murder Procedure, § 19:31 cases, § 38:4 Rejection of offered plea, § 19:39 Time of hearing, § 39:9 Selected charges, right to plead to, Timing of petition, § 39:5 § 19:37 POST-VERDICT MOTIONS Sua sponte withdrawal by judge, Generally, § 35:1-35:7 § 19:32 Acquittal, judgment of, § 35:5 Third parties, agreements involving benefits to, § 19:36 New trial, § 35:3, 35:6 Postconviction remedy, relation to, **POLICE OFFICERS** § 35:2 Law Enforcement Officers, this index Vacation of judgment, § 35:4 POLLING OF JURY **PREEMPTION**

Defenses, § 47:59

### **PREJUDICE**

Evidence, § 32:3

## PRELIMINARY INSTRUCTIONS

Order of trial, § 31:2 Selection of jurors, § 27:3

# PRELIMINARY OR PRETRIAL MATTERS

Appearance by Defendant, this index Bail and Recognizance, this index Hearings, § 20:5 Joinder of all "defenses, objections, issues and requests" in motion,

§ 20:3
Jurisdiction in misdemeanor cases, attacks on, § 20:4

Matters that must be raised on motion before trial, § 20:1

Motions, generally, § 20:1-20:6 Omnibus Hearings, this index Parole, revocation of, § 42:13

Probation, § 36:55

Reconsideration motions, § 20:6 Time, form, service and filing of motions, § 20:2

## **PREMEDITATION**

Homicide, § 49:3

# PRESENCE AND CONDUCT OF DEFENDANT

Generally, § 29:1-29:7
Disruptive defendants, § 29:6
Post conviction proceedings, presence of petitioner, § 39:12
Religious symbols, § 29:4
Requirement, § 29:1, 29:2
Restraints in court, § 29:5
Seating and attire, § 29:3
Security measures, § 29:7
Waiver, § 29:2

## PRESERVATION OF ISSUES

Appeal and review, § 37:14

## PRESS PRIVILEGE

Generally, § 32:77

## **PRESUMPTIONS**

Generally, § 32:71 Innocence, defenses, § 47:2

# PRESUMPTIONS—Cont'd Insanity defense, § 47:4

# PRIOR CONVICTIONS AND OTHER MISCONDUCT

Generally, § 32:7-32:29 Acquittal, offenses resulting in, § 32:24

Appeal, pendency of, § 32:13 Argument, § 32:18, 32:27 Criminal trials, evidence of, generally, § 32:7-32:29

Custody status of defendant, § 32:12 Dismissal, offenses resulting in, § 32:24

Evidence, generally, § 32:7-32:29 Impeachment, generally, § 32:7-32:29

Instructions to jury, § 32:17, 32:26 Juvenile adjudications, § 32:14 Methods of proof, § 32:16, 32:25 Nonfinal convictions, § 32:11 Nullified convictions, § 32:10 Probationary status of defendant, § 32:8

Process for determining admissibility of other misconduct, § 32:23
Reverse-Spreigl evidence, § 32:28
Review, § 32:29

Rule excluding evidence of other misconduct, § 32:21, 32:22 Specific conduct without conviction,

§ 32:20 Spreigl evidence, generally, § 32:20-32:29

Time limit, § 32:9

Waiver of objection, § 32:19
Witnesses other than defendant,
§ 32:15

## PRISONS AND PRISONERS

Rights of prisoners
Warrantless searches, § 5:14

## **PRIVACY**

Interference with privacy, § 50:10 Search and seizure, § 5:6, 5:65, 5:70

# PRIVACY OF COMMUNICATIONS ACT

Search and seizure, § 5:70

## PRIVILEGED **COMMUNICATIONS**

Generally, § 32:75-32:78 Domestic abuse advocate privilege, § 32:78 Medical privilege, § 32:76

Press and media privilege, § 32:77 Spousal privilege, § 32:75

### **PRIVILEGES**

Defenses, § 47:18

### PROBABLE CAUSE

Arrest, § 4:6

Competency of defendant, determination in felony and gross misdemeanor cases, § 24:4 Omnibus hearings, § 21:5 Search and Seizure, this index

### **PROBATION**

Generally, § 36:46-36:65 Acquittals, § 36:62 Appeal and review, § 36:65 Appeals, § 36:65 Conditions, § 36:47, 36:63 Contingent orders, § 36:63 Dismissals, § 36:62 Execution of warrant or summons, § 36:54 Extension of probation, § 36:49 First appearance, § 36:56 Grounds for revocation, § 36:60 Impossible conditions, § 36:63 Jurisdiction, loss of, § 36:64 Length of probation, § 36:48 Nature, § 36:46 Preliminary hearing, § 36:55 Prior convictions and other misconduct, probationary status of defendant, § 32:8 Provisional orders, § 36:63 Purposes, § 36:46 Refusal of probation, § 36:50 Release pending hearing, § 36:57 Revocation hearing, § 36:59

Right of defendant to execute

sentence, § 36:50

Self-incrimination, § 36:61

#### PROBATION—Cont'd

Service of warrant or summons, § 36:54 Summons, § 36:52 -36:54 Time of hearing, § 36:58 Uncharged conduct, § 36:62 Violation proceedings, generally, § 36:51 et seq. Warrantless searches by probation or parole officers, § 5:15 Warrants, § 36:52-36:54

## **PROFESSIONAL** RESPONSIBILITY

Attorneys, § 9:4

## **PROHIBITION**

Generally, § 40:2

### **PROMOTION**

Prostitution, § 51:24

PROPERTY CRIMES Generally, § 52:1-52:20 Arson and related crimes, § 52:16 Burglary, § 52:11, 52:12 Check, issuance of worthless, § 52:4 Concealing stolen property, § 52:3 Contractor, misapplication of funds by, § 52:18 Credit cards. Financial transaction cards, below Damage to property, § 52:7 Embezzlement of public funds, § 52:10 Financial transaction cards Fraud, § 52:14 Misuse to secure services, § 52:15 Forgery, § 52:13 Fraud, financial transaction cards,

§ 52:14

Identity theft, § 52:17

Motor vehicle, tampering with, § 52:9

Possession of burglary tools, § 52:12 Public assistance, wrongfully obtaining, § 52:20

Public funds, embezzlement of, § 52:10

Receiving stolen property, § 52:3

### PROPERTY CRIMES—Cont'd

Security on property, defeating of Personal property, § 52:6
Real property, § 52:5
Tampering with motor vehicle, § 52:9

Theft, § 52:2

Trespass, § 52:8

Vulnerable adults, crimes against, § 52:19

Worthless check, issuance of, § 52:4

## PROSECUTING ATTORNEYS

Generally, § 10:1-10:8

Complaining witness, notice to, § 10:7

Duty, § 10:2

Entry into criminal case, § 10:1

Immunity, § 10:8

Misconduct, § 10:5

News media, relations with, § 10:6

Qualifications, § 10:3

Standards, § 10:4

### PRO SE DEFENDANTS

Appeal and review, § 37:6

## **PROSTITUTION**

Generally, § 51:23-51:30

Children and minors

Residence, providing to minor engaged in prostitution, § 51:26

Solicitation to engage in sex, § 51:25

Disorderly houses, § 51:30

Inducement of prostitution, § 51:24

Park zones, prostitution in, § 51:29

Profits of prostitution, receipt of, § 51:24

Promotion of prostitution, § 51:24

Protection orders, § 51:27

Public places, prostitution in, § 51:28 Residence, providing to minor

engaged in prostitution, § 51:26

School zones, prostitution in, § 51:29

Solicitation, § 51:24, 51:25

## PROTECTION ORDERS

Domestic assault, § 57:3

### PROTECTION ORDERS—Cont'd

Prostitution, § 51:27

### PROTECTIVE SWEEPS

Investigative stops and detentions, § 3:14

Warrantless searches, § 5:30

## **PUBLIC ASSISTANCE**

Wrongfully obtaining assistance, § 52:20

## **PUBLICATION OF OPINIONS**

Appeal and review, § 37:31

## **PUBLIC DEFENDERS**

Bail, use to pay public defender reimbursement, § 15:15

# PUBLICITY AND OTHER INFLUENCES

Judges, advice to jurors, § 30:4

### **PUBLIC SAFETY**

Automobile searches, § 5:64

### **PUBLIC TRIAL**

Generally, § 28:1-28:5

Cameras and recording devices, § 28:5

Constitutional provisions, § 28:1

Courtroom displays, § 28:4

Excluding public from portion of trial not in jury's presence, § 28:2

Victim's right to be present, § 28:3

### **PUNISHMENT**

Sentence and Punishment, this index

## **PURSUIT**

Arrest, § 4:2

## **QUESTIONNAIRES**

Selection of jurors, § 27:5

## **QUORUM**

Grand jury, § 13:4

### RACIAL PROFILING

Stop and frisk, § 3:4

## RACKETEERING

Generally, § 55:2

### INDEX

### RADAR DEVICES

Expert and opinion evidence, § 32:53

#### RAPE

Sex Offenses, this index

### RATIFICATION

Defenses, § 47:46

# REASONABLE DOUBT, PROOF BEYOND

Defenses, § 47:2

### REBUTTAL

Evidence, § 32:107

## RECALLING OF WITNESSES

Generally, § 32:102

## RECEIVING STOLEN PROPERTY

Generally, § 52:3

### RECKLESSNESS

Intent and scienter, § 44:4

## RECOGNIZANCE

Bail and Recognizance, this index

## RECONSIDERATION MOTIONS

Preliminary or pretrial matters, § 20:6

## RECORDED RECOLLECTION

Evidence, § 32:60

### RECORDS AND RECORDING

Appearance by defendant, § 14:8, 17:6, 18:7

Confessions, § 6:19

Grand jury, § 13:9

Instructions to jury, § 33:9

Order of trial, § 31:5

Pleas, § 19:7

Post conviction proceedings, § 39:11

Public trial, § 28:5

### REFRESHING MEMORY

Evidence, § 32:98

### REGISTRATION

Sex offenses, § 51:14

## **RELIGIOUS BELIEF**

Defenses, § 47:50

### RELIGIOUS SYMBOLS

Presence and conduct of defendant, § 29:4

### REPEAT OFFENDERS

Sex offenses, sentence, § 51:11

### REPORTS

Competency of defendant, medical examination, § 24:6

Driving while impaired, report of test, § 56:68

False reports or information, § 54:9

Grand jury, § 13:14

Insanity defense, mental examination, § 47:8

Omnibus hearings, § 21:12

### RESISTING ARREST

Generally, § 4:27, 54:5

### **RES JUDICATA**

Defenses, § 47:60

### RESTITUTION

Generally, § 36:15

Defenses, § 47:45

Drugs and narcotics, § 53:24

### RESTORATION OF RIGHTS

Disabilities of conviction and their removal, § 43:4, 43:5

### RESTORATIVE JUSTICE

Sentence and punishment, § 36:67

## **RESTRAINTS IN COURT**

Presence and conduct of defendant, § 29:5

## **REVIEW**

Appeal and Review, this index

### REVOCATION OF PAROLE

Parole, this index

## **RIGHT TO COUNSEL**

Attorneys, this index

## **RIOTS**

Generally, § 59:1

### **ROADBLOCKS**

Investigative stops and detentions, § 3:10

### ROBBERY

Generally, § 50:1

# RULES OF CIVIL APPELLATE PROCEDURE

Generally, § 37:2, 37:3 Supreme Court, § 38:2

# RULES OF CRIMINAL PROCEDURE

Sources of criminal law, § 1:8

## **RULES OF EVIDENCE**

Sources of criminal law, § 1:9

### SANITY OF DEFENDANT

Competency of Defendant, this index Insanity Defense, this index

### SCENE OF CRIME

Evidence, § 32:66

### SCHOOLS AND EDUCATION

Prostitution, school zones, § 51:29 Warrantless searches, § 5:19

### **SCIENTER**

Intent and Scienter, this index

## **SEALING OF RECORDS**

Generally, § 43:6

### **SEARCH AND SEIZURE**

Generally, § 2:1-2:3, 5:1-5:70 Abandoned property, warrantless searches, § 5:22

Administrative searches and inspections, warrantless, § 5:16

Airport searches, warrantless, § 5:12 Announcement of authority and purpose, § 5:50

Anticipatory warrants, § 5:45 Arrest, search incident to

Generally, § 5:33-5:55

Admissibility of evidence to contradict affidavit in support of warrant, § 5:46

Announcement of authority and purpose, § 5:50

Anticipatory warrants, § 5:45

Automobile, search of, § 5:58 Communication of probable cause to judge, § 5:43

### SEARCH AND SEIZURE—Cont'd

Arrest, search incident to—Cont'd Computer services, warrants relating to, § 5:54

Constitutional requirements, generally, § 5:37

Currentness of information, § 5:44

Definitions, § 5:38

Execution and return of warrant, § 5:51

Filing, § 5:52

Formal requirements, § 5:39

Forms, § 5:53

Hearsay as basis for probable cause, § 5:47

Informers, § 5:47

Magistrate, issuance by, § 5:41

Misrepresentations, § 5:46

Nature and scope of search, § 5:33

Nexus, § 5:40

No knock entry, § 5:50

Oral testimony, warrants upon, § 5:42

Particular description of person, place and property to be searched, § 5:48

Person, search of, § 5:34

Place of arrest, search of, § 5:35

Probable cause, § 5:40, 5:43, 5:47

Property not named in warrant, seizure of, § 5:49

Second and subsequent searches, § 5:55

Stale information, § 5:44

Substantially simultaneous search and arrest, § 5:36

Telephone warrants, § 5:42

Automobile searches

Generally, § 5:56-5:66

Arrest, search of vehicle incident to, § 5:58

Containers in vehicles, § 5:61

Expectation of privacy, absence of, § 5:65

Instrumentality theory, § 5:60

Inventory searches, § 5:62

Motor vehicle, defined, § 5:66

Passengers, § 5:63

#### SEARCH AND SEIZURE—Cont'd SEARCH AND SEIZURE—Cont'd Automobile searches—Cont'd Hearsay as basis for probable cause, § 5:47 Probable cause as independent basis for search, § 5:59 Hierarchy of police encounters, § 2:2 Public safety or caretaking Home, warrantless search of, § 5:17 searches, § 5:64 Hot pursuit, warrantless searches, Squad car, placing driver in, § 5:57 § 5:24 Warrantless searches and seizures, Illegal search as defense, § 47:26 § 5:31 Independent source, warrantless Body of accused, warrantless searches, § 5:27 searches, § 5:23 Inevitable discovery, warrantless Caretaking searches, automobiles, searches, § 5:27 § 5:64 Informers, § 5:47 Communication of probable cause to Instrumentality theory, automobile judge, § **5:43** searches, § 5:60 Computer services, warrants relating Invasion of privacy and standing, to, § 5:54 § 5:6 Consent to warrantless search, § 5:10 Inventory searches, automobiles, Containers in vehicles, § 5:61 § 5:62 Currentness of information, § 5:44 Jailhouse searches, warrantless, Curtilage, warrantless searches, § 5:7 § 5:14 Customs searches, warrantless, Magistrate, issuance of warrant by, § 5:41 § 5:13 Defense, illegal search as, § 47:26 Misrepresentations, search incident to arrest, § 5:46 Definitions, § 5:2 Motor vehicles. Automobile searches, Discovery, notice of evidence, above § 16:15 Dog sniffs, warrantless searches, Murder scene exception to warrant § 5:20 requirement, § 5:28 Eavesdropping by electronic and Nexus, search incident to arrest, other means § 5:40 Generally, § 5:67-5:70 No knock entry, § 5:50 Electronic surveillance, § 5:67 Open fields doctrine, warrantless Federal law, § 5:69 searches, § 5:7 Physical search, compared, § 5:68 Oral testimony, warrants upon, Privacy of Communications Act, § 5:42 § 5:70 Particular description of person, place State law, § 5:70 and property to be searched, § 5:48 Emergencies, warrantless searches, § 5:24 Passengers, automobile searches, § 5:63 Exceptions to exclusionary rule, § 5:3 Person, search of, § 5:34 Exclusionary rule, § 5:3 Place of arrest, search of, § 5:35 Execution of warrant, § 5:51 Plain feel, warrantless searches, § 5:9 Exigent circumstances, warrantless Plain view or plain sight, warrantless searches, § 5:24 searches, § 5:8 Expectation of privacy, automobile Privacy, § 5:6, 5:65, 5:70 searches, § 5:65 Privacy of Communications Act, Garage searches, warrantless, § 5:18 § 5:70

#### SEARCH AND SEIZURE—Cont'd SEARCH AND SEIZURE—Cont'd Warrantless searches and seizures Private persons, warrantless searches by, § 5:11 —Cont'd Probable cause Customs searches, § 5:13 Generally, § 5:40, 5:43, 5:47 Dog sniffs, § 5:20 Automobile searches, § 5:59 Emergencies, § 5:24 Warrant requirement, exception to, Exigent circumstances, § 5:24 § 5:29 Garage searches, § 5:18 Probation or parole officers, warrant-Home, search of, § 5:17 less searches by, § 5:15 Hot pursuit, § 5:24 Property not named in warrant, Independent source, § 5:27 seizure of, § 5:49 Inevitable discovery, § 5:27 Property subject to seizure, § 5:5 Jailhouse searches, § 5:14 Protective sweeps, warrantless Murder scene exception to warrant searches, § 5:30 requirement, § 5:28 Public safety searches, automobiles, Open fields doctrine, § 5:7 § 5:64 Plain feel, § 5:9 Reasonableness, § 5:4 Plain view or plain sight, § 5:8 Regulatory searches and inspections, Private persons, searches by, warrantless, § 5:16 § 5:11 Return of warrant, § 5:51 Probable cause exception to war-School searches, warrantless, § 5:19 rant requirement, § 5:29 Scope of exclusionary rule, § 5:3 Probation or parole officers, Second and subsequent searches, searches by, § 5:15 § 5:55 Protective sweep searches, § 5:30 Special needs warrantless searches, School searches, § 5:19 § 5:25 Special needs warrantless searches, Squad car, placing driver in, § 5:57 § 5:25 Stale information, § 5:44 Storage unit searches, § 5:21 Standing, § 5:6 Terry searches, § 5:32 Stop and Frisk, this index Vehicle searches, § 5:31 Storage unit searches, warrantless, Workplace searches, § 5:26 § 5:21 Workplace searches, warrantless, Substantially simultaneous search § 5:26 and arrest, § 5:36 **SEATING AND ATTIRE** Telephone warrants, § 5:42 Presence and conduct of defendant, Terry searches, § 5:32 § 29:3 Warning subject of investigation, surveillance or search, § 54:4 **SECRECY** Warrantless searches and seizures Grand jury, § 13:18 Generally, § 5:7-5:32 SECURITY MEASURES Abandoned property, § 5:22 Presence and conduct of defendant, Administrative and regulatory searches and inspections, § 29:7 § 5:16 SECURITY ON PROPERTY Airport searches, § 5:12 Property Crimes, this index Body of accused, § 5:23 SELECTION OF JURORS Consent to search, § 5:10

Generally, § 27:1-27:15

Curtilage, § 5:7

#### SENTENCE AND PUNISHMENT SELECTION OF JURORS—Cont'd Alternate jurors, § 27:13 —Cont'd Alternative methods for drawing, Consecutive sentences, § 36:10, 36:39 examining and challenging prospective jurors, § 27:8 Conviction, defined, § 36:6 Anonymous juries, § 27:14 Correction of sentence, § 36:29 Cause, challenges for, § 27:9 Costs, § 36:14 Challenges to panel, § 27:2 Credit for Time Served, this index Interpreters for jurors, § 27:15 Cruel or unusual punishment, § 36:18 Jury list, § 27:1 Debt, imprisonment for, § 36:18 Oath of prospective jurors, § 27:7 Departure from guidelines, § 36:41-Order of challenges, § 27:6 36:45 Diversion, § 36:66 Peremptory challenges, § 27:10 DNA collection, § 36:31 Preliminary instructions, § 27:3 Ouestionnaires, § 27:5 Double jeopardy. § 36:9 Sua sponte dismissal of juror or by Driving While Impaired, this index court, § 27:11 Enhancement on basis of uncounseled or defective prior Trial, dismissal of juror or during, § 27:12 convictions, § 36:8 Entrapment, § 36:21 Voir dire examination, § 27:4 Excessive fines, § 36:18 SELECTIVE ENFORCEMENT Executed sentences, § 36:40 Defenses, § 47:52 Factors pertinent to sentencing, **§ 36:2 SELF-DEFENSE** Fines and Penalties, this index Defenses, § 47:22 Forfeitures, this index SELF-INCRIMINATION Furloughs, § 36:17 Confessions, this index Good time, § 36:12 Probation, § 36:61 Guidelines Generally, § 36:33-36:45 **SELF-REPRESENTATION** Aggravated sentences, procedures Generally, § 8:8 for, § 36:35 Blakely v. Washington, impact of, SENTENCE AND PUNISHMENT § 36:34 Generally, § 36:1-36:68 Classification and particular use of Aggravated sentences, procedures departure factors, § 36:42 for, § 36:35 Concurrent and consecutive sen-Appeal and review tences, § 36:39 Generally, § 36:30, 37:26-37:28 Departures, § 36:41-36:45 Action on appeal, § 37:28 Determination of presumptive Procedure, § 37:27 sentence, § 36:36 Right of appeal, § 37:26 History, nature and purpose, Scope of review, § 37:28 § 36:33 Assessments, § 36:14 Mandatory sentences, § 36:38 Blakely v. Washington, impact of, Modifications to guidelines, § 36:34 § 36:44 Classification and particular use of Nature of presumptive sentences, departure factors, § 36:42 § 36:37

Concurrent sentences, § 36:10, 36:39

Negotiated departures, § 36:43

## SENTENCE AND PUNISHMENT —Cont'd

Guidelines—Cont'd

Statement of grounds of departure, need for, § 36:45

Stayed and executed sentences, § 36:40

Waiver of right to guidelines sentencing, § 36:43

Hearing on sentencing, § 36:25

HIV testing, § 36:32

Increased sentences, § 36:7

Jail credit, § 36:11

Jury trial, § 26:7, 36:20

Level of conviction determined by sentence or stay, § 36:4

Mandatory sentences, § 36:7, 36:38

Manipulation, § 36:21

Modifications to guidelines, § 36:44

Most serious offense, sentence for, § 36:3

Negotiated departure from guidelines, § 36:43

Order of sentence, § 36:26

Pardon, this index

Parole, this index

Penalties. Fines and Penalties, this index

Presentence and pre-plea investigation, § 36:24

Pretrial diversion, § 36:66

Prisons and Prisoners, this index

Probation, this index

Procedure, generally, § 36:22-36:32

Reduction of sentence, § 36:29

Release pending sentencing, § 36:23

Restitution, this index

Restorative justice, § 36:67

Retrial, sentencing after, § 36:28

Review. Appeal and review, above

Right of appeal, § 37:26

Sex offenses, § 51:11

Single behavioral incident, double jeopardy, § 36:9

Stayed sentences, § 36:40

Supervised release, § 36:13

Surcharges, § 36:14

Types of possible dispositions, § 36:5

## SENTENCE AND PUNISHMENT —Cont'd

Victim, role of, § 36:27

Waiver of right to guidelines sentencing, § 36:43

Work release, § 36:16

### SEPARATION OF POWERS

Evidence, § 32:2

Pleas, role in negotiations, § 19:13

## SEQUESTRATION OF JURORS

Judges, § 30:5

## SEQUESTRATION OF WITNESSES

Judges, § 30:6

Omnibus hearings, § 21:11

### **SERVICE**

Arrest, service of summons in lieu of warrant, § 4:17

Preliminary or pretrial matters, § 20:2

Probation, service of warrant or summons, § 36:54

Subpoenas, § 22:3

Supreme Court, § 38:6, 38:16

### **SEVERANCE**

Indictments, complaints and tab charges, § 11:14

### **SEX OFFENSES**

Generally, § 51:1-51:30

Adultery, § 51:18

Bestiality, § 51:20

Bigamy, § 51:21

Criminal sexual conduct, generally, § 51:3 et seq.

Criminal sexual predatory conduct,

§ 51:9

Dangerous offenders, sentence, § 51:11

Definitions, § 51:2

Evidence, § 51:13

Fifth-degree criminal sexual conduct, § 51:8

First-degree criminal sexual conduct, § 51:4

Fornication, § 51:17

**SMOKING** 

Generally, § 59:8

#### SEX OFFENSES—Cont'd Fourth-degree criminal sexual Generally, § 51:16 conduct, § 51:7 **SOLICITATION** Incest, § 51:19 Prostitution, § 51:24, 51:25 Indecent exposure, § 51:22 Lesser included offenses, § 51:10 SOURCES OF CRIMINAL LAW Obscenity, § 51:15 Generally, § 1:1-1:14 Patterned offenders, sentence, Attorney general opinions, § 1:7 § 51:11 Construction of statutes, § 1:12 Predatory offenders, § 51:9, 51:11 District court rulemaking power, Prostitution, this index § 1:10 Registration and failure to register, Evidence, § 1:9 § 51:14 Federal constitution, § 1:3 Repeat offenders, sentence, § 51:11 General rules of practice, § 1:10 Second-degree criminal sexual International law, § 1:13 conduct, § 51:5 Judicial decisions, § 1:6 Sentences, § 51:11 Legislation, § 1:5, 1:11, 1:12 Separate offenses, § 51:10 Local rules, § 1:10 Single behavioral incident, § 51:10 Procedure, generally, § 1:2-1:10 Sodomy, § 51:16 Rules of criminal procedure, § 1:8 Third-degree criminal sexual Rules of evidence, § 1:9 conduct, § 51:6 Standing, **§ 1:14** Voluntary relationships, exceptions State constitution, § 1:4 for, § 51:12 Substantive law, § 1:11-1:14 **SHOW-UPS** Validity and interpretation of laws, Identification of suspects, § 7:5 § 1:1 **SILENCE** "SPARK OF LIFE" EVIDENCE Confessions, this index Generally, § 32:87 SIMULATED CONTROLLED **SPECIAL NEEDS SUBSTANCES** Warrantless searches, § 5:25 Generally, § 53:13 SPECIAL PROCEEDINGS SINGLE BEHAVIORAL INCIDENT Coram nobis, § 40:3 Generally, § 48:11-48:16 Disabilities of Conviction and Their Accessories, § 48:16 Removal, this index Conviction or acquittal, requirement Expungement or sealing of records, of, § 48:14 § 43:6 Definition and scope, § 48:13 Extradition and Detainers, this index Manipulation of plea, § 48:15 Habeas corpus, § 40:1 Sentence and punishment, double Mandamus, § 40:2 jeopardy, § 36:9 Pardon, § 42:18 Sex offenses, § 51:10 Parole, this index Statutory exceptions to general rule, § 48:12 Prisoner's rights, § 42:19 Waiver, § 48:15 Prohibition, § 40:2

**SPECTOGRAPHY** 

Expert and opinion evidence, § 32:42

**SODOMY** 

### **SPEEDY TRIAL**

Generally, § 25:1-25:8

Constitutional guarantees, § 25:1

Continuances, § 25:8

Defenses, § 47:51

Detainers, § 25:6

Due process, relation to, § 25:4

Extradition proceedings, violations in, § 25:7

Minnesota decisions, § 25:3

Minnesota Rules of Criminal Procedure, § 25:5

US Supreme Court decisions, § 25:2

### SPOUSAL PRIVILEGE

Generally, § 32:75

### STALE INFORMATION

Search and seizure, § 5:44

### **STALKING**

Generally, § 57:1, 57:6

## STANDBY COUNSEL

Attorneys, right to counsel, § 8:8

### **STANDING**

Search and seizure, § 5:6

Sources of criminal law, § 1:14

### STATE OF MIND

Expert and opinion evidence, § 32:57

## STATUTES OF LIMITATION

Defenses, § 47:48

## **STAY**

Appeal and review, § 37:9, 37:24

## **STIPULATIONS**

Depositions, § 16:29

Driving while impaired, evidence, § 56:42

Evidence, § 32:70

Jury trial, stipulated trials, § 26:4

### STOP AND FRISK

Generally, § 3:1-3:6

Constitutional basis, § 3:1

Lapse of time between stop and frisk, § 3:6

Racial profiling, § 3:4

Reasonableness test, § 3:3

## STOP AND FRISK-Cont'd

Requisites of valid stop and frisk, § 3:2

Scope of limited search, § 3:5

### **STOPS**

Investigative Stops and Detentions, this index

Stop and Frisk, this index

## STORAGE UNITS

Warrantless searches, § 5:21

## **STRANGULATION**

Domestic assault, § 57:5

### STRICT LIABILITY CRIMES

Generally, § 44:5

### STRIKING EVIDENCE

Evidence, § 32:92

### **SUBPOENAS**

Generally, § 22:1-22:5

Contempt, § 22:4

Documents and objects, § 22:2

Media, subpoenas directed to, § 22:5

Service, § 22:3

Witnesses, § 22:1

## SUBSTITUTION

Attorneys, § 8:5

Judges, § 30:10

## SUCCESSIVE INDICTMENTS

Generally, § 11:17

### **SUMMONS**

Appearance by defendant, issuance and service of summons, § 18:1

Arrest, this index

Probation, § 36:52 -36:54

## **SUPERVENING CAUSE**

Defenses, § 47:37

## SUPREME COURT

Generally, § 38:1-38:22

Action on petition and cross petition, § 38:14

Attorneys' fees and costs, § 38:20

Briefs, § 38:17, 38:18

Conditions of release, § 38:21

### SUPREME COURT—Cont'd

Court of appeals decisions, review of, generally, § 38:10-38:22

Criteria for granting review, § 38:10

Cross petition, § 38:13

First degree murder cases

Generally, § 38:3-38:9

Notice of appeal, § 38:7

Post conviction proceedings,

§ 38:4 Prosecution, appeals by, § 38:5

Right to appeal, generally, § 38:3-38:9

Service and filing, § 38:6

Time for appeal, § 38:8

Notice of appeal, first degree murder cases, § 38:7

Oral argument, § 38:19

Petition for review, § 38:11

Post conviction proceedings, first degree murder cases, § 38:4

Prosecution briefs, § 38:17

Response to petition for review, § 38:12

Rules of Civil Appellate Procedure, § 38:2

Scope and standards of review, § 38:1

Service and filing, § 38:6, 38:16

Speedy trial, § 25:2

Time for appeal, § 38:8, 38:15

### **SURCHARGES**

Sentence and punishment, § 36:14

## **SURPLUSAGE**

Indictments, complaints and tab charges, § 11:16

### SURREPTITIOUS RECORDING

Confessions, § 6:20

## **SWEARING OF WITNESSES**

Generally, § 32:101

## SYNDROME EVIDENCE

Expert and opinion evidence, § 32:51

### TAB CHARGES

Indictments, Complaints and Tab Charges, this index

#### **TAMPERING**

Motor vehicles, § 52:9 Witnesses, § 54:3

## **TELEPHONE WARRANTS**

Search and seizure, § 5:42

### **TERMS OF ART**

Expert and opinion evidence, § 32:56

## TERRORISTIC THREATS

Generally, § 50:9

### **TERRY SEARCHES**

Generally, § 5:32

## **TESTS AND TESTING**

Confessions, forcing accused to submit to testing, § 6:25
Driving While Impaired, this index

### **THEFT**

Generally, § 52:2

### THIRD PARTIES

Defense of third persons, § 47:22 Pleas, agreements involving benefits to third parties, § 19:36

### **THREATS**

Evidence, § 32:79

Pleas negotiations, threat of more severe consequences, § 19:21

Terroristic threats, § 50:9

### TIME AND DATE

Appeal and review, time limit for decisions, § 37:30

Appearance by defendant following arrest, § 14:10

Arrest, this index

Final argument, § 34:1

Grand jury, § 13:2

Instructions to jury, § 33:5

Omnibus hearings, § 21:3, 21:15

Parole, time of eligibility, § 42:2

Pleas, this index

Post conviction proceedings, § 39:5, 39:9

Preliminary or pretrial matters, § 20:2

Prior convictions and other misconduct, § 32:9

### TIME AND DATE—Cont'd

Probation, time of hearing, § 36:58 Supreme Court, § 38:8, 38:15 Venue, motion for change of, § 12:7

## TRANSCRIPTS

Appeal and review, § 37:12 Depositions, § 16:27 Evidence, § 32:108 Grand jury, § 13:9

## TRANSFERRED INTENT

Generally, § 44:9

### TRANSITORY ANGER

Defenses, § 47:24

### **TRESPASS**

Generally, § 52:8

## ULTIMATE ISSUES

Expert and opinion evidence, § 32:56

## **UNANIMOUS VERDICT**

Generally, § 26:5, 31:16

### **UNBORN CHILDREN**

Homicide, § 49:13

### UNLAWFUL ASSEMBLY

Generally, § 59:1

### **URINE TESTS**

Driving while impaired, § 56:33 Expert and opinion evidence, § 32:50

## VACATION OF JUDGMENT

Postverdict motions, § 35:4

## VAGUENESS OF STATUTES

Defenses, § 47:57

### VENUE

Generally, § 12:1-12:13 Appellate review, § 12:12 Change of venue, generally, § 12:4 et seq. Defenses, § 47:47 Evidence, § 12:3, 12:6 Grounds for change of venue, § 12:5

§ 12:11 Other remedies for prejudicial public-

Number of transfers permitted,

ity, § 12:13

### VENUE—Cont'd

Persons who may make motion for change of venue, § 12:8 Place to which transferred, § 12:9 Proceedings on transfer, § 12:10 Time for motion for change of venue, § 12:7

### **VERDICTS**

Generally, § 31:15-31:22 Deadlocked jury, § 31:20 Deliberations of jury, questions and requests to review evidence or for further instructions, § 31:19 Impeachment of verdict, § 31:22 Inconsistent or perverse verdicts, § 31:18 Insanity defense, § 47:14 Instructions, deadlocked jury, § 31:20 Misconduct of jury, § 31:22 Partial verdicts, § 31:17 Polling of jury, § 31:21

### VICARIOUS LIABILITY

Unanimous verdict, § 31:16

Generally, § 44:8

## **VICTIMS**

Bail and recognizance, notice to victim, § 15:23 Public trial, victim's right to be present, § 28:3 Sentence and punishment, role of victim, § 36:27

## VIDEO RECORDINGS

Driving while impaired, evidence, **§ 56:41** 

### VIEW BY JURY OR JUDGE

Order of trial, § 31:7

## VINDICTIVE PROSECUTION

Defenses, § 47:54

### VOICE IDENTIFICATION

Generally, § 7:11 Expert and opinion evidence, § 32:42

## **VOIR DIRE**

Selection of jurors, § 27:4

## INDEX

### **VOLUNTARY ACTIONS**

Confessions, § 6:2, 6:3 Intent and scienter, § 44:6

## **VOUCHING FOR WITNESS**

Generally, § 32:72 Expert and opinion evidence, § 32:59

## **VULNERABLE ADULTS**

Crimes against vulnerable adults, § 52:19

Drugs and narcotics, § 53:15

## WAIVER AND ESTOPPEL

Appeal, right to, § 37:18

Appearance by defendant, waiver of evidentiary hearing at omnibus hearing, § 17:2

Attorneys, § 8:9

Confessions, § 6:8

Defenses, § 47:60

Double jeopardy, § 48:9, 48:10

Identification of suspects, waiver of counsel at identity confrontation, § 7:7

Jury trial, right to, § 26:3

Pleas, waiver of rights and defenses by guilty plea, § 19:4

Presence and conduct of defendant, § 29:2

Prior convictions and other misconduct, waiver of objection, § 32:19

### WAIVER AND ESTOPPEL—Cont'd

Sentence and punishment, right to guidelines sentencing, § 36:43 Single behavioral incident statutes and rules, § 48:15

### WARRANTS

Appearance by defendant, issuance and service of warrant, § 18:1 Arrest, this index
Bench Warrants, this index
Probation, § 36:52-36:54
Search and Seizure, this index

## WASTE OF TIME

Evidence, § 32:3

## WEAPONS AND FIREARMS

Generally, § 58:1-58:4 Drive-by shootings, § 58:2 Explosives, § 58:3 Incendiary devices, § 58:3 Weapons of mass destruction, § 58:4

## WIFE AND HUSBAND

Spousal privilege, § 32:75

### WITHDRAWAL OF PLEA

Pleas, this index

## WORK RELEASE

Parole, § 42:6 Sentence and punishment, § 36:16