Index

ABSTRACT REASONING

Child witness, § 8:2

ACCESS TO CRIMINAL PROCEEDINGS

Media relations, constitutional right of public and press, § 4:1

ACCOMMODATION

Protection of victim, testimony of minor person, § 7:3

ACKNOWLEDGMENT

Discovery, protective order, § 5:3 Warrants, triggering event of cold hit, § 2:3

ADDRESS

Arraignment, address of victim, § 3:7

Protection of victim, § 7:2
Warrants, confidential personal information, § 2:1

ADMISSIBILITY OF EVIDENCE

Child sexual abuse accommodation syndrome, prosecution's case-in-chief, § 12:8

Evidence Code § 1108, admissibility of character evidence, § 12:9

Pornographic photos of victims and others, § 12:17

Preliminary hearings, sexual conduct of victim, § 10:8

ADMISSION OF CHILD'S STATEMENT

Description of abuse, Evidence Code § 1360, § 12:10

Establishing corpus delicti necessary to admit defendant's confession, Evidence Code § 1228, § 12:10

Statement made for purpose of diagnosis or treatment, Evi-

ADMISSION OF CHILD'S STATEMENT—Cont'd

dence Code § 1253, § 12:10

ADMONITIONS TO JURY

Closed-circuit television, § 7:3 Protection of victim, § 7:3 Support person, § 7:3

ADVISORY ROLE

Attorney for child victim-witness, § 8:1

AGE OF VICTIM

Child or minor, generally. **Minors** (this index)

Child Witness (this index)

Jury instructions, § 12:18

Statutes of limitation. **Minors** (this index)

Trial setting priority, § 12:3

AGGRAVATED SEXUAL ASSAULT OF CHILD

Jury instructions, § 12:19

AIDS TESTING

Protection of victim, preconviction aids testing, § 7:2

Sentencing, postconviction, collateral consequences, § 13:23

ALLELES AND LOCI

DNA profile evidence, § 11:3, § 11:8, § 11:10

ALLOCATION

Media relations, special seating for media, § 4:2

ALTERNATIVES TO CLOSING THE COURTROOM

Preliminary hearings, § 10:3

AMENDMENT OF INFORMATION

Additional counts of sexual assault, § 12:12

AMOUNT OF BAIL

Arraignment, § 3:7

AMOUNT OF DNA SAMPLE

DNA profile evidence, § 11:11

AMPLIFYING DNA DURING PROCESSING

DNA profile evidence, § 11:5

ANATOMICAL DOLLS

Child witness, § 8:3

ANNOYING OR MOLESTING CHILD

Jury instructions, § 12:19

ANNUAL EVALUATION

Sexually violent predators (SVP), § 14:3

ANONYMITY OF JUROR

Jury selection, § 12:6 Sexually violent predators (SVP), § 14:3

APPEARANCE

Sentencing, appearance of victim, parents at sentencing, § 13:3

APPELLATE REVIEW

DNA profile evidence, postconviction DNA testing, § 11:14
Sexually violent predators (SVP), commitment, § 14:2

APPOINTMENT OF COUNSEL

Arraignment bail hearing, § 3:7

experience of counsel, § 3:9

Child witness, § 8:1

Discovery, counsel for minor, § 5:1

DNA profile evidence, postconviction DNA testing, § 11:14

ARRAIGNMENT

Generally, § 3:1 to 3:6 Ability to pay, § 3:1

Address of victim, § 3:7

Amount of bail, § 3:7

Appointment of counsel, § 3:7, § 3:9

Attendance by victim at bail hearing, § 3:7

ARRAIGNMENT—Cont'd

Bail, setting, § 3:1, § 3:7

Bail schedules, § 3:1

Burden of proof, § 3:1

California Law Enforcement Telecommunications System (CLETS), § 3:8

Community ties, § 3:7

Conditions on release, setting, § 3:1, § 3:8

Constitutional issues, Sixth
Amendment right to vicinage,
§ 3:10

Continuance, § 3:1

Controlled substance, use or possession, § 3:7

Counsel

agreement to join offenses, different jurisdictions, § 3:10

appointment, § 3:7, § 3:9

Deadly weapon or firearm, use or possession, § 3:7

Definition of victim, § 3:7

Denial of bail, § 3:7

Disclosure of victim's address, notice of bail hearing, § 3:7

Discretion of court, § 3:7

Experience of counsel, § 3:9

Felony, § 3:1

Flight risk, § 3:1

Great bodily harm to another, § 3:7

Hearing, § 3:7, § 3:10

Humphrey, key elements, § 3:2

In re Humphrey, § 3:1

Injury or threat to victim, § 3:7

Joining offenses, agreement of defense counsel, § 3:10

Jurisdiction, cases involving more than one sex crime in differ-

ent jurisdictions, § 3:10 Magistrate setting bail, § 3:7

Misdemeanor, § 3:1

Multiple sex crimes in multiple jurisdictions, § 3:10

Non-financial conditions, § 3:1

Notice, § 3:1

Notice to victim, bail hearing, § 3:7

ARRAIGNMENT—Cont'd Peace officer, request for court order setting higher bail, § 3:7 Penal Code § 784.7, jurisdiction, § 3:10 Penal Code § 825, time of bail hearing, § 3:10 Penal Code § 1269b, bail schedule. § 3:7 Prehearing release, probationers, § 3:5 Presence of victim at bail hearing, § 3:7 Pre-trial detention, § 3:1 Pretrial release, § 3:3 Preventative detention, § 3:1, § 3:4, § 3:6 Previous criminal record, setting bail, § 3:7 Probability of appearance at trial or hearing, setting bail, § 3:7 Proposition 4, § 3:6 Proposition 8, § 3:6 Public safety, § 3:7 Qualifications of appointed counsel, § 3:9 Reasonable conditions on release. § 3:8 Reconsideration, § 3:1 Record of court appearances, § 3:7 Release, setting conditions, § 3:1, § 3:8 Representation, § 3:9 Request for notice of bail hearing, § 3:7 Right of victim present at bail hearing, § 3:7 speak at bail hearing, § 3:7 Right to bail, § 3:1, § 3:7

Risk determination, § 3:1

Safety of victim and victim's fam-

Seriousness of charged offense,

Service of notice of bail hearing,

setting bail, § 3:7

Setting amount of bail, § 3:1,

Safety of public, § 3:7

ily, § 3:7

§ 3:7

§ 3:7

ARRAIGNMENT—Cont'd Sixth Amendment right to vicinage, § 3:10 Statement on record, setting bail, § 3:7 Statutes of limitation, § 6:2 Unusual circumstances, § 3:7 Violent felony, § 3:7 ARREST REPORT Destruction, determination of factual innocence, § 12:20 Warrants, protection of confidential personal information, § 2:1 ARREST WARRANTS Warrants (this index) **ASIDES DURING QUESTIONING** Child witness, § 8:2 ASSAULT WITH INTENT TO **COMMIT RAPE OR** SODOMY Jury instructions, § 12:19 ASSESSMENTS Communication skill of child witness, § 8:3 Credibility of child witness, § 8:3 Juvenile Sexual Offense Recidivism Risk Assessment Tool II (JSORRAT-II), § 13:6 Sentencing, § 13:6 State-Authorized Risk Assessment Tool for Sex Offenders. § 13:6 Truth and falsehood, understanding of child witness, § 8:3 ASSESSMENTS AND FINES Fines and Assessments (this index) ASSUMPTIONS Child witness, assumptions made by, § 8:2

ATTENDANCE

Arraignment, victim's attendance

at bail hearing, § 3:7

ATTENDANCE—Cont'd

Protection of victim right of victim, § 7:3 support persons, § 7:3 Sentencing, appearance of victim, parents at sentencing, § 13:3

ATTORNEY WORK PRODUCT

Discovery, protection, § 5:1

ATTORNEY-CLIENT PRIVILEGE

Appointment of counsel

Trial, § 12:11

ATTORNEYS

arraignment
bail hearing, § 3:7
experience of counsel, § 3:9
bail hearing, § 3:7
child development expert,
§ 12:7
discovery, counsel for minor,
§ 5:1
DNA profile evidence, postconviction DNA testing,
§ 11:14

Arraignment agreement to join offenses, dif-

appointment, § 3:7, § 3:9
qualifications of appointed
counsel, § 3:9
Child victim-witness, § 8:1
Discovery
appointment of counsel for
minor, § 5:1

ferent jurisdictions, § 3:10

service of petition for disclosure of juvenile court records, § 5:1

Protection of victim, disclosures,

AUTHORITY AND AUTHORIZATION

§ 7:2

Media relations, photographing, recording or broadcasting court proceedings, § 4:1

AVAILABILITY OF LESS RESTRICTIVE ALTERNATIVE

Media relations, validity of gag order, § 4:3

BACKGROUND

Forensic DNA testing, § 11:2

BAIL

Setting bail. **Arraignment** (this index)

BATTERED WOMEN'S SYNDROME

Intimate partner battering syndrome, **12:8**

BEHAVIOR QUESTIONS

Child witness, § 8:2

BIOLOGICAL MATERIAL RETENTION

Trial, Penal Code § 1417.9, § 12:16

BLOOD AND SALIVA SAMPLES

Sentencing, collateral consequences, § 13:23

BLOOD RELATIONSHIP

Protection of victim, support person, § 7:3

"BREAKS" DURING TESTIMONY

Child witness, § 8:2

BROADCASTING OF PROCEEDINGS

Media coverage. **Media Relations** (this index)

BUSINESS RECORDS

Discovery child pornography, § 5:2 third party business records, § 5:1

CALCULATION

Limitation period, § 6:1, § 6:2 Sentencing, custody credits, § 13:21

CALENDAR CONFLICTS

Trial, Penal Code § 1048.1, § 12:4

CALIFORNIA LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM (CLETS)

Arraignment, § 3:8

CALLING THE VICTIM TO TESTIFY

Preliminary hearings, § 10:7

CERTIFICATE OF REHABILITATION

Generally, § 13:24

CHAIN OF CUSTODY

DNA profile evidence, § 11:4

CHANGING TOPICS DURING OUESTIONING

Child witness, § 8:2

CHARACTER EVIDENCE

Trial, admission to prove conduct, § 12:9

CHECKLISTS

Media relations, handling highly publicized case, **App. 4C**

CHEMICAL CASTRATION

Sentencing, collateral consequences, § 13:23

CHILD ABUSE PREVENTION AND TREATMENT ACT (CAPTA)

Child witness, guardian, § 8:1

CHILD ABUSE PREVENTION RESTITUTION FINE

Sentencing, § 13:9

CHILD PORNOGRAPHY, DISCOVERY

Business records containing, § 5:2 Protective orders, § 5:3, App. 5A

CHILD PROTECTIVE SERVICE RECORDS

Discovery, § 5:1

CHILD SEXUAL ABUSE ACCOMMODATION SYNDROME

Generally, § 12:8 Admissibility in prosecution's case-in-chief, § 12:8 Credibility, § 12:8

Defendant's testimony, § 12:8

Jury instructions, § 12:8

CHILD SEXUAL ABUSE ACCOMMODATION SYNDROME—Cont'd

Parental reaction to molestation, § 12:8

Relevancy, § 12:8

CHILD WELFARE SERVICES PROGRAM

Discovery, service of petition for disclosure of juvenile court records. § 5:1

CHILD WITNESS

Generally, § 8:1 to 8:3

Abstract reasoning, § 8:2

Adequacy of oath taking, § 8:1

Advisory role of attorney for child victim-witness, § 8:1

Age-related guidelines, § 8:2

Alleviating stress, § 8:2

Anatomical dolls, § 8:3

Appointment of counsel, § 8:1

Asides during questioning, § 8:2

Assessment

communication skill, § 8:3

credibility, § 8:3

understanding of truth and falsehood, § 8:3

Assumptions made by child, § 8:2

Attorney for child victim-witness, **§ 8:1**

Behavior questions, § 8:2

"Breaks" during testimony, § 8:2

Changing topics during questioning, § 8:2

Child Abuse Prevention and Treatment Act (CAPTA) guardian, § 8:1

Child victim witness, generally, § 8:2

Cognitive development, § 8:2

Colors of objects, § 8:2

Communication skill of child, § 8:3

Comparisons with prior statements, § 8:2

Competency

determination, § 8:3 evaluation, § 8:3

CHILD WITNESS—Cont'd	CHILD WITNESS—Cont'd
Conducting proceedings in	Interpreting child's answers, § 8:2
chambers, § 7:3, § 8:1, § 8:2	Intervention by judge, § 8:2
Confusing legal terminology,	Judicial demeanor, § 8:2
§ 8:2	Kinship questions, § 8:2
Confusing questions, § 8:2	Leading questions, § 8:1
Content of questions, § 8:2	Legal terminology, § 8:2
Content of voir dire, § 8:3	Location within courtroom
Continuances, § 8:2	attorneys, § 8:1
Control of examination of witness,	nonattorneys, § 8:1
§ 8:2	Logic of child, § 8:2
Counting objects and events, § 8:2	Lying, child's understanding of
Credibility assessment, § 8:3	consequences, § 8:3
Demeanor of judge, § 8:2	Management of sex cases, § 8:2
Dependency proceedings, § 8:1	Measurement, in general, § 8:2
Determining competency, § 8:3	Medical evidence of sexual abuse,
Developmental stage of child	§ 8:3
victim witness, § 8:2	Memory of child, § 8:2
Dolls or props, § 8:2, § 8:3	Negatives in questions, § 8:2
Emotional maturity of child victim	Nominalization, § 8:2
witness, § 8:2	Nonverbal communications, § 8:2
Estimating numbers of times,	Objections by attorney, arguing,
§ 8:2	§ 8:2
Ethnicity, § 8:2	Objects and events, § 8:2
Evidence Code § 710, oath taking	Overloaded questions, § 8:2
by child, § 8:1	Penal Code
Evidentiary issues, generally,	§ 288, lewd and lascivious act
§ 8:3	with child, § 8:1
Examination of witness, control	§ 288.5, continual sexual abuse
by judge, § 8:2	of child, § 8:1
Exception to "single session"	§ 868.6. minor witness waiting
rule, § 10:6	room, § 8:1
Expert, use to rehabilitate child's	People questions, § 8:2
testimony, § 8:3	Perspective, § 8:2
Explanations of proceedings and	Physical appearance, § 8:2
roles of individual, § 8:2	Preliminary Hearings (this
Factors affecting testimony, § 8:2	index)
Falsehood, understanding, § 8:3	Preparation of child to testify,
Fantasy-like responses, § 8:2	§ 8:2
Form of questions, control by	Pretrial preparation, § 8:2
judge, § 8:2	Professional behavior by
Guardians	attorneys, § 8:1, § 8:2
ad litem, § 8:1	Promise by witness to tell truth,
Child Abuse Prevention and	§ 8:1
Treatment Act (CAPTA),	Protection of Victim (this index)
§ 8:1	Protection of witness, § 8:1
Honest, evaluating child's grasp of	Psychological evaluation of
duty to be, § 8:3	competency, § 8:3
Identifying child needing special	Psychological harm to victim,
court procedures, § 8:2	§ 8: 1

CHILD WITNESS—Cont'd	CHILD WITNESS—Cont'd
Raising attorney's voice, § 8:2	Yes/no questions, § 8:2
Recalling quotations, § 8:2	CLEAR AND PRESENT
Reducing suggestibility, § 8:2	DANGER TO PROTECTED
References, § 8:2	COMPETING INTEREST
Rehabilitation of testimony by expert, § 8:3	Media relations, validity of gag
Relational terms, § 8:2	order, § 4:3
Repetitive questioning, § 8:2	CLOSED CIDCUIT
Rephrasing of questions, § 8:2	CLOSED-CIRCUIT TELEVISION
Scheduling preliminary hearings,	Protection of victim, § 7:3
§ 10:1	Trotection of victim, § 7.3
Sexual knowledge of child, § 8:2	CLOSING THE COURTROOM
Single location in courtroom,	Preliminary hearings, § 10:2,
questions from, § 8:1	§ 10:3
Situational factors, § 8:2	CLOSURE OF TRIAL
Special court procedures, § 8:2 Special objects, use to comfort	Generally, § 12:5
child, § 8:2	Generally, § 12.5
Stage of cognitive development,	CODING RULES UNDER
§ 8:2	STATIC 99
Stress of testifying, § 8:2	Sexually violent predators (SVP),
Style of questioning, control by	App. 14A
judge, § 8:2	COGNITIVE DEVELOPMENT
Sufficiency of children's evidence,	Child witness, § 8:2
§ 8:3 Suggestibility of child, § 8:2	
Suggestive questioning, § 8:2	COLD HIT CASES
Suppositional questions, § 8:2	Confirming and reporting, § 11:8
Tag questions, § 8:2	Discovery, special considerations,
Telling time, § 8:2	§ 11:10
Terminology, § 8:2	DNA data bank program, generally, § 11:8
Timing	Statistics, § 11:7
events, § 8:2	Warrants, acknowledging trigger-
questioning during school day,	ing event of cold hit, § 2:3
§ 8:1 Truth, understanding, § 8:3	•
Understanding consequences of	COLLATERAL
lying, § 8:3	CONSEQUENCES OF SENTENCING
Victim witness, § 8:2	Generally, § 13:23
Videotaping hearing testimony for	•
use at trial, § 10:4	Blood and saliva samples, § 13:23 Chemical castration, § 13:23
Visit to courtroom prior to	· -
proceedings, § 8:1	DNA data bank, § 13:23 Fingerprinting, § 13:23
Vocabulary, § 8:2 Voir dire, § 8:3	0 1
Vulnerability of child, § 8:2	Order prohibiting contact with victim, § 13:23
Waiting room for minor witnesses,	Postconviction AIDS testing,
§ 8:1	§ 13:23
"Wh" questions, § 8:2	Registration, § 13:23

COLLECTING DNA FOR ANALYSIS

DNA Profile Evidence (this index)

COLLECTION OF EVIDENCE

Trial, examination of sexual assault victims, § 12:13

COLORS OF OBJECTS

Child witness, § 8:2

COMMENCEMENT

Statutes of limitation generally, § 6:1 minors, crimes against, § 6:3 prosecution, § 6:2

COMMITMENT OF SEXUALLY VIOLENT PREDATORS (SVP)

Order of commitment of SVP, **App. 14D**

Procedural requirements under Act, § 14:3

COMMON PLAN OR SCHEME

Trial, proving commission of charged offense, § 12:9

COMMUNICATION SKILL

Child witness, § 8:3

COMMUNITY CONSIDERATIONS

Arraignment, ties to community, § 3:7

Media relations, validity of gag order, § 4:3

COMPARISONS WITH PRIOR STATEMENTS

Child witness, § 8:2

COMPETENCY

Child witness
determination, § 8:3
evaluation, § 8:3
Discovery, psychological examination records as to, § 5:2

COMPLIANCE WITH ORDER PROHIBITING CONTACT WITH VICTIM

Protection of victim, App. 7A

COMPUTERS

Warrants, § 2:4

CONCLUSIVELY ESTABLISHING IDENTITY

Warrants, § 2:3

CONCLUSIVELY

ESTABLISHING PERPETRATOR'S IDENTITY

DNA profile evidence, § 11:9

CONDITIONAL EXAMINATION

Discovery, witness in criminal case, § 5:2

CONDITIONS

Arraignment, setting conditions on release, § 3:8

Outpatient treatment of sexually violent predators (SVP), App. 14E

Probation (this index)

CONDUCT CREDITS

Award under Penal Code §§ 4019 and 2933, App. 13C Calculation, § 13:21 Custody credits, generally, § 13:21 New credit provisions, § 13:21 "One strike" law, § 13:15 Sentencing, awarding conduct credits under Penal Code §§ 4019 and 2933, App. 13C

CONFIDENTIAL INFORMATION

Attorney-client privilege, § 12:11 Discovery, § 5:1 Marital privilege, § 12:11 Parent-child privilege, § 12:11 Physician-patient privilege, § 12:11 Psychotherapist-patient privilege,

§ 12:11

Sexual assault victim-counselor privilege, § 12:11, § 12:13
Warrants, victim or witness, § 2:1

CONFIRMING COLD HIT

DNA profile evidence, § 11:8

CONFRONTATION CLAUSE

DNA profile evidence admission, test results, § 11:12

CONFUSING LEGAL TERMINOLOGY

Child witness, § 8:2

CONFUSING QUESTIONS

Child witness, § 8:2

CONFUSION OF RANDOM MATCH PROBABILITY WITH SOURCE PROBABILITY

DNA profile evidence, § 11:7

CONSECUTIVE SENTENCING

Generally, § 13:20

Concurrent or consecutive running of sentence as potential sentencing issue, § 13:1

"One strike" law, § 13:15

CONSENT

Jury instructions, Mayberry defense, § 12:18

Media coverage, judiciary consent, § 4:1

Trial, rape trauma syndrome, § 12:8

CONSEQUENCES OF LYING

Child witness, understanding of, § 8:3

CONSTITUTIONAL ISSUES

Arraignment, Sixth Amendment right to vicinage, § 3:10

Cruel and unusual punishment, § 13:26

Discovery

confidential information, § 5:1 due process rights of defendant, § 5:1

prevention of disclosure, right of victim, § 5:1 privileged information, § 5:1 speak to Court, right of victim,

§ 5:1
DNA profile evidence, postconviction DNA testing, § 11:14

Media relations, right of public and press to access criminal

CONSTITUTIONAL ISSUES

-Cont'd

proceedings, § 4:1

Media relations and free speech rights

"gag" orders, § 4:3, App. 4D nonparticipants, § 4:3 participants in proceedings, § 4:3

Protection of victim, use of closed-circuit television, § 7:3

Sexually violent predators (SVP), § 14:5

Trial closure, § 12:5

CONSUMPTION OF SAMPLE

DNA profile evidence, defense testing, § 11:11

CONTAINMENT MODEL

Management of sex offenders, § 13:4

CONTEMPT

Discovery, violation of protective order, § 5:3

Protection of victim, § 7:2

CONTENT OF QUESTIONS

Child witness, § 8:2

CONTENT OF STATEMENT TO MEDIA

Media relations, gag order restrictions, § 4:3

CONTENT OF VOIR DIRE

Child witness, § 8:3

CONTINUANCES

Arraignment, § 3:1 Child witness, § 8:2

CONTINUOUS SEXUAL ABUSE OF CHILD

Jury instructions, § 12:19 Sentencing, § 13:18

CONTRABAND

Sexually violent predators (SVP), § 14:6

CONTROL OF EXAMINATION OF WITNESS

Child witness, § 8:2

CONTROLLED SUBSTANCE

Arraignment, use or possession, § 3:7

COPIES OF COURT MATERIALS

Discovery, protective order, § 5:3, App. 5A

CORROBORATION OF VICTIM'S TESTIMONY

Jury instructions, § 12:18
Trial, evidence of uncharged
misconduct with victim,
§ 12:9

COSTS

Discovery, copies of court materials, protective order, **App. 5A**

Fines. **Fines and Assessments** (this index)

Media coverage, payment for increased court costs, § 4:1

Media relations, payment by media for increased costs, § 4:1

Protection of victim, cost of closed-circuit television, § 7:3

COUNSEL

Attorneys (this index)

COUNSELING PROGRAM PARTICIPATION

Sentencing, § 13:2

COUNTING OBJECTS AND EVENTS

Child witness, § 8:2

COURT ORDERS

Arraignment, request for order setting higher bail, § 3:7

Discovery, protective orders, § 5:3, App. 5A

DNA profile evidence, postconviction DNA testing, § 11:14

Media Relations (this index)
Protection of Victim (this index)

COURT ORDERS-Cont'd

Sealing and destruction of records, factual innocence, § 12:20 Sentencing, order prohibiting contact with victim, § 13:23

Sexually Violent Predators (SVP) (this index)

CREDIBILITY

Child sexual abuse accommodation syndrome, § 12:8
Child witness, § 8:3
Discovery, limiting discovery, § 5:2
Intimate partner bettering

Intimate partner battering syndrome, § 12:8

CREDITS

Conduct Credits (this index)

CRIME SCENE EVIDENCE PROFILES IN DATA BANK

DNA profile evidence, § 11:8

CROSS-EXAMINATION

Trial, § 12:17

CRUEL AND UNUSUAL PUNISHMENT

Sentencing, § 13:26

CUSTODIAL OFFICIALS

DNA profile evidence collection of reference samples, § 11:8

CUSTODY CREDITS

Conduct Credits (this index)

DATA BANK PROGRAM

DNA Profile Evidence (this index)

DATE OF BIRTH

Warrants, confidential personal information, § 2:1

DEADLY WEAPON OR FIREARM

Arraignment, use or possession, § 3:7

Protection of victim, use of closed-circuit television, § 7:3

DECLARATION

Warrants, supporting declarations, § 2:2

DEFENDANTS

Protection of victim, disclosure to defendant, § 7:2

Trial, rape trauma syndrome, belief as to consent, § 12:8

"DEFENSE FALLACY"

DNA profile evidence, § 11:7

DEFENSE TESTING

DNA profile evidence, § 11:11

DEFERRED ENTRY OF JUDGMENT

Sentencing, Penal Code §§ 1000.12 and 1000.13, § 13:2

DEFINITIONS

DNA profile evidence case-to-case hit, § 11:8

DNA data bank program, § 11:8
hit file, § 11:10

Media relations, defined relationship between court and media, § 4:2, App. 4B

Sexually violent predators (SVP), § 14:2

Victim

arraignment, § 3:7 protection of victim, § 7:3 sentencing, § 13:3

DEMEANOR OF JUDGE

Child witness, § 8:2

DENIAL OF BAIL

Arraignment, § 3:7

DEPARTMENT OF CORRECTIONS

Sexually violent predators (SVP), screening, § 14:3

DEPARTMENT OF JUSTICE

Sentencing, DOJ sexual habitual offender fund, § 13:9

DEPARTMENT OF MENTAL HEALTH

Notice of results of commitment trial of sexually violent predator, § 14:3

Petition for release of sexually violent predator, § 14:3

DEPENDENCY PROCEEDINGS

Child witness, § 8:1

DEPOSITIONS

Civil cases, § 5:2 Criminal cases, § 5:2 Sexually violent predators (SVP), jury trial, § 14:3

DESCRIPTION OR IDENTIFICATION

Child witness, identifying child needing special court procedures, § 8:2

DNA profile evidence, conclusively establishing identity of perpetrator, § 11:9

Statutes of limitation, use of DNA evidence to identify suspect, § 6:4

Trial use of evidence of uncharged misconduct to identify perpetrator, § 12:9

Warrants (this index)

DEVELOPMENTAL STAGE

Child victim witness, § 8:2

DIAGNOSED MENTAL DISORDER

Sexually violent predators (SVP), § 14:2

DIAGNOSTIC EVALUATION OR PROBATION REPORT

Sentencing, § 13:6

DIAGNOSTIC TOOLS

Sexually violent predators (SVP), § 14:2

DILIGENCE

Trial, securing unavailable witness, § 12:14

DISABLED PERSONS

Lewd act with dependent adult, jury instructions, § 12:19 Protection of victim, § 7:1 to 7:3 Trial closure, § 12:5 Videotaping hearing testimony for use at trial, § 10:4

DISCHARGE

Sexually violent predator (SVP), § 14:3

DISCLOSURE

Arraignment, address of victim, notice of bail hearing, § 3:7
DNA profile evidence, DNA data bank program, § 11:8
Protection of victim, disclosure of address or phone number, § 7:2
Warrants, name of victim, § 2:1

DISCOVERY

Generally, § 5:1 to 5:3

Acknowledgment, protective order, § 5:3

Appointment of counsel for minor, § 5:1

Attorney

appointment of counsel for minor, § 5:1 service of petition for disclosure of juvenile court records, § 5:1

Attorney work product protection, § 5:1

Business records child pornography, § 5:2 third party business records, § 5:1

California Rules of Court, rule 1423, § 5:1

Children

child pornography.
Pornography, below
protective service records, § 5:1
welfare services program, service of petition for
disclosure of juvenile court
records, § 5:1

Competency, psychological examination records as to, § 5:2

DISCOVERY—Cont'd

ness in criminal case, § 5:2 Confidential information, § 5:1 Constitutional issues confidential information, § 5:1 due process rights of defendant,

Conditional examination of wit-

§ 5:1

prevention of disclosure, right
of victim, § 5:1

privileged information, § 5:1

speak to Court, right of victim,

§ 5:1
Contempt, violation of protective order, § 5:3

Copies of court materials, protective order, § 5:3, App. 5A

Costs of copies of court materials, protective order, **App. 5A**

Credibility, psychological examination records as to, § 5:2

Defense confidential information, § 5:1

Depositions civil cases, § 5:2 criminal cases, § 5:2

DNA Profile Evidence (this index)

Duties of Court, generally, § 5:1 Educational records of minor, § 5:1

Ex parte proceedings, § 5:1
Guardian, service of petition for disclosure of juvenile court records, § 5:1

Hearings

in camera hearing, § 5:1
petition for disclosure of juvenile court records, § 5:1

In camera hearing, § 5:1
Intrusive physical examinations records, § 5:2

Judicial Council Form JV-570, § 5:1

Juvenile court records, § 5:1 Limiting provisions, generally, § 5:2

Marsy's Law, § 5:1 Material out-of-state witness, deposition, § 5:2

DISCOVERY—Cont'd	DISCOVERY—Cont'd
Minors	Service of petition for disclosure of juvenile court records,
appointment of counsel, § 5:1	§ 5:1
business records containing child pornography, § 5:2	Sexually violent predators, jury
juvenile court records, § 5:1	trial, § 14:3
protective orders, § 5:3, App. 5A	Speak to Court, right of victim, § 5:1
school records, § 5:1	Subpoena duces tecum, § 5:1
Non-privileged material, § 5:1 Notice of third party subpoena,	Supervision of access to materials used in court, § 5:3, App. 5A
§ 5:1	Third party records, § 5:1
Obligations of Court, § 5:1	Timing of information request,
Out-of-state witness, deposition,	§ 5:1
§ 5:2	Trial strategy protection, § 5:1
Parent, service of petition for	Welfare and Institutions Code
disclosure of juvenile court	§ 827, § 5:1
records, § 5:1	DISCRETION
Penal Code	Arraignment, discretion of court,
§§ 1326 and 1327, § 5:1	§ 3:7
§ 1417.8, § 5:3	Media relations, discretion of
Petition for disclosure of juvenile court records, § 5:1	court as to media coverage, § 4:1
Physical examination records,	Sentencing, discretional condi-
§ 5:2	tions of probation, § 13:7,
Pornography	App. 13A
business records containing child pornography, § 5:2	Trial, court's discretion to exclude character evidence, Evidence
protective orders, § 5:3, App. 5A	Code § 352, § 12:9
Pretrial right to discovery	DNA BILL OF RIGHTS
non-privileged material, § 5:1	Protection of sexual assault
relevant privileged information,	victim, § 7:2
§ 5:1	DNA PROFILE EVIDENCE
Privileged information, § 5:1	Generally, § 11:1 to 11:15
Procedures, generally, § 5:1	Adjudication of motion for post-
Proposition 9 (2008), § 5:1	conviction DNA testing,
Protected information, § 5:1	§ 11:14
Protective orders, § 5:3, App. 5A	Admission, test results, confronta-
Provisions limiting discovery, § 5:2	tion clause, § 11:12
Psychological examination records	Alleles and loci, § 11:3, § 11:8,
defendant, § 5:1	§ 11:10
victim, § 5:2	Amount of DNA evidence available, § 11:11
Records held by third party, subpoena, § 5:1	Amplifying DNA during processing, § 11:5
Refusal of discovery request	Appellate review, postconviction
defendant, § 5:1	DNA testing, § 11:14
victim, § 5:2	Appointment of counsel, postcon-
School records, § 5:1	viction DNA testing, § 11:14

DNA PROFILE EVIDENCE DNA PROFILE EVIDENCE -Cont'd -Cont'd Background, forensic DNA test-Custodial officials, collection of ing, § 11:2 DNA reference samples by, § 11:8 Bill of Rights, Sexual Assault Victims' DNA, § 11:6 Data bank program Chain of custody, § 11:4 generally, § 11:8 Cold hit cases discovery, § 11:10 confirming and reporting, reference samples, § 11:4 § 11:8 "Defense fallacy," § 11:7 discovery, special Defense testing, § 11:11 considerations, § 11:10 Definitions DNA data bank program, § 11:8 case-to-case hit, § 11:8 statistics, § 11:7 DNA data bank program, § 11:8 warrants, acknowledging trighit file, § 11:10 gering event of cold hit, Determining repeats in amplified § 2:3 DNA, § 11:5 Collecting DNA for analysis Disclosure restrictions, DNA data generally, § 11:4 bank program, § 11:8 erroneous collection of database Discovery samples, § 11:8 cold hit cases, special discovery legal authority for collection of considerations, § 11:10 offender database samples, DNA case work, § 11:10 § 11:8 DNA data bank program reference samples collection, discovery, **§ 11:10** § 11:8 Erroneous collection of database retroactive collection from samples, § 11:8 convicted and adjudicated Expert offenders, § 11:8 presence at trial, § 12:7 state and local law enforcement, presence during testing, § 11:11 collection by, § 11:8 testimony post-People v. Conclusively establishing Sanchez, § 11:13 perpetrator's identity, § 11:9 Expungement of offender profiles, Confirming cold hit, § 11:8 § 11:8 Confrontation clause, admission, Extraction of DNA from cells durtest results, § 11:12 ing processing, § 11:5 Confusion of random match prob-Forensic DNA testing, § 11:2 ability with source probability, § 11:7 History of forensic DNA testing, Constitutional issues, postconvic-§ 11:2 tion DNA testing, § 11:14 Identity of perpetrator, Consumption of sample, defense conclusively establishing, testing, § 11:11 § 11:9 Counsel, appointment prior to Interpreting mixture of DNA, postconviction DNA testing, § 11:5 § 11:14 John Doe warrants, § 2:3, § 6:2, Court order for postconviction § 11:9 DNA testing, § 11:14 Juveniles, collection of DNA ref-Crime scene evidence profiles in erence samples from certain, data bank, § 11:8 § 11:8

DNA PROFILE EVIDENCE —Cont'd	DNA PROFILE EVIDENCE —Cont'd
Laboratory processing, § 11:5	Registered sex offenders, collec-
confrontation clause, witnesses,	tion of DNA reference
§ 11:12	sample from, § 11:8
Legal authority for collection of	Reporting cold hit to law enforce-
offender database samples,	ment, § 11:8
§ 11:8	Resources, § 11:15
Local law enforcement, collection of DNA by, § 11:8	Retention of DNA evidence from postconviction testing, § 11:14
Mandatory evidence retention,	Retroactive collection from
§ 11:14 Mitrophondrial DNA testing	convicted and adjudicated
Mitrochondrial DNA testing, § 11:5	offenders, § 11:8
Mixed samples	Samples
interpreting, § 11:5	collecting DNA for analysis,
statistics for results, § 11:7	above
Motion for postconviction DNA	consumption, § 11:11
testing, § 11:14	reference samples, § 11:4
mtDNA, § 11:5	sentencing, collateral conse-
Notification provisions, § 11:6	quences, § 13:23
Nuclear DNA molecule, § 11:3	Sentencing, collateral consequences, § 13:23
Offender reference profiles in data	Sexual Assault Victims' DNA Bill
bank programs, § 11:8	of Rights, § 11:6
Order for postconviction DNA testing, § 11:14	Significance of profile match, § 11:7
Penal Code	State and local law enforcement,
§ 803(g), indefinite tolling of	collection of DNA reference
statute of limitations, § 11:9	samples by, § 11:8
§ 1405, postconviction DNA	Statistics, § 11:7
testing, § 11:14	Statutes of limitation, identifica-
People v. Sanchez, § 11:13	tion of suspect calculation of period, § 6:1,
Postconviction DNA testing,	§ 6:4
§ 11:14	conclusively establishing
Processing DNA in laboratory, § 11:5	perpetrator's identity, § 11:9
"Prosecutor's fallacy," § 11:7	extension of statutes, § 6:4
Publications as resources, § 11:15	Penal Code § 803(g), indefinite
Random match probability, § 11:7	tolling of statute of limita-
Rapid turnaround DNA evidence	tions, § 11:9
submission and processing, § 11:6	science and law of DNA testing, § 11:9
Reference profiles in data bank programs, § 11:8	warrants, § 2:3, § 6:2, § 11:9 STR (short tandem repeat)
Reference samples, § 11:4	lab processing of DNA, § 11:5
Registered arson offenders, collec-	nuclear DNA molecule, § 11:3
tion of DNA reference	testing standard, § 11:2 Y-STR testing, § 11:5
sample from, § 11:8	1-51K testing, § 11:5

DNA PROFILE EVIDENCE —Cont'd

Testing by defense, consumption of sample, § 11:11

Unilateral testing, § 11:11

Use restrictions, DNA data bank program, § 11:8

Warrants, profile evidence, § 2:3, § 6:2, § 11:9

Web site resources, § 11:15

Witnesses, laboratory processing, confrontation clause, § 11:12

Y-STR testing, § 11:5

DOCKET OF COURT

Calendar conflicts of prosecutor, Penal Code § 1048.1, § **12:4**

DOJ SEXUAL HABITUAL OFFENDER FUND

Sentencing, § 13:9

DOLLS OR PROPS

Child witness, § 8:2, § 8:3

DOUBLE JEOPARDY

Sexually violent predators (SVP), § 14:5

DRIVER'S LICENSE NUMBER

Warrants, confidential personal information, § 2:1

DUTIES OF COURT

Discovery, § 5:1

EDUCATIONAL RECORDS OF MINOR

Discovery, § 5:1

ELECTRONIC COVERAGE

Media relations, § 4:1

ELIGIBILITY FOR PROBATION

Sentencing, § 13:1, § 13:5, § 13:7

EMOTIONAL MATURITY

Child victim witness, § 8:2

EMPLOYEE IDENTIFICATION NUMBER

Warrants, confidential personal information, § 2:1

EMPLOYMENT

Warrants, place of employment as confidential personal information, § 2:1

ENFORCEMENT

Gag orders, § 4:3

Order prohibiting contact with victim, **App. 7A**

ENHANCEMENT OF

SENTENCE

Sentencing (this index)

ERRONEOUS COLLECTION OF SAMPLES

DNA profile evidence, § 11:8

ESTIMATING NUMBERS OF TIMES

Child witness, § 8:2

ETHNICITY

Child witness

awareness, § 8:2

EVALUATIONS

Psychological Evaluations (this index)

Sentencing, § 13:6

EVIDENCE

Child Witness (this index)

DNA Profile Evidence (this

index)

Preliminary hearings, admissibility of evidence of victim's sexual conduct, § 10:8

Sexually violent predators (SVP), proof of prior conviction, § 14:2

Statutes of limitation

DNA Profile Evidence (this

index)

tolling for crimes against minors, § 6:3

Warrants (this index)

EVIDENCE CODE § 710

Child witness, oath taking, § 8:1

EVIDENCE CODE § 782

Preliminary hearings, admissibility of evidence of victim's sexual conduct, § 10:8

EVIDENCE CODE § 782 AND 1103(c)

Admissibility of evidence of prior sexual conduct of victim, § 12:9

EVIDENCE CODE § 1228

Admission of child's statement to establish corpus delicti necessary to admit defendant's confession, § 12:10

EVIDENCE CODE § 1305 et seq.

Sexual assault victim-counselor privilege, § 12:11, § 12:13

EX PARTE PROCEEDINGS

Discovery, § 5:1

EXAMINATION OF SEXUAL ASSAULT VICTIMS

Trial, protocol for, Penal Code § 13823.5 et seq., § 12:13

EXAMINATION OF WITNESS

Child witness, control by judge, § 8:2

EXCEPTIONS

Hearsay rule, § 12:10
Preliminary Hearings (this index)

EXCLUSIONS

Protection of victim, § 7:2, § 7:3

EXPERIENCE OF COUNSEL

Arraignment, § 3:9

EXPERT

Child witness testimony, use of expert to rehabilitate, § 8:3

DNA Profile Evidence (this index)

Qualifications, § 12:7 Sexually violent predators (SVP), § 14:2, § 14:3

Trial, generally, § 12:7

EXPIRATION OF NORMAL PERIOD

Statutes of limitation, tolling for crimes against minors, § 6:3

EXPLANATIONS

Child witness, proceedings and roles of individual, § 8:2

EXPUNGEMENT OF OFFENDER PROFILES

DNA profile evidence, § 11:8

EXTENSION

Sexually violent predators (SVP), commitment, § 14:3

Statutes of limitation, use of DNA evidence to identify suspect, § 6:4

EXTRACTION OF DNA FROM CELLS

DNA profile evidence, § 11:5

FACTUAL INNOCENCE

Finding, sealing and destruction of records, § 12:20

FALSEHOOD

Child witness, understanding, § 8:3

FAMILY RELATIONSHIP

Protection of victim, support person, § 7:3

FANTASY-LIKE RESPONSES

Child witness, § 8:2

FEAR OF TESTIFYING

Hearsay rule exceptions, § 12:10

FELONY PLEAS

Trial, § 12:2

FICTITIOUS NAME

Jane or John Doe (this index)

FINES AND ASSESSMENTS

Child abuse prevention restitution fine, § 13:9

Civil assessment, § 13:9

DOJ sexual habitual offender fund, § 13:9

Restitution fines and other assessments, § 13:9

Sex offender fine, § 13:9

Victim-witness assistance fund, § 13:9

FINGERPRINTING

Sentencing, collateral consequences, § 13:23

FORENSIC DNA TESTING DNA Profile Evidence (this index)

FORFEITURE

Statutes of limitation, § 6:2

FORM OF QUESTIONS

Child witness, control by judge, § 8:2

FOUNDATION

Intimate partner battering syndrome, § 12:8

FREE SPEECH RIGHTS

Media relations
"gag" orders, § 4:3, App. 4D
nonparticipants, § 4:3
participants in proceedings,
§ 4:3

FRESH COMPLAINT DOCTRINE

Trial, § 12:10

FUNDS

DOJ sexual habitual offender fund, § 13:9

Victim-witness assistance fund, § 13:9

"GAG" ORDERS

Media relations, § 4:3, App. 4D

GOOD CAUSE

Preliminary hearings, scheduling, § 10:1

GOOD CHARACTER

Evidence presented by defendant, § 12:9

GOOD TIME/WORK TIME CONDUCT CREDITS

Sentencing, § 13:21

GOVERNMENT CODE § 6254

Protection of identity of victim, § 2:1, § 7:2

GRANT OF MEDIA COVERAGE

Media relations, court order, **App. 4B**

GREAT BODILY HARM TO ANOTHER

Arraignment, § 3:7

GREAT BODILY INJURY

Protection of victim, use of closed-circuit television, § 7:3

GUARDIAN AD LITEM

Child witness, § 8:1

GUARDIANS

Child witness, guardian under Child Abuse Prevention and Treatment Act (CAPTA), § 8:1

Discovery, service of petition for disclosure of juvenile court records, § 5:1

Warrants, guardian's request for nondisclosure of name of victim, § 2:1

GUILTY PLEA

Trial, § 12:2

HABITUAL SEX OFFENDERS

Sentencing, Penal Code § 667.71, "two strikes" law, § 13:16

HARM

Arraignment, great bodily harm to another, § 3:7

Child witness, preventing psychological harm to victim, § 8:1

Jury instructions, harmful matter sent to child to seduce, § 12:19

HARMFUL MATTER SENT TO CHILD TO SEDUCE

Jury instructions, § 12:19

HEARINGS

Arraignment, bail hearings, § 3:7, § 3:10

Discovery

in camera hearing, § 5:1

HEARINGS—Cont'd

Discovery-Cont'd petition for disclosure of juvenile court records, § 5:1

Media relations, § 4:2

Notice of hearing

arraignment, notice of bail hearing to victim, § 3:7

media relations, hearing regarding coverage, § 4:2

Preliminary Hearings (this index)

Protection of victim, use of closed-circuit television. § 7:3

Sentencing, determination of dangerousness, § 13:6

Sexually violent predators (SVP), § 14:3

Statutes of limitation, jurisdictional issues, § 6:2

HEARSAY EVIDENCE

Exceptions, § 12:10

Sexually violent predators (SVP), jury trial, § 14:3

HIGHLY PUBLICIZED CASE

Checklist for presiding judge, App. 4C

HISTORY OR BACKGROUND

Forensic DNA testing, § 11:2

HONESTY

Child witness, evaluating child's grasp of duty to be honest,

HUNG JURY

Instruction to jury when unable to reach verdict, App. 12C

IDENTIFICATION

Description or Identification (this index)

IDENTIFICATION CARD NUMBER

Warrants, confidential personal information, § 2:1

INFLAMMATORY NATURE OF CHARACTER EVIDENCE

Trial, Evidence Code § 1108, § 12:9

INFLUENCE OF SUPPORT PERSON

Protection of victim, § 7:3

IN CAMERA HEARING

Discovery, § 5:1

IN CHAMBERS PROCEEDINGS

Child witness, § 8:1, § 8:2 Protection of victim, § 7:3

INJURY OR THREAT TO VICTIM

Arraignment, § 3:7

INMATE, DISCLOSURE TO

Protection of victim, offender revealing identifying information to another inmate, § 7:2

INTENT

Protection of victim, intentional disclosures by offender while confined, § 7:2

Trial, use of uncharged acts and character evidence, § 12:9

INTERNET ACCESS LIMITATION

Sentencing, condition of probation, § 13:7

INTERPRETATION

Child witness answers, § 8:2 DNA profile evidence, mixture of DNA, § 11:5

INTERVENTION BY JUDGE

Child witness, § 8:2

INTIMATE PARTNER **BATTERING SYNDROME**

Generally, § 12:8 Credibility, § 12:8

Former battered women's syndrome, § 12:8

Foundation, § 12:8

Jury instructions, § 12:8

Relevancy, § 12:8

INTIMATE PARTNER BATTERING SYNDROME —Cont'd

Self-defense, § 12:8

INTRUSIVE PHYSICAL EXAMINATIONS RECORDS

Discovery, § 5:2

INVESTIGATIVE REPORT

Warrants, protection of confidential personal information, § 2:1

JANE OR JOHN DOE

DNA profile evidence, § 2:3, § 6:2, § 11:9

Jury instructions, use of fictitious name, § 12:18

Protection of victim, § 7:2

Warrants

elements, § 2:3

identification of victim, § 2:1 statutes of limitation, DNA evidence, § 2:3, § 6:2, § 11:9

JOINING OFFENSES

Arraignment, agreement of defense counsel, § 3:10

JUDGE PRESIDING OVER HIGHLY PUBLICIZED CASE

Media relations, checklist, **App. 4C**

JUDICIAL COUNCIL FORM JV-570

Discovery, § 5:1

JUDICIAL DEMEANOR

Child witness, § 8:2

JURISDICTION

Arraignment, cases involving more than one sex crime in different jurisdictions, § 3:10 Statutes of limitation, § 6:2

JURY ADMONITIONS

Closed-circuit television, § 7:3 Protection of victim, § 7:3 Support person, § 7:3

JURY INSTRUCTIONS

Admissibility of character evidence under Evidence Code § 1108, § 12:9

Age of victim, belief as to, § 12:18

Child sexual abuse accommodation syndrome, § 12:8

Consent, belief as to, Mayberry defense, § 12:18

Continuous sexual abuse of child, § 12:19, § 13:18

Corroboration unnecessary, § 12:18

Date crime committed, finding as to, § 12:18

Determination of factual innocence, specific crimes, § 12:20

Fictitious name, use of, § 12:18 Intimate partner battering syndrome, § 12:8

Jury unable to reach verdict, § 12:18, App. 12C

Lesser included offenses, § 12:18 Protection of victim, § 7:2

Sentencing, continuous sexual abuse of child and included offenses, § 13:18

Sexual activity with victim, § 12:18

Sexually violent predators (SVP), § 14:3

Specific crimes, § 12:19

determination of factual innocence, § 12:20

Specific or special intent, § 12:18 Syndrome evidence, § 12:18 Unanimity instruction, § 12:18

JURY SELECTION

Anonymity of juror, § 12:6, § 14:3 Child witness, § 8:3

Media coverage

major factor in order prohibiting media coverage, App. 4A potential impact of "gag" order, § 4:3

prohibition of coverage, § 4:1 Mini-opening statement, § 12:6, § 14:3

JURY SELECTION—Cont'd

Scope of voir dire, § 12:6, § 14:3 Sensitive voir dire, § 12:6, § 14:3 Sexually violent predators (SVP), § 14:3

Size of jury pool, § 12:6, § 14:3 Written questionnaires, § 12:6, App. 12A, App. 14C

JURY TRIAL

Inability to reach verdict, instruction to jury, **App. 12C** Sexually violent predators (SVP), § **14:3**

JUVENILE COURT RECORDS

Discovery, § 5:1

JUVENILE OFFENDERS

Juvenile Sexual Offense Recidivism Risk Assessment Tool II (JSORRAT-II), § 13:6

Sentencing, trying as adults, § 13:25

State-Authorized Risk Assessment Tool for Sex Offenders, § 13:6

JUVENILE OFFENSES

Sexually violent predators (SVP), § 14:2

JUVENILE PROCEEDINGS

Protection of victim, § 7:3

JUVENILE SEXUAL OFFENSE RECIDIVISM RISK ASSESSMENT TOOL II (JSORRAT-II)

Sentencing, § 13:6

JUVENILES

DNA profile evidence, collection of reference samples, § 11:8

KELLY RULE

Trial, use of expert witness testimony, § 12:7

KINSHIP QUESTIONS

Child witness, § 8:2

LABORATORY PROCESSING

DNA profile evidence, § 11:5

LACK OF GENITAL TRAUMA

Rape trauma syndrome, § 12:8

LAW ENFORCEMENT

DNA profile evidence, collection of DNA reference samples by law enforcement officials, § 11:8

Protection of victim, disclosure by, § 7:2

Sexually violent predators (SVP), release notice to local law enforcement, § 14:3

Tolling statutes of limitation, report to agency, § 6:3

LEADING QUESTIONS

Child witness, § 8:1

LEGAL AUTHORITY FOR COLLECTION OF OFFENDER DATABASE SAMPLES

DNA profile evidence, § 11:8

LEGAL TERMINOLOGY

Child witness, § 8:2

LENGTH OF PROBATION

Sentencing, § 13:7

LEWD ACT WITH CHILD OR DEPENDENT ADULT

Jury instructions, § 12:19

LIKELIHOOD OF REPEAT OFFENSE

Sexually violent predators (SVP), § 14:2

LIMITATION OF ACTIONS

Statutes of Limitation (this index)

LIMITATIONS OR RESTRICTIONS

Discovery, limiting provisions, § 5:2

Media Relations (this index)

Sentencing, restrictions on grant of probation, § 13:5

Trial (this index)

LOCATION WITHIN COURTROOM

Attorneys, protection of child witness, § 8:1

Nonattorneys, protection of child witness, § 8:1

LOCI AND ALLELES

DNA profile evidence, § 11:3, § 11:8, § 11:10

LOGIC OF CHILD

Child witness, § 8:2

LOGISTICS

Media relations, checklist of considerations, App 4C

LOSS OF MEMORY

Hearsay rule exceptions, § 12:10

LYING

Child witness, understanding of consequences, § 8:3

MAGISTRATES

Arraignment, bail setting by magistrate, § 3:7

MANAGEMENT OF SEX CASES

Generally, § 1:1 to 1:7

Access to victim and sensitive material, § 1:7

Appointment of experts, § 1:3

Child witness, § 8:2

Conference, § 1:1

Conferences

monitoring discovery with status conferences, § 1:4

timing of status conferences, § 1:1

Counsel, waiver of right to sample Faretta waiver, **App. 1A**

self-represented defendants, § 1:7

Defendants

access to victim and sensitive material, § 1:7

role of investigator in discovery, § 1:7

self-represented, § 1:7

MANAGEMENT OF SEX CASES —Cont'd

Discovery

early status conference to set schedule, § 1:1

monitoring, § 1:4

role of investigator, § 1:7

self-represented defendants, § 1:7

Due process rights of defendant, § 1:7

Evidence, § 1:5

Exchange of scientific evidence between experts, § 1:5

Experience in handling sex cases, § 1:6

Experts

appointment, § 1:3

exchange of scientific evidence, § 1:5

Facilitating exchange of scientific evidence between experts, § 1:5

Faretta waiver, sample, **App. 1A**Handling of sensitive evidence,
§ 1:5

Investigator, role in discovery, § 1:7

Legal representation of defendants, § 1:7

Monitoring discovery, § 1:4

Protection of victim during testimony, § 1:7

Protocols for handling of sensitive evidence, § 1:5

Realistic dates, § 1:2

Sample Faretta waiver, App. 1A

Scientific evidence, exchange between experts, § 1:5

Self-represented defendants, § 1:7

Sensitive evidence, § 1:5

Specialized knowledge, § 1:6

Standard protocols for evidence, § 1:5

Status conferences

monitoring discovery, § 1:4 timing, § 1:1

Timing

appointment of experts, § 1:3 realistic dates, § 1:2

MANAGEMENT OF SEX CASES —Cont'd

Timing—Cont'd status conferences, § 1:1
Unrepresented defendants, § 1:7
Vertical handling of sex crimes,

Waiver of right to attorney sample Faretta waiver, **App. 1A** self-represented defendant, § 1:7

MANDATORY CLOSING OF COURTROOM

§ 1:6

Preliminary hearings, § 10:2

MANDATORY RETENTION

DNA profile evidence, § 11:14

MANNER OF DRESS OF VICTIM

Trial, inadmissible under Evidence Code § 1103(c), § **12:9**

MARITAL PRIVILEGE

Trial, § 12:11

MARSY'S LAW

Discovery, § 5:1

Sentencing, right of victim to participate at sentencing hearing, § 13:3

MATERIAL OUT-OF-STATE WITNESS, DEPOSITION

Discovery, § 5:2

MEASUREMENT

Child witness, § 8:2

MEDIA COVERAGE

Media Relations (this index)

MEDIA RELATIONS

Generally, § 4:1 to 4:3

Access to criminal proceedings, constitutional right of public and press, § 4:1

Allocation of special seating for media, § 4:2

Authorization for photographing, recording or broadcasting court proceedings, § 4:1

MEDIA RELATIONS—Cont'd

Availability of less restrictive alternatives, validity of gag order, § 4:3

Broadcasting proceedings, authorization, § 4:1

California Rules of Court, rule 980, elements, § 4:1, App. 4A

Checklist for judge presiding over highly publicized case, **App. 4C**

Clear and present danger to protected competing interest, validity of gag order, § 4:3

Community considerations, validity of gag order, § 4:3

Consent of judiciary to media coverage, § 4:1

Constitutional right of public and press to access criminal proceedings, § 4:1

Content of statement to media, "gag" order restricting, § 4:3

Costs, payment by media for increased court costs, § 4:1

Court orders

"gag" orders, § 4:3, App. 4D granting media coverage, § 4:1, App. 4B

modification of order granting media coverage, § 4:1

prohibiting media coverage,

App. 4A

 $\begin{array}{c} \text{prohibiting public comment,} \\ \textbf{App. 4D} \end{array}$

termination of order granting media coverage, § 4:1

Defined relationship between court and media, § 4:2, App. 4B

Discretion of court as to media coverage, § 4:1

Electronic coverage, generally, § 4:1

Enforcement of "gag" orders, § 4:3

Free speech rights

"gag" orders, § 4:3, App. 4D nonparticipants, § 4:3

SEXUAL ABUSE

Child witness, § 8:3

MEDIA RELATIONS—Cont'd MEDIA RELATIONS—Cont'd Free speech rights—Cont'd Payment by media for increased participants in proceedings, costs, § 4:1 § 4:3 Photographing proceedings, "Gag" orders, § 4:3, App. 4D authorization, § 4:1 Grant of media coverage, order Pooling of coverage, § 4:1, § 4:2 Practical suggestions for working for, **App. 4B** with media, § 4:2 Hearing regarding coverage, § 4:2 Practicality of enforcement of Highly publicized case, checklist "gag" order, § 4:3 for presiding judge, **App. 4C** Prohibition of media coverage Judge presiding over highly publicized case, checklist, order for, App. 4A App. 4C proceedings for which coverage Jury selection is always prohibited, § 4:1 major factor in order prohibiting Prohibition of public comment, media coverage, App. 4A order for, **App. 4D** potential impact of "gag" order, Public comment, order prohibit-§ 4:3 ing, App. 4D proceeding for which coverage Recording of proceedings is always prohibited, § 4:1 authorization, § 4:1 Limitations or restrictions prohibition of sound recording, coverage limited to certain wit-§ 4:2 nesses or proceedings, Request for media coverage, § 4:1 § 4:2 Response to violation of "gag" "gag" orders limiting stateorder, § 4:3 ments to media, § 4:3, Seating arrangements App. 4D checklist item, seating Logistic considerations, checklist, considerations, App 4C App 4C practical suggestions, § 4:2 Media coverage Security considerations, checklist, consent of judiciary, § 4:1 App 4C grant, order for, App. 4B Serious and imminent threat to highly publicized case, protected competing interest, checklist, App. 4C validity of gag order, § 4:3 limiting coverage to certain Sound bite session, § 4:2 witnesses or proceedings, Special seating arrangement for § 4:2 media, § 4:2 payment for increased court Suggestions for working with costs, § 4:1 media, § 4:2 pooling of coverage, § 4:1, Termination of order granting § 4:2 media coverage, § 4:1 proceedings for which coverage Visual only coverage, § 4:2 is always prohibited, § 4:1 Witnesses, limiting coverage prohibition, order for, App. 4A regarding, § 4:2 request for, § 4:1 Working with media, § 4:2 sound bite session, § 4:2 Written request for media covervisual only coverage, § 4:2 age, § 4:1 Modification of order granting MEDICAL EVIDENCE OF media coverage, § 4:1

Notice of hearing regarding cover-

age, § 4:2

MEMORY OF CHILD

Child witness, § 8:2

MENTAL DISORDER DIAGNOSIS

Sexually violent predators (SVP), § 14:2

MINI-OPENING STATEMENT

Jury selection, § 12:6, § 14:3 Sexually violent predators (SVP), § 14:3

MINORS

Child Abuse (this index)

Child Pornography, Discovery (this index)

Child Sexual Abuse Sccommodation Syndrome (this index)

Child welfare services program, § 5:1

Child Witness (this index)

Discovery (this index)

Preliminary Hearings (this index)

Protection of Victim (this index)

Statutes of limitation

calculation of limitation period, § 6:1, § 6:2

commencement of prosecution, § 6:2

corroborative evidence, tolling for crimes against minors, § 6:3

expiration of normal period, § 6:3

reports by victim under age 18 at time of crime, § 6:3

substantial sexual conduct, § 6:3

tolling for sex crimes against minors, § 6:1, § 6:3

Trial (this index)

Videotaping hearing testimony for use at trial, § 10:4

Warrants (this index)

MITROCHONDRIAL DNA TESTING

DNA profile evidence, § 11:5

MIXED SAMPLES

DNA Profile Evidence (this index)

MODIFICATION

Media relations, order granting media coverage, § 4:1

MORBID FEAR OF SEXUAL MATTERS

Trial, § 12:14

MOTHER'S MAIDEN NAME

Warrants, confidential personal information, § 2:1

MOTIONS

DNA profile evidence, postconviction DNA testing, § 11:14

MOTIVE OF DEFENDANT

Trial, use of uncharged acts and character evidence, § 12:9

mtDNA

DNA profile evidence, § 11:5

MULTIPLE CRIMES

Arraignment, multiple sex crimes in multiple jurisdictions, § 3:10

MULTIPLE PUNISHMENT

Sentencing, applicability of Penal Code § 654, § 13:19

MYTHS ABOUT SEXUAL ASSAULT

Trial, App. 12B

NATURE OF VICTIM

Sexually violent predators (SVP), § 14:2

NEED FOR SUPPORT PERSON

Protection of victim, § 7:3

NEGATIVE TERM INSERTION QUESTIONS

Child witness, § 8:2

NEGATIVES IN QUESTIONS

Child witness, § 8:2

NEGOTIATING SETTLEMENT

Trial, § 12:1

NO CONTEST PLEA

Trial, § 12:2

NOMINALIZATION

Child witness, § 8:2

NON-PRIVILEGED MATERIAL

Discovery, § 5:1

NONVERBAL COMMUNICATIONS

Child witness, § 8:2

NOTICE

Arraignment, § 3:1, § 3:7
Discovery, third party subpoena, § 5:1

Media relations, hearing regarding coverage, § 4:2

Protection of victim, use of closed-circuit television, § 7:3

Sexual Assault Victims' DNA Bill of Rights, § 11:6

Sexually violent predators (SVP), § 14:3

Trial, Evidence Code § 1108, § **12:9**

NUCLEAR DNA MOLECULE

DNA profile evidence, § 11:3

OATH TAKING

Child witness, § 8:1

OBJECTIONS BY ATTORNEY

Child witness, § 8:2

OBJECTS AND EVENTS

Child witness, § 8:2

OBLIGATIONS OF COURT

Discovery, § 5:1

OFFENDER REFERENCE

PROFILES IN DATA BANK PROGRAMS

DNA profile evidence, § 11:8

OFFENDER REVEALING IDENTIFYING

INFORMATION TO INMATE

Protection of victim, § 7:2

OFFER OF PROOF

Preliminary hearings, calling victim to testify, § 10:7

ONE STRIKE LAW

Adult victim, App. 13D

Minor victim 14-17 years old, **App. 13F**

Minor victim under 14 years old, **App. 13E**

Sentencing, Penal Code § 667.61, § 13:15, § 13:17

Statutes of limitation, § 6:1

ORAL COPULATION

Jury instructions, § 12:19

ORDER OF COMMITMENT

Sexually violent predators (SVP), **App. 14D**

ORDER OF COURT

Court Orders (this index)

OUT-OF-STATE CONVICTION

Sexually violent predators (SVP), § 14:2

OUT-OF-STATE WITNESS

Discovery, § 5:2

OUTPATIENT TREATMENT

Sexually violent predators (SVP), **App. 14E**

OVERLOADED QUESTIONS

Child witness, § 8:2

OVERRIDING INTERESTS

Protection of victim, § 7:3

PARDON

Certificate of rehabilitation and pardon, § 13:24

PARENT-CHILD PRIVILEGE

Trial, § 12:11

PARENTS

Appearance at sentencing, Penal Code § 1191.1, § 13:3

Discovery, service of petition for disclosure of juvenile court records, § 5:1

Opportunity for reasonable expression of views concern-

Index-26

PARENTS—Cont'd

ing crime, § 13:3

Trial, parental reaction to molestation, § 12:8

Warrants, request for nondisclosure of name of victim, § 2:1

PARTIAL CLOSURE OF COURTROOM

Preliminary hearings, § 10:2

PEACE OFFICER

Arraignment, request for court order setting higher bail, § 3:7

PENAL CODE § 280 et seq.

Statutes of limitation, § 6:1

PENAL CODE § 288

Child witness, lewd and lascivious act with child, § 8:1

PENAL CODE § 288.5

Child witness, continual sexual abuse of child, § 8:1

Sentencing, continuous sexual abuse of child and included offenses, § 13:18

PENAL CODE § 290

Sentencing, registration under, **App. 13B**

PENAL CODE § 293

Warrants, protection of identify of victim, § 2:1

PENAL CODE § 293.5

Protection of victim, use of fictitious name, § 7:2

PENAL CODE § 654

Sentencing, multiple punishment, § 13:19

PENAL CODE § 667.61

Sentencing, one strike law, § 13:15

PENAL CODE § 667.71

Sentencing, two strikes law, § 13:16

PENAL CODE § 680

Protection of victim, sexual assault victim's DNA bill of rights, § 7:2

PENAL CODE § 784.7

Arraignment, jurisdiction, § 3:10

PENAL CODE § 803

Statutes of limitation use of DNA profile evidence, § 6:4

warrants, indefinite tolling, § 2:3

Warrants, indefinite tolling of statute of limitations, § 2:3

PENAL CODE § 803(g)

DNA profile evidence, indefinite tolling of statute of limitations, § 11:9

PENAL CODE § 825

Arraignment, time of bail hearing, § 3:10

PENAL CODE § 859.1

Preliminary hearings, closing the courtroom at request of prosecution to protect minor, § 10:3

Trial closure, § 12:5

PENAL CODE § 859b

Preliminary hearings, scheduling, § 10:1

PENAL CODE § 851.8

Determination of factual innocence, sealing and destruction of records, § 12:20

PENAL CODE § 861.5

Preliminary hearings, exception to "single session" rule, § 10:6

PENAL CODE § 868

Preliminary hearings, closing the courtroom, § 10:2

PENAL CODE § 868.6

Child witness, minor witness waiting room, § 8:1

PENAL CODE § 868.7

Preliminary hearings, closing the courtroom at request of prosecution to protect minor, § 10:3

PENAL CODE § 868.8

Protection of victim, proceedings for minor victim, § 7:3

PENAL CODE § 1000.12 AND 1000.13

Sentencing, deferred entry of judgment, § 13:2

PENAL CODE § 1048

Trial setting, priority, § 12:3

PENAL CODE § 1048.1

Trial, setting to avoid calendar conflicts of prosecutor, § 12:4

PENAL CODE § 1102.6

Protection of victim, right to attend court proceedings, § 7:3

PENAL CODE § 1108

Trial, use of character evidence to show propensity, § 12:5, § 12:9

PENAL CODE §§ 1191.1, 1191.15, AND 1191.16

Sentencing, appearance of victim, parents at sentencing, § 13:3

PENAL CODE § 1201.3

Protection of victim, postconviction restraining orders, § 7:2

PENAL CODE § 1269b

Arraignment, bail schedule, § 3:7

PENAL CODE §§ 1326 AND 1327

Discovery, § 5:1

PENAL CODE § 1346

Preliminary hearings, videotaping hearing testimony, developmentally disabled or minor victim, § 10:4

PENAL CODE § 1346.1

Preliminary hearings, videotaping spousal rape hearing

PENAL CODE § 1346.1—Cont'd testimony, § 10:5

PENAL CODE § 1405

DNA profile evidence, postconviction DNA testing, § 11:14

PENAL CODE § 1417.8

Discovery, § 5:3

Trial, disposition of photographs of minors admitted in evidence, § 12:15

PENAL CODE § 1417.9

Trial, retention of biological material, § 12:16

PENAL CODE § 1524.1

Protection of victim, preconviction AIDS testing, § 7:2

PENAL CODE § 2933

Sentencing, awarding conduct credits, App. 13C

PENAL CODE § 4019

Sentencing, awarding conduct credits, App. 13C

PENAL CODE § 13823.5 et seq.

Trial, protocol for examination of sexual assault victims, § 12:13

PENETRATION WITH FOREIGN OBJECT

Jury instructions, § 12:19

PEOPLE QUESTIONS

Child witness, § 8:2

PERFECT OR IMPERFECT **SELF-DEFENSE**

Trial, § 12:8

PERSONS WITH DISABILITIES

Lewd act with dependent adult, jury instructions, § 12:19

Protection of Victim (this index)

Trial closure, § 12:5

Videotaping hearing testimony for use at trial, § 10:4

PERSPECTIVE

Child witness, § 8:2

PETITIONS

Discovery, disclosure of juvenile court records, § 5:1

Sexually violent predators (SVP),
Welfare and Institutions Code § 6601(i), § 14:3

PHONE NUMBER

Protection of victim, disclosure, § 7:2

PHOTOGRAPHY

Media relations, authorization to photograph proceedings, § 4:1

Trial, disposition of minors admitted in evidence, Penal Code § 1417.8, § 12:15

PHYSICAL APPEARANCE

Child witness, § 8:2

PHYSICAL EXAMINATION

Discovery, records of examination, § 5:2

PHYSICAL LOCATION OF SUPPORT PERSON IN COURTROOM

Protection of victim, § 7:3

PHYSICIAN-PATIENT PRIVILEGE

Trial, § 12:11

PLEA BARGAINING

Trial, § 12:1

PLEA CONSEQUENCES

Sexually violent predators (SVP), § 14:2

POLICE REPORT

Warrants, protection of confidential personal information, § 2:1

POLYGRAPH EXAMINATIONS

Sentencing, § 13:7

POOL OF POTENTIAL JURORS

Jury selection, large jury pool, § 12:6, § 14:3

POOLING OF COVERAGE

Media relations, § 4:1, § 4:2

PORNOGRAPHY

Discovery

business records containing child pornography, § 5:2 protective orders, § 5:3, App. 5A

Trial, admissibility of pornographic photos of victims and others, § 12:17

POSTCONVICTION RESTRAINING ORDERS

Protection of victim, § 7:2

POSTCONVICTION TESTING

AIDS, sentencing, collateral consequences, § 13:23
DNA profile evidence, § 11:14

PRACTICAL MATTERS IN MEDIA RELATIONS

Enforcement of "gag" order, § 4:3 Suggestions for working with media, § 4:2

PRECONVICTION TESTING

AIDS, protection of victim, § 7:2

PREDICATE OFFENSES

Sexually violent predators (SVP), § 14:2

PREHEARING RELEASE

Checklist for release on probation violations, **App. 3B**Probationers, § 3:5

PRELIMINARY HEARINGS

Generally, § 10:1 to 10:8

Admissibility of evidence of victim's sexual conduct, § 10:8

Alternatives to closing the courtroom, § 10:3

Calling the victim to testify, § 10:7

Child witness

closing the courtroom, below exception to "single session" rule, § 10:6

scheduling, § 10:1

videotaping hearing testimony for use at trial, § 10:4

PRELIMINARY HEARINGS —Cont'd

Closing the courtroom generally, § 10:2 alternatives, consideration, § 10:3

protection of minor, request of prosecution, § 10:3

Crawford v. Washington, use of videotaped testimony, § 10:4, § 10:5

Evidence Code § 782, admissibility of evidence of victim's sexual conduct, § 10:8

Exceptions

closing courtroom, § 10:2, § 10:3

"single session" rule, § 10:6 Good cause, scheduling, § 10:1 Mandatory closing of courtroom, § 10:2

Minors. Child witness, above Offer of proof, calling victim to testify, § 10:7

Partial closure of courtroom, § 10:2

Penal Code § 859b, scheduling, § **10:1**

Penal Code § 861.5, exception to "single session" rule, § **10:6**

Penal Code § 868, closing the courtroom, § 10:2

Penal Code § 868.7 and 859.1, closing the courtroom at request of prosecution to protect minor, § 10:3

Penal Code § 1346, videotaping hearing testimony, developmentally disabled or minor victim, § 10:4

Penal Code § 1346.1, videotaping spousal rape hearing testimony, § 10:5

Scheduling, § 10:1

"Single session" rule exception, § 10:6

Testimony of victim, § 10:7 Victim's testimony, § 10:7 Videotaping hearing testimony for

use at trial developmentally disabled or minor victim, § 10:4

PRELIMINARY HEARINGS

-Cont'd

Videotaping hearing testimony for use at trial—Cont'd spousal rape hearing testimony, § 10:5

PREPARATION

Child witness, § 8:2

PRETRIAL PREPARATION

Child witness, § 8:2

PRETRIAL RELEASE

Arraignment, § 3:3 Defendants, § 3:3

PRETRIAL RIGHT TO DISCOVERY

Non-privileged material, § 5:1 Relevant privileged information, § 5:1

PREVIOUS CRIMINAL RECORD

Arraignment, setting bail, § 3:7 Sexually violent predators (SVP), prior conviction, § 14:2

PRIOR RECORDED TESTIMONY

Hearsay rule exceptions, § 12:10

PRIOR SEXUAL CONDUCT OF VICTIM

Trial, admissibility of evidence, Evidence Code § 782 and 1103(c), **§ 12:9**

PRIORITY

Protection of victim, court order prohibiting contact with victim, **App. 7A**

Trial setting, § 12:3

PRIVILEGED INFORMATION

Discovery, § 5:1

PROBABILITY OF APPEARANCE AT TRIAL OR HEARING

Arraignment, setting bail, § 3:7

PROBABLE CAUSE HEARING

Sexually violent predators (SVP), Welfare and Institutions Code § 6602, § 14:3

PROBABLE CAUSE ORDER

Sexually violent predators (SVP), **App. 14B**

PROBATION

Any versus all counts, eligibility as to, § 13:5

Conditions of probation generally, § 13:7

discretionary, § 13:7, App. 13A

Date of violation, § 13:21

Discretional conditions, § 13:7, App. 13A

Eligibility, § 13:1, § 13:5

Potential sentencing issues, § 13:1 Report, required evaluations,

§ 13:6

Restrictions on grant of probation, § 13:5

Special findings, § 13:5

Unusual circumstances determining eligibility, § 13:5

PROBATION OFFICER

Protection of victim, § 7:2

PROCESSING DNA

DNA profile evidence, § 11:5

PROFESSIONAL BEHAVIOR BY ATTORNEYS

Child witness, § 8:1, § 8:2

PROHIBITION OF MEDIA COVERAGE

Order for, App. 4A

Proceedings for which coverage is always prohibited, § 4:1

PROHIBITION OF PUBLIC COMMENT

Media relations, App. 4D

PROMISE BY CHILD WITNESS TO TELL TRUTH

Generally, § 8:1

PROPENSITY OF ACTS

Trial, admissibility of character evidence under Evidence Code § 1108, § 12:5, § 12:9

PROPOSITION 9

Discovery, § 5:1
Protection of victim, § 7:2

PROPOSITION 83

Sexually violent predators (SVP), § 14:4

"PROSECUTOR'S FALLACY"

DNA profile evidence, § 11:7

PROTECTED INFORMATION

Discovery, § 5:1
Warrants, identity of victim, § 2:1

PROTECTION OF VICTIM

Generally, § 7:1 to 7:3

Accommodation, testimony of disabled persons, § 7:3

Address, disclosure, § 7:2

Admonitions to jury

closed-circuit television, § 7:3 support person, § 7:3

Attendance at court proceedings right of victim, § 7:3

support persons, § 7:3

Attorneys, disclosure by, § 7:2

Blood relationship to support person, § 7:3

Child witness, preventing psychological harm to victim, § 8:1

Closed-circuit television, § 7:3

Compliance with order prohibiting contact with victim, **App. 7A**

Constitutional issues, use of closed-circuit television, § 7:3

Contempt, § 7:2

Cost of closed-circuit television, § 7:3

Court orders

general provisions, § 7:2

postconviction restraining orders, § 7:2

prohibiting contact with victim, App. 7A

Index-31

PROTECTION OF VICTIM —Cont'd

Court orders—Cont'd protective orders, § 7:2 witness exclusion order, § 7:3

ourt proceedings

Court proceedings generally, § 7:3

chambers, § 7:3, § 8:1, § 8:2

conducting proceedings in chambers, § 7:3, § 8:1, § 8:2

exclusions from, § 7:2

minor victim, proceedings under Penal Code § 868.8, § 7:3

removal of spectators, § 7:3

Deadly weapon used in crime, use of closed-circuit television, § 7:3

Defendant, disclosure to, § 7:2

Definition of victim, § 7:3

Disabled persons, § 7:1 to 7:3

Disclosure of address or phone number, § 7:2

DNA bill of rights, sexual assault victim, § 7:2

Enforcement of order prohibiting contact with victim, **App. 7A**

Exclusions from court proceedings, § 7:2

Family relationship to support person, § 7:3

Fictitious name, § 7:2

Government Code § 6254, use of fictitious name, § 7:2

Grave bodily injury inflicted during commission of crime, use of closed-circuit television, § 7:3

Hearing, use of closed-circuit television, § 7:3

Influence of support person on testimony or jury, § 7:3

Inmates, offender revealing identifying information to another inmate, § 7:2

Intentional disclosure by offender while confined, § 7:2

Jane or John Doe, § 7:2

PROTECTION OF VICTIM

—Cont'd

Jury admonitions

closed-circuit television, § 7:3 support person, § 7:3

Jury instruction, § 7:2

Juvenile proceedings, § 7:3

Law enforcement, disclosure by, § 7:2

Limits on contempt proceedings, § 7:2

Minors, generally, § 7:1 to 7:3

Need for support person, § 7:3

Notice, use of closed-circuit television, § 7:3

Offender revealing identifying information to inmate, § 7:2

Orders. Court orders, above

Overriding interests, § 7:3

Penal Code § 293.5, use of fictitious name, § 7:2

Penal Code § 680, sexual assault victim's DNA bill of rights, § 7:2

Penal Code § 868.8, proceedings if minor victim, § 7:3

Penal Code § 1102.6, right of victim to attend court proceedings, § 7:3

Penal Code § 1201.3, postconviction restraining orders, § 7:2

Penal Code § 1524.1, preconviction AIDS testing, § 7:2

Persons with disabilities, § 7:1 to 7:3

Phone number, disclosure, § 7:2

Physical location of support

Physical location of support person in courtroom, § 7:3

Postconviction restraining orders, § 7:2

Preconviction AIDS testing, § 7:2 Preliminary hearings, closing the courtroom, § 10:2, § 10:3

Priority of court order prohibiting contact with victim, **App. 7A**

Probation officer, duties of, § 7:2

Proposition 9 (2008), § 7:2 Protective orders, § 7:2, App. 7A

Recording details of support person presence and influence, § 7:3

PROTECTION OF VICTIM —Cont'd

Refusal to testify, § 7:2

Relationship to support person, § 7:3

Removal of spectators, § 7:3

Restraining orders, § 7:2, App. 7A

Self-represented defendant, disclosure to, § 7:2

Showing of need for support person, § 7:3

Spectators, removal, § 7:3

Support persons, attendance at court proceedings, § 7:3

Telephone number, disclosure, § 7:2

Unrepresented defendant, disclosure to, § 7:2

Videotaping proceedings, § 7:3 Witness exclusion order, § 7:3

PROTECTION OF WITNESS

Child witness, § 8:1 to 8:3

PROTECTIVE ORDERS

Discovery, § 5:3, App. 5A Victim protection, § 7:2, App. 7A

PROTOCOL FOR EXAMINATION OF SEXUAL ASSAULT VICTIMS

Trial, § 12:13

PSYCHOLOGICAL EVALUATIONS

Child witness, competency, § 8:3 Sentencing, report of reputable psychologist, § 13:6

Sexually violent predators (SVP), § 14:3

Trial, § 12:1

PSYCHOLOGICAL EXAMINATION RECORDS

Discovery defendant, § 5:1 victim, § 5:2

PSYCHOLOGICAL HARM

Child victim witness, § 8:1

PSYCHOTHERAPIST-PATIENT PRIVILEGE

Trial, § 12:11

PUBLIC COMMENT

Media relations, order prohibiting public comment, **App. 4D**

PUBLIC SAFETY

Arraignment, § 3:7

PUBLICATIONS

DNA profile evidence, resources, § 11:15

QUALIFICATIONS

Arraignment, appointed counsel, § 3:9

Expert, § 12:7

QUESTIONNAIRES

Jury selection, § 12:6, App. 12A, App. 14C

QUOTATION RECALL

Child witness, § 8:2

RAISING ATTORNEY'S VOICE

Child witness, § 8:2

RANDOM MATCH PROBABILITY

DNA profile evidence, § 11:7

DADE

Jury instructions, § 12:19

RAPE TRAUMA SYNDROME

Generally, § 12:8

Defendant's belief as to consent, § 12:8

Lack of genital trauma, § 12:8

RARITY OF DNA PROFILE

Warrants, § 2:3

REASONABLENESS

Arraignment, conditions on release, § 3:8

RECALLING QUOTATIONS

Child witness, § 8:2

RECORDING OF

PROCEEDINGS BY MEDIA

Authorization, § **4:1, App. 4B** Prohibition, § **4:2, App. 4A**

RECORDS

Arraignment, court appearances, § 3:7

Discovery, records held by third party, § 5:1

Protection of victim, details of support person presence and influence, § 7:3

Sealing and destruction, factual innocence, § 12:20

Warrants, protection of confidential personal information, § 2:1

REDUCING SUGGESTIBILITY

Child witness, § 8:2

REEVALUATION BY PSYCHOLOGISTS

Sexually violent predators (SVP), § 14:3

REFERENCE PROFILES

DNA profile evidence, § 11:8

REFERENCE SAMPLES

DNA profile evidence, § 11:4

REFERENCES

Child witness, § 8:2

REFUSAL OF DISCOVERY REQUEST

Defendant, § 5:1 Victim, § 5:2

REFUSAL TO PARTICIPATE

Sexually violent predators (SVP), § 14:2

REFUSAL TO TESTIFY

Protection of victim, § 7:2

REGISTERED ARSON OFFENDERS

DNA profile evidence, collection of reference sample from, § 11:8

REGISTRATION

Avoidance of registration requirement, § 12:1

certificate of rehabilitation and pardon, § 13:24

Collateral consequences, § 13:23

REGISTRATION—Cont'd

Crimes registrable under Penal Code § 290, **App. 13B**

DNA profile evidence, collection of reference sample from registered sex offenders, § 11:8

Lifetime registration, felony plea, § 12:2

REHABILITATION

Certificate of rehabilitation and pardon, § 13:24

Child witness testimony, § 8:3

RELATIONAL TERMS

Child witness, § 8:2

RELEASE

Arraignment, setting conditions, § 3:8

Sexually violent predators (SVP), petition, § 14:3

RELEVANCY

Child sexual abuse accommodation syndrome, § 12:8

Intimate partner battering syndrome, § 12:8

REMOTENESS IN TIME

Trial, admissibility of character evidence under Evidence Code § 1108, **§ 12:9**

REMOVAL OF SPECTATORS

Protection of victim, § 7:3 Trial, § 12:5

REPETITIVE QUESTIONING

Child witness, § 8:2

REPHRASING OF QUESTIONS

Child witness, § 8:2

REPORTS

DNA profile evidence, reporting cold hit to law enforcement, § 11:8

Sentencing, § 13:6

Statutes of limitation, report by victim under age 18 at time of crime, **§ 6:3**

REPORTS—Cont'd

Warrants, protection of confidential personal information, § 2:1

REPRESENTATION

Arraignment, § 3:9

Attorneys (this index)

REPUTATION

Trial closure, reputation of minor or developmentally disabled person, § 12:5

REQUESTS

Arraignment, notice of bail hearing, § 3:7

Media coverage, § 4:1

RESOURCES

DNA profile evidence, § 11:15

RESTITUTION

Sentencing, § 13:8, § 13:9

RESTRAINING ORDERS

"Gag" orders, § 4:3, App. 4D Protection of victim, § 7:2, App.

RESTRICTIONS

Limitations or Restrictions (this index)

RETENTION OF BIOLOGICAL MATERIAL

Trial, Penal Code § 1417.9, § 12:16

RETENTION OF DNA EVIDENCE

DNA profile evidence, postconviction testing, § 11:14

RETROACTIVE COLLECTION

DNA profile evidence, collection from convicted and adjudicated offenders, § 11:8

RISK ASSESSMENT

Sentencing, § 13:6

Sexually violent predators (SVP), Static-99 Coding Rules, **App. 14A**

RULES OF COURT

Rule 980 elements, media relations, § **4:1**, **App. 4A**Rule 1423, discovery, § **5:1**

SAFETY OF PUBLIC

Arraignment, § 3:7

SAFETY OF VICTIM AND VICTIM'S FAMILY

Arraignment, § 3:7

SALIVA SAMPLES

Sentencing, collateral consequences, § 13:23

SAMPLES

DNA Profile Evidence (this index)

Management of sex cases, sample Faretta waiver of counsel, **App. 1A**

Sentencing, collateral consequences, § 13:23

SB 1128

Sexually violent predators (SVP), § 14:4

SCHEDULING

Preliminary hearings, § 10:1

SCHOOL RECORDS

Discovery, § 5:1

SCREENING

Sexually violent predators (SVP), screening by Department of Corrections, § 14:3

SEALING DECLARATION

Warrants, § 2:2

SEARCH WARRANTS

Generally, § 2:1 to 2:4

SEATING ARRANGEMENTS FOR MEDIA

Checklist item, seating considerations, **App 4C** Practical suggestions, § **4:2**

SECURITY

Media relations, checklist of considerations, **App 4C**

SELF-DEFENSE

Trial, intimate partner battering syndrome, § 12:8

SELF-REPRESENTED DEFENDANT

Protection of victim, disclosure, § 7:2

SENTENCING

Generally, § 13:1 to 13:21 Assessments. Fines and Assessments (this index)

Assessments of individual, § 13:6 Calculation of custody credits, § 13:21

Child abuse prevention restitution fine, § 13:9

Collateral consequences, § 13:23

Concurrent or consecutive running of sentence as potential sentencing issue, § 13:1

Conditions of probation, § 13:7 generally, § 13:7 discretionary, § 13:7, App. 13A

Conduct credits, § 13:15, § 13:21, App. 13C

Consecutive sentencing generally, § 13:20

concurrent or consecutive running of sentence as potential sentencing issue, § 13:1

"one strike" law, § 13:15

Containment Model for management of sex offenders, § 13:4

Continuous sexual abuse of child and included offenses, Penal Code § 288.5, § 13:18

Counseling program participation, § 13:2

Credits. **Conduct Credits** (this index)

Crimes registrable under Penal Code § 290, **App. 13B**

Cruel and unusual punishment, § 13:26

Custody credits. **Conduct Credits** (this index)

Deferred entry of judgment, Penal Code §§ 1000.12 and

SENTENCING—Cont'd 1000.13, § 13:2

Definition of victim, § 13:3

Determinate sentencing law, § 13:11

Diagnostic evaluation or probation report, § 13:6

Discretional conditions of probation, § 13:7, App. 13A

DOJ sexual habitual offender fund, § 13:9

Eligibility for probation as potential sentencing issue, § 13:1

Enhancement of sentence

selection of term as potential sentencing issue, § 13:1

striking, § 13:14

Evaluations, § 13:6

Felony sentencing, legislative changes, § 13:10

Fines. **Fines and Assessments** (this index)

Good time/work time conduct credits, § 13:21

Grant of probation, restrictions, § 13:5

Habitual sex offenders, Penal Code § 667.71, "two strikes" law, § 13:16

Hearing to determine dangerousness, § 13:6

Internet access limitation as condition of probation, § 13:7

Issues, § 13:2

Jury instruction, continuous sexual abuse of child and included offenses, § 13:18

Juvenile offender

completion of State-Authorized Risk Assessment Tool for Sex Offenders, § 13:6

trying as adult, § 13:25

Juvenile Sexual Offense Recidivism Risk Assessment Tool II (JSORRAT-II), § 13:6

Length of probation, § 13:7

Low term of imprisonment, § 13:13

SENTENCING—Cont'd SENTENCING—Cont'd Marsy Law, right of victim to par-Report from reputable psycholoticipate at sentencing hearing, gist, § 13:6 § 13:3 Required evaluations, § 13:6 Multiple punishment, applicability Restitution, § 13:8 of Penal Code § 654, § 13:19 Restitution fines and other assess-"One strike" law, Penal Code ments, § 13:9 § 667.61, § 13:15, § 13:17 Restrictions on grant of probation, Parents § 13:5 appearance at sentencing, Penal Risk assessment, § 13:6 Code § 1191.1, § **13:3** Sex offender fine, § 13:9 opportunity for reasonable State-Authorized Risk Assessment expression of views Tool for Sex Offenders, concerning crime, § 13:3 § 13:6 Participation by victim, § 13:3 STATIC-99 risk assessment scale, § 13:6 Penal Code Three strikes law, relationship § 288.5, continuous sexual with one and two strikes abuse of child and included laws, § 13:17 offenses, § 13:18 Treatment program, § 13:7 § 290, registration under, App. "Two strikes" law, Penal Code 13B § 667.71, § **13:16,** § **13:17** § 654, § 13:19 Upper term of imprisonment, § 667.61, "one strike" law, § 13:12 § 13:15 Victim restitution, § 13:7, § 13:8 § 667.71, "two strikes" law, Victim's opportunity for expres-§ 13:16 sion, People v. Stringham, §§ 1000.12 and 1000.13, § 13:3 deferred entry of judgment, Victim-witness assistance fund, § 13:2 § 13:9 §§ 1191.1, 1191.15, and 1191.16, appearance of SERIOUS AND IMMINENT victim, parents at sentenc-THREAT TO PROTECTED ing, § 13:3 COMPETING INTEREST §§ 4019 and 2933, awarding Media relations, validity of gag conduct credits, App. 13C order, § 4:3 People v. Acosta, § 13:17 SERIOUSNESS OF CHARGED People v. Stringham, § 13:3 **OFFENSE** Polygraph examinations, § 13:7 Arraignment, setting bail, § 3:7 Potential sentencing issues, § 13:2 Prison term selection as potential **SERVICE** sentencing issue, § 13:1 Arraignment, notice of bail hear-**Probation** (this index) ing, § 3:7 Discovery, petition for disclosure Psychologist's report, § 13:6 of juvenile court records, Realignment, sentencing after, § 5:1 § 13:22 Registration SETTLEMENT NEGOTIATION collateral consequences, Trial, § 12:1 § 13:23 **SEX CRIME QUESTIONNAIRE** crimes registrable under Penal Code § 290, App. 13B Jury selection, § 12:6, App. 12A

Procedural requirements under

Act, § 14:3

SEX OFFENDER SEXUALLY VIOLENT **COMMITMENT PROGRAM** PREDATORS (SVP)—Cont'd Discovery, § 14:3 Generally, § 14:3 Double jeopardy, § 14:5 **SEX OFFENDER FINE** Expert testimony, § 14:2, § 14:3 Sentencing, § 13:9 Extension of commitment, § 14:3 SEXUAL ASSAULT VICTIMS Hearings probable cause hearing, Welfare Counselor privilege, trial, § 12:11, and Institutions § 6602, § 12:13 § 14:3 DNA Bill of Rights, § 11:6 show cause hearing, § 14:3 SEXUAL BATTERY Hearsay evidence, § 14:3 Jury instructions, § 12:19 Juries SEXUAL KNOWLEDGE instructions, § 14:3 questionnaire, App. 14C Child witness, § 8:2 selection, § 14:3 **SEXUAL PROFILING** trial, Welfare and Institutions Trial, expert opinion on sexual Code §§ 6603 and 6604, proclivities of defendant, generally, § 14:3 § 12:9 Juvenile offenses, § 14:2 SEXUALLY VIOLENT Kansas v. Hendricks, § 14:5 PREDATORS (SVP) Likelihood of repeat offense, § 14:2 Generally, § 14:1 to 14:6 Local enforcement agencies, Annual evaluation, § 14:3 release notice to, § 14:3 Appellate review, § 14:2 Mental disorder diagnosis, § 14:2 Coding Rules under Static-99R, Mini-opening statement, § 14:3 **App. 14A** Commitment Nature of victim, § 14:2 order of commitment of SVP, Notice **App. 14D** release notice to local enforceprocedural requirements under ment agencies, § 14:3 Act, § 14:3 results of trial to Department of Conditions and terms of outpatient Mental Health, § 14:3 treatment of SVP, App. 14E Orders Constitutional issues, § 14:5 commitment of SVP, App. 14D Contraband, § 14:6 probable cause, App. 14B Court orders Out-of-state conviction, § 14:2 order of commitment, App. Outpatient treatment of SVP. 14D terms and conditions, App. order of probable cause, App. 14B Petition filing, Welfare and Institu-Defined, § 14:2 tions Code § 6601(i), § **14:3** Department of Corrections screen-Plea consequences, § 14:2 ing, § 14:3 Predicate offenses, § 14:2 Department of Mental Health Prior conviction, § 14:2 notice of results of trial, § 14:3 Probable cause hearing, Welfare petition for release, § 14:3 and Institutions Code § 6602, Diagnosed mental disorder, § 14:2 § 14:3 Diagnostic tools, § 14:2

Discharge of defendant, § 14:3

SEXUALLY VIOLENT PREDATORS (SVP)—Cont'd

Proof of prior conviction, § 14:2 Proposition 83, § 14:4

Psychological evaluations, § 14:3 Purpose of SVP statute, § 14:1

Reevaluation by psychologists, § 14:3

Refusal to participate, § 14:2 Release petition, § 14:3

Repeat offense likelihood, § 14:2 Requirements for commitment,

§ 14:2 Risk categories and Static-99R Coding Rules, App. 14A

SB 1128, § **14:4**

Screening by Department of Corrections, § 14:3

Sex Offender Commitment Program, § 14:3

"Special proceeding of civil nature," § 14:1

State constitutional issues, § 14:5 Static-99R Coding Rules, App.

14A

Supervision of treatment plan, § 14:3

Supreme Court decisions, § 14:5 SVP statute, purpose and nature, § 14:1

Terms and conditions of outpatient treatment of SVP, **App. 14E**

Trial, Welfare and Institutions Code §§ 6603 and 6604, generally, § 14:3

Welfare and Institutions Code § 6601(i), filing of petition, § 14:3

Welfare and Institutions Code §§ 6603 and 6604, jury trial, § 14:3

SHORT TANDEM REPEAT (STR)

DNA Profile Evidence (this index)

SHOWING OF NEED FOR SUPPORT PERSON

Protection of victim, § 7:3

SIGNIFICANCE OF PROFILE MATCH

DNA profile evidence, § 11:7

SIMILARITY BETWEEN CHARGED AND UNCHARGED OFFENSES

Trial, admissibility of character evidence under Evidence Code § 1108, **§ 12:9**

SINGLE LOCATION IN COURTROOM

Child witness, questioning, § 8:1

"SINGLE SESSION" RULE

Preliminary hearings, § 10:6

SITUATIONAL FACTORS

Child witness, § 8:2

SIXTH AMENDMENT

Arraignment, right to vicinage, § 3:10

SIZE OF JURY POOL

Jury selection, § 12:6, § 14:3

SOCIAL SECURITY NUMBER

Warrants, confidential personal information, § 2:1

SODOMY

Jury instructions, § 12:19

SOUND BITE SESSION

Media relations, § 4:2

SPEAK TO COURT

Discovery, right of victim, § 5:1

SPECIAL COURT PROCEDURES

Child witness, § 8:2

SPECIAL OBJECTS

Child witness

use of objects for comfort, § 8:2

"SPECIAL PROCEEDING OF CIVIL NATURE"

Sexually violent predators (SVP), § 14:1

SPECIAL SEATING ARRANGEMENTS

Media relations, § 4:2

SPECTATORS

Protection of victim, § 7:3 Removal, § 7:3, § 12:5

SPONTANEOUS DECLARATION

Trial, Evidence Code § 1240, § 12:10

STAGE OF COGNITIVE DEVELOPMENT

Child witness, § 8:2

STANDARDS FOR EVIDENCE COLLECTION

Trial, examination of sexual assault victims, § 12:13

STATE CONSTITUTIONAL ISSUES

Sexually violent predators (SVP), § 14:5

STATE LAW ENFORCEMENT

DNA profile evidence, collection of reference samples, § 11:8

STATE OF MIND OR PHYSICAL CONDITION

Trial, statements as to, § 12:10

STATE-AUTHORIZED RISK ASSESSMENT TOOL FOR SEX OFFENDERS

Sentencing, § 13:6

STATEMENT ON RECORD

Arraignment, setting bail, § 3:7

STATIC-99R RISK ASSESSMENT SCALE

Sentencing, § 13:6 Sexually violent predators (SVP), coding rules, App. 14A

STATISTICS

DNA profile evidence, § 11:7

STATUTES OF LIMITATION

DNA profile evidence (this index)
Generally, § 6:1 to 6:4
Age of victim. Minors, below
Arraignment, § 6:2
Calculation of limitation period,
generally, § 6:1

STATUTES OF LIMITATION —Cont'd

Commencement, § 6:1 to 6.3 Evidence, tolling for crimes against minors, § 6:3

Expiration of normal period, tolling for crimes against minors, § 6:3

Extension, use of DNA evidence to identify suspect, § 6:4

Felony sex cases, App. 6A

Filing within limitations period, § 6:2

Forfeiture, § 6:2

Hearings, jurisdictional issues, § 6:2

Jurisdictional issues, § 6:2

Law enforcement agency, report to, § 6:3

Minors (this index)

One Strike Law, § 6:1

Penal Code

§ 280 et seq., § **6:1**

§ 803, use of DNA profile evidence, § 6:4

Reports by victim under age 18 at time of crime, § 6:3

Substantial sexual conduct, tolling for crimes against minors, § 6:3

Tolling for sex crimes against minors, § 6:1, § 6:3

Waiver, § 6:2

Warrants, § 2:3, § 6:2

STRATEGY

Trial, discovery, § 5:1

STRESS OF TESTIFYING

Child witness, § 8:2

STYLE OF QUESTIONING

Child witness control by judge, § 8:2

SUBPOENAS

Discovery, § 5:1, § 14:3

SUBSEQUENT ACTS

Admissibility of character evidence under Evidence Code § 1108, § 12:9

SUBSTANTIAL SEXUAL CONDUCT

Statutes of limitation, tolling for crimes against minors, § 6:3

SUFFICIENCY OF EVIDENCE

Child witness, § 8:3

SUGGESTIBILITY

Child witness, § 8:2

SUGGESTIONS

Media relations, § 4:2

SUGGESTIVE QUESTIONING

Child witness, § 8:2

SUPERVISION

Discovery, access to materials used in court, § 5:3, App. 5A
Sexually violent predators (SVP), treatment plan, § 14:3

SUPPORT PERSONS, ATTENDANCE AT COURT PROCEEDINGS

Protection of victim, § 7:3

SUPPOSITIONAL QUESTIONS

Child witness, § 8:2

SUPREME COURT DECISIONS

Sexually violent predators (SVP), § 14:5

SYNDROME EVIDENCE

Generally, § 12:8

Child Sexual Abuse Accommodation Syndrome (this index)

Intimate Partner Battering Syndrome (this index)

Jury instructions, § 12:18

Myths about sexual assault, App.
12B

Rape Trauma Syndrome (this index)

TAG QUESTIONS

Child witness, § 8:2

TELEPHONE NUMBER

Protection of victim, disclosure, § 7:2

TELEPHONE NUMBER—Cont'd

Warrants, confidential personal information, § 2:1

TELEVISED PROCEEDINGS

Media coverage. **Media Relations** (this index)

TELLING TIME

Child witness, § 8:2

TERMINATION OF COURT ORDER

Media relations, order granting media coverage, § 4:1

TERMINOLOGY

Child witness, § 8:2

TESTIMONY OF VICTIM

Preliminary hearings, § 10:7

THIRD PARTY RECORDS

Discovery, § 5:1

THREE STRIKES LAW

Sentencing, § 13:17

TIMING

Admissibility of character evidence under Evidence Code § 1108 as undue consumption of time, § 12:9

Child Witness (this index)

Discovery, information request, § 5:1

Management of sex cases, status conferences, § 1:1

Probation violation, § 13:21

Trial, finding as to date crime committed, § 12:18

TREATMENT PROGRAM

Sentencing, § 13:7

TRIAL

Generally, § 12:1 to 12:20

Additional counts of sexual assault, amendment of information to include, § 12:12

Admissibility of character evidence under Evidence Code § 1108, § 12:9

Admissibility of child sexual abuse accommodation

TRIAL-Cont'd

syndrome in prosecution's case-in-chief, § 12:8

Admission of child's statement, exceptions to hearsay rule, § 12:10

Age of victim, priority in trial setting, § 12:3

Aggravated sexual assault of child, jury instructions, § 12:19

Amendment of information to add additional counts of sexual assault, § 12:12

Annoying or molesting child, jury instructions, § 12:19

Anonymity of juror, § 12:6, § 14:3

Assault with intent to commit rape or sodomy, jury instructions, § 12:19

Attorney-client privilege, § 12:11

Avoidance of registration requirement, § 12:1

Battered women's syndrome. Intimate partner battering syndrome, below

Biological material, retention under Penal Code § 1417.9, § 12:16

Calendar conflicts of prosecutor, Penal Code § 1048.1, § 12:4

Character evidence, admission to prove conduct, § 12:9

Child sexual abuse accommodation syndrome, § 12:8

Closure of trial, § 12:5

Collection of evidence, examination of sexual assault victims, § 12:13

Common plan or scheme to prove commission of charged offense, § 12:9

Consent, belief as to, rape trauma syndrome, § 12:8

Constitutional issues associated with closure of trial, § 12:5

Continuous sexual abuse of child, jury instructions, § 12:19

Corroboration of victim's testimony, evidence of

TRIAL—Cont'd

uncharged misconduct with victim, § 12:9

Court-appointed child development expert, § 12:7

Credibility, § 12:8

Cross-examination, § 12:17

Defendant's belief as to consent, rape trauma syndrome, § 12:8

Degree of similarity between charged and uncharged offenses, admissibility of character evidence under Evidence Code § 1108, § 12:9

Developmentally disabled person, closure of trial, § 12:5

Diligence to secure unavailable witness, § 12:14

Discovery of trial strategy, § 5:1

Discretion of court to exclude character evidence, Evidence Code § 352, § 12:9

DNA expert, § 12:7

Evidence Code § 782 and 1103(c) admissibility of evidence of prior sexual conduct of victim, § 12:9

Evidence Code § 1228, admission of child's statement to establish corpus delicti necessary to admit defendant's confession, § 12:10

Evidence Code § 1305 et seq., sexual assault victim-counselor privilege, § 12:11, § 12:13

Examination of sexual assault victims, § 12:13

Exceptions to hearsay rule, § 12:10

Expert witness testimony. **Expert** (this index)

Fear of testifying, exceptions to hearsay rule, § 12:10

Felony pleas, § 12:2

Foundation, intimate partner battering syndrome, § 12:8

Fresh complaint doctrine, § 12:10

Good character evidence, rebuttal by defendant, § 12:9

TRIAL—Cont'd	TRIAL—Cont'd
Griffin error, § 12:17	Minors—Cont'd
Guilty plea, § 12:2	Penal Code § 1417.8,
Harmful matter sent to child to	§ 12:15
seduce, jury instructions, § 12:19	Morbid fear of sexual matters, § 12:14
Hearsay rule exceptions, § 12:10	Motive of defendant, use of
Identify of perpetrator, use of evi-	uncharged acts and character
dence of uncharged	evidence, § 12:9
misconduct, § 12:9	Myths about sexual assault, App.
Inflammatory nature of character	12B
evidence, Evidence Code § 1108, § 12:9	Negotiating settlement, § 12:1 No contest plea, § 12:2
Intent of defendant, use of	Notice requirement, Evidence
uncharged acts and character	Code § 1108, § 12:9
evidence, § 12:9	Oral copulation, jury instructions,
Intimate partner battering	§ 12:19
syndrome, § 12:8	Parental reaction to molestation,
Jury Instructions (this index)	§ 12:8
Jury Selection (this index)	Parent-child privilege, § 12:11
Kelly rule, use of expert witness	Penal Code
testimony, § 12:7	§ 859.1, trial closure, § 12:5
Lack of genital trauma, rape	§ 1048, priority in trial setting,
trauma syndrome, § 12:8 Lewd act with child or dependent	§ 12:3
adult, jury instructions,	§ 1048.1, setting trial to avoid calendar conflicts of
§ 12:19	prosecutor, § 12:4
Limitations on use of experts,	§ 1108, use of character evi-
§ 12:7	dence to show propensity,
Limitations or restrictions	§ 12:5, § 12:9
plea bargaining, § 12:1	§ 1417.8, disposition of
use of experts, § 12:7	photographs of minors
Loss of memory, exceptions to	admitted in evidence, § 12:15
hearsay rule, § 12:10	§ 1417.9, retention of biologica
Manner of dress of victim inadmissible under Evidence	material, § 12:16
Code § 1103(c), § 12:9	§ 13823.5 et seq., protocol for
Marital privilege, § 12:11	examination of sexual
Mini-opening statement, jury	assault victims, § 12:13
selection, § 12:6, § 14:3	Penetration with foreign object,
Minors	jury instructions, § 12:19
admission of child's statement,	People v. Stanley, § 12:9
exceptions to hearsay rule,	People v. West, § 12:2
§ 12:10	Perfect or imperfect self-defense,
child development expert, § 12:7	§ 12:8
closure of trial, § 12:5	Photographs of minors admitted in
jury instructions, specific	evidence, disposition under Penal Code § 1417.8, § 12:15
crimes, § 12:19	Physician-patient privilege,
photographs admitted in evi-	\$ 12:11
dence, disposition under	Plea bargaining, § 12:1

TRIAL—Cont'd TRIAL—Cont'd Prior recorded testimony, excep-Evidence Code § 1108, tions to hearsay rule, § 12:10 § 12:9 Removal of spectators, § 12:5 Prior sexual conduct of victim, admissibility of evidence, Reputation of minor or develop-Evidence Code § 782 and mentally disabled person, 1103(c), § **12:9** closure of trial, § 12:5 Prior testimony, exceptions to Restrictions on plea bargaining, hearsay rule, § 12:10 § 12:1 Retention of biological material, Priority in trial setting, § 12:3 Penal Code § 1417.9, § 12:16 Privileges Scope of voir dire, § 12:6, § 14:3 generally, § 12:11 Selection of jury. Jury selection, attorney-client privilege, § 12:11 Self-defense, intimate partner batmarital privilege, § 12:11 tering syndrome, § 12:8 parent-child privilege, § 12:11 Sensitive voir dire, § 12:6, § 14:3 physician-patient privilege, Setting trial to avoid calendar § 12:11 conflicts of prosecutor, § 12:4 sexual assault victim-counselor Settlement negotiation, § 12:1 privilege, § 12:11, § 12:13 Sex crime questionnaire, use in Procedures, generally, § 12:14 jury selection, App. 12A Propensity of acts, admissibility of Sexual assault victim-counselor character evidence under Eviprivilege, § 12:11, § 12:13 dence Code § 1108, § 12:5, Sexual battery, jury instructions, § 12:9 § 12:19 Protocol for examination of sexual Sexual profiling, expert opinion on assault victims, § 12:13 sexual proclivities of Psychological evaluations, § 12:1 defendant, § 12:9 Psychotherapist-patient privilege, Sexually violent predators (SVP), § 12:11 Welfare and Institutions Code Qualifications of expert, § 12:7 §§ 6603 and 6604, generally, Ouestionnaires, jury selection, § 14:3 § 12:6, App. 12A, App. 14C **Sexually Violent Predators** (SVP) (this index) Rape Size of jury pool, § 12:6, § 14:3 defendant's belief as to consent, § 12:8 Sodomy, jury instructions, § 12:19 jury instructions, § 12:19 Spectators, removal, § 12:5 Spontaneous declaration, Evilack of genital trauma, § 12:8 dence Code § 1240, § 12:10 trauma syndrome, § 12:8 Standards for evidence collection, Registration examination of sexual assault avoiding requirement, § 12:1 victims, § 12:13 lifetime registration, § 12:2 State of mind or physical condi-Relevancy tion, statements as to, § 12:10 Strategy, discovery, § 5:1 child sexual abuse accommodation syndrome, § 12:8 Subsequent acts, admissibility of intimate partner battering character evidence under Evisyndrome, § 12:8 dence Code § 1108, § 12:9 Syndrome evidence Remoteness in time, admissibility

generally, § 12:8

of character evidence under

TRIAL—Cont'd

Syndrome evidence—Cont'd child sexual abuse accommodation syndrome, § 12:8 intimate partner battering

syndrome, § 12:8

myths about sexual assault, **App. 12B**

rape trauma syndrome, § 12:8

Unavailable witness diligence to secure, § 12:14

exceptions to hearsay rule,

§ 12:10

Uncharged misconduct, admissibility of character evidence, Evidence Code §§ 352, 1101 and 1108, § 12:9

Undue consumption of time, admissibility of character evidence under Evidence Code § 1108, § 12:9

Undue prejudice, admissibility of character evidence under Evidence Code § 1108, § 12:9

Unlawful sexual intercourse, jury instructions, § 12:19

Venue, 12:3.50

Voir dire. **Jury Selection** (this index)

Written questionnaires, jury selection, § 12:6, App. 12A, App. 14C

TRIGGERING EVENT

Warrants, cold hit, § 2:3

TRUTH

Child witness, understanding, § 8:3

TWO STRIKES LAW

Sentencing, § 13:16, § 13:17

UNAVAILABLE WITNESS

Diligence to secure, § 12:14 Hearsay rule exceptions, § 12:10

UNCHARGED MISCONDUCT

Admissibility of character evidence, Evidence Code §§ 352, 1101 and 1108, § 12:9

UNDUE CONSUMPTION OF TIME

Admissibility of character evidence under Evidence Code § 1108, § 12:9

UNDUE PREJUDICE

Admissibility of character evidence under Evidence Code § 1108, § 12:9

UNILATERAL TESTING

DNA profile evidence, § 11:11

UNLAWFUL SEXUAL INTERCOURSE

Jury instructions, § 12:19

UNREPRESENTED DEFENDANT

Protection of victim, disclosure to, § 7:2

UNUSUAL CIRCUMSTANCES

Arraignment, § 3:7

USE RESTRICTIONS

DNA profile evidence, § 11:8

VENUE

Generally, 12:3.50

VERDICT, INABILITY TO REACH

Instruction to jury, App. 12C

VICTIM RESTITUTION

Sentencing, § 13:7, § 13:8

VICTIM'S OPPORTUNITY FOR EXPRESSION

Sentencing, § 13:3

VICTIM'S TESTIMONY

Preliminary hearings, § 10:7

VICTIM-WITNESS ASSISTANCE FUND

Sentencing, § 13:9

VIDEOTAPING PROCEEDINGS

Developmentally disabled or minor victim, § 10:4

Protection of victim, § 7:3

Spousal rape hearing testimony, § 10:5

VIOLENT FELONY

Arraignment, § 3:7

VISIT TO COURTROOM PRIOR TO PROCEEDINGS

Child witness, § 8:1

VISUAL ONLY COVERAGE

Media relations, § 4:2

VOCABULARY

Child witness, § 8:2

VOIR DIRE

Jury Selection (this index)

VULNERABILITY

Child witness, § 8:2

WAITING ROOM

Child witnesses, § 8:1

WAIVER

Management of sex cases, sample Faretta waiver of right to counsel, **App. 1A**

Statutes of limitation, § 6:2

WARRANTS

Generally, § 2:1 to 2:4

Acknowledging triggering event of cold hit, § 2:3

Address as confidential personal information, § 2:1

Arrest report, protection of confidential personal information. § 2:1

Arrest warrants, generally, § 2:1 to 2:4

California Identification Card number as confidential personal information, § 2:1

Computers of defendants, § 2:4

Conclusively establishing identity of perpetrator, § 2:3

Confidential personal information, victim or witness, § 2:1

Date of birth as confidential personal information, § 2:1

Declaration in support of warrant, § 2:2

Description or identification confidential personal information, § 2:1

WARRANTS—Cont'd

Description or identification
—Cont'd

DNA database, § 2:3

driver's license number as confidential personal information, § 2:1

employee identification number as confidential personal information. § 2:1

perpetrator's identity, § 2:3 protection of identity of victim,

§ 2:1

victim's identity, § 2:1

Disclosure of name of victim, § 2:1

Discovery, business records containing child pornography, § 5:2

DNA profile evidence, § 2:3, § 6:2, § 11:9

Driver's license number as confidential personal information, § 2:1

Employee identification number as confidential personal information, § 2:1

Evidence

conclusively establishing identity of perpetrator, § 2:3

statute of limitations for DNA evidence, § 2:3, § 6:2

First name and initial of last name, identification of victim, § 2:1

Guardian's request for nondisclosure of name of victim, § 2:1

Identity of perpetrator, § 2:3 Identity of victim, § 2:1

Investigative report, protection of confidential personal information, § 2:1

John or Jane Doe (this index)

Minors

identification of victim, § 2:1 sealing declaration in support of warrant, § 2:2

Mother's maiden name as confidential personal information, § 2:1

INDEX

WARRANTS-Cont'd

Parents' request for nondisclosure of name of victim, § 2:1

Penal Code

§ 293, § 2:1

§ 803, **§ 2:3**

Place of employment as confidential personal information, § 2:1

Police report, protection of confidential personal information, § 2:1

Protection of identity of victim, § 2:1

Rarity of DNA profile, § 2:3

Sealing declaration, § 2:2

Search warrants, generally, § 2:1 to 2:4

Social Security Number as confidential personal information, § 2:1

Statutes of limitation, § 2:3, § 6:2 Telephone number as confidential personal information, § 2:1

Triggering event of cold hit, § 2:3

WEB SITE RESOURCES

DNA profile evidence, § 11:15

WELFARE AND INSTITUTIONS CODE § 827

Discovery, § 5:1

WELFARE AND INSTITUTIONS CODE § 6601(I)

Sexually violent predators (SVP), filing of petition for commitment, § 14:3

WELFARE AND INSTITUTIONS CODE § 6603 AND 6604

Sexually violent predators (SVP), jury trial, § 14:3

"WH" QUESTIONS

Child witness, § 8:2

WITNESS EXCLUSION ORDER

Protection of victim, § 7:3

WORKING WITH MEDIA

Media relations, § 4:2

WRITTEN REQUEST

Media coverage, § 4:1

YES/NO QUESTIONS

Child witness, § 8:2

Y-STR TESTING

DNA profile evidence, § 11:5