

Index

- ABANDONED PROPERTY,
SEIZURE OF
 - Generally, **79:23**
- ABBREVIATIONS AND
ACRONYMS
 - Judicial notice, **54:19**
- ABDUCTION OF CHILD
 - Burden of proof, **29:22**
- ABSENCE OR PRESENCE
 - Continuance, this index
 - Employment, right to time off
for jury duty, **21:6**
- ABSENTIA
 - Trial of accused, **13:4**
- ABUSED PERSON SYNDROME
 - Expert testimony, **64:43**
- ACCEPTANCE
 - Juror's acceptance of favor,
25:4
- ACCIDENT OR MISFORTUNE
 - Burden of proving knowingly
leaving scene of accident,
30:18
 - Defenses, **14:25**
 - Leaving scene of accident
knowingly, burden of prov-
ing, **30:18**
 - Other offenses by defendant
negating, **39:9**
- ACCOMPLICE
 - Burden of proof, testimony of
accomplice, **28:6**
 - Competency to testify, **37:16,**
37:17
 - Cross-examination, **47:19**
 - Instruction on competency to
testify, **37:17**
 - Witness, instructing on, **91:43**
- ACCOUNTABILITY
 - Burden of proving, **28:12**
- ACCOUNTANT
 - Privileged communications to
public accountant, **52:15**
- ACCUSED
 - Admissibility of out-of-court
identification, **31:18**
 - Admissibility of prior
identification, **31:19**
 - Artist's sketch as hearsay, **31:20**
 - Bloodhound evidence as to
identity, **31:17**
 - Burden of proving identity, **31:4**
 - Comments about, **90:3**
 - Connecting tangible articles to,
57:7
 - Counsel's presence at
identification, **31:7, 31:8**
 - Cross-examination, generally,
47:18
 - Doubtful or inconsistent
identification, **31:6**
 - Fingerprint identification, **31:15**
 - Footprints and tracks,
identification of accused,
31:16
 - Hearsay, artist's sketch or com-
posite picture as, **31:20**
 - Identity
 - admissibility of out-of-court
identification, **31:18**
 - artist's sketch as hearsay,
31:20
 - bloodhound evidence, **31:17**
 - burden of proving, **31:4**
 - composite picture as hearsay,
31:20

- counsel's presence at identification, **31:7**
- expert testimony using new scientific techniques, **64:26**
- fingerprints, **31:15**
- footprints and tracks, **31:16**
- hearsay, **31:20**
- impeachment of witness, effect of name variance, **50:6**
- in-court identification based on improper out-of-court identification, **31:13**
- instruction, **31:21**
- judicially compelled identification procedures, **31:2**
- lineup, **31:9, 31:11**
- method of identification, propriety, **31:5**
- motion to suppress testimony, **31:3**
- other offenses by defendant establishing identity, **39:11**
- photo spread procedure, **31:9**
- prior identification, substantive admissibility, **31:19**
- problems, generally, **31:1**
- proving identity, **31:1 to 31:21**
- showup, **31:12**
- vague, doubtful or inconsistent identification, **31:6**
- voice, identification by, **31:14**
- waiver of counsel's presence at identification, **31:8**
- Inconsistent identification, **31:6**
- In-court identification based on improper out-of-court identification, **31:13**
- Instruction on identity, **31:21**
- Judicially compelled identification procedures, **31:2**
- Motion to suppress identification testimony, **31:3**
- Prior identification, substantive admissibility, **31:19**
- Problems regarding identity, generally, **31:1**
- Propriety of method of identification, generally, **31:5**
- State of mind, **38:20**
- Suppression of identification testimony, motion, **31:3**
- Vague, doubtful or inconsistent identification, **31:6**
- Voice, identification by, **31:14**
- Waiver of counsel's presence at identification, **31:8**
- ACTING KNOWINGLY
 - Instructions, **91:38**
- ADDICT
 - Burden of proof, testimony of drug addict, **28:7**
 - Competency to testify, **37:13**
 - Impeachment of witness, testimony by addict, **48:20, 48:21**
- ADDICTION
 - Expert testimony as to narcotics addiction, **64:20**
- ADDRESS
 - Cross-examination, address of witness, **47:9**
 - Prospective jurors, **21:4**
- ADMISSIBILITY
 - Generally, **38:1 to 38:35, 42:1 to 42:8**
 - Accused's state of mind, **38:20**
 - Age, evidence of, **38:17**
 - Alcohol evidence on issue of impairment, **38:33**
 - Battered child syndrome testimony, **38:23**
 - Battered-woman syndrome testimony, **38:21**
 - Best Evidence Rule, this index

INDEX

- Bias or prejudice
 - exclusion of relevant evidence because of unfair prejudice, **38:25**
 - prejudice in jurors, evidence that may cause, **38:24**
- Birth, evidence of, **38:17**
- Breath test, defendant's refusal, **38:30**
- Circumstantial evidence, generally, **43:1**
- Collateral issues, evidence of, **38:10**
- Competency of evidence, **38:3**
- Conditional admission of evidence, **42:3**
- Conditional relevance of evidence, **42:4**
- Conditions after event, relevancy, **38:6**
- Confessions by codefendants that inculcate accused, **38:27**
- Curative admissibility, **38:12**
- Death and related facts, evidence regarding, **38:16**
- Domestic abuse victim, hearsay statement of, **70:27**
- Dying declaration, **70:31**
- Events surrounding crime, relevancy, **38:19**
- Evidence, admissibility, generally, **38:1 to 38:35, 42:1 to 42:8**
- Exclusion of relevant evidence because of unfair prejudice, **38:25**
- Expert Testimony, this index
- Fact, relevancy conditioned on, **38:7**
- Foundation, **38:2**
- Hearsay, this index
- Horizontal gaze nystagmus (HGN) tests, expert testimony, **64:42**
- Hypnotic evidence, **38:14**
- Impeachment of witness, judicial discretion in admission of prior conviction, **50:11**
- Inadmissible evidence admitted to rebut previously admitted improper evidence, **38:12**
- Insanity, evidence of, **17:7**
- Instructing on limited use of evidence, **42:6**
- Judicial notice, evidence to rebut, **54:7**
- Limited use of admitted evidence, **42:5**
- Limited use of evidence, **42:6**
- Marriage, evidence of, **38:18**
- Materiality of evidence, **38:4**
- Motion pictures, **58:7**
- Negative evidence, **38:8**
- Nonjury trial, admissibility of evidence, **8:3**
- Opinion evidence, generally, **62:3**
- Photographs, **58:1**
- Posttraumatic stress syndrome, **38:22**
- Prejudice in jurors, evidence that may cause, **38:24**
- Presumed fact, evidence to rebut, **55:11**
- Proof of person's habit, custom, usual practice, etc., **38:29**
- Rape shield evidence, **38:34**
- Real and Demonstrative Evidence, this index
- Rebuttal
 - introducing evidence during, **42:7**
 - previously admitted improper evidence, rebuttal by admission of inadmissible evidence, **38:12**
- Recorded conversation, **58:11**

- Relevancy
 - conditional relevance of evidence, **42:4**
 - conditioned on fact, **38:7**
 - conditions after event, **38:6**
 - events surrounding crime, **38:19**
 - evidence, generally, **38:5**
- Restricting use of admitted evidence, **42:5, 42:6**
- Right to be informed that witness was hypnotized, **38:15**
- Ruling on admissibility of evidence, **42:2**
- Self-serving declarations, **38:13**
- Sex offenses, propensity to commit, **38:32**
- State of mind of accused, **38:20**
- Statistical evidence show probability of guilt, **38:26**
- Stipulated or admitted fact, evidence as to, **38:9**
- Syndrome testimony
 - battered child syndrome, **38:23**
 - battered-woman syndrome, **38:21**
 - posttraumatic stress, **38:22**
- Transcript of interview, **38:35**
- Unfair surprise caused by evidence, **38:11**
- Video recordings, **58:7, 58:8**
- Videotapes, **58:7, 58:8**
- Waiver of objection to inadmissible evidence, **38:28**
- Weapons, **57:4**
- Withdrawal of evidence, **42:8**
- Writing, refreshing and recalling witness recollection, **45:6**
- X-ray photographs, **58:9**
- ADMISSION OR EXCLUSION
 - Parties, family members, **2:16**
- Public trial
 - exclusion of public, **2:24**
 - media representatives, **2:26**
- ADMISSIONS
 - Confessions and Admissions, this index
- ADVOCATE-WITNESS RULE
 - Recusal of prosecutor, **19:16**
- AFFIDAVITS
 - Hearsay evidence, **69:13**
- AFFIRMATIVE DEFENSES
 - Generally, **14:2**
 - Burden of proof, **28:9**
 - Insanity, special verdict required, **17:9**
- AGE
 - Admissibility of evidence, **38:17**
 - Burden of proof, **29:12**
 - Juror challenges, systematic exclusion due to youth, **23:7**
 - Nonexpert opinion as to age of person, **63:12**
- AGGRAVATED BATTERY
 - Burden of proof, **30:45**
- AGGRAVATED DUI
 - Burden of proof, **30:36**
- AGGRAVATED KIDNAPPING
 - Burden of proof, **30:28**
- AGGRAVATED SEXUAL ABUSE
 - Burden of proof, **30:26**
- AID OR ASSISTANCE
 - Burden of proving aid to fugitive, **30:2**
 - Fugitive, aiding, burden of proof, **30:2**
- ALCOHOL
 - Expert testimony on blood and urine tests, **64:40**
 - Expert testimony on blood tests, **64:40**
- ALIAS
 - Accused right to use, **11:22**

INDEX

- Impeachment of witness for use, **48:19**
- ALIBI
 - Burden of proving, **15:4**
 - Cross-examination of defendant about alibi, **15:6**
 - Defense, generally, **15:1**
 - Failure to disclose alibi defense, **15:3**
 - Impeachment of alibi witness, **15:5**
 - Instructing on alibi, **15:7**
 - Notice, **15:2**
 - Other offenses by defendant disproving, **39:19**
 - Penalty for failure to disclose alibi defense, **15:3**
- ALTERNATE JUROR
 - Replacing juror with, **25:6**
 - Selection, **22:11**
- AMBASSADORS AND CONSULS
 - Diplomatic immunity, **34:6**
- AMENDMENTS
 - Pretrial procedures, amending the indictment or information, **1:4**
- AMENDMENTS TO PLEADINGS
 - Continuance, **7:14**
- AMOUNT AND EXTENT
 - Province of court and jury, **10:11**
- ANCIENT DOCUMENTS
 - Documentary evidence, authentication, **60:26**
- ANNUITY AND MORTALITY TABLES
 - Documentary evidence, authentication, **60:24**
- ANSWER
 - Cross-examination, embarrassing or degrading witness, **47:13**
- Direct examination of witness, requirements of answer, **44:8**
- Hypothetical question, **68:4, 68:5**
- APPEALS
 - Double jeopardy, retrial after reversal on appeal, **18:9**
 - Impeachment of witness, effect on, **50:8**
 - Mistakes in court, interlocutory appeals by state, **2:43**
 - Standards of review applied by appellate courts, **93:15**
 - Sufficiency of record on, post-trial proceedings, **94:5**
- APPEARANCE
 - Failure of witness to appear, **34:7**
 - Juror's failure to appear, **25:2**
 - Rights of accused, physical appearance, **11:21**
- APPLICATIONS
 - Continuance, **7:2**
- APPOINTMENT
 - Court-appointed experts, **64:4**
 - Psychiatrist or clinical psychologist, **17:3**
- APPRENDI, APPLICABILITY OF
 - Generally, **9:8**
 - Instruction, **91:53**
- APPROVAL OR CONSENT
 - Burden of proving consent, **29:19**
 - Defenses, **14:10, 14:11, 14:28**
- ARMED HABITUAL CRIMINAL
 - Burden of proof, **30:44**
- ARMED VIOLENCE
 - Burden of proof, **30:47**
- ARRAIGNMENT
 - Pretrial procedures, **1:7**
- ARREST
 - Attorney's privilege from, **4:19**

- Non-governmental employees,
right to arrest, **80:12**
- Other offenses by defendant
showing circumstances of
arrest, **39:22**
- Pretrial procedures, arrest of
accused, **1:5**
- Private citizen, right to arrest,
80:15
- Railroad agent, right to arrest,
80:12
- ARSON
 - Burden of proof, **30:33**
 - Circumstantial evidence, **43:6**
- ARTIST'S SKETCH OF
OFFENDER
 - Hearsay, **31:20**
- ASSAULT
 - Judge, witness or juror, assault-
ing in courtroom, **2:38**
 - Other offenses by defendant,
evidence of, **39:30**
 - Sex Offenses, this index
- ATTEMPT
 - Burden of proof, **30:21**
 - Burden of proving, **28:11**
- ATTENDANCE
 - Defendant's presence required
at trial, **34:5**
 - Witnesses, compelling atten-
dance, **34:1**
- ATTORNEY
 - Accused's identification, pres-
ence of counsel, **31:7**
 - Admission of guilt to attorney,
4:22
 - Admission to practice law as
requisite, **4:2**
 - Arrest, privilege from, **4:19**
 - Arrest during trial, **2:20**
 - Assistance of counsel by judge,
3:19
 - Attorney general, authority to
appoint assistants to prose-
cute defendants, **4:3**
 - Binding of client, **4:16**
 - Challenging juror for relation-
ship with attorney, **24:19**
 - Checklists
 - discipline, additional
grounds, **4:14**
 - rules of conduct in court,
suggested additional,
4:9
 - Client records, duty to refrain
from using, **4:27**
 - Communications with jurors,
4:20
 - Compensation of court-ap-
pointed attorney, **4:21**
 - Conduct of trial, generally, **2:13**
to **2:18**
 - Confidentiality, attorney's duty
to clients, **4:27**
 - Conflict of interest, **12:5**
 - Consultation of party with
attorney, right of judge to
bar, **3:21**
 - Contempt by attorney, **4:10**,
4:11
 - Continuance
 - denial as denial of right to
counsel, **7:5**
 - General Assembly, attorney
at, **7:17**
 - Counsel table, persons at, **2:15**
 - Court-appointed attorney,
compensation, **4:21**
 - Direct examination of witness,
improper conduct by
counsel, **44:13**
 - Discipline
 - checklist of additional
grounds for disciplining
attorney, **4:14**
 - improper conduct, **4:13**
 - Effective assistance, **12:4**
 - Fairness to opposing party and
counsel, **4:6**
 - General conduct, **4:1**

INDEX

- Guilt admission to counsel, procedure following, **4:22**
- Improper conduct, discipline, **4:13**
- Inadmissible evidence, attorney's "opening the door," **4:25**
- Indirect contempt, **4:11**
- Invited error doctrine, **4:24**
- Judge, conduct toward, **4:7**
- Judge's conduct toward, **3:18**
- Jurors
 - communications with, **4:20**
 - conduct toward, **4:7**
- Jury selection, attorney's right to ask questions, **22:4**
- Libel and slander, liability of attorney, **4:18**
- Loyalty, **12:5**
- Malpractice in criminal cases, **4:23**
- "No contact" rule, **2:18**
- Pending cases, statements about, **4:8, 4:26**
- Presence, **12:6**
- Professional misconduct, duty to report, **4:28**
- Right of accused to conflict-free counsel, **11:31**
- Right of accused to contact, **11:4**
- Rights of accused, prosecutor discouraging witnesses from testifying, **11:32**
- Right to counsel, **12:1, 12:2**
- Rules of conduct
 - checklist of additional suggested rules of conduct in court, **4:9**
 - rules of professional conduct, **4:4, 4:8**
- Standby, **12:9, 12:10**
- Substitution, **7:13**
- Suppressing illegally obtained confession, absence of counsel during, **75:9**
- Trial strategy, **4:15**
- Tribunal, conduct before, **4:5**
- Vigorous defense of client as right of attorney, **4:12**
- Waiver, **12:7, 12:8**
- When right to counsel attaches, **12:3**
- Witness, attorney as, **4:17**
- ATTORNEY-CLIENT PRIVILEGE
 - Generally, **53:1 to 53:10**
 - Claiming privilege, **53:7**
 - Confidential nature of communication to counsel, **53:3**
 - Corporate officers and employees, **53:6**
 - Crime or fraud, communications in furtherance of, **53:5**
 - Disclosure of client's name or fee arrangement, **53:4**
 - Dispute between attorney and client, **53:10**
 - Existence of attorney-client relationship, **53:2**
 - Termination of privilege, **53:9**
 - Waiving privilege, **53:8**
- ATTORNEY GENERAL
 - Authority to appoint assistants to prosecute defendants, **4:3**
- AUDIOTAPES
 - Illegally obtained evidence, admissibility, **73:8**
- AUDIO-VISUAL COMMUNICATION
 - Two-way, appearance by defendant, **2:34**
- AUTHENTICATION
 - Documentary Evidence, this index
- AUTOMOBILES
 - Burden of proof of possession of stolen motor vehicle, **30:9, 30:20**

- Consent to search, **84:3**
- Driving under influence, road-block stops for, **84:8**
- Drug dog, search based on, **84:10**
- Inventory search, **84:4**
- Mobile home, search without warrant, **84:5**
- Search of vehicle or occupants without warrant, **84:2**
- Stop and check, systematic, **84:7**
- Stopping vehicle, **84:1**
- Time lapse, search after, **84:11**
- Traffic violation, search incidental to, **84:6**
- Warrantless search of contents, **84:9**
- AWARDS AND OTHER RECOGNITIONS
 - Hearsay evidence, **69:14**
- BALLISTICS
 - Expert testimony, **64:29**
- BATTERED-WOMAN SYNDROME
 - Admissibility of testimony, **38:21**
- BATTERY
 - Aggravated, burden of proof, **30:45**
 - Domestic, burden of proof, **30:46**
- BAYES THEOREM
 - Expert testimony, probability percentage, **64:52**
- BEHAVIOR
 - Judicial notice, **54:20**
- BELIEFS AND OPINIONS
 - Challenging juror for preconceived opinion, **24:9**
 - Direct examination of witness, **44:11**
- BENCH TRIAL
 - Pretrial procedures, **1:8**
- BENEFIT
 - Burden of proving, **29:27**
- BEST EVIDENCE RULE
 - Generally, **61:1 to 61:13**
 - Admissibility
 - computer graphics, **61:8**
 - computer printouts, **61:7**
 - Bulky records, secondary evidence of, **61:6**
 - Computer graphics, admissibility, **61:8**
 - Computer printouts, admissibility, **61:7**
 - Copies as primary or secondary evidence, **61:11**
 - Loss of primary evidence, proof, **61:9**
 - Nature of secondary evidence to be used, **61:12**
 - Opponent's control of primary evidence, **61:5**
 - Oral evidence used to establish contents of document, **61:13**
 - Proof of loss of primary evidence, **61:9**
 - Public records, secondary evidence, **61:10**
 - Secondary evidence, use of, **61:4**
 - Situations calling for rule, **61:2**
 - Situations not calling for rule, **61:3**
- BIAS OR PREJUDICE
 - Admissibility of evidence that may cause prejudice in jurors, **38:24**
 - Challenging juror for cause, **24:10, 24:14 to 24:17**
 - Closing arguments, appeal to prejudice, **89:28**
 - Continuance, **7:15**
 - Exclusion of relevant evidence because of unfair prejudice, **38:25**

INDEX

- Impeachment, showing bias of witness, **48:12**
- Photographs invoking prejudice, **58:6**
- BIBLE
 - Documentary evidence, authentication of family bible, **60:23**
- BILL OF PARTICULARS
 - Accused's right to, **11:16**
 - Pretrial procedures, **1:6**
- BIRTH
 - Admissibility of evidence, **38:17**
- BLACKBOARDS
 - Real and demonstrative evidence, **57:9**
- BLOODHOUNDS
 - Identification of accused, **31:17**
- BLOOD SAMPLE
 - Expert testimony on electrophoresis and probability of finding characteristics in blood samples, **64:35**
 - Privilege against self-incrimination, compelling accused to give sample, **46:13**
- BLOOD SPLATTERS
 - Expert testimony, **64:32**
- BLOOD STAINS
 - Expert testimony, **64:31**
 - Nonexpert opinion evidence, **63:13**
- BLOOD TESTS
 - Expert testimony, **64:34, 64:40**
- BODY LANGUAGE
 - Nonexpert opinion evidence, **63:15**
- BOOKS AND DOCUMENTS
 - Privilege against self-incrimination, **46:16**
- BRADY RULE
 - Prosecutor's duty to disclose evidence favorable to accused, **19:9**
- BREATH TEST
 - Admissibility of evidence of defendant's refusal, **38:30**
 - Expert testimony, admissibility for intoxication, **64:39**
 - Intoxication, **64:40**
- BRIBERY
 - Judge, **2:39**
 - Juror, **25:5**
 - Witness, **2:39**
- BROADCASTING
 - Public trial, **2:29**
- BURDEN OF PROOF
 - Generally, **28:1 to 28:13**
 - Accomplice testimony, **28:6**
 - Accountability, **28:12**
 - Addict, testimony of, **28:7**
 - Affirmative defense, **28:9**
 - Age, **29:12**
 - Aggravated, unlawful possession of weapon, **30:24**
 - Aggravated battery, **30:45**
 - Aggravated DUI, **30:36**
 - Aggravated kidnapping, **30:28**
 - Aggravated sexual abuse, **30:26**
 - Aiding fugitive, **30:2**
 - Alibi defense, **15:4**
 - Armed habitual criminal, **30:44**
 - Armed violence, **30:47**
 - Arson, **30:33**
 - Attempt, **30:21**
 - Attempt, burden of proving, **28:11**
 - Authority, without, **29:41**
 - Battery, domestic, **30:46**
 - Benefit or use, **29:27**
 - Burglary, **29:24, 30:37**
 - Calculated criminal drug conspiracy, **30:12**
 - Child abduction, **29:22**
 - Child pornography, **30:49**

- Church, unlawful delivery of controlled substance within 500 ft, **30:5**
- Circumstantial evidence, **28:3**
- Circumstantial evidence, burden on prosecution, **43:2**
- Concealing fugitive, **30:2**
- Confession, proof based on, **28:2**
- Consent, **29:19**
- Controlled substances
 - church, unlawful delivery within 500 ft, **30:5**
 - intent to deliver, **30:4**
 - possession, **30:3**
 - school, unlawful delivery within 500 ft, **30:6**
- Corporate existence, **29:20**
- Corpus delicti, **29:3**
- Criminal cases, generally, **28:1 to 28:13**
- Cyberstalking, **30:43**
- Damage to property, amount, **29:17**
- Dangerous weapon, **29:37**
- Date of offense, **29:4**
- Dating relationship, **29:28**
- Deadly weapon, **29:36**
- Deception or intent to defraud, **29:6**
- Deceptive practices, **30:14**
- Defendant's burden, **28:10**
- Defraud, intent to, **29:6**
- Disorderly conduct, **30:50**
- Domestic battery, **30:46**
- Domestic violence acts, **30:35**
- Driving under the influence, **30:13**
- Drug addict testimony, **28:7**
- Drug conspiracy, **29:23**
- Drugs, weight of, **29:21**
- Elderly person, financial exploitation, **30:19**
- Escape, **30:27**
- Felon's possession of firearm, **30:16**
- Financial identity theft, **29:26**
- Fingerprint evidence as basis for conviction, **28:4**
- Firearm, reckless or aggravated discharge, **30:29**
- Forgery, **30:40, 30:48**
- Fugitive, concealing or aiding, **30:2**
- Great bodily harm, **29:33**
- Home invasion, **30:23**
- Identity of accused, **31:4**
- Injury, **29:32**
- Insanity, **17:4**
- Instruction, **91:35**
- Insulting or provoking nature, **29:29**
- Intent, **29:5, 29:6, 30:4**
- Intoxication, **29:18**
- Justifiable use of force, **29:9**
- Kidnapping, **30:1**
- Kidnapping, aggravated, **30:28**
- Knife blade length, **29:13**
- Knowledge, **29:5**
- Leaving scene of accident knowingly, **30:18**
- Length of knife blade, **29:13**
- Limitation period, **29:2**
- Mob action, **30:42**
- Motive, **29:10, 29:11**
- Negative proposition, charge based on, **28:8**
- Obscenity, **29:31**
- Obstructing justice, **30:8**
- Official misconduct, **30:32**
- Order of protection, violation, **30:39**
- Other crimes, **30:30**
- Ownership, **29:7**
- Perjury, **30:31**
- Position of authority, **29:42**
- Possession
 - generally, **29:8**

INDEX

- constructive possession of weapon, **30:34**
- controlled substance, **30:3**
- felon's possession of firearm, **30:16**
- stolen motor vehicle, **30:9, 30:20**
- Possession of firearm by street gang member, **30:17**
- Privilege against self-incrimination, voluntariness of incriminating statement, **46:20**
- Privileged communication and information, **52:4**
- Protection order, violation, **30:39**
- Public official, threatening, **30:41**
- Public place
 - accommodation, **29:40**
 - amusement, **29:40**
- Public property, **29:38**
- Public way, **29:39**
- Rape cases, **29:14**
- Residential burglary, **29:24, 30:38**
- Resisting a peace officer, **29:25**
- Robbery, **30:10**
- School
 - sex offenders of children within 500 ft, **30:7**
 - unlawful delivery of controlled substance within 500 ft, **30:6**
- Self-defense, **29:9**
- Sex offenses
 - generally, **29:15, 30:25**
 - school, sex offenders of children within 500 ft, **30:7**
- Single witness testimony, **28:5**
- Stalking, **30:43**
- Statute of limitations, **29:2**
- Statutory exception, **28:13**
- Stolen motor vehicle, possession, **30:9, 30:20**
- Stolen property, value, **29:16**
- Strangulation, **29:34**
- Sufficiency of evidence to support conviction of other crimes, **30:30**
- Suppressing illegally obtained confession, **75:7**
- Theft, **30:11**
- Trespass to property, **30:22**
- Unique threat, **29:35**
- Use or benefit, **29:27**
- Value of stolen property, **29:16**
- Vehicular invasion, **30:51**
- Venue, **29:1**
- Weapon
 - aggravated, unlawful possession of, **30:24**
 - constructive possession of weapon, **30:34**
 - offenses, **29:30**
 - Without authority, **29:41**
- BURGLAR TOOLS
 - Circumstantial evidence, **43:6**
- BURGLARY
 - Burden of proof, **29:24, 30:37, 30:38**
 - Burden of proof of residential burglary, **29:24**
 - Residential burglary, burden of proof, **29:24, 30:38**
- BUSINESS CUSTOMS AND PRACTICES
 - Expert testimony, **64:21**
 - Judicial notice, **54:22**
- BUSINESS ENTRIES, RECORDS AND REPORTS
 - Generally, **72:1 to 72:5**
 - Absence of entry, admissibility, **72:5**
 - Admission requirements, **72:2**
 - Authenticity of business records, **72:3**

- Copies of business records, **72:4**
- Microfilms of business records, **72:4**
- Use of, generally, **72:1**
- BUSINESS OR PROFESSION**
 - Challenging juror with business or professional relationship with party, **24:12**
- BYSTANDERS**
 - Conduct of trial, **2:35**
- CAUTIONARY INSTRUCTIONS**
 - Generally, **91:13**
- CELL PHONES**
 - Privilege against self-incrimination, **46:24**
- CHALLENGING JURORS**
 - Generally, **23:1 to 23:7**
- CHANGE OF VENUE**
 - Publicity causing, **5:4**
- CHARACTER AND REPUTATION**
 - Accused's character, reputation evidence, **85:2**
 - Assault victim, **85:9**
 - Complaining witness, **85:8**
 - Consideration of character traits of accused, **85:3**
 - Cross-examining character witness, **85:12**
 - Evidence, generally, **85:1 to 85:12**
 - Gang membership, proof, **85:7**
 - Homicide victim, **85:9**
 - Instruction regarding character of accused, **85:6**
 - Method of proving character, **85:5**
 - Other witnesses, **85:11**
 - Prior sexual activity or reputation of victim of sexual offense, **85:10**
 - Province of court and jury, **10:12**
 - Qualifications of witness to accused's character, **85:4**
 - Sexual offense victim, prior sexual activity or reputation, **85:10**
 - Victim of assault or homicide, **85:9**
- CHARACTER OF THINGS**
 - Province of court and jury, **10:10**
- CHARTS**
 - Medical testimony, **65:10**
- CHECKLISTS**
 - Challenging jurors
 - racially neutral traits, **23:5**
 - statutory grounds for challenge for cause, **24:2**
 - Impeachment of witness, matters not to use, **48:23**
 - Instruction preparation, suggestions, **91:4**
 - Judicial notice
 - facts not judicially noticed, **54:26**
 - other facts judicially noticed, **54:25**
 - Leading questions during direct examination of witness, permitted situations, **44:6**
 - Miranda warnings not required, **76:11**
 - Witness to be held unavailable, use of testimony from former trial or proceeding, **71:6**
- CHILD ABDUCTION**
 - Burden of proof, **29:22**
- CHILD PORNOGRAPHY**
 - Burden of proof, **30:49**
- CHILDREN**
 - Admissibility of battered child syndrome testimony, **38:23**
 - Battered child syndrome testimony, admissibility, **38:23**

INDEX

- Competency of child to testify, **37:5**
- Confrontation of witnesses, use of closed-circuit television, **36:10**
- Consent to warrantless search, **83:7**
- Defenses, parental discipline, reasonable, **14:34**
- Rights of minor defendant, **11:25**
- Sex offenders, burden of proving child sex offender within 500 ft of school, **30:7**
- CHURCH
 - Burden of proof of unlawful delivery of controlled substance within 500 ft, **30:5**
- CHURCH RECORDS
 - Documentary evidence, authentication, **60:22**
- CIRCUMSTANTIAL EVIDENCE
 - Admission, generally, **43:1**
 - Arson, **43:6**
 - Burden of proof, **28:3, 43:2**
 - Burglar tools, **43:6**
 - Challenging juror based on bias, **24:15**
 - Criminal intent, **43:3**
 - Driving while impaired, **43:6**
 - Gambling, **43:6**
 - Instructing in criminal cases, **43:7**
 - Intent, **43:3**
 - Motive, **43:5**
 - Narcotics, knowledge and possession, **43:6**
 - Other matters provable, **43:6**
 - Prosecution, burden when evidence entirely circumstantial, **43:2**
 - Sudden wealth following crime, **43:4**
 - Venue, **43:6**
 - Wealth following crime, **43:4**
- CIVIL CONTEMPT
 - Generally, **20:2**
- CLARIFICATION
 - Other offenses by defendant, evidence of, **39:27, 39:28**
- CLASS PREJUDICES
 - Challenging juror based on prejudices and beliefs, **24:17**
- CLERGY
 - Privileged communications to, **52:16**
- CLOSED-CIRCUIT TELEVISION
 - Appearance by defendant, **2:34**
 - Confrontation of witnesses, use for child's testimony, **36:10**
 - Testimony on, **34:32**
- CLOSING ARGUMENTS
 - Addressing jurors by name, **89:26**
 - Appeals to sympathy, prejudice or passion, **89:28**
 - Arguing new matter or points, **89:16**
 - Burden of proof of defendant, misstating, **90:9**
 - Charts, blackboards, etc., use, **89:25**
 - Comments on
 - accused, **90:3**
 - court's instruction, **89:17**
 - defense witnesses, **90:13**
 - evils of crime, **90:2**
 - failure of accused to testify, **90:4**
 - failure to call alibi witness, **90:7**
 - failure to call witness, **89:34**
 - failure to produce evidence, **89:35**
 - failure to produce witnesses, **90:6**

- opposing counsel, **89:32**
- opposing party, **89:31**
- opposing witnesses, **89:33**
- pardon, parole or probation, **90:17**
- post-arrest silence of accused, **90:5**
- reasonable doubt, **90:18**
- Control by court, **89:5**
- Correction of errors made by prosecutor, **90:19**
- Danger in release defendant, argument as to, **90:15**
- Demonstration of evidence, **89:24**
- Fabrication of defense, accusing defendant of, **89:37**
- General rules, **89:1**
- Improper remark or conduct generally, **89:15**
- correction, **89:11**
- defense counsel and tactics, **90:11**
- objection to, **89:10**
- Instruction, **89:13**
- Invited response doctrine, **89:14**
- “Jury nullification,” **89:36**
- Law books, reading from, **89:23**
- Misstatement of evidence, **89:29**
- Misstatements by prosecutor
 - burden of proof of defendant, **90:9**
 - duties and function of jury, **90:10**
 - law, generally, **90:8**
- New matter or points, **89:16**
- Nonjury trials, **89:2**
- Objections, **89:10**
- Open and close arguments, right to, **89:8**
- Other offenses by defendant, evidence of, **39:38**
- Party’s right to argue own case, **89:7**
- Passion, appeals to, **89:28**
- Personal opinion statements, **89:27, 90:14**
- Pleadings, reading from, **89:19**
- Prejudice or bias, appeals to, **89:28**
- Profanity, **89:30**
- Prosecutor’s improper arguments, generally, **90:1 to 90:19**
- Reading
 - law books, **89:23**
 - pleadings, **89:19**
 - scientific works, **89:22**
 - trial transcript, **89:21**
 - verdict forms, **89:20**
- Rebuttal argument, **89:9**
- Record of final arguments, **89:12**
- Reenactment of evidence, **89:25**
- Release of defendant posing danger, argument as to, **90:15**
- Requesting juror to put selves in place of complainant, **90:16**
- Retaliation for improper conduct of counsel, **89:14**
- Right to make, **89:3**
- Scientific works, reading from, **89:22**
- Scope of rebuttal argument, **89:9**
- Silence, post-arrest, **89:38**
- Statement of applicable law, **89:18**
- Sympathy, appeals to, **89:28**
- Time allowance, **89:6**
- Trial transcript, reading from, **89:21**
- Urging “jury nullification,” **89:36**
- Verdict forms, reading, **89:20**
- Vouching for prosecution witnesses improper, **90:12**

INDEX

- Waiver of right, **89:4**
- CLOTHING OR ATTIRE
 - Judge's right to control courtroom attire, **3:7**
 - Witnesses in prison garb, **34:33**
- CO-CONSPIRATOR
 - Hearsay exception for statements by, **70:41**
- COLLATERAL ESTOPPEL
 - Controlling law, **2:12**
 - Judgment on verdict, **18:4**
- COLLATERAL MATTERS
 - Cross-examination on, **47:20**
- COMMITMENT
 - Fitness to plead, stand trial, or be sentenced, **1A:7**
- COMMON KNOWLEDGE
 - Expert testimony, **64:10**
 - Judge's remarks on, **3:12**
- COMMON LAW
 - Medical testimony, common law medical diagnosis and/or treatment hearsay exception, **65:13**
- COMMON PLAN, SCHEME OR DESIGN,
 - Other offenses by defendant, evidence of, **39:13**
- COMMUNICATION
 - Jurors, communications with before and during trial, **25:11, 25:12**
 - Witnesses, **34:12**
- COMPENSATION
 - Court-appointed attorney, **4:21**
 - Witnesses, **34:16**
- COMPETENCY OF EVIDENCE
 - Admissibility, **38:3**
- COMPETENCY OF WITNESS
 - Generally, **37:1 to 37:21**
 - Accomplice, **37:16, 37:17**
 - Child, testimony by, **37:5, 37:6**
 - Deaf mute, **37:10**
 - Determination
 - child, competency to testify, **37:6**
 - witness, competency to testify, **37:3**
 - Disabled person, competency to testify, **37:10, 37:11**
 - Expert testimony, **64:19**
 - Felon, testimony by, **37:4**
 - Grand juror, **37:9**
 - Handicapped person,
 - competency of deaf mute to testify, **37:11**
 - Handicapped person,
 - competency to testify, **37:10**
 - Hypnotized witness, **37:21**
 - Illegal search, witness resulting from, **37:19**
 - Informant, **37:14**
 - Mentally handicapped person,
 - competency to testify, **37:11**
 - Objection, timing, **37:2**
 - Participants in trial, **37:8**
 - Physically handicapped person,
 - competency to testify, **37:10, 37:11**
 - Private detective or investigator in criminal case, **37:20**
 - Psychiatric examination of witness, **37:12**
 - Religious beliefs, effect on competency to testify, **37:15**
 - Spouse, testimony for or against other spouse, **37:7**
 - Time for objecting to competency, **37:2**
 - Witness omitted from list of witnesses, competency to testify, **37:18**
- COMPLAINT
 - Directed verdict amending, **88:3**

COMPOSITE PICTURE OF
OFFENDER

Hearsay, **31:20**

COMPULSORY MATTERS

Defense, compulsion as, **14:4**

Privilege against self-incrimination, laws that compel giving of incriminating evidence, **46:5**

Witnesses, compelling attendance, **34:1**

COMPUTER GRAPHICS

Best evidence rule, **61:8**

COMPUTERIZED VIDEO

CONFERENCE

Appearance by defendant, **2:34**

COMPUTER PRINTOUTS

Best evidence rule, **61:7**

Documentary evidence, computer generated records, **60:18**

CONCEALMENT

Fugitive, burden of proof, **30:2**

CONDITIONS

Evidence, conditional admission, **42:3**

Experiments and tests, similarity of conditions, **67:3**

CONDITIONS OF THINGS

Province of court and jury, **10:10**

CONDUCT

Disorderly, burden of proof, **30:50**

Province of court and jury, **10:13**

CONDUCT OF COUNSEL

Direct examination of witness, improper conduct, **44:13**

CONDUCT OF GOVERNMENT

Defense, outrageous conduct, **14:24**

CONDUCT OF JUROR

Deliberations, during, **92:1 to 92:25**

Trial, during, **25:1 to 25:22**

CONDUCT OF PROSECUTOR

Generally, **19:1**

CONDUCT OF TRIAL

Absence of accused, **13:4**

Assaulting or harassing judge, juror or witness, **2:38**

Attorneys, **2:13 to 2:18**

Audio-visual communication, two-way, appearance on, **2:34**

Bribery of judge or witness, **2:39**

Bystander's report, **2:35**

Case, applicable laws, **2:8 to 2:12**

Closed-circuit television, appearance on, **2:34**

Computerized video conference, appearance on, **2:34**

Correction of mistakes made in trial, **2:41 to 2:43**

Court reporters, **2:31**

General principles, **2:1 to 2:3**

Illinois courts, laws governing conduct, **2:4 to 2:7**

Lost pleadings, exhibits, etc., **2:36**

Maintaining proper courtroom conduct, **2:38 to 2:40**

Obstruction of justice, **2:40**

Participants, **2:19 to 2:22**

Parties, this index

Preservation of record, **2:30**

Production and protection of testimony and other evidence, **2:30 to 2:37**

Publicity, Sheppard Rules checklist, **5:5**

Security in courtroom, maintaining, **2:37, 2:38**

Transcribing testimony, **2:32**

Videotaped or telephonic testimony, **2:33**

INDEX

CONDUCT OF WITNESS

Direct examination, **44:2**

CONFERENCES

Bench conferences during trial,
2:19

CONFESSIONS AND ADMIS- SIONS

Generally, **74:1 to 74:20**

Accused's confessions, **74:16**

Accused's statements, **74:2**

Admissibility

admissions by codefendants
that inculcate accused,
38:27

admitted fact, evidence as to,
38:9

confessions by codefendants
that inculcate accused,
38:27

determination of admissibil-
ity of confession, **75:4**

guilty plea, **74:5**

plea discussions and bargain-
ing, **74:4**

standing to contest admis-
sibility of confession,
75:5

third party's statement, adop-
tion, **74:6**

Adoption of third party's state-
ment, admission by, **74:6**

Attorney's duty to refrain from
using clients, **4:27**

Burden of proof, **28:2**

By coconspirators, **74:7**

Coconspirators, **74:7**

Codefendant's confession, **40:4**

Compromise offers as admis-
sion, **74:8**

Constitutional rights in obtain-
ing confessions, **74:11**

Continuance, admission to
avoid, **74:3**

Corroboration, need for, **74:14**

Electronic recording of confes-
sion, requirement, **75:2**

Entire statement used, **74:17**

Frye hearing, necessity, **74:19**

Guilt of another, evidence sug-
gesting

codefendant's confession,
40:4

other's confession, **40:5**

Guilty plea, admissibility, **74:5**

Illegal arrest, suppressing
illegally obtained confes-
sion, **75:10**

Illegal detention, suppressing
illegally obtained confes-
sion, **75:11**

Illegally obtained confession.
Suppressing Illegally
Obtained Confession, this
index

Impeachment of admitted
confession, **74:15**

Impeachment of witness,
inadmissible confession,
49:5

Inadmissible confession, refer-
ence to, **74:13**

Innocence, failure to declare,
74:10

Instructions, **74:20**

Multiple confessions by
accused, **74:16**

Nature of admissions in crimi-
nal case, **74:1**

Nature of confessions, **74:9**

Opening statement, **26:6**

Other offenses by defendant
showing voluntariness,
39:32

Plea discussions and bargaining,
admissibility, **74:4**

Procedure when defendant
admits guilt to lawyer,
4:22

Prosecutors, **19:28**

- Reference to inadmissible confession, **74:13**
- Requirements of confession, **74:12**
- Suppressing Illegally Obtained Confession, this index
- Third party's statement, admission by adoption, **74:6**
- Weighing confession, **74:18**
- CONFLICT OF INTEREST
 - Attorney, **12:5**
- CONFRONTATION OF WITNESSES
 - Generally, **36:1 to 36:10**
 - Child's testimony, use of closed-circuit television, **36:10**
 - Depositions, **36:4**
 - Documentary evidence, **36:4**
 - Former trial or hearing, testimony from, **36:5**
 - Hearsay, **36:7**
 - Impeachment of witness, limitation as violation of right of confrontation, **50:10**
 - Out-of-court testimony, right to cross-examine, **36:8**
 - Statements deemed to be testimonial, **36:3**
 - Testimonial statements providing right to cross-examination, **36:9**
 - Testimony at former trial or hearing, **36:5**
 - Waiver of right to confront, **36:6**
 - When right prevails, **36:2**
- CONSPIRACY
 - Burden of proof
 - calculated criminal drug conspiracy, **30:12**
 - Calculated criminal drug conspiracy, burden of proof, **30:12**
 - Instructions, **91:47**
 - Other offenses showing furtherance of, **39:17**
- CONSTITUTIONAL LAW
 - Checklist of Federal Constitutional provisions binding on state courts, **2:6**
 - Confessions, rights in obtaining confessions, **74:11**
 - Defenses, unconstitutionality of statute, **14:17**
 - Federal Constitutional provisions binding on state courts, checklist, **2:6**
 - First Amendment rights as defense in criminal cases, **14:31**
 - Rights of accused, guaranteed constitutional protections, **11:2**
- CONSTRUCTION AND INTERPRETATION
 - Language, province of court and jury, **10:14**
- CONTEMPT
 - Attorney, **4:10, 4:11**
 - Civil, **20:2**
 - Criminal, **20:2, 20:4, 20:5**
 - Direct and indirect contempt, **20:3**
 - Indirect and direct, **20:3**
 - Judge who hears contempt proceeding, **20:11**
 - Jury right, **20:9**
 - Perjury, **20:6**
 - Power of court to punish, **20:1**
 - Punishment, **20:1, 20:13**
 - Record and order, **20:12**
 - Right to jury, **20:9**
- CONTINUANCE
 - Generally, **7:1**
 - Absence
 - attorney, **7:11, 7:12**
 - General Assembly, party or attorney at, **7:17**
 - material evidence, **7:7**

INDEX

- material witness, **7:8**
- party, **7:10**
- Admission to avoid, **74:3**
- Amendments to pleadings, **7:14**
- Another trial, attorney at, **7:11**
- Application, **7:2**
- Attorney
 - General Assembly, attorney at, **7:17**
 - substitution, **7:13**
 - unavailability, **7:11, 7:12**
- Death of party, **7:10**
- Denial of continuance as denial of right to counsel, **7:5**
- Excitement and surprise, **7:15**
- General Assembly, party or attorney at, **7:17**
- General Assembly, party or attorney in, **7:17**
- Grounds, **7:6, 7:18**
- Hearing, **7:4**
- Illness of party, **7:10**
- Motion for continuance
 - timing, **7:3**
- Order, **7:4**
- Other trial, attorney at, **7:11**
- Party at General Assembly, **7:17**
- Prejudice, **7:15**
- Publicity causing, **5:4**
- Substitution of attorney, **7:13**
- Time for making motion for continuance, **7:3**
- Unpreparedness, **7:9**
- War, **7:16**
- CONTROLLED SUBSTANCES
 - Burden of proof
 - church, unlawful delivery within 500 ft, **30:5**
 - intent to deliver, **30:4**
 - possession, **30:3**
 - school, unlawful delivery within 500 ft, **30:6**
 - Church, unlawful delivery within 500 ft, burden of proving, **30:5**
 - Possession, burden of proof, **30:3**
 - School, unlawful delivery within 500 ft, burden of proving, **30:6**
- CONVERSATION
 - Recorded conversation, admissibility, **58:11**
- CONVICTIONS
 - Impeachment of Witness, this index
 - Limitations on use of prior convictions, **50:2**
 - Sufficiency of evidence to support, **30:30**
- COPIES
 - Business records, **72:4**
 - Handwriting copy used as standard, **66:5**
 - Primary or secondary evidence, **61:11**
- CORPORATE EXISTENCE
 - Burden of proving, **29:20**
- CORPORATIONS
 - Attorney-client privilege, officers and employees, **53:6**
 - Burden of proving corporate existence, **29:20**
 - Documentary evidence, records of private corporations, **60:16**
 - Presumption of regularity of actions by personnel, **55:15**
 - Privilege against self-incrimination, **46:3**
- CORPUS DELICTI
 - Burden of proving, **29:3**
- CORRECTION
 - Redirect examination, explaining and correcting testimony, **51:4**
- COURT-APPOINTED COUNSEL
 - Compensation, **4:21**

- Right of indigent defendant, **12:2**
- COURT-APPOINTED EXPERTS
 - Generally, **64:4**
- COURT REPORTER AND TRANSCRIPT
 - Accused's right to, **11:26**
 - Conduct of trial, **2:31, 2:32**
- COURTROOM
 - Generally, **2:2**
 - Attire of persons in courtroom, control by judge, **3:7**
 - Demonstrations, **67:5**
 - Direct examination of witness outside courtroom, **44:15**
 - Proximity, right of judge to control persons near courtroom, **3:8**
 - Service dog, use by witness during testimony, **44:16**
- CREDIBILITY OF DECLARANT
 - Hearsay evidence, **69:11**
- CREDIBILITY OF WITNESSES
 - Impeachment of Witness, this index
- CRIMINAL CONTEMPT
 - Generally, **20:2**
 - Committed outside presence of judge, **20:5**
 - Direct criminal contempt, **20:4**
 - Mental illness in proceedings, **20:7**
 - Procedural rights of person charged with direct criminal contempt, **20:10**
 - Procedure, **20:8**
- CROSS-EXAMINATION
 - Generally, **47:1 to 47:22**
 - Accomplice, **47:19**
 - Accuracy and knowledge of witness, testing, **47:12**
 - Accused, generally, **47:18**
 - Address of witness, **47:9**
 - Alibi, cross-examination of defendant, **15:6**
 - Answers that embarrass or degrade witness, **47:13**
 - Availability of witness, **47:14**
 - Character witness, **85:12**
 - Collateral issues, **47:20**
 - Court's witness, cross-examination by judge, **3:24**
 - Degrading witness, **47:13**
 - Denial of right to cross-examine, **47:16**
 - Embarrassing or degrading witness, **47:13**
 - Entire transaction, conversation, etc., **47:8**
 - Expert witness
 - generally, **47:5**
 - professional witness, **47:6**
 - treatise, use of, **47:7**
 - Failure to substantiate insinuations denied by witness, **47:22**
 - Former trial or proceeding, testimony from, **71:3**
 - Form of questions, **47:4**
 - Hypnotized witness, **47:21**
 - Hypothetical question, answer to, **68:5**
 - Insinuations denied by witness, failure to substantiate, **47:22**
 - Limitations, rape shield, **47:3**
 - Manner of conducting, **47:11**
 - Medical witness, **65:5**
 - Order of proof, **27:4**
 - Out-of-court testimony, **36:8**
 - Prosecution witness, right not to talk to defense counsel, **47:10**
 - Recall of witness, right to, **47:15**
 - Refusal of witness to answer, **47:17**

INDEX

- Right of prosecution witness not to talk to defense counsel, **47:10**
- Right to cross-examine witness, **47:1**
- Right to introduce evidence during, **27:4**
- Right to recall witness, **47:15**
- Scope, **47:2, 47:3**
- Testimonial statements providing right to cross-examine declarant, **36:9**
- Testing knowledge and accuracy, **47:12**
- Treatise, use with expert witness, **47:7**
- CURATIVE ADMISSIBILITY
 - Generally, **38:12**
- CUSTODY AND CUSTODIANS
 - Accused's right to humane treatment while in custody, **11:29**
 - Evidence of similar crimes committed while defendant in custody, **40:2**
- CUSTOMS
 - Admissibility of proof of person's customs, **38:29**
- CYPERSTALKING
 - Burden of proof, **30:43**
- DAMAGE TO PROPERTY
 - Burden of proving amount, **29:17**
- DANGEROUS WEAPON
 - Burden of proof, **29:37**
- DATING RELATIONSHIP
 - Burden of proof, **29:28**
- DEADLY WEAPON
 - Burden of proof, **29:36**
- DEAF OR MUTE PERSONS
 - Competency of deaf mute to testify, **37:10**
 - Competency to testify, **37:10**
 - Direct examination of witness, **44:3**
- DEAL OR OFFER
 - Accused's right to be informed of, **11:23**
- DEATH AND RELATED FACTS
 - Admissibility of evidence, **38:16**
 - Continuance, death of party, **7:10**
 - Pretrial procedures, effect of death of accused, **1:23**
- DECLARATIONS
 - Admissibility of self-serving declarations, **38:13**
- DEFECTIVE VERDICT
 - Reconsideration by jury, **93:3**
- DEFENSES
 - Generally, **14:1 to 14:35**
 - Accident, **14:25**
 - Affirmative defenses, **14:2**
 - Age
 - mistake of age not defense, **14:12**
 - reasonable belief that victim old enough to consent, **14:28**
 - Compulsion, **14:4**
 - Conduct of government outrageous, **14:24**
 - Consent
 - defense of consent, **14:10, 14:11, 14:28**
 - reasonable belief that victim of sex crime old enough to consent, **14:28**
 - Conspiracy, **14:13 to 14:15**
 - Constitutional law
 - First Amendment rights as defense, **14:31**
 - unconstitutionality of statute, **14:17**
 - Discipline, reasonable parental, **14:34**
 - Discriminatory prosecution, **14:22**

- Drugged condition or intoxication, **14:5**
- Drug overdose, immunity from prosecution, medical assistance for, **14:35**
- Dwelling, defense of, instructing, **14:8**
- Fabrication of defense, accusing defendant of in closing argument, **89:37**
- Failure to charge all known offenses based on same act in single prosecution, **14:29**
- First Amendment rights, **14:31**
- Good faith misunderstanding of law, **14:21**
- Government conduct outrageous, **14:24**
- Ignorance or mistake, **14:20**
- Immunity from prosecution, medical assistance for drug overdose, **14:35**
- Impossibility, **14:16**
- Insanity, **17:1 to 17:9**
- Instructions
 - generally, **91:31, 91:33**
 - conspiracy cases, **14:15**
 - defense of dwelling, **14:8**
 - intoxication or drugged condition, **14:6**
 - necessity defense, **14:19**
 - self-defense, **14:9**
- Intoxication or drugged condition, **14:5**
- Involuntary act, **14:30**
- Justifiable force, **14:7**
- Lenity, rule of, **14:33**
- Matters that are not defenses, **14:27**
- Mental illness
 - generally, **17:1, 17:10**
 - instruction on, **17:11**
 - verdict of guilty but mentally ill, **17:12**
- Misfortune, **14:25**
- Mistake
 - generally, **14:20**
 - age, mistake as to, **14:12**
- Necessity defense, **14:18, 14:19**
- Notice of defense, **14:3**
- Outrageous government conduct, **14:24**
- Parental discipline, reasonable, **14:34**
- Prosecution
 - selective or discriminatory prosecution, **14:22**
 - vindictive prosecution, **14:23**
- Prosecution, immunity from, medical assistance for drug overdose, **14:35**
- Reasonable belief that victim of sex crime old enough to consent, **14:28**
- Reasonable parental discipline, **14:34**
- Selective prosecution, **14:22**
- Self defense, **14:7**
- Sexual assault, consent in, **14:11**
- Statute of limitations, **29:2**
- Unconstitutionality of statute, **14:17**
- Vagueness of defense, **14:32**
- Verdict of guilty but mentally ill, **17:12**
- Vindictive prosecution, **14:23**
- Void for vagueness, **14:32**
- Wharton's rule, conspiracy cases, **14:14**
- Willfulness negated by good faith misunderstanding of law, **14:21**
- Withdrawal as defense, **14:26**
- DELIBERATIONS, CONDUCT OF JURY
 - Generally, **92:1 to 92:25**
 - Agreement, urging for, **92:17**

INDEX

- Answering jurors' questions, **92:10**
- Arrival at verdict, rules, **92:13**
- Bailiff attending jury, **92:5**
- Books, use during, **92:24**
- Communications by judge, **92:14**
- Communications by others, **92:16**
- Conduct of deliberations, **92:6**
- Control of jury, **92:4**
- Discharge of juror after deliberations have begun, **92:25**
- Eavesdropping, **92:18**
- Entertainment during, **92:20**
- Experiments by jurors, **92:22**
- Haste in arriving at verdict, **92:23**
- Items taken into jury room by jury, **92:3**
- Magnifying glass and other devices, **92:21**
- Meals and entertainment, **92:20**
- Numerical division, request by judge, **92:15**
- Presence of counsel, **92:7**
- Rehear testimony, request to, **92:11**
- Replacing juror with alternate, **92:9**
- Request by judge for numerical division, **92:15**
- Request to rehear testimony, **92:11**
- Request to reread or clarify instructions, **92:12**
- Reread or clarify instructions, request for, **92:12**
- Rules governing arrival at verdict, **92:13**
- Secrecy of proceedings, **92:8**
- Separation of jury during, **92:19**
- Treatment of improper conduct by jurors, **92:2**
- Urging agreement, **92:17**
- DEMONSTRATIONS
 - Experiments and Demonstrations, this index
- DEPOSITIONS
 - Confrontation of witnesses, **36:4**
 - Diligence to produce deponent, **86:6**
 - Dismissal, use following, **86:8**
 - Evidence depositions in criminal trials, **86:1**
 - Instructing on evidence depositions, **86:9**
 - Objections, **86:3**
 - Partial use, **86:7**
 - Preservation of testimony, **34:35**
 - Remand, use following, **86:8**
 - Substitution, use following, **86:8**
 - Taking evidence deposition, **86:2**
 - Unavailability of deponent, **86:5**
 - Using evidence deposition at trial, **86:4**
 - Video deposition, use in evidence, **86:10**
 - Witness testimony preservation, **34:35**
- DEVELOPMENTAL DISABILITIES
 - Confidentiality, **52:22**
- DICTION
 - Judge's, **3:9**
- DICTUM
 - Controlling law, **2:10**
- DIRECT CONTEMPT
 - Generally, **20:3**
 - Committed outside presence of judge, **20:5**
 - Criminal contempt, **20:4**
 - Mental illness in proceedings, **20:7**

- Procedural rights of person charged with, **20:10**
- Procedure, **20:8**
- DIRECTED VERDICT**
 - Generally, **88:1**
 - Amending indictment, information, or complaint, **88:3**
 - Opening statement, **26:5**
 - Variance, directing verdict for, **88:2**
- DIRECT EXAMINATION OF WITNESS**
 - Generally, **44:1 to 44:16**
 - Answer requirements, **44:8**
 - Belief, impression, etc. of witness, **44:11**
 - Best recollection of witness, **44:11**
 - Checklist of situations where leading questions are permitted, **44:6**
 - Coaching of witness by spectator, **44:14**
 - Conclusion by witness, questions calling for, **44:7**
 - Conduct of witness, **44:2**
 - Counsel's conduct, **44:13**
 - Courtroom, examination outside, **44:15**
 - Deaf or mute witness, **44:3**
 - First-hand knowledge of witness, **44:10**
 - Form and content of question, **44:4**
 - Leading questions, **44:5, 44:6**
 - Medical testimony by physician or surgeon, **65:2**
 - Redirect and Recross-Examination, this index
 - Requirements of answer, **44:8**
 - Responsiveness of answer, **44:9**
 - Service dog use, **44:16**
 - Spectator coaching witness, **44:14**
 - Telephone conversations, testimony concerning, **44:12**
- DISABILITIES**
 - Competency of deaf mute to testify, **37:10**
 - Confidentiality of developmental disabilities, **52:22**
 - Direct examination of deaf or mute witness, **44:3**
 - Fitness to Plead, Stand Trial, or Be Sentenced, this index
- DISCHARGE HEARING**
 - Fitness to plead, stand trial, or be sentenced, **1A:11**
- DISCHARGE OR RELEASE**
 - Pretrial motion for discharge of jury panel, **1:14**
- DISCIPLINE**
 - Attorney, improper conduct and other grounds, **4:13, 4:14**
 - Defenses, parental discipline, reasonable, **14:34**
- DISCLOSURE**
 - Alibi defense, penalty for failure to disclose, **15:3**
 - Duty to disclose informer, **19:22**
 - Other offenses by defendant, disclosure by defendant, **39:33**
 - Surveillance, privilege against disclosure, **52:18**
- DISCOVERY**
 - Competency to testify of witness discovered as result of illegal search, **37:19**
 - Criminal trial, generally, **1:15**
 - Depositions in criminal cases, **1:18**
 - Evidence depositions in criminal cases, **1:18**
 - Sanctions for violations, **1:17**

INDEX

DISCRETION

Impeachment of witness,
judicial discretion in
admission of prior conviction, **50:11**

Prosecutor, conducting plea
negotiations, **19:29**

DISCRIMINATION

Defense, selective or
discriminatory prosecution,
14:22

Juror, **21:8**

DISMISSAL

Pretrial procedures, motion for
dismissal of criminal
charge, **1:11**

DISORDERLY CONDUCT

Burden of proof, **30:50**

DNA EVIDENCE

Expert testimony, **64:33**
Pretrial procedures, DNA
database search, **1:16**

Right of accused, **11:33**

DOCUMENTARY EVIDENCE

Generally, **60:1 to 60:27**

Acknowledged documents,
authentication, **60:9**

Alteration of evidence, effect,
60:2

Ancient documents, authentication,
60:26

Annuity and mortality tables,
authentication, **60:24**

Attested documents, authentication,
60:8

Authentication

acknowledged documents,
60:9

ancient documents, **60:26**
annuity and mortality tables,
60:24

attested documents, **60:8**

church records, **60:22**

excusing, **60:5**

family bible, **60:23**

presumption of authenticity,
60:6

private writings, **60:7**

recorded documents, **60:9**

scientific books, **60:25**

social media posts, **60:27**

Church records, authentication,
60:22

Computer generated records,
60:18

Confrontation of witnesses,
36:4

Corporations, records of, **60:16**

County records, **60:14**

Court decisions, **60:12**

Court papers and records, **60:13**

Decisions of court, **60:12**

Email, **60:19**

Excusing authentication, **60:5**

Facsimile, **60:20**

Family bible, authentication,
60:23

Letters, **60:17**

Maps, plats, and surveys, **60:21**

Municipal records, **60:14**

Offering and admitting documents in evidence, procedure, **60:3**

Presumption of authenticity,
60:6

Private corporations, records of,
60:16

Private writings
additional rules, **60:10**
authentication, **60:7**

Private writings, authentication,
60:7

Public officers, records of,
60:15

Recorded documents,
authentication, **60:9**

Remainder of related writings
or recorded statements,
60:4

- Scientific books, authentication, **60:25**
- Social media posts, authentication, **60:27**
- Statutes, **60:11**
- Telegram, **60:19**
- Text messages, **60:19**
- DOGS
 - Bloodhound evidence as to identity of accused, **31:17**
 - Search aided by, **79:26**
 - Service, use by witness during testimony, **44:16**
- DOMESTIC VIOLENCE
 - Burden of proof, **30:35, 30:36**
 - Evidence of other offenses by defendant, **39:40**
 - Other offenses by defendant, evidence of, **39:40**
- DOUBLE JEOPARDY
 - Generally, **18:1**
 - Discharge of jury for failure to agree, **18:8**
 - Federal court, former prosecution in, **18:10**
 - Finding of guilt of lesser offense, **18:6**
 - Foreign state, former prosecution in, **18:10**
 - Former prosecution, **18:2**
 - Judicial misconduct, **18:11**
 - Misconduct of defense counsel resulting in mistrial, **18:12**
 - Mistrial without manifest necessity, **18:7**
 - Multiple prosecutions, **18:3**
 - Prosecutorial misconduct, **18:11**
 - Retrial after reversal on appeal, **18:9**
 - Retrial and, **93:16**
 - Testimony from former trial, **71:1**
- DRAWINGS AND DIAGRAMS
 - Admissibility, **57:10**
- DRIVING UNDER THE INFLUENCE
 - Aggravated DUI, burden of proof, **30:36**
 - Burden of proof
 - generally, **30:13**
 - aggravated DUI, **30:36**
 - Privilege against self-incrimination, videotape of drunk driving suspect, **46:23**
- DRIVING WHILE IMPAIRED
 - Circumstantial evidence, **43:6**
- DRUGS OR NARCOTICS
 - Burden of proof
 - calculated criminal drug conspiracy, **30:12**
 - conspiracy, **29:23**
 - possession of controlled substance, **30:3**
 - testimony of drug addict, **28:7**
 - weight of drugs, **29:21**
 - Circumstantial evidence, knowledge and possession, **43:6**
 - Competency of addict to testify, **37:13**
 - Conspiracy, burden of proving, **29:23**
 - Defense of drugged condition, **14:5**
 - Expert testimony as to narcotics addiction, **64:20**
 - Expert testimony on blood and urine tests, **64:40**
 - Impeachment of witness, testimony of narcotic addict, **48:20**
 - Juror's use of, **25:10**
 - Nonexpert opinion evidence as to influence, **63:11**
 - Overdose, seeing medical assistance for, immunity from prosecution, **14:35**

INDEX

Possession of controlled substance, burden of proof, **30:3**

Suppressing illegally obtained confession, **75:23**

Weight, burden of proving, **29:21**

DUTIES OF PROSECUTOR

Beneficial treatment of state's witnesses, duty to disclose, **19:11**

Brady rule, disclosure of evidence favorable to accused, **19:9**

Call informer, **19:23**

Delivery of statements of defendant and codefendant, **19:8**

Disclose evidence to defense, **19:5**

Discourage witness from testifying, **19:20**

Electronic surveillance, disclosure, **19:12**

Evidence to be used at trial, **19:14**

Excision of material that is not discoverable, **19:15**

Experts' reports, statements, etc., duty to disclose, **19:19**

Grand jury proceedings, transcript availability, **19:13**

Informer
duty to call, **19:23**
duty to disclose, **19:22**

Materiality of undisclosed material, **19:10**

Perjured testimony, use of, **19:21**

Preservation of evidence, **19:7, 19:18**

Prior convictions, impeachment by, duty to provide, **19:17**

Statements of defendant and codefendant, duty to deliver, **19:8**

Statements of prosecution witnesses, duty to give, **19:6**

Witnesses, duty to call, **19:24**

DWELLING

Defense of, instructing on, **14:8**

DYING DECLARATION

Hearsay, **70:31**

EAVESDROPPING

Illegally obtained evidence, **73:3**

Privileged communications and information, **52:3**

Suppressing illegally obtained confession, **75:25**

EAVESDROPPING DEVICE

Illegally obtained evidence, **73:4**

ECONOMY

Judicial notice, **54:16**

EFFECTIVE ASSISTANCE OF COUNSEL

Right to, **12:4**

ELDERLY PERSON

Burden of proof of financial exploitation, **30:19**

Financial exploitation, burden of proving, **30:19**

ELECTIONS AND POLITICS

Vote as privileged information, **52:23**

EMAIL

Documentary evidence, **60:19**

EMPLOYMENT

Right to time off for jury duty, **21:6**

Time off for jury duty, **21:6**

ENTRAPMENT

Defense, generally, **16:1**

Government sting operations, **16:3**

Instructing on entrapment, **16:4**

- Other offenses by defendant disproving, **39:29**
- Take-back entrapment, **16:2**
- ERROR, PLAIN
 - Generally, **2:42**
- ESCAPE
 - Burden of proof, **30:27**
- EVIDENCE
 - Admissibility, this index
 - Barring admission of evidence as sanctions for violation of court order or rule, **38:31**
 - Best Evidence Rule, this index
 - Burden of Proof, this index
 - Business Entries, Records and Reports, this index
 - Character and Reputation, this index
 - Circumstantial evidence, bias of juror as cause for challenge, **24:15**
 - Conduct of juror, reception of evidence out of court, **25:15**
 - Confidentiality, **52:22**
 - Continuance, absence of material evidence, **7:7**
 - Demonstrative evidence. Real and Demonstrative Evidence, this index
 - Depositions in criminal cases, **1:18**
 - Documentary Evidence, this index
 - Domestic violence, other offenses by defendant, **39:40**
 - Expert Testimony, this index
 - Guilt of Another, Evidence Suggesting, this index
 - Handwriting, proof of, **66:1 to 66:5**
 - Illegally Obtained Evidence, this index
 - Inadmissible evidence, “opening the door,” **4:25**
 - Insanity
 - admissibility of evidence, **17:7**
 - burden of proof, **17:4**
 - presumption of sanity in criminal case, **17:5**
 - Motions during trial, **6:3**
 - Newly discovered evidence, post-trial proceedings, **94:3**
 - Nonexpert Opinion Evidence, this index
 - Nonjury trial
 - admissibility of evidence, **8:3**
 - presumption, consideration of proper evidence, **8:4**
 - Opening statement and limiting evidence, **26:4**
 - Opinion Evidence, this index
 - Order of Proof, this index
 - Other Offenses by Defendant, Evidence of, this index
 - Prejudicial, **38:24, 38:25**
 - Preservation of record, **2:30**
 - Presumptions and Inferences, this index
 - Prosecutors, duty to disclose, **19:5 et seq.**
 - Province of court and jury, weight of evidence, **10:5 to 10:7**
 - Rape shield evidence, **38:34**
 - Real and Demonstrative Evidence, this index
 - Right of accused to be proven guilty beyond reasonable doubt, **11:6**
 - Sanctions for violation of pre-trial order to preserve, **19:18**
 - Sufficiency of evidence to support conviction of other crimes, burden of proof, **30:30**

INDEX

- Transcript of interview, **38:35**
- Trial motions, **6:3**
- Videotaped or telephonic testimony, **2:33**
- Weight and sufficiency
 - instructing on weight of evidence, **10:7**
 - particular kinds of evidence, **10:6**
 - weight, generally, **10:5**
- Wiretap, **73:5, 73:6**
- EXAMINATION
 - Direct Examination of Witness, this index
 - Expert, generally, **64:11**
 - Fitness to plead, stand trial, or be sentenced, **1A:6**
 - Judge's control of witness examination, **3:20**
 - Right to compel examination of witness, **34:14**
- EXCEPTIONS
 - Good faith exception to exclusionary rule, **78:9**
 - Hearsay, this index
 - Miranda rule, public safety and rescue doctrine/private safety exceptions, **76:10**
 - Objections to evidence, need for formal exception, **41:9**
 - Statutory exception, burden of proving, **28:13**
- EXCITEMENT AND SURPRISE
 - Continuance, **7:15**
- EXCLUSIONS
 - Witnesses, **34:17**
- EXEMPTIONS
 - Jury service, **21:5**
- EXHIBITS
 - Lost or misplaced exhibits, **2:36**
- EXPEDITED TRIAL
 - Judge's duty and right, **3:6**
- EXPERIMENTS AND TESTS
 - Generally, **67:1 to 67:6**
 - See also more specific tests
- Courtroom demonstrations, **67:5**
- Person conducting, **67:2**
- Reenactment of crime, **67:6**
- Similarity of conditions, **67:3**
- Subject matter, **67:4**
- EXPERT TESTIMONY
 - Generally, **64:1 to 64:52**
 - Abused person syndrome, **64:43**
 - Acceptance of principle or methodology, judicial notice of prior determination, **64:7**
 - Accused's right to expert witnesses, **11:27**
 - Addiction to narcotics, **64:20**
 - Admissibility
 - breath tests for intoxication, **64:39**
 - horizontal gaze nystagmus (HGN) tests, **64:42**
 - rape syndrome testimony, **64:45**
 - Applicable matters, **64:9**
 - Ballistics, **64:29**
 - Bayes Theorem, probability percentage, **64:52**
 - Blood samples, electrophoresis and probability of finding characteristics, **64:35**
 - Blood splatters, **64:32**
 - Blood stains, **64:31**
 - Blood tests, **64:34, 64:40**
 - Breath tests, admissibility for Intoxication, **64:39**
 - Business customs and practices, **64:21**
 - Caretaker function of trial judge, **64:6**
 - Common knowledge, **64:10**
 - Competency, **64:19**
 - Court-appointed experts, **64:4**
 - Disclosure
 - medical and scientific reports, to prosecution, **64:3**

- reports and statements
 - accused, to, **64:2**
 - prosecutor's duty to disclose, **19:19**
 - underlying facts or data to opinion, **64:13**
- DNA evidence, **64:33**
- Examination of expert, **64:11**
- Eyewitness identification, **64:27, 64:28**
- Facts or data underlying opinion, disclosure, **64:13**
- Fingerprints, **64:24**
- Footprints, **64:25**
- Gang activity, **64:36**
- Gudjonsson Suggestibility Scale, **64:48**
- Handwriting expert, **66:3**
- Horizontal gaze nystagmus (HGN) tests, **64:42**
- Identification
 - eyewitness identification, **64:27, 64:28**
 - use of new scientific techniques, **64:26**
- Identification using new scientific techniques, **64:26**
- Impeachment of witness, expert testimony as to credibility, **48:24**
- Instruction as to testimony, **64:51**
- Intoxication, **64:38**
- Judge as caretaker, **64:6**
- Judicial notice of prior decision or writing, **64:7**
- Knowledge or observation, personal, **64:14**
- Matters
 - expert may testify, **64:9**
 - expert need not testify, **64:17**
- Medical and scientific reports, disclosure to prosecution, **64:3**
- Medical witness. Medical Testimony, this index
- Miscellaneous scientific tests and devices, **64:47**
- Modus operandi of criminals, **64:37**
- Narcotics addiction, **64:20**
- Neutron-activation analysis, **64:46**
- New scientific techniques, use for identification, **64:26**
- Nonexpert Opinion Evidence, this index
- Obscenity, **64:49**
- Opinion Evidence, this index
- Palmprints, **64:24**
- Personal knowledge or observation, **64:14**
- Personal property value, **64:22**
- Powder burns, **64:30**
- Prior determination of acceptance of principle or methodology, **64:7**
- Probability percentage, Bayes Theorem, **64:52**
- Prosecutor's duty to disclose reports, statements, etc., **19:19**
- Psychiatric or psychological examination of sex crime victim, **64:44**
- Qualifications
 - required, **64:5**
 - voir dire, **64:8**
- Questioned documents, **64:23**
- Rape syndrome, **64:45**
- Reconstruction evidence, **64:50**
- Retrograde extrapolation, **64:41**
- Sanity, **64:19**
- Scientific literature, tests, etc., testimony based on, **64:15**
- Scientific principle or methodology, judicial notice, **64:7**
- Scope of testimony, **64:12**

INDEX

- Speed, **64:18**
- Use, generally, **64:1**
- Value of personal property, **64:22**
- Voir dire as to qualifications, **64:8**
- Weighing opinion, **64:16**
- EX POST FACTO LAWS
 - Controlling law, **2:11**
- EYEWITNESS IDENTIFICATION
 - Expert testimony, **64:27, 64:28**
- EYEWITNESS TESTIMONY
 - Instructions, **91:48**
- FABRICATION OF DEFENSE
 - Closing arguments, accusing defendant of fabricating defense, **89:37**
- FACSIMILE
 - Documentary evidence, **60:20**
- FAIR AND IMPARTIAL JURY
 - Right to, **9:2**
- FAIRNESS
 - Attorney's fairness to opposing party and counsel, **4:6**
- FALSE NAME
 - Impeachment of witness for use, **48:19**
- FAMILY AND RELATIVES
 - Challenging juror with familial relationship with party, **24:11**
 - Parties, family members at trial, **2:16**
 - Right of accused to contact, **11:4**
- FAMILY BIBLE
 - Documentary evidence, authentication, **60:23**
- FAVORS
 - Acceptance by juror, **25:4**
- FEES
 - Juror's, **21:7**
- FELON
 - Competency as witness, **37:4**
- FINANCIAL IDENTITY THEFT
 - Burden of proving, **29:26**
- FINGERPRINT EVIDENCE
 - Admissibility, **64:23**
 - Burden of proof, **28:4**
 - Expert testimony, **64:24**
 - Identification of accused, **31:15**
 - Other offenses by defendant, **39:36**
 - Privilege against self-incrimination, **46:12**
 - Right of accused, **11:33**
- FIREARMS
 - Aggravated discharge, burden of proof, **30:29**
 - Felon's possession of firearm, burden of proof, **30:16**
 - Reckless discharge, burden of proof, **30:29**
- FIRES
 - Burden of proving arson, **30:33**
 - Circumstantial evidence of arson, **43:6**
- FIRST AMENDMENT
 - Defense in criminal case, **14:31**
- FITNESS TO PLEAD, STAND TRIAL, OR BE SENTENCED
 - Generally, **1A:1 to 1A:16, 1:9**
 - Bona fide doubt of defendant's fitness, **1A:5**
 - Commitment of defendant for treatment, **1A:7**
 - Definition of fitness, **1A:2**
 - Discharge hearing, **1A:11**
 - Disposition of defendant's case at expiration of extended period of treatment, **1A:13**
 - Disposition of defendant suffering disabilities, **1A:14**
 - Examination and report, **1A:6**
 - Hearings, **1A:5, 1A:10, 1A:11**
 - Medication of defendant, **1A:8**
 - Notice to law enforcement agency regarding release

- of defendant, **1A:15**
 - Presumption of fitness, **1A:3**
 - Pretrial proceedings, **1:9**
 - Raising fitness issue, **1A:4**
 - Remand of defendant for further treatment, **1A:12**
 - Right of accused to be found competent to stand trial, **11:7**
 - Secure setting, placement of defendant in, **1A:16**
 - Special provisions and assistance, **1A:9**
- FOOTPRINTS AND TRACKS
 - Expert testimony, **64:25**
 - Identification of accused, **31:16**
- FORCE OR VIOLENCE
 - Burden of proof
 - armed violence, **30:47**
 - justifiable use of force, **29:9**
 - Justifiable use of force, burden of proof, **29:9**
 - Privilege against self-incrimination, use of force, **46:4**
- FOREIGN NATIONALS
 - Vienna convention on consular relations, notification pursuant to, **11:35**
- FORFEITURE
 - By wrongdoing, **70:58**
- FORGERY
 - Burden of proof, **30:40, 30:48**
- FORMER (DOUBLE) JEOPARDY
 - Generally, **18:1**
 - Discharge of jury for failure to agree, **18:8**
 - Federal court, former prosecution in, **18:10**
 - Finding of guilt of lesser offense, **18:6**
 - Foreign state, former prosecution in, **18:10**
 - Former prosecution for same or similar offense, **18:2**
 - Judicial misconduct, **18:5, 18:11**
 - Manifest necessity for mistrial, **18:7**
 - Misconduct of defense counsel resulting in mistrial, **18:12**
 - Multiple prosecution for same or connected offense, **18:3**
 - Prosecutorial misconduct, **18:5**
 - Retrial after reversal on appeal, **18:9**
- FORMER TRIAL OR PROCEEDING
 - Checklist, witness to be held unavailable, **71:6**
 - Cross-examination of witnesses, **71:3**
 - Deceased witness, use of sworn testimony of, **71:9**
 - Diligence in procuring witness, **71:7**
 - Identity of parties, **71:2**
 - Opportunity to cross-examine witnesses, **71:3**
 - Proving former testimony, **71:8**
 - Same or similar issues, **71:4**
 - Testimony from, generally, **71:1 to 71:9**
 - Unavailability of witness, **71:5**
 - Use of sworn testimony of witness now deceased, **71:9**
 - Use of testimony, generally, **71:1**
- FRANKS HEARING
 - Motion to suppress illegally seized evidence, **77:6**
- FRAUD AND DECEIT, BURDEN OF PROOF
 - Deception or intent to defraud, **29:6**
 - Deceptive practices, **30:14**
- FRUIT OF POISONOUS TREE DOCTRINE
 - Generally, **73:2**

INDEX

- FUGITIVE
 - Concealing or aiding, burden of proof, **30:2**
- GAMBLING
 - Challenging juror for prejudice involving, **24:16**
 - Circumstantial evidence, **43:6**
- GANG ACTIVITY
 - Character and reputation, proof of gang membership, **85:7**
 - Expert testimony, **64:36**
- GENDER
 - Juror challenges, systematic exclusion based on, **23:6**
- GENERAL ASSEMBLY
 - Continuance, absence of party or attorney, **7:17**
- GENETIC MARKER GROUP-INGS COMPARISON ANALYSIS
 - Pretrial procedures, **1:16**
- GEOGRAPHIC JURISDICTION
 - Instructions, **91:52**
- GOOD FAITH
 - Defense of good faith misunderstanding of law, **14:21**
 - Exclusionary rule exception, **78:9**
- GOVERNMENT STING OPERATIONS
 - Entrapment, **16:3**
- GRAND JURY
 - Competency of grand juror as witness, **37:9**
 - Impeachment of witness silent before grant jury, **49:26**
 - Pretrial procedures, **1:26**
 - Prosecutor's duty to have transcript available, **19:13**
- GREAT BODILY HARM
 - Burden of proof, **29:33**
- GUILT OF ANOTHER, EVIDENCE SUGGESTING
 - Generally, **40:1 to 40:5**
 - Codefendant's confession, **40:4**
 - Confessions or admissions, **40:4, 40:5**
 - Incrimination of more than accused, **40:3**
 - Other's confession, **40:5**
 - Similar crimes committed while defendant in custody, **40:2**
- GUILT OR GUILTY
 - Admissibility of guilty plea, **74:5**
 - Admissibility of statistical evidence showing probability of guilt, **38:26**
 - Admission of guilt to attorney, procedure, **4:22**
 - Evidence suggesting guilt of another. Guilt of Another, Evidence Suggesting, this index
 - Mental illness, verdict of guilty but mentally ill, **17:12**
 - Other offenses by defendant as evidence of guilt, **39:7**
 - Right of accused to be proven guilty beyond reasonable doubt, **11:6**
 - Stipulations of facts sufficient to establish guilt, **33:7**
 - Verdict of guilty but mentally ill, **17:12**
- GUNS
 - Aggravated discharge, burden of proof, **30:29**
 - Reckless discharge, burden of proof, **30:29**
- HABEAS CORPUS
 - Witnesses, **34:8**
- HABIT OR USUAL PRACTICE
 - Admissibility of proof of, **38:29**
 - Burden of proof, armed habitual criminal, **30:44**
 - Judicial notice, **54:20, 54:22**
- HANDBOOKS
 - Juror, **21:11**

HANDICAPPED PERSON

- Competency of deaf mute to testify, **37:10**
- Confidentiality of developmental disabilities, **52:22**
- Direct examination of deaf or mute witness, **44:3**
- Rights of severely handicapped defendant, **11:24**

HANDWRITING

- Copy used as standard, **66:5**
- Evidence, **66:1 to 66:5**
- Exemplars, **66:4**
- Expert handwriting witness, **66:3**
- Nonexpert witness, **66:2**
- Photographic copy used as standard, **66:5**
- Privilege against self-incrimination, exemplars from accused, **46:15**
- Proof, generally, **66:1 to 66:5**

HARASSMENT

- Judge, witness or juror, harassing in courtroom, **2:38**
- Jurors, **25:21**
- Witnesses, **34:12**

HARM

- Great bodily harm, burden of proving, **29:33**

HEALTH

- Judicial notice, **54:20**

HEARINGS

- Continuance, **7:4**
- Fitness to plead, stand trial, or be sentenced, **1A:5, 1A:10, 1A:11**
- Frye hearing, necessity, **74:19**
- Post-conviction hearing, **95:1, 95:2**
- Suppressing illegally seized evidence, motion for, **77:6**

HEARSAY

- Generally, **69:1 to 69:15**

- Admissibility, generally, **69:1**
- Advertisements, exceptions, **70:44**
- Affidavits, **69:13**
- Age of person, exception, **70:47**
- Almanacs, exceptions, **70:17**
- Ancient documents, exceptions, **70:20**
- Artist's sketch or composite picture of accused as, **31:20**
- Attacking credibility of declarant, **69:11**
- Awards and other recognitions as hearsay, **69:14**
- Bible of family, exceptions, **70:19**
- Birth records, **70:11**
- Business registers, **70:46**
- Census reports, **70:9**
- Certificate of public chemists, inspector, or analyst, exception, **70:7**
- Child sex abuse victim hearsay statement, exception, **70:23**
- Church records, **70:18**
- Co-conspirator statements, **70:41**
- Confrontation of witnesses, **36:7**
- Contents of missing audio or video tape, exception, **70:55**
- Coroner's records and verdict, **70:5**
- Course of conduct, exception, **70:51**
- Credibility of declarant, **69:11**
- Death records, **70:13**
- Definition, **69:3**
- Determining trustworthiness, **69:2**
- Directories, exceptions, **70:46**

INDEX

- Disabled high-risk adults, exceptions, **70:48**
- Domestic violence victim statements, exception, **70:27**
- Dying declarations, **70:29.50, 70:31**
- Elderly person's statement, exception, **70:52**
- Emotional condition, exception, **70:32**
- Exceptions
 - generally, **70:1 to 70:58**
 - advertisements, **70:44**
 - age of person, **70:47**
 - almanacs, **70:17**
 - ancient documents, **70:20**
 - bible, family, **70:19**
 - birth records, **70:11**
 - business registers, **70:46**
 - census reports, **70:9**
 - certificate of public chemists, inspector, or analyst, **70:7**
 - child sex abuse victim hearsay statement, **70:23**
 - church records, **70:18**
 - co-conspirator statements, **70:41**
 - contents of missing audio or video tape, **70:55**
 - coroner's records and verdict, **70:5**
 - course of conduct, **70:51**
 - death records, **70:13**
 - directories, **70:46**
 - disabled high-risk adults, **70:48**
 - domestic violence victim statements, **70:27**
 - dying declaration, **70:31**
 - elderly person's statement, **70:52**
 - emotional condition, **70:32**
 - excited utterances, **70:28**
 - existing mental, emotional or physical condition, **70:32**
 - family bibles, **70:19**
 - family history, **70:14**
 - forfeiture by wrongdoing, **70:58**
 - hearing to determine admissibility of hearsay statement of sex abuse victim, **70:24**
 - high-risk adults with disabilities, **70:48**
 - historical works, **70:43**
 - identification, statement of, **70:35**
 - intention, statement of, **70:34**
 - interest, declarations against, **70:38 to 70:40**
 - knowledge, **70:36**
 - live television, events observed on, **70:54**
 - market reports, **70:45**
 - marriage records, **70:12**
 - medical diagnosis and/or treatment exception, **65:13**
 - mental condition, **70:32**
 - mortality tables, **70:16**
 - motive, plan or design, **70:37**
 - newspapers, **70:44**
 - notice of intent to use child sex abuse victim hearsay statement, **70:23**
 - notice or knowledge, **70:36**
 - obscenity cases, opinion polls and surveys, **70:49**
 - official records, generally, **70:4**
 - official vital records, **70:10**
 - opinion polls in obscenity case, **70:49**
 - out-of-court exculpatory statements, **70:53**
 - pain and suffering, **70:30**

- pecuniary interest, declarations against, **70:39**
- pedigree, **70:15**
- penal interest, declarations against, **70:40**
- physical condition, **70:32**
- police procedures leading to arrest or warrant, **70:50**
- police records, **70:6**
- present sense impressions, **70:29**
- public chemists, inspector, or analyst, certificate of, **70:7**
- rape victim declarations, **70:25**
- relationship and pedigree, **70:15**
- residual hearsay, **70:56**
- sex crime victim statements to medical personnel, **70:26**
- sex offense victim, trial involving, **70:22**
- spontaneous declarations, **70:21**
- statement of intention, **70:34**
- statements of identification, **70:35**
- state of mind, **70:33**
- surveys in obscenity cases, **70:49**
- television, events observed on, **70:54**
- “testimonial” statements, **70:57**
- threat by accused, **70:2**
- threat by victim, **70:3**
- treatises, scientific works, etc., **70:42**
- verdict of coroner, **70:5**
- weather reports, **70:8**
- Excited utterances, **70:28**
- Existing mental, emotional or physical condition, exception, **70:32**
- Family bible exception, **70:19**
- Family history exception, **70:14**
- Forfeiture by wrongdoing, **70:58**
- Hearing to determine admissibility of hearsay statement of sex abuse victim, **70:24**
- Hearsay within hearsay, **69:12**
- High-risk adults with disabilities, exception, **70:48**
- Historical works, **70:43**
- Identification, statement of, **70:35**
- Implied assertions, **69:5**
- Inapplicability in certain situations, **69:6**
- Intention, statement of, **70:34**
- Intentional murder of witness, admissibility, **69:7**
- Interest, declarations against, **70:38 to 70:40**
- Knowledge, exception, **70:36**
- Live television, events observed on, **70:54**
- Market reports, **70:45**
- Marriage records, **70:12**
- Medical diagnosis and/or treatment exception, **65:13**
- Medical testimony
 - medical diagnosis and/or treatment exception, **65:13**
 - partially-based on hearsay, **65:3**
- Mental condition existing, **70:32**
- Mortality tables, **70:16**
- Motive, plan or design, exception, **70:37**
- Murder of witness intentionally, admissibility, **69:7**
- Necessity of objection, **69:9**
- Newspapers, **70:44**
- Nonverbal acts, **69:4**

INDEX

- Notice of intent to use child sex abuse victim hearsay statement, **70:23**
- Notice or knowledge, exception, **70:36**
- Objection
 - absence, **69:10**
 - necessity, **69:9**
- Obscenity cases, opinion polls and surveys, **70:49**
- Official records, generally, **70:4**
- Official vital records, **70:10**
- Opinion polls in obscenity case, **70:49**
- Out-of-court exculpatory statements, **70:53**
- Pain and suffering exception, **70:30**
- Pecuniary interest, declarations against, **70:39**
- Pedigree, **70:15**
- Penal interest, declarations against, **70:40**
- Physical condition existing, **70:32**
- Police procedures leading to arrest or warrant, **70:50**
- Police records, **70:6**
- Polls in obscenity case, **70:49**
- Present sense impressions, **70:29**
- Public chemists, inspector, or analyst, certificate of, **70:7**
- Rape victim declarations, **70:25**
- Relationship and pedigree, exception, **70:15**
- Res gestae rule, **69:8**
- Residual hearsay, **70:56**
- Sex offenses
 - abuse victim, **70:24, 70:26**
 - statements to medical personnel, **70:26**
 - trial involving victim, **70:22**
 - unavailable witness, indicia of reliability, **70:22**
- Situations when inapplicable, **69:6**
- Spontaneous declarations, **70:21**
- Statement of intention as exception, **70:34**
- Statements of identification, exception, **70:35**
- State of mind, exception, **70:33**
- Supporting credibility of declarant, **69:11**
- Surveys in obscenity cases, **70:49**
- Television, events observed on, **70:54**
- Testimonial statements
 - exception, **70:57**
 - subject to hearsay rule, **69:15**
 - subject to rule, **69:15**
- Threats, exception
 - by accused, **70:2**
 - by victim, **70:3**
- Treatises, scientific works, etc., **70:42**
- Trustworthiness, **69:2**
- Verbal and nonverbal acts, **69:4**
- Verdict of coroner, **70:5**
- Vital records, **70:10**
- Weather reports, **70:8**
- Within hearsay, **69:12**
- Witnesses, confrontation of, **36:7**
- HEARSAY WITHIN HEARSAY
 - Generally, **69:12**
- HIGHWAYS AND STREETS
 - Judicial notice, **54:24**
- HISTORICAL FACTS
 - Judicial notice, **54:16**
- HOME INVASION
 - Burden of proof, **30:23**
- HOME OR RESIDENCE
 - Burden of proving residential burglary, **29:24**
 - Residential burglary, burden of proving, **29:24, 30:38**

- HORIZONTAL GAZE
 - NYSTAGMUS (HGN) TESTS
 - Expert testimony, **64:42**
- HOSPITAL RECORDS
 - Medical testimony, **65:7**
- HOSTILE WITNESS
 - Impeachment of witness, **48:4**
- HOSTILITY
 - Impeachment, showing hostility of witness, **48:12**
- HUMANE TREATMENT
 - Right of accused while in custody, **11:29**
- HUSBAND AND WIFE
 - Admissibility of evidence of marriage, **38:18**
 - Competency of spouse to testify for or against other spouse, **37:7**
 - Existence of marital relationship, **52:10**
 - Privileged communications and information, **52:8, 52:9**
- HYPNOSIS
 - Admissibility of hypnotic evidence, **38:14**
 - Competency of hypnotized evidence to testify, **37:21**
 - Cross-examination of hypnotized witness, **47:21**
 - Impeachment of hypnotized witness, **49:29**
 - Right to be informed that witness was hypnotized, **38:15**
- HYPOTHETICAL QUESTION
 - Generally, **68:1 to 68:5**
 - Answer, **68:4, 68:5**
 - Contents, **68:2**
 - Cross-examination as to answer, **68:5**
 - Jury selection, use during, **22:8**
 - Medical testimony, question to physician or surgeon, **65:4**
 - Objections to, **68:3**
 - Use, generally, **68:1**
- IDENTIFICATION OR DESCRIPTION
 - Accused, this index
 - Expert testimony, use of new scientific techniques, **64:26**
 - Impeachment of witness, effect of name variance on proving identity, **50:6**
- IDENTITY THEFT
 - Financial identity theft, burden of proof, **29:26**
- ILLEGALLY OBTAINED EVIDENCE
 - Generally, **73:1 to 73:10**
 - Audiotapes of accused, admissibility, **73:8**
 - Confession. Suppressing Illegally Obtained Confession, this index
 - Defendant, use to impeach, **73:9**
 - Defendant's witnesses, use to impeach, **73:10**
 - Device used for eavesdropping, **73:4**
 - Eavesdropping evidence
 - generally, **73:3**
 - suppression, **73:7**
 - use of eavesdropping device, **73:4**
 - Fruit of poisonous tree doctrine, **73:2**
 - Impeachment, use for defendant, **73:9**
 - defendant's witnesses, **73:10**
 - Suppressing Illegally Obtained Evidence, this index
 - Wiretap evidence
 - federal law violation, **73:5**
 - state law violation, **73:6**
- ILLINOIS RULES OF PROFESSIONAL CONDUCT OF 2010
 - Responsibilities of a lawyer, **3A:1**

INDEX

- Scope, **3A:2**
- ILLNESS OR SICKNESS
 - Continuance, illness of party, **7:10**
- IMPEACHMENT OF ADMITTED CONFESSION
 - Generally, **74:15**
- IMPEACHMENT OF VERDICT
 - Generally, **93:13**
- IMPEACHMENT OF WITNESS
 - Generally, **48:1 to 48:30**
 - Addict's testimony, **48:20, 48:21**
 - Admission of conviction, judicial discretion, **50:11**
 - Alias or false name, use by witness, **48:19**
 - Anticipatory impeachment, **48:15**
 - Anticipatory impeachment of state's witness, **48:15**
 - Appeal, effect, **50:8**
 - Bias of witness, **48:12**
 - Checklist of matters that may not be used, **48:23**
 - Collateral issues, **48:8**
 - Confession, inadmissibility, **49:5**
 - Confrontation right violated by limitation on impeachment, **50:10**
 - Conviction
 - generally, **50:1, 50:3**
 - judicial notice of prior conviction, **50:5**
 - limitations on use of prior conviction, **50:2**
 - manner of proving prior conviction, **50:4**
 - mere fact rule, **50:4**
 - prior, generally, **50:1 to 50:14**
 - variance in names, effect on proving identity, **50:6**
 - Court's witness, impeachment by judge, **3:24**
 - Credibility of witness
 - generally, **48:6**
 - province of court and jury, **10:4**
 - Defendant, impeachment of, **48:2**
 - Defendant's witness, impeachment with failure to give exculpatory information for defendant to authorities, **48:30**
 - Examination of hostile witness, **48:4**
 - Expert testimony as to credibility, **48:24**
 - Explanation of extenuating circumstances, **50:9**
 - Extenuating circumstances, right of witness to explain, **50:9**
 - Failure of defendant's witness to give exculpatory information for defendant to authorities, **48:30**
 - Failure to follow up with proof, **50:7**
 - False in part testimony, **49:25**
 - Foundation, laying, **48:5**
 - Government documents, use of privileged documents to impeach, **49:28**
 - Grand jury testimony
 - inconsistent statement or conduct, **49:13**
 - silent witness, **49:26**
 - Hostile witness, **48:4, 48:12**
 - Hypnotized witness, **49:29**
 - Illegally obtained evidence, **73:9, 73:10**
 - Immunity or promise of immunity, **48:11**
 - Inconsistent statement or conduct
 - generally, **48:9, 49:1 to 49:16**

- admission of inconsistent statement in evidence, **49:9**
- conduct, **49:2**
- confession inadmissible, **49:5**
- determining inconsistency, **49:4**
- explain prior statement, right of witness to, **49:7**
- expressions of opinion, **49:12**
- extrinsic evidence proving statement, **49:8**
- failure to follow up after laying foundation, **49:11**
- grand jury testimony, use to impeach, **49:13**
- inadmissible confession, **49:5**
- inadmissible statements as prior inconsistent statements, **49:3**
- incrimination by prior inconsistent statements, **49:6**
- instructing on prior inconsistent statements, **49:15**
- laying foundation for prior inconsistent statement, **49:10, 49:11**
- misconduct of witness previously, **48:18**
- prior statement or conduct, generally, **49:1 to 49:15**
- proof of prior statement, **49:8**
- silence, impeaching with, **49:16**
- substantive evidence, use of prior inconsistent statement as, **49:14**
- Instruction
 - addict's testimony, **48:21**
 - credibility of witnesses, **48:7**
- Instruction on limited use of prior conviction, **50:14**
- Interested witness, **48:10**
- Intoxication of witness at time of event, **48:22**
- Judicial discretion in admission of prior conviction, **50:11**
- Judicial notice of prior conviction, **50:5**
- Juvenile adjudication's, **50:13**
- Laying foundation
 - generally, **48:5**
 - prior inconsistent statement, **49:10, 49:11**
- Leniency or promise of leniency, **48:11**
- Limitations
 - confrontation right violated by limitation on impeachment, **50:10**
 - instruction on limited use of prior conviction, **50:14**
 - prior conviction, use of, **50:2**
 - time limits, **50:12**
- Mentally impaired witness, **49:27**
- Mere fact rule, manner of proving prior conviction, **50:4**
- Misconduct of witness previously, **48:18**
- Name variance, effect on proving identity and prior conviction, **50:6**
- Narcotic addict's testimony, **48:20, 48:21**
- Occupation of witness illegal or disreputable, **48:17**
- Omission, impeachment by, **48:14**
- Own witness, **48:3**
- Pardon or parole, effect, **50:8**
- Partially false testimony, **49:25**
- Privileged government documents, use to impeach, **49:28**
- Redirect examination, explaining impeaching answers, **51:6**
- Religious beliefs or opinions of witness, **48:16**

INDEX

- Reversal, effect, **50:8**
- Silence, impeaching with, **49:16**
- Silence of witness before grand jury, **49:26**
- State's witness, anticipatory impeachment, **48:15**
- Time limits, **50:12**
- Variance in names, effect on proving identity and prior conviction, **50:6**
- IMPOSSIBILITY
 - Defenses, **14:16**
- IMPROPER CONDUCT
 - Dismissal of juror, **25:3**
- IMPROPER EVIDENCE
 - Admissibility of inadmissible evidence to rebut previously admitted improper evidence, **38:12**
- INADVERTENCE
 - Other offenses by defendant negating, **39:9**
- IN CAMERA PROCEEDINGS
 - Public trial, **2:27**
- INCONSISTENT VERDICTS
 - Generally, **93:5**
- "IN CUSTODY"
 - Trigger for Miranda warnings, **76:2**
- INDEPENDENT SOURCE RULE
 - Search and seizure without search warrant, **79:10**
- INDICTMENT AND INFORMATION
 - Directed verdict amending, **88:3**
 - Pretrial procedures, amendments, **1:4**
- INDIGENT DEFENDANT
 - Right to appointed counsel, **12:2**
- INDIRECT CONTEMPT
 - Generally, **20:3**
- INFANTS
 - Children, this index
- INFERENCES
 - Presumptions and Inferences, this index
- INFORMANTS
 - Call, duty of prosecutor, **19:23**
 - Competency to testify, **37:14**
 - Disclosure duty of prosecutor, **19:22**
 - Privileged communications and information, **52:28**
- INJURY
 - Burden of proof, **29:32**
- INNOCENCE
 - Failure to declare, **74:10**
 - Instruction on presumption, **91:34**
 - Other offenses by defendant negating, **39:10**
 - Rights of accused, presumption of innocence, **11:5**
- INSANITY
 - Admissibility of evidence, **17:7**
 - Affirmative defense, special verdict required, **17:9**
 - Appointment of psychiatrist or clinical psychologist, **17:3**
 - Burden of proof, **17:4**
 - Defenses, **17:1 to 17:9**
 - Expert testimony as to sanity, **64:19**
 - Jury selection when sanity an issue, **22:6**
 - Nonexpert opinion as to sanity, **63:10**
 - Notice of insanity defense, **17:2**
 - Presumption of sanity in criminal cases, **17:5**
 - Presumptions and inferences about sanity, **55:18**
 - Questioning jurors regarding insanity defense, **17:6**
 - Special verdict, insanity as affirmative defense, **17:9**
- INSPECTION AND INSPECTORS
 - Privilege against self-incrimination, inspection of

- accused's or witness' person, **46:11**
- Refreshing and recalling witness recollection, inspection of memorandum, **45:4**
- INSTRUCTIONS
 - Generally, **91:1 to 91:53**
 - Accomplice testimony, **37:17**
 - Accomplice witness, **91:43**
 - Accountability, **91:42**
 - Accused's basic rights, **22:3**
 - Accused's failure to testify, **91:39**
 - Accused's right to refuse to testify, **91:41**
 - Accused's right to remain silent, **91:40**
 - Acting knowingly, **91:38**
 - Alibi, **15:7**
 - Alibi, instructing on, **15:7**
 - Appendi issues, **91:53**
 - Argumentative instructions, **91:18**
 - Basic rights of defendant, **22:3**
 - Burden of proof, **91:35**
 - Burden of proof, instruction on motive, **29:11**
 - Cautionary instructions, **91:13**
 - Character of accused, **85:6**
 - Checklist, suggestions for preparation, **91:4**
 - Circumstantial evidence, **43:7**
 - Clarifying or explaining, **91:22**
 - Closing arguments, **89:13**
 - Concluding criminal instructions, **91:46**
 - Conduct of jury, instructions during trial, **25:18**
 - Conference, **91:9**
 - Confessions and admissions, **74:20**
 - Conflicting defenses, **91:33**
 - Conflicting instructions, **91:25**
 - Conspiracy, **91:47**
 - Conspiracy cases, **14:15**
 - Correcting erroneous instructions, **91:23**
 - Court's own instructions, **91:8**
 - Credibility of witnesses, **48:7**
 - Crime charged, instructing on, **91:28**
 - Defendant's basic rights, **22:3**
 - Defense of dwelling, **14:8**
 - Defenses, **91:31, 91:33**
 - Defining words or terms, **91:15**
 - Depositions, **86:9**
 - Disposition, **91:26**
 - Effect of erroneous instructions, **91:24**
 - Entrapment, **16:4**
 - Erroneous instructions, **91:23, 91:24**
 - Evidence depositions, **86:9**
 - Expert testimony, **64:51**
 - Eye witness testimony, **91:48**
 - Failure of accused to testify, **91:39**
 - Failure to object, **91:11**
 - Format, **91:6**
 - General requirements, **91:1**
 - Geographic jurisdiction, **91:52**
 - Handbooks as preliminary instructions, **21:11**
 - Identification of accused, **31:21**
 - Impeachment of witness
 - addict's testimony, **48:21**
 - credibility of witnesses, **48:7**
 - limited use of prior conviction, **50:14**
 - Impeachment of witness, use of prior inconsistent statements, **49:15**
 - Insanity defense, **17:8**
 - Intent, **91:37**
 - Intoxication or drugged condition as defense, **14:6**
 - Invading province of jury, **91:19**
 - Issues instructions, **91:14**

INDEX

- Judicial decisions as basis for instructions, **91:17**
- Judicial notice, **54:8**
- Jury instruction conference, **91:9**
- Lesser included offense, **91:29, 91:30**
- Lesser offense instruction, **91:50**
- Limited use of admitted evidence, **42:6**
- Medical testimony, **65:12**
- Mental illness, **17:11**
- Missing witness instruction, **91:44**
- Mistake-of-fact, **91:49**
- Necessity, instructing on, **91:45**
- Necessity defense, **14:19**
- Negative instructions, **91:20**
- Number, **91:12**
- Objections, **91:10**
- Oral jury instructions, **91:2**
- Other offenses by defendant, evidence of, **39:39**
- Own motion of court, duty to instruct on, **91:27**
- Pattern instructions
 - duty to use, **91:3**
 - preparing instructions not based on, **91:5**
- Preliminary instructions, handbooks, **21:11**
- Presumption of innocence, **91:34**
- Presumptions, generally, **56:17**
- Privilege against self-incrimination, effect of refusal to testify, **46:27**
- Privileged communications and information, **52:25**
- Proximate cause, **91:51**
- Reading instructions, manner of, **91:21**
- Reasonable doubt, **91:36**
- Refusal by accused to testify, **91:41**
- Rights of defendant, basic, **22:3**
- Self-defense, **14:9**
- Slanted and argumentative instructions, **91:18**
- Statute-based instructions, **91:16**
- Stolen goods, possession, inferences, **56:5**
- Theory of case according to defendant, **91:32**
- Time for tendering, **91:7**
- Waiver of right to lesser included offense instruction, **91:30**
- Weight of evidence, instructing on, **10:7**
- INSULTING OR PROVOKING NATURE
 - Burden of proof, **29:29**
- INTENT
 - Burden of proving, **29:5, 29:6**
 - Circumstantial evidence of criminal intent, **43:3**
 - Instructions, **91:37**
 - Other offenses as evidence of, **39:5**
 - Other offenses by defendant negating absence of intent, **39:10**
- INTERPRETERS
 - Qualifications, **34:24**
 - Right to, **11:36, 34:23**
 - Use in court, **34:25**
- INTERROGATION
 - Questioning as, determination, **76:13**
 - Suppressing illegally obtained confession, **75:12**
- INTERVENING CIRCUMSTANCES
 - Miranda warnings, purging taint, **76:14**

INTERVIEWS

Witnesses, **34:13**

INTOXICATING LIQUORS

Judicial notice, **54:17**

INTOXICATION

Admissibility of alcohol evidence on issue of impairment, **38:33**

Alcoholic content of blood, presumption of intoxication, **56:6**

Blood tests, **64:40**

Burden of proving, **29:18**

Competency of alcoholic to testify, **37:13**

Defense of being intoxicated, **14:5**

Expert testimony, **64:38**

Impeachment of witness, intoxication at time of event, **48:22**

Juror's use of intoxicants, **25:10**

Nonexpert opinion evidence, **63:11**

Suppressing illegally obtained confession, **75:23**

Urine tests, **64:40**

INVENTORY SEARCH

Automobiles, **84:4**

Person, search after arrest, **82:2**

INVESTIGATIONS

Accused's right to investigators, **11:27**

Competency of investigator in criminal case to testify, **37:20**

Judge's independent investigations, **3:28**

Separate, statements made in, Miranda Warnings, **76:16**

INVESTIGATORY STOPS

Questioning person as search and seizure, **81:3**

INVITED ERROR DOCTRINE

Conduct of attorney, **4:24**

INVITED RESPONSE DOCTRINE

Closing arguments, **89:14**

INVOLUNTARY ACT

Defenses, **14:30**

JUDGE

Arrest during trial, **2:20**

Assaulting or harassing judge in courtroom, **2:38**

Assistance of counsel, **3:19**

Attire of persons in courtroom, control by judge, **3:7**

Bench conferences during trial, **2:19**

Bribery, **2:39**

Caretaker function, **64:6**

Challenging juror for relationship with judge, **24:20**

Comments to jury, **3:10**

Common knowledge, remarks of judge on, **3:12**

Conduct of attorney toward, **4:7**

Consultation of party with attorney, right of judge to bar, **3:21**

Contempt proceeding, **20:11**

Counsel, conduct of judge toward, **3:18**

Courtroom attire, right of judge to control, **3:7**

Court's own witnesses, **3:23**

Cross-examination of court's witness, **3:24**

Demeanor, generally, **3:2**

Diction, **3:9**

Dress of persons in courtroom, right of judge to control, **3:7**

Duty to preserve order, **3:5**

Examination of witness, **3:20**

Ex parte communications about pending matters, **3:35**

Expedite trial, duty and right of judge, **3:6**

INDEX

- Expert testimony, caretaker function of trial judge, **64:6**
- General conduct, **3:1**
- Harassment in courtroom, **2:38**
- Impartial jurors, judge's duty to assure selection of, **22:13**
- Impeachment of court's witness, **3:24**
- In camera proceedings, **2:27**
- Independent investigations, **3:28**
- Investigations, **3:28**
- Judicial humor, **3:3**
- Libel and slander, liability of judge, **3:33**
- Matters of law, remarks of judge, **3:12**
- Misconduct of judge, objections, **3:31**
- Number of witnesses, right to limit, **3:17**
- Objections to misconduct of judge, **3:31**
- Offensive language, control of, **3:27**
- Own motion of court to exclude improper testimony, **3:26**
- Parties, conduct toward, **3:13**
- Perjury, warning witness about, **3:15**
- Presence, **3:4**
- Preservation of order, duty of judge, **3:5**
- Pretrial order to control proceedings, **3:32**
- Pretrial procedures, motion for substitution, **1:12**
- Proximity, right of judge to control persons near courtroom, **3:8**
- Questioning witnesses by judge, **3:22**
- Records of court, control of, **3:36**
- Remarks
 - matters of law, **3:12**
 - testimony and rulings, remarks on, **3:11**
- Right of accused to be advised by judge as to consequences of decisions, **11:15**
- Rights of accused, judge discouraging witnesses from testifying, **11:32**
- Self-incrimination, admonishing defendant of right against, **3:16**
- Settlement, pressure on parties for, **3:34**
- Substitution
 - during trial, **3:30**
 - right to substitution, **3:29**
- Testimony and rulings, remarks on, **3:11**
- Verdicts, inconsistent bench findings, **93:7**
- Voice, **3:9**
- Witness, judge as, **3:25**
- Witnesses, conduct toward, **3:14**
- JUDICIAL CONTROL
 - Publicity, **5:6**
- JUDICIAL DELIBERATION
 - PRIVILEGE
 - Generally, **52:27**
- JUDICIAL ESTOPPEL
 - Controlling law, **2:12**
- JUDICIAL HUMOR
 - Conduct of judge, **3:3**
- JUDICIAL NOTICE
 - Generally, **54:1 to 54:26**
 - Abbreviations and acronyms, **54:19**
 - Admissibility of evidence to rebut judicially noticed fact, **54:7**
 - Behavior, **54:20**

Business customs and practices, **54:22**

Checklists

facts not judicially noticed, **54:26**

other facts judicially noticed, **54:25**

Cities, **54:13**

Court-related facts, **54:11**

Economic facts, **54:16**

Expert testimony, prior determination of acceptance of principle or methodology, **64:7**

Foreign law, **54:10**

Geographical facts, **54:13**

Government-related facts, **54:12**

Habit or custom, **54:20**

Highways and streets, **54:24**

Historical facts, **54:16**

Human health, **54:20**

Impeachment of witness, notice of prior conviction, **50:5**

Instruction, **54:8**

Intoxicating liquors, **54:17**

Language, **54:19**

Laws, **54:9, 54:10**

Location, **54:14**

Making record of facts noticed, **54:4**

Mandatory notice, **54:3**

Meaning of, **54:1**

Natural phenomena, **54:21**

Opportunity to be heard, **54:5**

Population, **54:15**

Proof excused in absence of judicial notice, **54:2**

Scientific and statistical facts, **54:18**

Statutes, **54:9, 54:10**

Streets, **54:24**

Time of taking notice, **54:6**

Towns, **54:13**

Towns and villages, **54:13**

Transportation, **54:24**

Value, **54:23**

Villages, **54:13**

JURY

Accused's right to list of jurors and information about them, **11:17**

Admissibility of evidence that may cause prejudice in jurors, **38:24**

Alternate juror

deliberations, replacement with during, **92:9**

replacing juror, **25:6**

selection, **22:11**

Apprendi, applicability of, **9:8**

Assaulting or harassing juror in courtroom, **2:38**

Attention of juror to proceedings, **25:7**

Attorneys, challenging juror for relationship with, **24:19**

Attorney's communications with jurors, **4:20**

Attorney's right to ask questions during jury selection, **22:4**

Basic rights of defendant instruction, **22:3**

Bias or prejudice

admissibility of evidence that may cause prejudice in jurors, **38:24**

challenging juror for cause, **24:10, 24:14 to 24:17**

Bribery of juror, **25:5**

Business or professional relationship of juror with party, for cause challenge, **24:12**

Cause for challenging jurors, generally, **24:1 to 24:24**

Challenging jurors generally, **23:1**

INDEX

- attorneys, relationship with, **24:19**
- business or professional relationship with party, **24:12**
- cause, challenge for, generally, **24:1**
- checklist of statutory grounds for challenge for cause, **24:2**
- connection with case prior to trial, **24:8**
- crime, prejudice of juror toward, **24:16**
- familial relationship with party, **24:11**
- gambling, prejudice of juror toward, **24:16**
- judge, relationship with, **24:20**
- knowledge of facts prior to trial, **24:7**
- liquor, prejudice of juror toward, **24:16**
- making challenge for cause, **24:3**
- news report of case, juror having read or heard, **24:6**
- order of exercising challenges, **23:2**
- passing on challenge for cause, **24:4**
- peremptory challenges, **23:3 to 23:5**
- physical impairment of juror, **24:22**
- preconceived opinion of juror, **24:9**
- prejudice and bias, generally, **24:10**
- present and former law enforcement officials, **24:22**
- previous connection with case, **24:8**
- previous knowledge of facts, **24:7**
- racial, religious and class prejudices and beliefs, **24:17**
- ruling on challenge, effect, **24:5**
- social relationship with party, **24:13**
- systematic exclusion, **23:4 to 23:7**
- time restraints of juror, **24:23**
- witnesses, relationship with, **24:18**
- Checklists
 - racially neutral traits, **23:5**
 - statutory grounds for challenge for cause, **24:2**
- Circumstantial evidence, bias of juror as cause for challenge, **24:15**
- Class prejudices of juror as basis of for cause challenge, **24:17**
- Communications with jurors before and during trial, **25:11, 25:12**
- Conduct of attorney toward jurors, **4:7**
- Conduct of juror, instructions during trial, **25:18**
- Conduct of juror during trial, **25:1 to 25:22**
- Confusion of juror, verdict procedure, **93:11**
- Connection with case, challenging juror with, **24:8**
- Contempt proceedings, right to jury, **20:9**
- Crime, prejudice of juror toward as cause for challenge, **24:16**
- Defective verdict, reconsideration by jury, **93:3**
- Discrimination, **21:8**

- Dismissal of juror for improper conduct, **25:3**
- Dissent by juror, verdict procedure, **93:11**
- Double jeopardy, discharge of jury for failure to agree, **18:8**
- Enhanced penalty, finding beyond reasonable doubt (Apprehendi), **9:8**
- Evidence, reception out of court, **25:15**
- Excusal of juror by court, **21:9**
- Exemptions from jury service, **21:5**
- Failure of juror to appear, **25:2**
- Failure of juror to divulge pertinent information, **22:11**
- Failure to administer oath, **25:22**
- Fair and impartial jury, **9:2**
- Favors, acceptance by juror, **25:4**
- Fees, **21:7**
- Gambling, prejudice of juror toward as cause for challenge, **24:16**
- Handbooks, **21:11**
- Harassing jurors, **25:21**
- Harassment of juror in courtroom, **2:38**
- Hypothetical questions used in jury selection, **22:8**
- Immunity of juror, **25:20**
- Impaneling jury, **22:1**
- Impartial jurors, judge's duty to assure selection of, **22:13**
- Inquiries by jurors, **25:9**
- Insanity defense
 - instructing on, **17:8**
 - questioning jurors on, **17:6**
- Instructions, this index
- Intoxicants or drugs use by juror, **25:10**
- Invasion of province of jury, questions of law and fact, **10:2**
- Judge, challenging juror for relationship with, **24:20**
- Judge's comments to jury, **3:10**
- Judge's duty to assure selection of impartial jurors, **22:13**
- Law enforcement officials, challenging jurors, **24:22**
- Liquor, prejudice of juror toward as cause for challenge, **24:16**
- Making challenge for cause, **24:3**
- Matters subject to investigation during panel selection, **22:5**
- Mental illness, instruction on, **17:11**
- Name and address of prospective jurors, **21:4**
- News coverage
 - challenging juror for having read or heard, **24:6**
 - juror reading or hearing accounts of trial, **25:13, 25:14**
- Note taking by juror, **25:8**
- Number of jurors, verdict by less than twelve jurors, **93:12**
- Order of exercising challenges, **23:2**
- Panel
 - pretrial motion for discharge of jury panel, **1:14**
 - Selection, below
- Passing on challenge for cause, **24:4**
- Passing on panels of jurors, **22:9**
- Payment by parties prohibited, **21:11**
- Peremptory challenges
 - generally, **23:3**

INDEX

- checklist of racially neutral traits, **23:5**
- systematic exclusion of racial members, **23:4**
- Personal exchanges with jurors during trial, **25:12**
- Physical impairment of juror as cause for challenge, **24:22**
- Polling jurors for verdict, **93:10**
- Prejudice and bias as basis of for cause challenge
 - generally, **24:10, 24:14 to 24:17**
 - circumstantial evidence, **24:15**
 - crime, liquor, gambling, etc., prejudice against, **24:16**
 - person involved in case, **24:14**
 - racial, religious and class prejudices and beliefs, **24:17**
- Preliminary instructions, handbooks, **21:11**
- Pretrial motion for discharge of jury panel, **1:14**
- Previous connection with case, challenging juror with, **24:8**
- Previous knowledge of facts, challenging juror with, **24:7**
- Procedure when juror reads account of trial, **25:14**
- Prospective jurors, right to names and addresses, **21:4**
- Publicity
 - admonishing jury regarding publicity, **5:3**
 - juror hearing and reading news accounts, **5:2**
- Questions of law and fact, invasion of province of jury, **10:2**
- Race discrimination, **21:8**
- Racial beliefs of juror as basis of for cause challenge, **24:17**
- Reading or hearing accounts of trial, **25:13, 25:14**
- Reception of evidence out of court, **25:15**
- Religious beliefs of juror as basis of for cause challenge, **24:17**
- Reopening voir dire after jurors have been sworn, **22:7**
- Replacing juror with alternate juror, **25:6, 92:9**
- Right to fair and impartial jury, **9:2**
- Ruling on for cause challenge of juror, effect, **24:5**
- Sanity of accused at issue, **22:6**
- Selection
 - generally, **22:1 to 22:13**
 - accused's basic rights, instruction, **22:3**
 - alternate jurors, **22:11**
 - attorney's right to ask questions, **22:4**
 - hypothetical questions, **22:8**
 - impaneling jury, **22:1**
 - impartial jurors, judge's duty to assure selection of, **22:13**
 - instruction on basic rights of defendant, **22:3**
 - matters subject to investigation, **22:5**
 - passing on, **22:9**
 - pertinent information, failure of juror to divulge, **22:11**
 - problems, generally, **21:3**
 - reopening voir dire after jurors have been sworn, **22:7**
 - sanity at issue, **22:6**
 - truthful answers, duty to make, **22:10**

- voir dire, **22:2**
- Voir Dire, this index
- Separation of jury during trial, **25:17**
- Sex discrimination, **21:8**
- Social relationship of juror with party as cause for challenge, **24:13**
- Swearing jury, **21:10**
- Systematic exclusion of potential jurors
 - age exclusion, **23:7**
 - checklist of racially neutral traits, **23:5**
 - gender exclusion, **23:6**
 - peremptory challenges, **23:4, 23:5**
 - racial exclusion, **23:4**
- Time off for jury duty, **21:6**
- Time restraints of juror as cause for challenge, **24:23**
- Truthful answers, duty of jurors, **22:10**
- Twelve jurors, trial by less than, **9:3**
- Unauthorized view by juror, **25:16**
- Verdict, polling jurors, **93:10**
- Waiver of right to trial by jury, **9:7, 21:2**
- Weight of evidence, instructing on, **10:7**
- Witness, juror as, **25:19**
- Witnesses, challenging juror for relationship with, **24:18**
- JURY TRIAL
 - Generally, **9:1**
 - Apprendi, applicability of, **9:8**
 - Enhanced penalty, finding beyond reasonable doubt (Apprehendi), **9:8**
 - Fair and impartial jury, **9:2**
 - Invasion of province of jury, questions of law and fact, **10:2**
 - Less than twelve jurors, **9:3**
 - Simultaneous jury and nonjury trial, **9:4**
 - Simultaneous trial before two juries, **9:5**
 - Simultaneous trial of two defendants before single jury, **9:6**
 - Twelve jurors, trial by less than, **9:3**
 - Two defendants, simultaneous trial before single jury, **9:6**
 - Two juries, simultaneous trial before, **9:5**
 - Waiver of right to trial by jury, **9:7**
- JUSTIFIABLE USE OF FORCE
 - Burden of proof, **29:9**
- JUSTIFICATION OR EXCUSE
 - Juror, right of court to excuse, **21:9**
- JUVENILE PROCEEDINGS
 - Delinquency proceedings in juvenile court, **2:7**
 - Impeachment of witness, juvenile adjudications, **50:13**
 - Suppressing illegally obtained confession obtained in absence of parent or adult friend, **75:21**
- KIDNAPPING
 - Burden of proof, **30:1**
 - Burden of proving aggravated kidnapping, **30:28**
- KNIFE BLADE
 - Length, burden of proof, **29:13**
- KNOWLEDGE
 - Direct examination, first-hand knowledge of witness, **44:10**
 - Leaving scene of accident knowingly, burden of proving, **30:18**
 - Other offenses by defendant, evidence of, **39:4**

INDEX

LANGUAGE

Construction, province of court and jury, **10:14**

Judge's control of offensive language, **3:27**

Judicial notice, **54:19**

LAW ENFORCEMENT

OFFICIALS

Challenging jurors for present or former occupation as, **24:22**

Resisting, burden of proof, **29:25**

Trial participants, **2:22**

LAW LIBRARY

Pro se defendant, right to access law library, **12:11**

LEADING QUESTIONS

Direct examination of witness, **44:5**

LEGAL MALPRACTICE

Criminal cases, **4:23**

LENITY

Rule of lenity, defenses, **14:33**

LESSER INCLUDED OFFENSE

Verdict convicting, **93:8**

LESSER OFFENSE

Instructions, **91:50**

LIBEL AND SLANDER

Attorney's liability, **4:18**

Judge's liability, **3:33**

Liability of judge, **3:33**

Participant's liability, **2:21**

Trial participant, liability, **2:21**

LIE DETECTOR TESTS

Privilege against self-incrimination, **46:21**

LIMITATIONS

Miranda rules, **76:9**

Opinion evidence, **62:1 to 62:5**

LINEUP

Procedure, **31:9, 31:11**

LIQUOR

Challenging juror for prejudice involving, **24:15**

LISTS

Jurors, accused's right to list, **11:17**

Rights of accused

list of jurors and information about them, **11:17**

list of prosecution witnesses, **11:18**

partial list of rights, **11:3**

Witness omitted from list of witnesses, competency to testify, **37:18**

LOST OR MISPLACED PLEADINGS, EXHIBITS, ETC.

Conduct of trial, **2:36**

MALPRACTICE

Attorneys, legal malpractice in criminal cases, **4:23**

Duty to report professional misconduct, attorney's, **4:28**

Legal malpractice in criminal cases, **4:23**

MAPS, PLATS, AND SURVEYS

Admissibility, **57:10**

Documentary evidence, **60:21**

MARRIAGE

Admissibility of evidence, **38:18**

MATERIALITY

Evidence, admissibility, **38:4**

MATERIAL WITNESSES

Generally, **34:10**

MEDIA REPRESENTATIVES

Arrangements for in public trial, **2:28**

Exclusion from public trial, **2:26**

News media, arrangements for in public trial, **2:28**

MEDICAL EXAMINATION

Victim, right of accused to have medical examination of, **11:34**

MEDICAL RECORDS

Medical testimony, **65:6**

MEDICAL TESTIMONY

Generally, **65:1 to 65:13**

Charts, models, skeletons, etc.,
65:10

Cross-examining medical witness, **65:5**

Direct examination of physician or surgeon, **65:2**

Doctor's records, **65:8**

Hearsay
basis in part, **65:3**
medical diagnosis and/or
treatment exception,
65:13
partially-based on hearsay,
65:3

Hospital records, **65:7**

Hypothetical question to physician or surgeon, **65:4**

Instructing on medical testimony, **65:12**

Medical diagnosis and/or treatment exception to hearsay rule, **65:13**

Medical records, **65:6**

Psychologists and psychiatrists, **65:11**

Scientific records, **65:9**

MEDICATION

Fitness to plead, stand trial, or be sentenced, **1A:8**

MEMORY

Refreshing and Recalling Witness Recollection, this index

MENS REA

Admissibility of evidence of state of mind of accused, **38:20**

Other offenses by defendant that show evidence of state of mind, **39:6**

MENTAL CONDITION

Nonexpert opinion evidence, **63:4**

MENTAL EXAMINATION OF ACCUSED

Privilege against self-incrimination, **46:26**

MENTAL ILLNESS

Appointment of psychiatrist or clinical psychologist, **17:3**

Competency of mentally handicapped person to testify, **37:11**

Confidentiality, **52:22**

Defenses, **17:1, 17:2, 17:10 to 17:12**

Direct criminal contempt proceedings, **20:7**

Fitness to Plead, Stand Trial, or Be Sentenced, this index

MENTAL IMPAIRMENT

Impeachment of mentally impaired witness, **49:27**

MICROFILMS

Business records, **72:4**

MINORS

Children, this index

MIRANDA WARNINGS

Generally, **76:1 to 76:16**

Admissibility of statements from prior illegal arrest, **76:15**

Checklist of situation where warnings not required, **76:11**

Conversation initiated by suspect, **76:5**

Custodial interrogation determination, **76:12**

"In custody" trigger, **76:2**

Initiation of conversation by suspect, **76:5**

Intervening circumstances purging taint, **76:14**

Limitations, **76:9**

INDEX

- Police subterfuge in obtaining waiver, **76:8**
- Public safety and rescue doctrine/private safety exceptions, **76:10**
- Purging taint by intervening circumstances, **76:14**
- Questioning as interrogation, determination, **76:13**
- Renewal of questioning, **76:4**
- Request for attorney, sufficiency, **76:6**
- Separate investigations, statements made in, **76:16**
- Sufficiency of request for attorney, **76:6**
- warnings given, **76:3**
- Waiver of rights, **76:7, 76:8**
- MISCONDUCT
 - Direct examination, improper conduct by counsel, **44:13**
 - Double jeopardy resulting from, **18:5**
 - Official misconduct, burden of proving, **30:32**
- MISSING WITNESS INSTRUCTION
 - Generally, **91:44**
- MISTAKE
 - Defense
 - ignorance or mistake, **14:20**
 - mistake of age not defense, **14:12**
 - Defenses, **14:20**
 - Other offenses by defendant negating, **39:9**
- MISTAKE-OF-FACT
 - Instructions, **91:49**
- MISTRIAL
 - Decision to move for mistrial, **87:5**
 - Double jeopardy, **18:7, 18:12, 87:4**
 - Grounds for declaring, **87:3**
 - Inability of jury to arrive at verdict, **87:4**
 - Nature of mistrial, **87:1**
 - Right to have mistrial declared, **87:2**
- MOB ACTION
 - Burden of proof, **30:42**
- MOBILE HOME
 - Search without warrant, **84:5**
- MODELS, ETC.
 - Medical testimony, **65:10**
- MODUS OPERANDI
 - Expert testimony, criminal, **64:37**
 - Offenses showing, **39:14, 39:15**
- MOTION PICTURE
 - Admissibility, **58:7**
 - Testimony given in, **34:26**
- MOTIONS
 - Continuance, time for motion, **7:3**
 - Dismissal motions
 - pretrial procedures, criminal charge, **1:11**
 - Evidence on trial motions, **6:4**
 - In limine motion, **6:4**
 - Jury panel, pretrial motion to discharge, **1:14**
 - Motion in limine, **6:4**
 - Nolle prosequi, **6:5**
 - Pretrial procedures
 - change of place of trial, **1:13**
 - discharge of jury panel, **1:14**
 - dismissal of criminal charge, **1:11**
 - substitution of judge, **1:12**
 - Procedure
 - motions during trial, **6:2**
 - Suppressing illegally obtained confession
 - motion to produce confession, **75:1**
 - motion to suppress confession, **75:3**

- Trial location, motion to change, **1:13**
 - Trial motions
 - generally, **6:1**
 - evidence on motions, **6:3**
 - in limine motions, **6:4**
 - nolle prosequi, **6:5**
 - procedure, **6:2**
- MOTIONS IN LIMINE
 - During trial, **6:4**
- MOTIVE
 - Burden of proving, **29:10**
 - Circumstantial evidence, **43:5**
 - Instruction on motive, **29:11**
 - Other offenses by defendant as evidence of, **39:8**
- MOTOR VEHICLES
 - Automobiles, this index
- MUG SHOTS
 - Other offenses by defendant, evidence of, **39:37**
- MULTIPLE PROSECUTIONS
 - Generally, **18:1 et seq.**
- MUNICIPAL CORPORATIONS
 - Judicial notice, **54:13**
- MURDER
 - Admissibility of hearsay evidence based upon intentional murder of witness, **69:7**
- NAMES
 - Prospective jurors, **21:4**
- NARCOTICS ADDICTION
 - Expert testimony, **64:20**
- NATURAL PHENOMENA
 - Judicial notice, **54:21**
- NECESSITY DEFENSE
 - Generally, **14:18**
 - Instructing on, **14:19**
- NEGATIVE EVIDENCE
 - Admissibility, **38:8**
- NEGATIVE PROPOSITION
 - Burden of proof, **28:8**
- NEGOTIATION
 - Prosecutor's discretion in conducting plea negotiations, **19:29**
 - Right of accused to negotiate plea, **11:30**
- NEIGHBORHOOD OR RESIDENTIAL AREA
 - Other offenses in area, evidence of, **39:34**
- NEUTRON-ACTIVATION ANALYSIS
 - Expert testimony, **64:46**
- NEWLY DISCOVERED EVIDENCE
 - Post-trial proceedings, **94:3**
- NEWS MEDIA
 - Challenging juror for having read or heard news report of case, **24:6**
 - Conduct of juror, reading or hearing accounts of trial, **25:13, 25:14**
 - Juror reading or hearing accounts of trial, **5:2, 25:13, 25:14**
 - Publicity, juror hearing and reading news accounts of trial, **5:2**
 - Public trial, news media arrangements, **2:28**
- NICKNAME
 - Accused right to use, **11:22**
- "NO CONTACT" RULE
 - Attorneys, **2:18**
- NOLLE PROSEQUI
 - Motions during trial, **6:5**
- NONEXPERT OPINION EVIDENCE
 - Generally, **63:1 to 63:15**
 - Additional matters, **63:14**
 - Age of person, **63:12**
 - Blood stains, **63:13**
 - Body language, **63:15**

INDEX

- Examining nonexpert witness regarding opinion, **63:2**
- Handwriting, **66:2**
- Individuals, nonexpert opinion on, **63:3**
- Intoxication and influence of drugs, **63:11**
- Mental condition, **63:4**
- Personal property, opinion as to value, **63:9**
- Physical condition, **63:5**
- Sanity, **63:10**
- Speed, nonexpert opinion on, **63:7**
- Statement made by another, meaning of, **63:6**
- Stopping distance, **63:8**
- Use, generally, **63:1**
- Value of personal property, **63:9**
- NONJURY TRIAL
 - Generally, **8:1**
 - Admissibility of evidence, **8:3**
 - Closing arguments, **89:2**
 - Findings by trial court, **8:5**
 - Presumption as to rulings, **8:4**
 - Procedure, **8:2**
 - Simultaneous jury and nonjury trial, **9:4**
- NOTICE
 - Alibi, **15:2**
 - Defense, **14:3**
 - Fitness to plead, stand trial, or be sentenced, **1A:15**
 - Insanity defense, **17:2**
 - Vienna convention on consular relations, notification pursuant to, **11:35**
- NUMBER
 - Instructions, **91:12**
 - Twelve jurors, trial by less than, **9:3**
 - Witnesses, limitation by judge, **3:17**
- OATH
 - Administer oath to jury, failure, **25:22**
- OATH OR AFFIRMATION
 - Jury, swearing, **21:10**
 - Witnesses, **34:21, 34:22**
- OBJECTIONS
 - Admissibility of evidence, waiver of objection to inadmissible evidence, **38:28**
 - Closing arguments, **89:10**
 - Competency of witness, objection to, **37:2**
 - Depositions, **86:3**
 - Evidence. Objections to Evidence, this index
 - Hypothetical question, **68:3**
 - Instructions, **91:10**
 - Misconduct of judge, **3:31**
- OBJECTIONS TO EVIDENCE
 - Exclusion of inadmissible evidence, motion for, **41:8**
 - Formal exception, need for, **41:9**
 - Formal offer of proof, **41:11**
 - Grounds, stating, **41:5**
 - Hearsay
 - absence of objection, **69:10**
 - necessity of objection, **69:9**
 - Improper testimony, right to object, **41:2**
 - Inadmissible evidence, motion to exclude or strike, **41:8**
 - Misconduct, right to object, **41:2**
 - Motion to exclude or strike inadmissible evidence, **41:8**
 - Need for objection to improper evidence, **41:3**
 - Offer of proof, **41:10, 41:11**
 - Right to object, **41:2**
 - Ruling, **41:6**
 - Stating grounds, **41:5**

- Strike inadmissible evidence, motion to, **41:8**
- Timeliness, **41:4**
- Waiver, **41:7**
- OBSCENITY
 - Burden of proof, **29:31**
 - Expert testimony, **64:49**
- OBSTRUCTION OF JUSTICE
 - Burden of proof, **30:8**
 - Conduct of trial, **2:40**
- OFFENSIVE LANGUAGE
 - Control by judge, **3:27**
- OFFER
 - Accused's right to be informed of plea offer, **11:23**
- OFFER OF PROOF
 - Objections to evidence, **41:10, 41:11**
- OPENING STATEMENT
 - Admissions during, **26:6**
 - Content, **26:2**
 - Directing verdict, **26:5**
 - Evidence, limiting, **26:4**
 - Improper remarks, **26:3**
 - Limiting evidence, **26:4**
 - Remarks, improper, **26:3**
 - Right to make, **26:1**
- OPINION EVIDENCE
 - Generally, **62:1 to 62:5**
 - Admissibility, generally, **62:3**
 - Distinguishing facts from opinions, **62:2**
 - Facts distinguished from opinions, **62:2**
 - Limitations, **62:5**
 - Nonexpert Opinion Evidence, this index
 - Testimony as to facts, **62:1**
 - Ultimate issue, **62:4**
 - Use of, generally, **64:1**
- ORDER
 - Barring admission of evidence as sanctions for violation of court order or rule, **38:31**
 - Conduct, burden of proof, **30:50**
 - Contempt proceedings, **20:12**
 - Continuance, **7:4**
- ORDER OF PROOF
 - Cross-examination, right to introduce evidence during, **27:4**
 - Introduction of evidence at later stage, **27:2**
 - Objections to evidence, formal order of proof, **41:11**
 - Rebuttal testimony, **27:6**
 - Recall of witness, **27:3**
 - Reopening of proofs, **27:5**
 - Right to introduce evidence at later stage, **27:2**
 - Right to reopen proofs, **27:5**
 - Split trials, **27:8**
 - Surrebuttal, **27:7**
 - Testimony in criminal cases, **27:1**
- ORDER OF PROTECTION
 - Burden of proving violation, **30:39**
- OTHER OFFENSES BY DEFENDANT, EVIDENCE OF
 - Generally, **39:1 to 39:40**
 - Absence of intent negated by evidence of other actions, **39:10**
 - Accident negated by evidence of other actions, **39:9**
 - Alibi, other offenses disproving, **39:19**
 - Arrest, offenses showing circumstances of, **39:22**
 - Assault by accused on victim, **39:30**
 - Attitude toward victim, offenses showing, **39:26**
 - Burden of proof, **30:30**
 - Charge, offenses showing circumstances of, **39:23**

INDEX

- Clarification, other offenses providing, **39:27, 39:28**
- Closing arguments, **39:38**
- Commission of other crimes, evidence suggesting, **39:35, 39:36**
- Commission of similar offenses, proof of, **39:3**
- Common scheme, to show, **39:13**
- Confession, other bad acts showing voluntariness, **39:32**
- Consciousness of guilt, other offenses that show, **39:7**
- Conspiracy, **39:17**
- Contradiction of defendant's denials, **39:18**
- Design, to show, **39:13**
- Disclosure of prior offenses by defendant, **39:33**
- Domestic violence, proof of other offenses, **39:40**
- Entrapment, other offenses disproving, **39:29**
- Fingerprint evidence suggesting commission of other crimes, **39:36**
- Identity, establishing, **39:11**
- Implausible fact explained by other offenses, **39:27**
- Inadvertence negated by evidence of other actions, **39:9**
- Innocence negated by evidence of other actions, **39:10**
- Innocent construction of accused's acts negated by other similar sexual offenses, **39:31**
- Instructing about other offenses committed by accused, **39:39**
- Intent, other offenses that show, **39:5**
- Knowledge, other offenses that show, **39:4**
- Mistake negated by evidence of other actions, **39:9**
- Modus operandi, **39:14, 39:15**
- Motive, other offenses that show, **39:8**
- Mug shots, use of or reference to, **39:37**
- Neighborhood, evidence of similar crimes in, **39:34**
- Occurrence of crime charged, offenses showing, **39:24**
- Opportunity or preparation, offenses showing, **39:25**
- Otherwise implausible fact explained by other offenses, **39:27**
- Plan to show, **39:13**
- Preparation, offenses showing, **39:25**
- Present charge, offenses connected with, **39:21**
- Proximity to crime evidenced by other offenses, **39:20**
- Sexual offenses
 - innocent construction of accused's acts negated by other similar offenses, **39:31**
 - modus operandi, **39:15**
 - similar sexual offenses between same people, **39:16**
- Similarity between crimes, need for, **39:2**
- State of mind of defendant, other offenses that show, **39:6**
- Suggestion of commission of other crimes, **39:35**
- Threats or assaults by accused on victim, **39:30**
- Unclear circumstances, other offenses explaining, **39:28**
- Weapon identification, **39:12**

OWNERSHIP

Burden of proof, **29:7**

PALMPRINT EVIDENCE

Expert testimony, **64:24**

PARDON AND PAROLE

Impeachment of witness, effect on, **50:8**

PAROLE OFFICER

Search by, **79:28**

PARTICIPANTS IN TRIAL

Competency as witness, **37:8**

PARTIES

Attorney's fairness to opposing party and counsel, **4:6**

Audio-visual communication, two-way, appearance by defendant, **2:34**

Challenging juror

business or professional relationship of juror with party, **24:12**

familial relationship with party, **24:11**

social relationship with party, **24:13**

Closed-circuit television, appearance by defendant, **2:34**

Closing arguments by party, **89:7**

Computerized video conference, appearance by defendant, **2:34**

Conduct of parties, generally, **2:17**

Conduct of trial, generally, **2:13 to 2:18**

Consultation of party with attorney, right of judge to bar, **3:21**

Continuance

absence, illness or death of party, **7:10**

General Assembly, party at, **7:17**

unpreparedness of party, **7:9**

Counsel table, **2:15**

Death of party, continuance, **7:10**

Family, admission or exclusion, **2:16**

Judge's conduct toward, **3:13**

Juror, prohibition of payment by parties, **21:11**

Presence, **2:14**

PASSING ON

Challenge of juror for cause, **24:4**

Juror panels, **22:9**

PAYMENT

Juror, prohibition of payment by parties, **21:11**

PENALTIES

Alibi defense, failure to disclose, **15:3**

Exclusion order violation, **34:20**

PENDING PROCEEDINGS

Attorney's statements about pending case, **4:8, 4:26**

Ex parte communications about, **3:35**

Judge's ex parte communications about, **3:35**

Pretrial death of accused, effect, **1:23**

PEREMPTORY CHALLENGES

Jurors, **23:3 to 23:5**

PERJURY

Burden of proof, **30:31**

Contempt of court, **20:6**

Subornation, **34:30**

Warning witness about, **3:15**

Witnesses, **34:29, 34:30**

PERSONAL INJURY

Burden of proof, **29:32**

PERSONAL PROPERTY

Expert testimony as to value, **64:22**

Nonexpert opinion as to value, **63:9**

INDEX

- Value
 - expert testimony, **64:22**
 - nonexpert opinion, **63:9**
 - nonexpert opinion as to, **63:9**
- PHOTOGRAPHS AND PHOTOGRAPHY
 - Admissibility of photographs, **58:1**
 - Colorized photograph, **58:10**
 - Enlargement of photograph content, **58:10**
 - Foundation for photograph, **58:2**
 - Handwriting, use of
 - photographic copy as standard for proof, **66:5**
 - Identification by, **31:9, 31:10**
 - Illegally obtained property, photograph of, **58:5**
 - Object, photograph of, **58:4**
 - Posed photograph, **58:3**
 - Prejudicial photographs, **58:6**
 - Premises, photograph of, **58:4**
 - Public trial, **2:29**
- PHYSICAL CONDITION
 - Nonexpert opinion evidence, **63:5**
- PHYSICAL IMPAIRMENT
 - Challenging juror for cause, **24:22**
- PHYSICIAN OR SURGEON
 - Medical Testimony, this index
- PHYSICIAN-PATIENT PRIVILEGE
 - Generally, **52:10**
 - Waiver, **52:11**
- PLACE OR LOCATION
 - Judicial notice, **54:14**
 - Other offenses by defendant
 - placing defendant in proximity to crime, **39:20**
 - Pretrial proceedings, motion for change of place of trial, **1:13**
- PLAIN ERROR DOCTRINE
 - Generally, **2:42**
- PLAIN VIEW, SEIZURE OF ARTICLES
 - Generally, **79:18**
- PLEA
 - Prosecutorial discretion, **19:29**
 - Prosecutor's discretion in conducting plea negotiations, **19:29**
 - Right of accused to negotiate, **11:30**
- PLEADINGS
 - Amendments to pleadings continuance, **7:14**
 - Continuance
 - amendments to pleadings, **7:14**
 - Lost or misplaced pleadings, **2:36**
- POLICE OFFICER
 - Resisting, burden of proof, **29:25**
- POLICE RECORDS
 - Admissibility of, **70:6**
- POLYGRAPHS
 - Use of, **46:21**
- POPULATION
 - Judicial notice, **54:15**
- POSITION OF AUTHORITY
 - Burden of proof, **29:42**
- POSSESSION
 - Burden of proof, **29:8**
 - constructive possession of weapon, **30:34**
 - controlled substance, **30:3**
 - stolen motor vehicle, **30:9, 30:20**
 - weapons, unlawful possession, **30:15**
 - Circumstantial evidence, narcotics, **43:6**
 - Inference from, **56:5**
- POST-CONVICTION HEARING
 - Generally, **95:1**

- Proceedings on post-conviction petition, **95:2**
- POSTTRAUMATIC STRESS SYNDROME
 - Admissibility, **38:22**
- POST-TRIAL PROCEEDINGS
 - Appeal, sufficiency of record on, **94:5**
 - New discovered evidence, **94:3**
 - New trial, motion for, **94:2**
 - Relief from judgment, petition for, **94:4**
 - Sentence, motion to reduce, **94:1**
- POWDER BURNS
 - Expert testimony, **64:30**
- PREJUDICE
 - Bias or Prejudice, this index
- PRESENCE OF ACCUSED
 - Generally, **13:1**
 - Notification of possible trial in absentia, **13:2**
 - Right to, **13:1**
 - Waiver of right to be present, **13:3**
- PRESERVATION OF EVIDENCE
 - Duties of prosecutor, **19:7**
- PRESERVATION OF RECORD
 - Conduct of trial, **2:30**
- PRESUMPTIONS AND INFERENCES
 - Generally, **55:1 to 55:18**
 - Accused's conduct, inferences based on, **56:1**
 - Admissibility of evidence to rebut presumed fact, **55:11**
 - Alcoholic content of blood, presumption of intoxication, **56:6**
 - Attempted escape from custody, **56:9**
 - Attempted suicide, **56:14**
 - Bribery, inferences based on conduct, **56:11**
 - Concealment to avoid arrest, **56:7**
 - Conduct, inferences based on generally, **56:1 to 56:17**
 - accused, generally, **56:1**
 - alcoholic content of blood, presumption of intoxication, **56:6**
 - attempted escape from custody, **56:9**
 - attempted suicide, **56:14**
 - bribery, **56:11**
 - concealment to avoid arrest, **56:7**
 - contraband goods, possession, **56:4**
 - escape from custody, **56:9**
 - fabrication of evidence, **56:13**
 - failure of accused to testify, **56:2**
 - failure to produce evidence or call witness, **56:3**
 - false exculpatory statements, **56:10**
 - fictitious name, **56:15**
 - flight to avoid arrest, **56:7**
 - harassing witnesses, **56:12**
 - influencing witnesses, **56:12**
 - instruction on possession of stolen goods, **56:5**
 - instructions on presumptions, **56:17**
 - knowledge of law in criminal cases, **56:16**
 - perjury, **56:11**
 - possession of stolen or contraband goods, **56:4**
 - resisting arrest, **56:8**
 - stolen or contraband goods, possession, **56:4**
 - subornation of perjury, **56:11**
 - suicide attempt, **56:14**
 - suppressing evidence, **56:13**
 - Conflicting presumptions, **55:8**

INDEX

- Contraband goods, possession, **56:4**
- Controverting evidence, effect on presumptions, **55:9**
- Corporate personnel, regularity of actions, **55:15**
- Documentary evidence, authenticity, **60:6**
- Escape from custody, **56:9**
- Establishing presumed fact, procedure, **55:10**
- Exculpatory statements, falsity of, **56:10**
- Fabrication of evidence, **56:13**
- Failure of accused to testify, **56:2**
- Failure to produce evidence or call witness, **56:3**
- False exculpatory statements, **56:10**
- Fictitious name, **56:15**
- Fitness to plead, stand trial, or be sentenced, **1A:3**
- Flight to avoid arrest, **56:7**
- Foreign laws, **55:16**
- Harassing witnesses, **56:12**
- Inference on inference, **55:7**
- Inferences, generally, **55:6**
- Influencing witnesses, **56:12**
- Instructions
 - inference from possession of stolen goods, **56:5**
 - innocence presumption, **91:34**
 - possession of stolen goods, **56:5**
 - presumptions, generally, **56:17**
- Irrebutable presumptions, **55:4**
- Judicial proceedings, regularity, **55:14**
- Knowledge of law in criminal cases, inferences from, **56:16**
- Laws of other countries, **55:16**
- Mandatory presumptions, **55:3**
- Nature of presumptions, **55:1**
- Nonjury trial, proper evidence considered in rulings, **8:4**
- People, presumptions about, **55:17**
- Perjury, **56:11**
- Permissive presumptions, **55:3**
- Possession of stolen or contraband goods, **56:4**
- Presumption on presumption, **55:7**
- Province of court and jury, **10:9**
- Public personnel, regularity of acts and proceedings, **55:14**
- Reasonableness of presumption, **55:2**
- Rebuttable presumptions, **55:5**
- Refusal to comply court order, **56:18**
- Regularity
 - acts and proceedings of public personnel, **55:13**
 - corporate personnel, actions of, **55:15**
 - judicial proceedings, **55:14**
 - presumption of, generally, **55:12**
- Resisting arrest, **56:8**
- Rights of accused, presumption of innocence, **11:5**
- Sanity, **55:18**
- Sanity presumption in criminal cases, **17:5**
- Stolen or contraband goods, inference from possession, **56:4**
- Subornation of perjury, **56:11**
- Suicide attempt, **56:14**
- Suppressing evidence, **56:13**
- Suppressing illegally obtained confession, **75:7**
- Wealth, sudden, inference from, **43:4**

PRETRIAL PROCEDURES

Accused
 arrest, **1:5**
 death, effect on pending proceedings, **1:23**
 Amending the indictment or information, **1:4**
 Arraignment of accused, **1:7**
 Arresting the accused, **1:5**
 Bench trial, stipulation, **1:8**
 Bill of particulars, **1:6**
 Change of place of trial, motion for, **1:13**
 Charging the offense, **1:2**
 Death of accused, **1:23**
 Defendant's disclosures, rules, **1:20**
 Depositions in criminal cases, **1:18**
 Detention, **1:27**
 Disclosures
 defendant's, rules for disclosures, **1:20**
 prosecution's, **1:19**
 Dismissal of criminal charge, motion for, **1:11**
 DNA database search, **1:16**
 Evidence depositions in criminal cases, **1:18**
 Genetic marker groupings comparison analysis, **1:16**
 Grand jury issues, **1:26**
 Investigative subpoenas, **1:25**
 Judge, motion for substitution, **1:12**
 Jury panel, motion to discharge, **1:14**
 Motions
 change of place of trial, **1:13**
 discharge of jury panel, **1:14**
 dismissal of criminal charge, **1:11**
 substitution of judge, **1:12**
 Pretrial order to control proceedings, **3:32**

Prosecution, disclosures by, **1:19**
 Release, **1:27**
 Responsibilities of victims and witnesses (725 ILCS 120/7), **1:22**
 Right of public to access court records and criminal proceedings, **1:24**
 Right to speedy trial, **1:10**
 Statutory construction, **1:3**
 Substitution of judge, motion for, **1:12**
 Victim's responsibilities (725 ILCS 120/7), **1:22**
 Victim's rights, **1:21**
 Witnesses' responsibilities (725 ILCS 120/7), **1:22**
PRETRIAL PROCEEDINGS
 Trial location, motion to change, **1:13**
PRIMARY EVIDENCE
 Best Evidence Rule, this index
PRIOR CONVICTIONS
 Impeachment of Witness, this index
PRIOR INCONSISTENT STATEMENT OR CONDUCT
 Impeachment of Witness, this index
PRIVACY
 Patient's right to privacy and confidentiality, **52:14**
PRIVATE DETECTIVE
 Competency to testify, **37:20**
PRIVILEGE AGAINST SELF-INCRIMINATION
 Accused, compelling to give non-testimonial evidence, **46:10**
 Admonishing defendant of right against, **3:16**
 Blood samples from accused, **46:13**
 Books and documents, **46:16**

INDEX

Burden of proving voluntariness of incriminating statement, **46:20**
Cell phones, **46:24**
Compelling
 blood, urine, etc. samples, **46:13**
 handwriting exemplars, **46:15**
 incriminating evidence from witness, **46:5**
 non-testimonial evidence from accused, **46:10**
 voice exemplars, **46:14**
Corporations and other groups, **46:3**
Exception for required records, **46:17**
Excessive warnings to defendant's witness, **46:9**
Extent of privilege, **46:2**
Fingerprints of accused, **46:12**
Force, use to obtain incriminating evidence, **46:4**
Handwriting exemplars, **46:15**
Immunity of witness, **46:25**
Inspection of accused's or witness' person, **46:11**
Instructing on effect of refusal to testify, **46:27**
Invoking privilege, **46:6**
Laws that compel giving of incriminating evidence, **46:5**
Lie detector test, **46:21**
Loss of privilege, **46:19**
Mental examination of accused, **46:26**
Non-testimonial evidence, compelling accused to give, **46:10**
Polygraph tests, **46:21**
Required records exception, **46:17**

Ruling on existence of privilege, **46:18**
Samples of blood, urine, etc. from accused, **46:13**
Standing required to claim privilege, **46:7**
Testimony tending to incriminate, **46:1**
Urine samples from accused, **46:13**
Videotape of drunk driving suspect, **46:23**
Voice exemplars from accused, **46:14**
Voice stress test results, **46:22**
Waiver of privilege, **46:19**
Warning
 excessive warnings, **46:9**
 necessity that court give, **46:8**
Witness immunity, **46:25**
PRIVILEGED COMMUNICATIONS AND INFORMATION
 Generally, **52:1 to 52:28**
 Attorney-Client Privilege, this index
 Burden of proving privilege, **52:4**
 Claiming privilege, **52:5**
 Clergy, privileged communications to, **52:16**
 Commenting on exercise of privilege, **52:7**
 Disclosure of secret surveillance, **52:18**
 Eavesdropping, **52:3**
 Husband and wife communications, **52:8, 52:9**
 Impeachment of witness using privileged government documents, **49:28**
 Informant's privilege, **52:28**
 Instruction, **52:25**

- Judicial deliberation privilege, **52:27**
- Marital relationship, **52:10**
- Mental health and developmental disabilities confidentiality, **52:22**
- Nature, **52:1**
- Need for confidentiality, **52:2**
- Nonrecognition of privilege, **52:20**
- Patient's right to privacy and confidentiality, **52:14**
- Physician-patient privilege generally, **52:11**
waiver, **52:12**
- Political vote, **52:23**
- Privacy and confidentiality, right of patient, **52:14**
- Privileged information, generally, **52:21**
- Psychiatrist-patient privilege, **52:13**
- Public accountant, privileged communications to, **52:15**
- Public officials, privileged communications to, **52:17**
- Reporter's privilege, **52:19**
- Surveillance privilege, **52:18, 52:26**
- Trade secrets, **52:24**
- Waiver of privilege generally, **52:6**
physician and patient, **52:12**
physician-patient privilege, **52:12**
- PRIVILEGES AND IMMUNITIES**
 - Ambassadors and consuls, diplomatic immunity, **34:6**
 - Attorney's privilege from arrest, **4:19**
 - Drug overdose, seeing medical assistance for, **14:35**
 - Impeachment of witness, immunity or promise of, **48:11**
 - Juror's immunity, **25:20**
 - Prosecutor's immunity, **19:25**
 - Self-incrimination. Privilege Against Self-Incrimination, this index
 - Suppressing illegally obtained confession, promise of immunity, **75:19**
 - Witness immunity, **46:25**
 - Witness privilege during trial, **34:28**
- PROBATION OFFICER**
 - Search by, **79:28**
- PRODUCTION OF DOCUMENTS**
 - Compelling production quashing subpoena duces tecums, **35:3**
right to compel, **35:1**
subpoena duces tecum, **35:2**
use of documents by requesting party, **35:4**
 - Procedure in quashing subpoena duces tecums, **35:3**
 - Right to compel production, **35:1**
 - Subpoena duces tecum, **35:2**
 - Use of documents by requesting party, **35:4**
- PROFESSION OR OCCUPATION**
 - Impeachment of witness with illegal or disreputable occupation, **48:17**
- PROFILE**
 - Arrest and search based on, **79:27**
 - Package search based on, **79:36**
- PROOF**
 - Evidence, this index
- PROOF OF FACTS**
 - Excuse of proof before trial, **32:2**
during trial, **32:3**
 - Methods of proving, **32:4**

INDEX

- Preparation, **32:1**
- PROSECUTORS
 - Admissions, **19:28**
 - Advocate-witness rule, recusal, **19:16**
 - Assistance from private counsel, **19:3**
 - Circumstantial evidence, burden on prosecution, **43:2**
 - Closing arguments, improper, generally, **90:1 to 90:19**
 - Conduct, generally, **19:1 to 19:29**
 - Defenses
 - selective or discriminatory prosecution, **14:22**
 - vindictiveness, **14:23**
 - Disclosure of medical and scientific reports to prosecution, **64:3**
 - Discourage witness from testifying, **19:20**
 - Discretion, pleas, **19:29**
 - Double jeopardy resulting from prosecutorial misconduct, **18:5**
 - Duties of Prosecutor, this index
 - Evidence, disclosure duties, **19:5 et seq.**
 - Immunity, **19:25**
 - Impeachment of state's witness, anticipatory, **48:15**
 - Improper arguments
 - comments about accused, **90:3**
 - comments about defense witnesses, **90:13**
 - comments about evils of crime, **90:2**
 - correction of errors made by prosecutor, **90:19**
 - defense counsel and counsel's tactics, **90:11**
 - failure of accused to call alibi witnesses, **90:7**
 - failure of accused to produce witnesses, **90:6**
 - failure of accused to testify, **90:4**
 - misstating defendant's burden of proof, **90:9**
 - pardon, parole or probation, right to, **90:17**
 - post-arrest silence of accused, **90:5**
 - reasonable doubt, **90:18**
 - requesting jurors put selves in place of complainant, **90:16**
 - Materiality of undisclosed material, **19:10**
 - Misconduct, double jeopardy, **18:11**
 - Perjured testimony, **19:21**
 - Preservation of evidence, **19:7, 19:18**
 - Pretrial order to preserve evidence, sanctions for violation, **19:18**
 - Prior convictions, impeachment by, **19:17**
 - Private counsel, right to assist, **19:3**
 - Recusal under advocate-witness rule, **19:16**
 - Refusal to testify, calling of witness, **19:27**
 - Sanctions for violation of pretrial order to preserve evidence, **19:18**
 - Special, appointment, **19:4**
 - Special responsibilities, **19:1, 19:2**
 - Stipulation as to conviction of crime, duty to accept, **33:6**
 - Witness, prosecutor as, **19:26**
- PRO SE TRIAL PROCEDURES
 - Access to law library for pro se defendant, **12:11**
 - Law library, right of pro se defendant to access, **12:11**

- Standby counsel, use of, **12:9, 12:10**
- Waiver of counsel, **12:7**
- PROTECTION
 - Witnesses, **34:31**
- PROTECTION ORDER
 - Burden of proving violation, **30:39**
- PROTECTIVE SWEEP
 - Search and seizure pursuant to lawful arrest, **80:15**
- PROVINCE OF COURT AND JURY
 - Generally, **10:1 to 10:14**
 - Instructions invading province of jury, **91:19**
- PROXIMATE CAUSE
 - Instructions, **91:51**
- PSYCHIATRIST-PATIENT PRIVILEGE
 - Generally, **52:13**
- PSYCHOLOGISTS AND PSYCHIATRISTS
 - Competency of witness, psychiatric examination, **37:12**
 - Expert testimony, examination of sex crime victim, **64:44**
 - Medical testimony, **65:11**
- PUBLICITY
 - Admonishing jury regarding publicity, **5:3**
 - Change of venue due to publicity, **5:4**
 - Checklist, Sheppard Rules regarding conduct of trial, **5:5**
 - Conduct of trial, Sheppard Rules checklist, **5:5**
 - Continuance due to publicity, **5:4**
 - Effect on trial, generally, **5:1**
 - Judicial control, **5:6**
 - Juror hearing and reading news accounts of trial, **5:2**
- PUBLIC OFFICIALS
 - Burden of proof, threatening a public official, **30:41**
 - Presumption of regularity of acts and proceedings, **55:13**
 - Privileged communications to, **52:17**
- PUBLIC PROPERTY
 - Burden of proof, **29:38**
- PUBLIC RECORDS
 - Secondary evidence, **61:10**
- PUBLIC SAFETY AND RESCUE DOCTRINE/PRIVATE SAFETY EXCEPTIONS
 - Miranda rule, **76:10**
- PUBLIC TRIAL
 - Arrangements for news media, **2:28**
 - Conduct of trial, generally, **2:23 to 2:29**
 - Exclusion of media representatives, **2:26**
 - Exclusion of public, **2:24**
 - In camera proceedings, **2:27**
 - Media representatives
 - arrangements for new media, **2:28**
 - exclusion, **2:26**
 - News media arrangements, **2:28**
 - Order of closure, **2:25**
 - Photography, broadcasting and televising proceedings, **2:29**
 - Public, exclusion, **2:24**
 - Right to public trial, **2:23**
- PUBLIC WAY
 - Burden of proof, **29:39**
- QUALIFICATIONS
 - Expert witness. Expert Testimony, this index
 - Interpreters, **34:24**
- QUASHAL
 - Subpoena, **34:4**

INDEX

QUESTIONING

- Airport searches, **81:7**
- As interrogation, determination, **76:13**
- Attorney's right to ask questions during jury selection, **22:4**
- Citizen-police encounters, three tiers, **81:1**
- Community-caretaking function, police-citizen encounter during, **81:6**
- Direct examination of witness, **44:1 to 44:16**
- Direct examination of witness, form and content of question, **44:4**
- Frisking for weapons, **81:5**
- Inquiries by jurors, **25:9**
- Insanity defense, questioning jurors on, **17:6**
- Investigatory stops, **81:3**
- Judge questioning witnesses, **3:22**
- Miranda Warnings, this index
- Search and seizure, questioning person as, **81:1 to 81:7**
- Temporary questioning search during, **81:4**
without arrest, **81:2**

QUESTIONS OF LAW AND FACT

- Generally, **10:1**
- Invasion of province of jury, **10:2**
- Mixed questions of law and fact, **10:3**

RACIAL BELIEFS

- Challenging juror based on racial prejudices and beliefs, **24:17**

RACIAL DISCRIMINATION

- Juror, **21:8**

RADIO

- Testimony given on, **34:26**

RAILROAD AGENT

- Right of railroad agent, **80:12**

RAPE

- Sex Offenses, this index

RAPE SHIELD

- Admissibility of evidence, **38:34**
- Cross-examination, limitation on scope, **47:3**

RAPE SYNDROME

- Expert testimony, **64:45**

REAL AND DEMONSTRATIVE EVIDENCE

- Generally, **57:1 to 57:14**
- Admissibility
 - maps, surveys, drawings, and diagrams, **57:10**
 - models and casts, **57:12**
 - sound recordings, **57:9**
 - weapons, **57:4**
- Blackboards, **57:11**
- Chain of custody, need to establish, **57:6**
- Condition of tangible articles, **57:5**
- Connecting tangible articles to accused, **57:8**
- Distinction of real and demonstrative evidence, **57:1**
- Illegal substances, proof of weight, **57:7**
- Maps, surveys, drawings, and diagrams, admissibility, **57:10**
- Marks or notations on demonstrative evidence, **57:14**
- Models and casts
 - admissibility, **57:12**
 - use, **57:13**
- Notations on demonstrative evidence, **57:14**
- Proof of weight of illegal substances, **57:7**
- Real evidence use, generally, **57:2**

- Sound recordings, admissibility, **57:9**
- Static models and casts, admissibility, **57:12**
- Tangible articles
 - chain of custody, **57:6**
 - connecting to accused, **57:7**
 - models and casts, **57:12, 57:13**
 - similar condition, **57:5**
 - some bearing on transaction in question, **57:3**
- Weapons, admissibility, **57:4**
- Weight of illegal substances, proof, **57:7**
- REASONABLE DOUBT
 - Instructions, **91:36**
 - Province of court and jury, **10:8**
 - Right of accused to be proven guilty beyond reasonable doubt, **11:6**
- REBUTTAL
 - Admissibility of evidence
 - introducing evidence during rebuttal, **42:7**
 - previously admitted improper evidence, rebuttal by admission of inadmissible evidence, **38:12**
 - Judicial notice, admissibility of evidence to rebut, **54:7**
 - Order of proof, rebuttal testimony, **27:6**
 - Presumed fact, admissibility of evidence to rebut, **55:11**
- RECALL OF WITNESS
 - Order of proof, **27:3**
- RECONSIDERATION
 - Defective verdict, reconsideration by jury, **93:3**
- RECONSTRUCTION EVIDENCE
 - Expert testimony, **64:50**
- RECORDED CONVERSATIONS
 - Admissibility, **58:11**
- RECORDS AND REPORTS
 - Admissibility of police reports, **70:6**
 - Business Entries, Records and Reports, this index
 - Client records, attorney's duty to refrain from using, **4:27**
 - Contempt proceedings, **20:12**
 - Conversation, recording, **58:11**
 - Court records, control by court, **3:36**
 - Doctor's records, medical testimony, **65:8**
 - Documentary Evidence, this index
 - Fitness to plead, stand trial, or be sentenced, **1A:6**
 - Hospital records, medical testimony, **65:7**
 - Medical records, medical testimony, **65:6**
 - Privilege against self-incrimination, required records exception, **46:17**
 - Public records, secondary evidence, **61:10**
 - Refreshing and recalling witness recollection, **45:5**
 - Right of public to access court records and criminal proceedings, **1:24**
 - Scientific records, medical testimony, **65:9**
- REDIRECT AND RECROSS-EXAMINATION
 - Generally, **51:1 to 51:8**
 - Consistent statement, use of prior, **51:7**
 - Explaining and correcting testimony on redirect, **51:4**
 - Form and content of questions on redirect, **51:2**
 - Impeaching answers, explaining, **51:6**
 - Prior consistent statement, use of, **51:7**

INDEX

- Questions on redirect, form and content, **51:2**
- Refreshing memory on redirect, **51:3**
- Rehabilitating witness, **51:5**
- Right to recross-examination, **51:8**
- Scope of redirect, **51:1**
- REENACTMENT OF CRIME
 - Generally, **67:6**
- REFRESHING AND RECALLING WITNESS RECOLLECTION
 - Admission of writing, **45:6**
 - Inspection of memorandum by opposing counsel, **45:4**
 - Memoranda use, generally, **45:1**
 - Past recollection recorded, **45:5**
 - Present recollection, **45:2**
 - Recording of past recollection, **45:5**
 - Redirect examination, **51:3**
 - Right of opposing counsel to inspect memorandum, **45:4**
 - Writings used to refresh memory, **45:3**
- REGULARITY
 - Presumptions and Inferences, this index
- RELEVANCY
 - Admissibility of evidence
 - conditional relevance of evidence, **42:4**
 - conditions after event, **38:6**
 - events surrounding crime, **38:19**
 - evidence, **38:5**
 - fact, conditioned on, **38:7**
- RELIEF FROM JUDGMENT
 - Post-trial proceedings, petitions, **94:4**
- RELIGIOUS BELIEFS
 - Challenging juror based on prejudices and beliefs, **24:17**
 - Competency of witness, effect of religious beliefs, **37:15**
 - Impeachment of witness, **48:16**
- REMAND
 - Fitness to plead, stand trial, or be sentenced, **1A:12**
- REPORTER
 - Court reporters, conduct of trial, **2:31**
 - Privileged communications and information, **52:19**
- REPORTS AND REPORTING
 - Expert witness reports, duty of prosecutor to disclose, **19:19**
- RES GESTAE RULE
 - Generally, **69:8**
- RESIDENTIAL BURGLARY
 - Burden of proof, **29:24, 30:38**
- RETALIATION
 - Closing arguments, right to retaliate for improper conduct of counsel, **89:14**
- RETROGRADE EXTRAPOLATION
 - Expert testimony, **64:41**
- REVERSAL
 - Impeachment of witness, effect on, **50:8**
- RIGHTS OF ACCUSED
 - Generally, **11:1**
 - Admission, silence as, **11:9**
 - Alias, use, **11:22**
 - Appearance of accused, **11:21**
 - Attorney, right to contact, **11:4**
 - Bill of particulars, right to, **11:16**
 - Competent to stand trial, right to be found, **11:7**
 - Conflict-free counsel, **11:31**
 - Consequences of decisions, right to be advised by judge as to, **11:15**
 - Constitutional protections guaranteed, **11:2**

- Court reporter and transcript, right to, **11:26**
- Deal or offer, right to be informed of, **11:23**
- Dna evidence, **11:33**
- Expert witnesses, accused's right to, **11:27**
- Family, right to contact, **11:4**
- Fingerprint evidence, **11:33**
- Guilty beyond reasonable doubt, right to be proven, **11:6**
- Humane treatment while in custody, **11:29**
- Interpreter, right to, **11:36**
- Interview witnesses, accused's right to, **11:28**
- Investigators, right to, **11:27**
- Judge or prosecutor discouraging witnesses from testifying, **11:32**
- Language interpreter, right to, **11:36**
- List of jurors and information about them, **11:17**
- List of prosecution witnesses, accused's right to, **11:18**
- Medical examination of victim, **11:34**
- Minor defendant, **11:25**
- Negotiation of plea, **11:30**
- Nickname or alias, use, **11:22**
- Offer or deal, right to be informed of, **11:23**
- Partial list of rights, **11:3**
- Physical appearance of accused, **11:21**
- Physical control during trial, **11:20**
- Plea, right to negotiate, **11:30**
- Presumption of innocence, **11:5**
- Prosecution witnesses, accused's right to list of, **11:18**
- Reference to accused's silence, **11:11**
- Refusal to testify, **11:14**
- Right to counsel, **12:1, 12:2**
- Severance, right to, **11:19**
- Severely handicapped defendant's rights, **11:24**
- Silence
 - admission, silence as, **11:9**
 - reference to accused's silence, **11:11**
 - right to remain silent, **11:8**
 - waiver of right to remain silent, **11:10**
- Testimony
 - refusal to testify, **11:14**
 - right to testify, **11:12**
 - waiver of right to testify, **11:13**
- Vienna convention on consular relations, **11:35**
- Waiver of right to remain silent, **11:10**
- Waiver of right to testify, **11:13**
- Witnesses
 - expert witnesses, accused's right to, **11:27**
 - interview witnesses, accused's right to, **11:28**
- Witnesses, accused's right to list of prosecution witnesses, **11:18**
- RIGHTS OF CRIME VICTIM
 - Pretrial procedures, **1:21**
- RIGHT TO BE PRESENT
 - Misconduct of accused as waiver of right, **13:2**
 - Misconduct of accused as waiver of right to be present, **13:5**
 - Notification of possible trial in absentia, **13:2**
 - Right to be present, generally, **13:1**
 - Waiver, **13:3**

INDEX

RIGHT TO CONFRONT WITNESSES

When right attaches, **36:2**

RIGHT TO COUNSEL

Standby counsel, **12:9, 12:10**

Waiver of, **12:7**

ROBBERY

Burden of proof, **30:10**

RULES OF PROFESSIONAL CONDUCT

Attorney, **4:4, 4:8**

RULINGS

Admissibility of evidence, **42:2**

Barring admission of evidence as sanctions for violation of court order or rule, **38:31**

Judge's remarks, **3:11**

Objections to evidence, **41:6**

Privilege against self-incrimination, existence of privilege, **46:18**

SANCTIONS

Barring admission of evidence as sanctions for violation of court order or rule, **38:31**

Discovery violations, **1:17**

Evidence, violation of pretrial order to preserve, **19:18**

SANITY

Insanity, this index

SCHOOL

Burden of proof of unlawful delivery of controlled substance unlawful delivery within 500 ft, **30:6**

Controlled substance, burden of proof of unlawful delivery within 500 ft, **30:6**

Search by authorities, **79:30**

Sex offenders, burden of proof of child sex offender within 500 ft, **30:7**

SCIENTIFIC BOOKS

Documentary evidence, authentication, **60:25**

SCIENTIFIC FACTS

Judicial notice, **54:18**

SCIENTIFIC PRINCIPLE OR METHODOLOGY

Expert testimony using new scientific techniques for identification, **64:26**

Judicial notice, **64:7**

SCIENTIFIC RECORDS

Medical testimony, **65:9**

SCIENTIFIC TESTS

DNA tests, **64:33**

Expert testimony based on, **64:15**

Lie detection, **46:21**

SEALED VERDICTS

Generally, **93:9**

SEARCH AND SEIZURE

Competency to testify of witness discovered as result of illegal search, **37:19**

Lawful arrest. Search and Seizure Pursuant to Lawful Arrest, this index

Questioning person as search and seizure

airport searches, **81:7**

citizen-police encounters, three tiers, **81:1**

community-caretaking function, police-citizen encounter during, **81:6**

frisking for weapons, **81:5**

investigatory stops, **81:3**

search during temporary questioning, **81:4**

temporary questioning without arrest, **81:2**

Suppressing Illegally Obtained Evidence, this index

Warrant

without warrant. Searches and Seizures Without

- Search Warrant, this index
 - with warrant. Searches and Seizures With Search Warrant, this index
- SEARCH AND SEIZURE PURSUANT TO LAWFUL ARREST
 - Generally, **80:1**
 - Body cavity search, **82:4**
 - Citizen's arrest, **80:15**
 - Collective knowledge of police officers, **80:5**
 - Conservation officer, right to detain, search, and arrest, **80:11**
 - Custodial interrogation, **80:2**
 - Determination whether and when arrest occurred, **80:2**
 - Doorway or hallway, arrest made in, **80:8**
 - DUI, probable cause for making arrest, **80:13**
 - Fresh pursuit arrests, **80:9**
 - Informant's tip, **80:4**
 - Inventory search, **82:2**
 - Jurisdiction of police officer, **80:14**
 - Jurisdiction of police officer, outside, **80:14**
 - Non-governmental employees, right to arrest, **80:12**
 - Person, search after arrest
 - body cavity search, **82:4**
 - inventory search, **82:2**
 - plain feel exception, **82:7**
 - strip search, **82:3**
 - surgical removal of evidence, **82:6**
 - while executing search warrant, **82:1**
 - X-ray examination, **82:5**
 - Plain feel exception, **82:7**
 - Pretextual arrests, **80:6**
 - Private citizen, right to arrest, **80:15**
 - Private residence, arrest made in, **80:7**
 - Probable cause for, **80:3, 80:13**
 - Protective sweep by police, **80:16**
 - Railroad agent, right to arrest, **80:12**
 - Rights upon arrest, **80:10**
 - Strip search, **82:3**
 - Surgical removal of evidence, **82:6**
 - X-ray examination, **82:5**
- SEARCH AND SEIZURE WITHOUT SEARCH WARRANT
 - Generally, **79:1 to 79:40**
 - Abandoned property, **79:23**
 - Abandonment of premises searched, **79:24**
 - Administrative searches, **79:38**
 - Aircraft, searches from, **79:35**
 - Airport searches, **79:33**
 - Articles in plain view, **79:18**
 - Automobile, search of vehicle or occupants without warrant, **84:2**
 - Balance test, **79:11**
 - Binoculars or technical equipment, **79:34**
 - Checklist, seizures permitted without warrant, **79:5**
 - Closed containers, contents, **79:22**
 - Commercial premises, **79:17**
 - Community caretaking function, **81:6**
 - Consensual encounters with police, **79:8**
 - Consent to search
 - generally, **83:1 to 83:14**
 - accused, **83:1**
 - advance consent, **83:9**

INDEX

- apparent common authority to consent, **83:10**
- child, **83:7**
- co-owner, cotenant, etc., **83:2**
- illegal arrest, exploitation to obtain consent, **83:14**
- owner, manager, etc., **83:5**
- parent, **83:6**
- relative, not parent, child, or spouse, **83:8**
- scope of consent, **83:11**
- significant other, **83:4**
- spouse, **83:3**
- sufficiency, **83:13**
- voluntariness, **83:12**
- Conservation officer, **79:31**
- Contents of automobile, warrantless search, **84:9**
- Curtilage searches, **79:20**
- Distinguishing between searches and seizures, **79:2**
- Dog-aided searches, **79:26**
- Dogs, sniffing drugs, **79:26**
- Electronic beepers, **79:14**
- Emergency assistance exception, **79:40**
- Emergency exception, **79:6**
- Exigent circumstances, **79:4**
- Fire, during or after, **79:15**
- Garbage and trash containers, **79:25**
- Global positioning systems, **79:14**
- Government detention of mail, **79:37**
- Government inspector, **79:29**
- Hotels and similar rooms, **79:21**
- Hot pursuit, search following, **79:39**
- Independent source rule, **79:10**
- Inevitable discovery rule, **79:9**
- Informant's tip, **79:12**
- Luggage and other closed containers, contents, **79:22**
- Mail, reasonableness of government detention, **79:37**
- Mobile home, search without warrant, **84:5**
- Open fields doctrine, **79:19**
- Parole officer, **79:28**
- Pen registers, traps, and tracers, **79:13**
- Plain view, articles in, **79:18**
- Private individual, by, **79:32**
- Probation officer, **79:28**
- Profile
 - arrest and search based on, **79:27**
 - package search based on, **79:36**
- Public places, articles in, **79:16**
- Reasonable expectation of privacy, **79:7**
- School authorities, **79:30**
- Search by private individual, **79:32**
- Special needs test, **79:11**
- Standing, **79:3**
- Suppressing Illegally Obtained Evidence, this index
- Three tiers of citizen encounters, **81:1**
- Transponders, **79:14**
- SEARCH AND SEIZURE WITH WARRANT
 - Generally, **78:1**
 - Anticipatory warrants, **78:5**
 - Challenging veracity of search warrant affidavit, **78:4**
 - Distinction between "search" and "seizure," **78:2**
 - Good faith exception to exclusionary rule, **78:9**
 - Hearsay, warrant based on, **78:7**
 - Justification of search, need to produce warrant, **78:11**
 - Knock and announce, **78:8**
 - Lawful arrest, pursuant to, **80:1 to 80:16**

- Media premises or personnel,
warrant for search, **78:6**
- Need to knock and announce,
78:8
- Production of warrant to justify
search, **78:11**
- Questioning, temporary, **81:2,**
81:4
- Refusal to cooperate, **78:13**
- Repetitive warrant, illegality,
78:10
- Strip, **82:3**
- Veracity of search warrant affi-
davit, challenging, **82:4**
- Warrant procedures, **78:3**
- SEARCH WARRANTS
- Generally, **78:1**
- Affidavit, challenging veracity
of, **78:4**
- Exigent circumstances, **79:4**
- Hearsay, **78:7**
- Procedures, **78:3**
- SECURITY IN COURTROOM
- Generally, **2:37**
- Assaulting or harassing judge,
juror or witness, **2:38**
- Conduct of trial, **2:37**
- SEIZURE
- Distinction between “search”
and “seizure,” **78:2**
- SELF-DEFENSE
- Burden of proof, **29:9**
- Defense of, **14:7, 14:9**
- Instruction to jury, **14:9**
- SELF-INCRIMINATION
- Privilege Against Self-Incrimi-
nation, this index
- SELF-SERVING DECLARA-
TIONS
- Admissibility, **38:13**
- SENTENCE AND PUNISH-
MENT
- Contempt, **20:1, 20:13**
- SEPARATION OF JURY
- During trial, **25:17**
- SEQUESTERING WITNESSES
- Generally, **34:19**
- SERVICE DOGS
- Use by witness during
testimony, **44:16**
- SETTLEMENT
- Pressure on parties by judge,
3:34
- SEVERANCE
- Accused’s right to, **11:19**
- SEX DISCRIMINATION
- Juror, **21:8**
- SEX OFFENSES
- Admissibility
- defendant’s other sexual
offenses, **38:32, 39:15**
- hearsay
- statement of sex abuse
victim, **70:24, 70:26**
- unavailable witness, **70:22**
- rape shield evidence, **38:34**
- rape syndrome, expert
testimony about, **64:45**
- similar sexual offenses
between same people,
39:16
- Assault
- burden of proof, **29:14**
- consent as defense, **14:11**
- defense, consent as, **14:11**
- Burden of proof, **29:15, 30:25,**
30:26
- Defenses, consent, **14:11**
- Expert testimony, psychiatric or
psychological examination
of sex crime victim, **64:44**
- Rape shield evidence, **38:34**
- Victim’s prior sexual activity or
reputation, **85:10**
- SHOWUP
- Identification of accused, **31:12**
- SILENCE
- Impeachment of witness, **49:16**
- Post-arrest, closing arguments,
89:38

INDEX

- Recordings video, admissibility as silent witness to crime, **58:8**
- Rights of accused, **11:8, 11:9**
- Videotapes, admissibility as silent witness to crime, **58:8**
- SILVER PLATTER DOCTRINE
 - Suppressing illegally obtained evidence, **77:2**
- SKELETONS
 - Medical testimony, **65:10**
- SOCIAL MEDIA
 - Posts, authentication, **60:27**
- SOCIAL RELATIONSHIPS
 - Challenging juror with social relationship with party, **24:13**
- SOUND RECORDINGS
 - Admissibility, **57:9**
- SPECIAL PROSECUTOR
 - Appointment, **19:4**
- SPECIAL VERDICTS
 - Insanity as affirmative defense, **17:9**
- SPECIAL WITNESS DOCTRINE
 - Generally, **34:2**
- SPECTATOR AT TRIAL
 - Direct examination, coaching witness during, **44:14**
- SPEED
 - Expert testimony, **64:18**
 - Nonexpert opinion on, **63:7**
- SPEEDY TRIAL
 - Pretrial procedures, right to speedy trial, **1:10**
- SPLIT TRIALS
 - Order of proof, **27:8**
- SPONTANEOUS DECLARATION
 - Hearsay exception, **70:21**
- STALKING
 - Burden of proof, **30:43**
- STANDBY COUNSEL
 - Use of, **12:9, 12:10**
- STARE DECISIS
 - Controlling law, **2:10**
- STATE OF MIND
 - Accused, **38:20**
 - Other offenses by defendant that show evidence of state of mind, **39:6**
- STATISTICAL EVIDENCE
 - Admissibility, evidence showing probability of guilt, **38:26**
- STATISTICAL FACTS
 - Judicial notice, **54:18**
- STATUS OF PERSONS
 - Province of court and jury, **10:12**
- STATUTE OF LIMITATIONS, BURDEN OF PROOF
 - Generally, **29:2**
- STATUTORY EXCEPTION
 - Burden of proving, **28:13**
- STIPULATIONS
 - Admissibility of evidence as to stipulated fact, **38:9**
 - Construction of, **33:4**
 - Control of trial by use, **33:2**
 - Enforcement of, **33:4**
 - Facts sufficient to establish guilt, **33:7**
 - Nature, **33:1**
 - Pretrial procedures, stipulated bench trial, **1:8**
 - Prosecutor's duty to accept, **33:6**
 - Relief from, **33:5**
 - Subject matter, **33:3**
 - Use to control trial, **33:2**
- STOLEN PROPERTY
 - Presumption from possession of, **56:4**
 - Value, burden of proof, **29:16**
- STOPPING DISTANCE
 - Nonexpert opinion on, **63:8**
- STOPS
 - Automobile, **84:1, 84:8**

STRANGULATION

Burden of proof, **29:34**

STRIP SEARCHES

Generally, **82:3**

SUBORNATION OF PERJURY

Witnesses, **34:30**

SUBPOENA

Quashing, procedure, **34:4**

Service on witness, **34:3**

SUBPOENAS

Duces tecum

compelling production of documents, **35:2**

procedure in quashing subpoena duces tecums, **35:3**

Investigative, pretrial procedures, **1:25**

SUBSTITUTION

Attorney, **7:13**

Counsel, **7:13**

Judge, **3:29, 3:30**

pretrial procedures, motion for substitution of judge, **1:12**

Pretrial procedures, motion for substitution of judge, **1:12**

SUFFICIENCY OF RECORD

Appeals, post-trial proceedings, **94:5**

SUPPRESSING ILLEGALLY OBTAINED CONFESSION

Absence of counsel during confession, **75:9, 75:24**

Age of accused, **75:20**

Artifice, trickery, or deceit, use of, **75:16**

Burden of proof, **75:7**

Cellmate used to obtain confession, **75:17**

Character of accused, **75:22**

Counsel absent during confession, **75:9, 75:24**

Determining admissibility of confession, **75:4**

Determining voluntariness of confession, **75:8**

Drugs, use of, **75:14**

Drugs or narcotics, **75:23**

Eavesdropping, **75:25**

Electronic recording of confession, requirement, **75:2**

Force, use of, **75:13**

Hope of benefit or reward, **75:18**

Illegal arrest, **75:10**

Illegal detention, **75:11**

Immunity, promise of, **75:19**

Interrogation, **75:12**

Intoxication, **75:23**

Judicial confession made in absence of counsel, **75:24**

Juvenile's confession in absence of parent or adult friend, **75:21**

Manner of conducting interrogation, **75:12**

Mental condition of accused, **75:22**

Motions

produce confession, **75:1**

suppress confession, **75:3**

Narcotics, **75:23**

Necessary witnesses at hearing, **75:6**

Presumptions, **75:7**

Reward or benefit, hope of, **75:18**

Standing to contest admissibility of confession, **75:5**

Threats, use of, **75:13**

Truth or deception tests, use of, **75:15**

Voluntariness of confession, **75:8**

Witnesses at hearing, **75:6**

SUPPRESSING ILLEGALLY OBTAINED EVIDENCE

Generally, **77:1 to 77:7**

INDEX

- Confession. Suppressing
 - Illegally Obtained Confession, this index
- Eavesdropping evidence, **73:7**
- Franks hearing on motion to suppress evidence, **77:6**
- Hearing on motion to suppress, **77:6**
- Motion to suppress, **77:3**
- Order granting or denying motion to suppress, **77:7**
- Searches and seizures, prohibition against illegal, **77:1**
- Silver platter doctrine, **77:2**
- Standing required, **77:5**
- Time for filing motion to suppress, **77:4**
- SURPRISE
 - Admissibility of evidence causing unfair surprise, **38:11**
 - Continuance, **7:15**
- SURREBUTTALS
 - Order of proof, **27:7**
- SURVEILLANCE
 - Privilege and privilege against disclosure, **52:18, 52:26**
- SYNDROME TESTIMONY
 - Battered-woman syndrome testimony, admissibility, **38:21**
 - Expert testimony, abused person syndrome, **64:43**
 - Posttraumatic stress syndrome, admissibility, **38:22**
- TAKE-BACK ENTRAPMENT
 - Defense of, **16:2**
- TECHNOLOGY
 - Court's use, **2:3**
- TELECOMMUNICATIONS
 - Closed-circuit television, testimony on, **34:32**
 - Direct examination, testimony concerning telephone conversations, **44:12**
 - Televised testimony, **34:26**
 - Videotaped testimony, **34:32**
- TELEGRAM
 - Documentary evidence, **60:19**
- TELEPHONIC TESTIMONY
 - Conduct of trial, **2:33**
- TELEVISION
 - Child's testimony, use of closed-circuit television for, **36:10**
 - Closed-circuit television, testimony given on, **34:32**
 - Public trial, televising proceedings, **2:29**
 - Testimony given on, **34:26**
- TEXT MESSAGES
 - Documentary evidence, **60:19**
- THEFT
 - Burden of proof
 - generally, **30:11**
 - financial identity theft, **29:26**
 - value of stolen property, **29:16**
 - Financial identity theft, burden of proving, **29:26**
- THREAT
 - Burden of proving unique threat, **29:35**
 - Other offenses by defendant, evidence of, **39:30**
- TIME AND DATE
 - Burden of proving date of offense, **29:4**
 - Challenge to juror based on juror's time restraints, **24:23**
 - Circumstantial evidence, sudden wealth following crime, **43:4**
 - Competency of witness, objection to, **37:2**
 - Impeachment of witness, time limits, **50:12**
 - Judicial notice, time of taking, **54:6**
 - Objections to evidence, **41:4**

TOWNS AND VILLAGES

Judicial notice, **54:13**

TRADE SECRETS

Privileged communications and information, **52:24**

TRANSCRIPT

Evidence, transcript of interview, **38:35**

TRANSPORTATION

Judicial notice, **54:24**

TRESPASS TO PROPERTY

Burden of proof, **30:22**

TRIAL

Admission or exclusion of family of party, **2:16**

Applicable law, generally, **2:8 to 2:12**

Arrest of judge, attorney, etc. during trial, **2:20**

Assistance provided by law enforcement officials, **2:22**

Attorneys, this index

Bench conferences during trial, **2:19**

Collateral estoppel, **2:12**

Conduct of judge. Judge, this index

Conduct of parties, **2:17**

Conduct of Trial, this index

Counsel table, persons at, **2:15**

Court reporters, **2:31**

Courtroom

generally, **2:2**

Defendant's presence required, **34:5**

Dictim, **2:10**

Expedited trial, duty and right of judge, **3:6**

Ex post facto laws, **2:11**

Family of party, admission or exclusion, **2:16**

Federal Constitutional provisions binding on state courts, checklist, **2:6**

Interlocutory appeals by state, **2:43**

Judge, this index

Judicial estoppel, **2:12**

Juvenile court delinquency proceedings, **2:7**

Law enforcement officials as participants, **2:22**

Law of case, **2:9**

Laws governing trial of criminal cases, **2:4**

Liability of participant for libel and slander, **2:21**

Libel and slander, liability, **2:21**

Libel and slander, liability of participant, **2:21**

Mistakes and correction generally, **2:41**
interlocutory appeals by state, **2:43**

plain error doctrine, **2:42**

Motion for change of place of trial, **1:13**

"No contact" rule, **2:18**

Order of proof in split trial, **27:8**

Participants, conduct of trial, **2:19 to 2:22**

Plain error doctrine, **2:42**

Post-trial proceedings, motion for new trial, **94:2**

Pretrial motion for change of place of trial, **1:13**

Public Trial, this index

Split trial, order of proof, **27:8**

Stare decisis, **2:10**

State courts

control of trials, **2:5**

Federal Constitutional provisions binding on state courts, checklist, **2:6**

mistakes, interlocutory appeals by state, **2:43**

Statutes governing criminal trials, **2:4**

INDEX

- Technology use, **2:3**
- Vienna Convention on Consular Relations, defendant's right under, **2:13**
- When counsel is waived, **12:7**
- TRIAL COURT
 - Caretaker function, **64:6**
- TRIAL STRATEGY
 - Attorney's responsibility, **4:15**
- TRIBUNAL
 - Attorney's conduct before, **4:5**
- TRUSTWORTHINESS
 - Hearsay evidence, **69:2**
- TRUTH
 - Juror's duty to make truthful answers, **22:10**
- ULTIMATE ISSUE
 - Opinion evidence, **62:4**
- UNAVAILABILITY OF WITNESS
 - Confrontation, **70:22**
 - Former trial or proceeding, **71:5**
 - Hearsay, sex offenses, **70:22**
 - Testimony from former trial or proceeding, **71:5**
- UNIQUE THREAT
 - Burden of proof, **29:35**
- UNLAWFUL POSSESSION
 - Burden of proving, **30:15**
- URINE SAMPLE
 - Privilege against self-incrimination, compelling accused to give sample, **46:13**
- URINE TESTS
 - Expert testimony, **64:40**
- USE OR BENEFIT
 - Burden of proving, **29:27**
- VALUE AND VALUATION
 - Expert testimony as to value of personal property, **64:22**
 - Judicial notice, **54:23**
 - Nonexpert opinion as to value of personal property, **63:9**
 - Personal property
 - expert testimony as to value, **64:22**
 - Stolen property, burden of proving value, **29:16**
- VARIANCE
 - Verdict, fatal variance, **93:6**
- VENUE
 - Burden of proof, **29:1**
 - Change of venue due to publicity, **5:4**
 - Circumstantial evidence, **43:6**
 - Publicity causing change of venue, **5:4**
- VERBAL AND NONVERBAL ACTS
 - Hearsay evidence, **69:4**
- VERDICTS
 - Generally, **93:1**
 - Appeal courts, standards of review, **93:15**
 - Confusion of juror, **93:11**
 - Construction of general verdicts, **93:4**
 - Defective verdict, reconsideration by jury, **93:3**
 - Dissent by juror, **93:11**
 - Fatal variance, **93:6**
 - General verdicts, **93:4**
 - Impeachment of verdict, **93:13**
 - Inconsistent bench findings, **93:7**
 - Inconsistent verdicts, **93:5**
 - Lesser included crime, **93:8**
 - Less than twelve jurors, **93:12**
 - One act, one crime rule, **93:14**
 - Polling jurors, **93:10**
 - Questions in form of verdict, **93:2**
 - Retrial and double jeopardy, **93:16**
 - Sealed verdicts, **93:9**
- VICTIM OF CRIME
 - Expert testimony, psychiatric or psychological examination

- of sex crime victim, **64:44**
 - Other offenses by defendant showing attitude toward victim, **39:26**
 - Pretrial procedures
 - responsibilities, **1:22**
 - rights, **1:21**
 - Right of accused to have medical examination of victim, **11:34**
- VIDEO RECORDINGS
 - Admissibility, **58:7, 58:8**
 - Silent witness to crime, admissibility as, **58:8**
- VIDEOTAPES
 - Admissibility, **58:7, 58:8**
 - Deposition, use in evidence, **86:10**
 - Privilege against self-incrimination, drunk driving suspect, **46:23**
 - Silent witness to crime, admissibility as, **58:8**
 - Testimony
 - generally, **34:32**
 - conduct of trial, **2:33**
- VIENNA CONVENTION ON CONSULAR RELATIONS
 - Defendant's right under, **2:13**
 - Right of foreign national to consular notification pursuant to, **11:35**
- VIEW
 - Conduct of view, **59:3**
 - Juror's unauthorized view, **25:16**
 - Nature of view, **59:4**
 - Request to view, **59:2**
 - Right to view premises, **59:1**
- VOICE
 - Judge's, **3:9**
 - Privilege against self-incrimination, exemplars, **46:14**
- VOICE STRESS TEST RESULTS
 - Privilege against self-incrimination, **46:22**
- VOIR DIRE
 - Accused's basic rights, instruction on, **22:3**
 - Attorney's right to ask questions, **22:4**
 - Conduct of, **22:2 to 22:7**
 - Expert witness qualifications, **64:8**
 - Insanity of defendant at issue, **22:6**
 - Investigations, **22:5**
 - Reopening, **22:7**
- VOTES AND VOTING
 - Political vote as privileged information, **52:23**
- WAIVER
 - Admissibility of evidence, waiver of objection to inadmissible evidence, **38:28**
 - Attorney-client privilege, **53:8**
 - Closing arguments, **89:4**
 - Confrontation of witnesses, waiver of right as to, **36:6**
 - Counsel, right to, **12:7, 12:8**
 - Counsel's presence at accused's identification, **31:8**
 - Jury, **21:2**
 - Jury trial right to, **9:7**
 - Lesser included offense instruction, right to, **91:30**
 - Miranda rights, **76:8, 76:9**
 - Misconduct of accused as waiver of right to be present, **13:5**
 - Objections to evidence, **41:7**
 - Physician-patient privilege, **52:11**
 - Privilege against self-incrimination, **46:19**
 - Privileged Communication and Information, this index

INDEX

- Right of accused to testify, **11:13**
- Right to be present, **13:3, 13:5**
- Right to remain silent, defendant's waiver of, **11:10**
- Right to testify, defendant's waiver of, **11:13**
- Right to trial by jury, **9:7**
- WAR
 - Continuance due to, **7:16**
- WARNING
 - Miranda Warnings, this index
 - Privilege against self-incrimination, **46:8, 46:9**
- WARRANTLESS ARREST
 - Informant's tip, **80:4**
- WARRANTLESS SEARCH
 - Child's consent, **83:7**
 - Exigent circumstances, **29:2**
- WARRANTS
 - Search Warrants, this index
- WEALTH
 - Sudden wealth following crime, circumstantial evidence, **43:4**
- WEAPONS
 - Aggravated discharge, burden of proof, **30:29**
 - Burden of proof
 - aggravated unlawful possession of, **30:24**
 - constructive possession of weapon, **30:34**
 - dangerous weapon, **29:37**
 - deadly weapon, **29:36**
 - firearm, possession by felon, **30:16**
 - knife blade length, **29:13**
 - length of knife blade, **29:13**
 - offenses, **29:30**
 - possession, unlawful, **30:15**
 - Burden of proof, possession of firearm by street gang member, **30:17**
 - Felon's possession of firearm, burden of proof, **30:16**
 - Length of knife blade, burden of proof, **29:13**
 - Other offenses by defendant used as evidence to identify weapon, **39:12**
 - Questioning person as search and seizure, frisking for weapons, **81:5**
 - Real and demonstrative evidence, admissibility, **57:4**
 - Reckless discharge, burden of proof, **30:29**
- WEIGHT
 - Burden of proving weight of drugs, **29:21**
- WHARTON'S RULE
 - Defenses in conspiracy cases, **14:14**
- WILLFUL AND WANTON ACTS OR MATTERS
 - Defense of willfulness, **14:21**
 - Good faith misunderstanding of law negating willfulness, **14:21**
- WIRETAP
 - Evidence, **73:5, 73:6**
- WITHDRAWAL
 - Defense of, **14:26**
 - Evidence, **42:8**
- WITNESSES
 - Accomplice, instructing on, **91:43**
 - Accused's right to interview witnesses, **11:28**
 - list of prosecution witnesses, **11:18**
 - Assaulting or harassing in courtroom, **2:38**
 - Attire of witness in prison garb, **34:33**
 - Attorney as witness, **4:17**
 - Bribery, **2:39**

- Burden of proof
 - accomplice testimony, **28:6**
 - addict's testimony, **28:7**
 - single witness testimony, **28:5**
- Challenging juror for relationship with witness, **24:18**
- Communicating with, **34:12**
- Compelling attendance, **34:1**
- Compelling examination, **34:14**
- Compensation, **34:16**
- Competency to testify of witness omitted from list of witnesses, **37:18**
- Conferring with witness while on stand, **34:15**
- Confrontation of Witnesses, this index
- Continuance, absence of material witness, **7:8**
- Court's own witnesses, **3:23**
- Credibility
 - province of court and jury, **10:4**
- Cross-examination of court's witness by judge, **3:24**
- Deposition, preservation of testimony, **34:35**
- Diplomatic immunity of ambassadors and consuls, **34:6**
- Direct Examination of Witness, this index
- Examination, right to compel, **34:14**
- Examination of witness, control by judge, **3:20**
- Exclusion from courtroom, **34:17, 34:18, 34:20**
- Exclusion of improper testimony by court's own motion, **3:26**
- Failure to administer oath, **34:22**
- Failure to appear, **34:7**
- Former trial or proceeding, testimony from, **71:1 to 71:9**
- Habeas corpus to testify, **34:8**
- Harassing, **34:12**
- Harassment in courtroom, **2:38**
- Hearsay, confrontation of witnesses, **36:7**
- Hearsay rule, testimonial statements subject to, **69:15**
- Immunity, **46:25**
- Impeachment
 - alibi witness, **15:5**
 - court's witness, impeachment by judge, **3:24**
 - silence, **49:16**
- Interpreters
 - qualifications, **34:24**
 - right to, **34:23**
 - use in court, **34:25**
- Interview, **34:13**
- Judge as witness, **3:25**
- Judge's conduct toward, **3:14**
- Judge's remarks on testimony, **3:11**
- Juror as witness, **25:19**
- Liability, **34:27**
- List of witnesses
 - accused's right to list of prosecution witnesses, **11:18**
 - competency to testify of witness omitted from list of witnesses, **37:18**
 - prosecution witnesses, **34:11**
- Material witnesses, **34:10**
- Medical witness. Medical Testimony, this index
- Motion picture, testimony given in, **34:26**
- Number, limitation by judge, **3:17**
- Oath, **34:21, 34:22**
- Order of producing testimony in criminal cases, **27:1**
- Out-of-state witnesses, **34:9**

INDEX

- Penalties for violation of exclusion order, **34:20**
- Perjury, **34:29, 34:30**
- Perjury, warning from judge, **3:15**
- Presence in courtroom despite exclusion order, **34:18**
- Preserving testimony with deposition, **34:35**
- Pretrial procedures, responsibilities
 - rights, **1:22**
- Prison garb, witnesses in, **34:33**
- Privilege during trial, **34:28**
- Protection, **34:31**
- Quashing subpoena, procedure, **34:4**
- Questioning by judge, **3:22**
- Radio, testimony given on, **34:26**
- Rebuttal testimony, order of proof, **27:6**
- Recall, order of proof, **27:3**
- Redirect and recross-examination, rehabilitating witness, **51:5**
- Refreshing and Recalling Witness Recollection, this index
- Refusal to testify, calling of witness by prosecutor, **19:27**
- Rights of accused, judge or prosecutor discouraging
 - witnesses from testifying, **11:32**
- Rights of witnesses, **34:34**
- Right to confer with while on stand, **34:15**
- Right to interview, **34:13**
- Sequestering, **34:19**
- Service dog use, **44:16**
- Service of subpoena, **34:3**
- Single witness testimony, burden of proof, **28:5**
- Special witness doctrine, **34:2**
- Subornation of perjury, **34:30**
- Subpoena
 - quashing, procedure, **34:4**
 - service, **34:3**
- Swearing, **34:21, 34:22**
- Television, giving testimony on, **34:26**
- Transcribing testimony, **2:32**
- Unavailability, confrontation of, hearsay exceptions, **70:22**
- Videotaped or closed-circuit televised testimony, **34:32**
- Videotaped or telephonic testimony, **2:33**
- Violation of exclusion order, penalties, **34:20**
- WRITINGS
 - Refreshing and recalling witness recollection, **45:3**
- X-RAY PHOTOGRAPHS
 - Admissibility, **58:9**

