

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 know-
ingly, burden of proving,
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**

ACCOMPLICE—Cont'd
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 identifica-
tion, **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 identifica-
tion, **31:7, 31:8**
Cross-examination, generally,
47:18
Doubtful or inconsistent
identification, **31:6**
Fingerprint identification, **31:15**
Footprints and tracks, identifica-
tion 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**

ACCUSED—Cont'd

Identity—Cont'd
 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**

ACCUSED—Cont'd

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**

INDEX

ADMISSIBILITY—Cont'd

Battered-woman syndrome testimony, **38:21**
Best Evidence Rule, this 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

ADMISSIBILITY—Cont'd

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**

ADMISSIBILITY—Cont'd

- 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

ALIAS—Cont'd

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 psycholo-
gist, **17:3**

APPENDI, 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 show-
ing 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, assaulting
in courtroom, **2:38**

Other offenses by defendant, evi-
dence 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 attendance,
34:1

ATTORNEY

Accused's identification, presence
of counsel, **31:7**

Admission of guilt to attorney,
4:22

Admission to practice law as
requisite, **4:2**

ATTORNEY—Cont'd

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 relationship
with attorney, **24:19**

Checklists

discipline, additional grounds,
4:14

rules of conduct in court, sug-
gested additional, **4:9**

Client records, duty to refrain
from using, **4:27**

Communications with jurors, **4:20**

Compensation of court-appointed
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

INDEX

ATTORNEY—Cont'd

- Discipline—Cont'd
 - improper conduct, **4:13**
- Effective assistance, **12:4**
- Fairness to opposing party and counsel, **4:6**
- General conduct, **4:1**
- 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**

ATTORNEY—Cont'd

- 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**

INDEX

BIAS OR PREJUDICE—Cont'd

- 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
- 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 prob-
ability of finding
characteristics in blood
samples, **64:35**
- Privilege against self-incrimina-
tion, compelling accused to
give sample, **46:13**

BLOOD SPLATTERS

- Expert testimony, **64:32**

BLOOD STAINS

- Expert testimony, **64:31**

BLOOD STAINS—Cont'd

- 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-incrimina-
tion, **46:16**

BRADY RULE

- Prosecutor's duty to disclose evi-
dence 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 use 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**

BURDEN OF PROOF—Cont'd

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, **29:40**
 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, **29:36**
 Date of offense, **29:4**
 Dating relationship, **29:28**
 Deadly weapon, **29:35**
 Deception or intent to defraud, **29:6**
 Deceptive practices, **30:14**

BURDEN OF PROOF—Cont'd

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**

INDEX

BURDEN OF PROOF—Cont'd

- 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**
- Possession
 - generally, **29:8**
 - 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, **29:39**
 - amusement, **29:39**
- Public property, **29:37**
- Public way, **29:38**
- 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**

BURDEN OF PROOF—Cont'd

- 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**
- 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, **29:34**
- Use or benefit, **29:27**
- Value of stolen property, **29:16**
- Vehicular invasion, **30:51**
- Venue, **29:1**
- Weapon
 - aggravated, unlawful use of, **30:24**
 - constructive possession of weapon, **30:34**
 - offenses, **29:30**
- Without authority, **29:40**

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**

**BUSINESS CUSTOMS AND
PRACTICES—Cont'd**

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-incrimina-
tion, **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 wit-
ness, **85:12**

Evidence, generally, **85:1 to 85:12**

CHARACTER AND

REPUTATION—Cont'd

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, sugges-
tions, **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**

INDEX

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**

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**

CIRCUMSTANTIAL EVIDENCE

—Cont'd

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**

CLOSING ARGUMENTS

—Cont'd

Comments on—Cont'd
 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, argu-
 ment 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

CLOSING ARGUMENTS

—Cont'd

Misstatements by prosecutor
 —Cont'd
 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, evi-
 dence 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**

INDEX

CLOSING ARGUMENTS

—Cont'd

- 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**
- 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**

COMPETENCY OF WITNESS

—Cont'd

- 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**

CONDITIONS—Cont'd

- 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**

INDEX

CONDUCT OF TRIAL—Cont'd

- 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**

CONDUCT OF WITNESS

- Direct examination, **44:2**

CONFERENCES

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

CONFESSIONS AND ADMISSIONS

- 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 admissibility of confession, **75:4**
 - guilty plea, **74:5**
 - plea discussions and bargaining, **74:4**
 - standing to contest admissibility of confession, **75:5**

CONFESSIONS AND

ADMISSIONS—Cont'd

- Admissibility—Cont'd
 - third party's statement, adoption, **74:6**
- Adoption of third party's statement, 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 admission, **74:8**
- Constitutional rights in obtaining confessions, **74:11**
- Continuance, admission to avoid, **74:3**
- Corroboration, need for, **74:14**
- Electronic recording of confession, requirement, **75:2**
- Entire statement used, **74:17**
- Frye hearing, necessity, **74:19**
- Guilt of another, evidence suggesting
 - codefendant's confession, **40:4**
 - other's confession, **40:5**
- Guilty plea, admissibility, **74:5**
- Illegal arrest, suppressing illegally obtained confession, **75:10**
- Illegal detention, suppressing illegally obtained confession, **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, reference to, **74:13**
- Innocence, failure to declare, **74:10**

CONFESSIONS AND

ADMISSIONS—Cont'd

- Instructions, **74:20**
- Multiple confessions by accused, **74:16**
- Nature of admissions in criminal 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**

CONFRONTATION OF

WITNESSES—Cont'd

- 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**

INDEX

CONTEMPT—Cont'd

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**
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**

CONTINUANCE—Cont'd

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**

INDEX

CROSS-EXAMINATION

—Cont'd

- 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
- Right of prosecution witness not
to talk to defense counsel,
47:10
- Right to cross-examine witness,
47:1
- Right to introduce evidence dur-
ing, **27:4**
- Right to recall witness, **47:15**
- Scope, **47:2, 47:3**
- Testimonial statements providing
right to cross-examine declar-
ant, **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 treat-
ment while in custody, **11:29**
- Evidence of similar crimes com-
mitted 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, **29:36**

DATING RELATIONSHIP

- Burden of proof, **29:28**

DEADLY WEAPON

- Burden of proof, **29:35**

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 dec-
larations, **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

DEFENSES—Cont'd

Age—Cont'd
 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**

DEFENSES—Cont'd

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**

INDEX

DEFENSES—Cont'd

- 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**
- 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 delibera-
tions 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**

DELIBERATIONS, CONDUCT OF JURY—Cont'd

- 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 deposi-
tions, **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

DEPOSITIONS—Cont'd

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, informa-
tion, 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 lead-
ing 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**

**DIRECT EXAMINATION OF
WITNESS—Cont'd**

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-Examina-
tion, 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, rea-
sonable, **14:34**

INDEX

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**

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**

DOCUMENTARY EVIDENCE

—Cont'd

- 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**

DOCUMENTARY EVIDENCE

—Cont'd

- 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**

DOUBLE JEOPARDY—Cont'd

- 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**

INDEX

DRUGS OR NARCOTICS

—Cont'd

- 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**
- 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 use at trial, **19:14**
- Excision of material that is not discoverable, **19:15**
- Experts' reports, statements, etc., duty to disclose, **19:19**

DUTIES OF PROSECUTOR

—Cont'd

- Grand jury proceedings, transcript availability, **19:13**
- Informer
 - duty to call, **19:23**
 - duty to disclosure, **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 evi-
dence out of court, **25:15**

Confidentiality, **52:22**

Continuance, absence of material
evidence, **7:7**

Demonstrative evidence. Real and
Demonstrative Evidence, this
index

EVIDENCE—Cont'd

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 Sug-
gesting, 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 crimi-
nal 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, Evi-
dence 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**

INDEX

EVIDENCE—Cont'd

- Real and Demonstrative Evidence, this index
- Right of accused to be proven guilty beyond reasonable doubt, **11:6**
- Sanctions for violation of pretrial order to preserve, **19:18**
- Sufficiency of evidence to support conviction of other crimes, burden of proof, **30:30**
- 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**

EXPERT TESTIMONY—Cont'd

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**

EXPERT TESTIMONY—Cont'd

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 observa-
 tion, **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**

INDEX

EXPERT TESTIMONY—Cont'd

- Qualifications—Cont'd
 - 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**
- 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**

FEEES

- 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-incrimina-
tion, use of force, **46:4**

FOREIGN NATIONALS

Vienna convention on consular
relations, notification pursu-
ant 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**

INDEX

FORMER TRIAL OR

PROCEEDING—Cont'd

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**

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

GROUPINGS

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**

GUILT OR GUILTY—Cont'd

- 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**

HANDWRITING—Cont'd

- 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**

INDEX

HEARSAY—Cont'd

- 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**
- 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**

HEARSAY—Cont'd

- Exceptions—Cont'd
 - 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**

HEARSAY—Cont'd

Exceptions—Cont'd

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**

HEARSAY—Cont'd

Exceptions—Cont'd

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**

INDEX

HEARSAY—Cont'd

- 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**
- 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**

HEARSAY—Cont'd

- 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**

HYPNOSIS—Cont'd

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**

INDEX

ILLEGALLY OBTAINED EVIDENCE—Cont'd

- 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**
- 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 wit-
ness, **48:19**
- Anticipatory impeachment, **48:15**
- Anticipatory impeachment of
state's witness, **48:15**
- Appeal, effect, **50:8**

IMPEACHMENT OF WITNESS —Cont'd

- 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 convic-
tion, **50:5**
 - limitations on use of prior
conviction, **50:2**
 - manner of proving prior convic-
tion, **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, impeach-
ment 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 cir-
cumstances, **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

IMPEACHMENT OF WITNESS

—Cont'd

- 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**

IMPEACHMENT OF WITNESS

—Cont'd

- Inconsistent statement or conduct
 - Cont'd
 - 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**

INDEX

IMPEACHMENT OF WITNESS

—Cont'd

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**

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**

INSTRUCTIONS—Cont'd

- Alibi, instructing on, **15:7**
- Apprendi 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**

INDEX

INSTRUCTIONS—Cont'd

- 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**
- 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**

INSTRUCTIONS—Cont'd

- 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**

INTENT—Cont'd

- 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**

INTOXICATION—Cont'd

- 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**

INDEX

JUDGE—Cont'd

- 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**
- 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**

JUDGE—Cont'd

- 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**

JUDGE—Cont'd

- 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**

JUDICIAL NOTICE—Cont'd

- 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**

INDEX

JURY—Cont'd

- 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**
 - 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**

JURY—Cont'd

- Challenging jurors—Cont'd
 - 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**

JURY—Cont'd

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**

JURY—Cont'd

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**

INDEX

JURY—Cont'd

- Panel—Cont'd
 - 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**
 - 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**

JURY—Cont'd

- 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**

JURY—Cont'd

- Selection—Cont'd
 - 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**

JURY TRIAL—Cont'd

- 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**

INDEX

KNOWLEDGE—Cont'd

Other offenses by defendant, evidence of, **39:4**

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**

INDEX

MIRANDA WARNINGS—Cont'd

- 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**
- 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**

MISTAKE—Cont'd

- 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**

MOTIONS—Cont'd

- 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**

INDEX

NEWS MEDIA—Cont'd

- 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**
- 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**

NONJURY TRIAL—Cont'd

- 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**

OPENING STATEMENT

—Cont'd

- 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**

INDEX

ORDER OF PROOF—Cont'd

- 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**
- 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**

OTHER OFFENSES BY DEFENDANT, EVIDENCE OF—Cont'd

- 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**

**OTHER OFFENSES BY
DEFENDANT, EVIDENCE
OF—Cont'd**

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**

PARTIES—Cont'd

Audio-visual communication,
two-way, appearance by
defendant, **2:34**
Challenging juror
business or professional rela-
tionship of juror with
party, **24:12**
familial relationship with party,
24:11
social relationship with party,
24:13
Closed-circuit television, appear-
ance 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**

INDEX

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**
- 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**

PHOTOGRAPHS AND

PHOTOGRAPHY—Cont'd

- 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**

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
abstentia, **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

INDEX

PRESUMPTIONS AND

INFERENCES—Cont'd

Conduct, inferences based on
—Cont'd

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**

Contraband goods, possession,
56:4

Controverting evidence, effect on
presumptions, **55:9**

Corporate personnel, regularity of
actions, **55:15**

Documentary evidence, authentic-
ity, **60:6**

Escape from custody, **56:9**

Establishing presumed fact, proce-
dure, **55:10**

PRESUMPTIONS AND

INFERENCES—Cont'd

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**

PRESUMPTIONS AND

INFERENCES—Cont'd

- 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**

PRETRIAL PROCEDURES

—Cont'd

- 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**

INDEX

PRETRIAL PROCEDURES

—Cont'd

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**

Burden of proving voluntariness
of incriminating statement,
46:20

Cell phones, **46:24**

Compelling

blood, urine, etc. samples,
46:13

handwriting exemplars, **46:15**

PRIVILEGE AGAINST SELF-INCRIMINATION

—Cont'd

Compelling—Cont'd

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 wit-
ness' 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, com-
pelling 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 privi-
lege, **46:7**

Testimony tending to incriminate,
46:1

**PRIVILEGE AGAINST
SELF-INCRIMINATION
—Cont'd**

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 communica-
 tions to, **52:16**
Commenting on exercise of privi-
 lege, **52:7**
Disclosure of secret surveillance,
 52:18
Eavesdropping, **52:3**
Husband and wife communica-
 tions, **52:8, 52:9**
Impeachment of witness using
 privileged government docu-
 ments, **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**

**PRIVILEGED
COMMUNICATIONS AND
INFORMATION—Cont'd**

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 com-
 munications to, **52:15**
Public officials, privileged com-
 munications 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

INDEX

PRIVILEGES AND

IMMUNITIES—Cont'd

- 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**
- 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**

PROSECUTORS—Cont'd

- Improper arguments—Cont'd
 - 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**

PRO SE TRIAL PROCEDURES—Cont'd

- 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**

INDEX

PUBLICITY—Cont'd

- 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, **29:37**

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, **29:38**

QUALIFICATIONS

- Expert witness. Expert Testimony, this index
- Interpreters, **34:24**

QUASHAL

- Subpoena, **34:4**

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**

REAL AND DEMONSTRATIVE EVIDENCE—Cont'd

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**

INDEX

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**

REDIRECT AND

RECROSS-EXAMINATION

—Cont'd

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**

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**

RELEVANCY—Cont'd

Admissibility of evidence
—Cont'd
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**

INDEX

RIGHTS OF ACCUSED—Cont'd

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**

RIGHTS OF ACCUSED—Cont'd

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
abstentia, **13:2**
Right to be present, generally,
13:1
Waiver, **13:3**

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-incrimina-
tion, existence of privilege,
46:18

SANCTIONS

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

SANCTIONS—Cont'd

- 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**

SEARCH AND SEIZURE

—Cont'd

- 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**

INDEX

SEARCH AND SEIZURE

PURSUANT TO LAWFUL ARREST—Cont'd

- 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**

SEARCH AND SEIZURE WITHOUT SEARCH WARRANT—Cont'd

- 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**
 - 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, warrant-less search, **84:9**

**SEARCH AND SEIZURE
WITHOUT SEARCH
WARRANT—Cont’d**

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 contain-
 ers, contents, **79:22**
 Mail, reasonableness of govern-
 ment detention, **79:37**
 Mobile home, search without war-
 rant, **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**

**SEARCH AND SEIZURE
WITHOUT SEARCH
WARRANT—Cont’d**

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 exclusion-
 ary 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, war-
 rant 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 affida-
 vit, challenging, **82:4**
 Warrant procedures, **78:3**

INDEX

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-Incrimination, this index

SELF-SERVING

DECLARATIONS

- Admissibility, **38:13**

SENTENCE AND PUNISHMENT

- 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**
- 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**

INDEX

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**

SUPPRESSING ILLEGALLY OBTAINED CONFESSION

—Cont'd

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**

**SUPPRESSING ILLEGALLY
OBTAINED EVIDENCE**

—Cont'd

- Confession. Suppressing Illegally
Obtained Confession, this
index
- Eavesdropping evidence, **73:7**
- Franks hearing on motion to sup-
press 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 proceed-
ings, **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,
29:34
- Other offenses by defendant, evi-
dence 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**

INDEX

TIME AND DATE—Cont'd

- 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**

TRIAL—Cont'd

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

TRIAL—Cont’d

- 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**
- 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, **29:34**

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, 30:15**

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**
- Dissention by juror, **93:11**

INDEX

VERDICTS—Cont'd

- 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**

VIENNA CONVENTION ON CONSULAR RELATIONS —Cont'd

- 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**

WAIVER—Cont'd

- 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
- 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 use of, **30:24**
 - constructive possession of weapon, **30:34**
 - dangerous weapon, **29:36**
 - deadly weapon, **29:35**
 - firearm, possession by felon, **30:16**
 - knife blade length, **29:13**
 - length of knife blade, **29:13**
 - offenses, **29:30**
 - possession, unlawful, **30:15**
 - use, 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**

INDEX

WILLFUL AND WANTON ACTS OR MATTERS—Cont'd

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 wit-
nesses, **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**

WITNESSES—Cont'd

Credibility
province of court and jury, **10:4**

Cross-examination of court's wit-
ness by judge, **3:24**

Deposition, preservation of
testimony, **34:35**

Diplomatic immunity of ambas-
sadors 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 wit-
nesses, **36:7**

Hearsay rule, testimonial state-
ments 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

WITNESSES—Cont'd

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**
 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**

WITNESSES—Cont'd

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**