# **Index**

#### ABANDONMENT

Impeachment of witness, abandonment of common law voucher, Rule 607[D]1

#### ABSENCE

Business records, Rule 803[D]7
Public records, hearsay exceptions,
Rules 803[B]10, 803[D]10
Records, hearsay exceptions, Rules
803[B]10, 803[D]7, 803[D]10

#### ABUSE OF DISCRETION

Expert testimony, abuse of discretion standard, Rule 702[E]2

#### ACKNOWLEDGMENT

Authentication or identification, acknowledged documents, Rule 902[C]8

### ACTS OF CONGRESS

Authentication or identification, presumptively authentic under act of Congress, Rule 902[C]10

### ADJUDICATIVE FACTS

Judicial notice, Rule 201

# ADMINISTRATIVE PROCEEDINGS

Applicability of rules of evidence, Rule 1101[D]1 Defined, Rule 508[A]

#### ADOPTIVE ADMISSIONS

Hearsay, Rules 801[C]6, 801[D]9

#### **AGENTS**

Hearsay, agent's admissions, Rules 801[C]8, 801[D]11

#### ANCIENT DOCUMENTS

Authentication or identification, Rules 901[B]10, 901[D]9 Hearsay exceptions, Rules 803[B]16, 803[C]16, 803[D]16

#### ANNULMENT

Witnesses, effect of annulment, Rule 609

#### APPEAL OR REVIEW

In camera review defined, Rule 508[A]

Expert testimony, Rules 702[D]1, 702[E]4

Pendency of appeal, Rule 609

Preservation for appeal, Rule 612

Procedural rules of evidence, standard of review, Rule 103[D]1

Relevant evidence, exclusion of, Rule 403[D]

**Standard of Review** (this index)

#### APPELLATE RULES

Law of evidentiary presumption, Rule 301[D]1

#### APPLICABILITY OF RULES OF EVIDENCE

Generally, Rule 1101

Administrative proceedings, Rule 1101[D]1

Citation of, Rule 1103

Courts, generally, Rule 1101[A]

Effective date, Rule 1102

Grand jury, generally, Rule 1101[A]

Hearsay, criminal preliminary examinations, Rule 1102[A]

Juvenile court proceedings, Rule

1101[D]1
Small claims court proceedings, Rule

1101[D]1

### **ASSAULT**

**Sexual Assault** (this index)

#### ATTORNEY-CLIENT PRIVILEGE

Generally, Rule 504 Defined, Rule 504[A] Exceptions, Rule 504[D]6 Waiver of, Rule 510[D]1

# ATTORNEY-CLIENT PRIVILEGE —Cont'd

Work product, Rules 504[C]1, 504[F]1

#### ATTORNEYS AT LAW

**Attorney-Client Privilege** (this index)

Defined, Rule 504[A]

# AUTHENTICATION OR IDENTIFICATION

Generally, Rule 901

Acknowledged documents, Rules 902[C]8, 902[D]9

Ancient documents or records, Rules 901[B]10, 901[D]9

Authentication or identification, Rule 902[D]9

Certified records, Rules 902[C]4, 902[C]11, 902[C]12, 902[D]5

Chain of custody, Rule 901[B]6

Commercial paper, Rules 902[C]9, 902[D]10

Congressional acts, presumptively authentic under, Rule 902[C]10

Copies, certified copies, Rules 902[C]4, 902[D]5

Diagram, Rule 901[B]3

Distinctive characteristics, Rule 901[D]5

Exhibits, Rule 901[B]1

Expert

comparison by, Rule 901[D]4 handwriting testimony by, Rule 901[B]5

Foreign records or documents, Rules 902[C]3, 902[C]12, 902[D]4

Handwriting, Rules 901[B]5, 901[D]3

Hearsay, pretrial identification, Rules 801[B]4, 801[C]4, 801[D]7

Model, Rule 901[B]3

Newspapers and periodicals, Rules 902[C]6, 902[D]7

Official publications, Rules 902[C]5, 902[D]6

Photo, Rule 901[B]3

Presumptively authentic acts, Rules 902[D]11-13

# AUTHENTICATION OR IDENTIFICATION—Cont'd

Process or system, Rules 901[B]11, 901[D]10

Public records, Rules 901[B]9, 901[D]8, 902[C]4, 902[D]5

Records, generally, Rules 901[B]9, 901[B]10

Requirement of, Rule 901[A]

Sealed documents

domestic public documents, Rules 902[D]2, 902[D]3

public documents, Rules 902[C]1, 902[C]2

Self-authentication, Rule 902

Statute

authentication authorized by, Rule 901[B]12

methods provided by, Rule 901[D]11

Subscribing witness testimony, Rule 903

Telephone conversation, Rule 901[B]8

Trade inscriptions, Rules 902[C]7, 902[D]8

Videotapes, Rule 901[D]6

Voice identification, Rules 901[B]7, 901[D]6

## **AUTHORIZED ADMISSIONS**

Hearsay, Rules 801[C]7, 801[D]10

# AVAILABILITY OR UNAVAILABILITY

Hearsay exceptions, availability or unavailablity of declarant, Rules 803, 804

#### **BALANCING PURPOSE**

Relevance, character evidence, Rule 404[D]9

### BAPTISMAL CERTIFICATES

Hearsay exceptions, Rules 803[B]12, 803[C]12, 803[D]12

### BEST EVIDENCE RULE

**Original Writing Rule** (this index)

#### **BIAS OR PREJUDICE**

Impeachment of witness by showing bias, Rules 607[D]4, 608[D]3

#### **Relevance** (this index)

Unfair prejudice. **Relevance** (this index)

#### **BOUNDARIES**

Hearsay exceptions
generally, Rule 803[B]23
judgment as to, Rules 803[C]23,
803[D]23
reputation, Rules 803[B]20,
803[C]20, 803[D]20
Judgment as to, Rules 803[C]23,
803[D]23

# 803[C]20, 803[D]20 BURSTING BUBBLE THEORY

Reputation, Rules 803[B]20,

Law of evidentiary presumption, Rules 301[D]2, 302[C]

#### **BUSINESS RECORDS**

Absence of business record, Rule 803[D]7
Hearsay exceptions
generally, Rules 803[B]6, 803[B]7, 803[C]6, 803[C]7, 803[D]6, 803[D]7
absence of business record, Rule

#### **BUSINESS ROUTINE**

Relevance, Rule 406[C]2

803[D]7

#### CERTIFIED RECORDS

Authentication or identification, Rules 902[C]4, 902[C]11, 902[C]12, 902[D]5

#### CHAIN OF CUSTODY

Authentication or identification, Rule 901[B]6

Witnesses, lack of personal knowledge, Rule 602[D]5

#### CHARACTER

Hearsay exceptions or exclusions, Rules 803[B]21, 803[C]21, 803[D]21

Impeachment of witness, Rules 607[C]4, 607[D]6

#### CHARACTER—Cont'd

Prior sexual molestation of a child, Rule 404[D]12

Relevance of character evidence, Rule 404

Reputation, hearsay exceptions or exclusions, Rules 803[B]21, 803[C]21

Sexual assault, character evidence, Rules 404[C]3, 404[D]6, 404[D]12

Uncharged sexual misconduct, Rule 404[C]3

Witnesses, generally, Rule 608

#### CHILD ABUSE REPORTING

Lawyer-client privilege, Rule 504[D]6

#### CHILD MOLESTATION

Relevance, sexual assault, Rules 412[C]3, 412[C]4

#### **CHILDREN**

Abuse of child reporting, lawyerclient privilege, Rule 504[D]6 Molestation of child, Rules 412[C]3, 412[C]4

Witness competency, general rule of, Rule 601[D]1

#### **CITATION**

Applicability of rules of evidence, Rule 1103

### **CLERGY**

Communications to, Rule 503
Definition of cleric, Rule 503[A]
Privilege
communications to, Rule 503
definition of cleric, Rule 503[A]

#### **CLERIC**

Defined, Rule 503[A]

#### **CLIENT**

Defined, Rule 504[A]

## **COCONSPIRATORS**

Hearsay

admissions, Rules 801[B]46, 801[C]9 statements of, Rule 801[D]12

#### COMMERCIAL PAPER

Authentication or identification, Rules 902[C]9, 902[D]10

#### COMMERCIAL PUBLICATIONS

Hearsay exceptions or exclusions, Rules 803[B]17, 803[C]17, 803[D]17

#### COMMON LAW RULES

Judicial notice, Rule 201[F]

# COMMUNICATION

Clergy, communications to, Rule 503 Defined, Rule 504[A]

Privilege

clergy, communications to, Rule 503

defined, Rule 504[A]

#### COMPETENCY OF WITNESSES

Expert testimony, Rules 702[C]1, 702[D]2

General rule of, Rule 601 Impeachment of witness, Rules 607[C]1, 607[D]3

Judge as witness, competency of, Rule 605

Juror as witness, competency of, Rule 606

### COMPLETENESS RULE

Procedural rules of evidence, Rule 106[D]1

#### **COMPROMISE**

Relevance of compromise and offers to compromise, Rule 408

#### CONDITIONAL RELEVANCY

Procedural rules of evidence, Rule 104[D]2

#### **CONFIDENTIALITY**

Defined, Rules 503[A], 504[A] Husband and wife privilege, confidential communications, Rules 502[C]1, 502[D]2 Privilege, generally, Rule 510

#### CONFLICTING PRESUMPTIONS

Law of evidentiary presumption, Rule 301[D]6

#### CONFRONTATION OF WITNESSES

Hearsay and confrontation right, overlap between, Rule 801[D]1 Impeachment of witness, Rule 607[D]8

#### **CONFUSION**

Exclusion of relevant evidence on grounds of, Rule 403[A]

#### **CONGRESSIONAL ACTS**

Presumptively authentic under, Rule 902[C]10

# CONSISTENT OR INCONSISTENT STATEMENTS

Hearsay, Rules 801[B]2, 801[B]3, 801[C]2, 801[C]3

#### **CONSTITUTIONALITY**

Impeachment, use of evidence acquired in violation of constitutional rights, Rules 607[D]9, 613[D]7

Judicial notice, Rule 201[F]

**Relevance** (this index)

Sexual assault, Rule 412[D]4

#### **CONTENTS**

Original writing rule, admissibility of other evidence of contents, Rule 1004

### CONTRADICTION GROUNDS

Impeachment of witness, Rule 607[D]7

#### CONVICTION OF CRIME

Impeachment by, Rule 609

#### **COPIES**

Authentication or identification, certified copies, Rules 902[C]4, 902[D]5

Original Writing Rule (this index)

#### COSTS AND EXPENSES

Relevance, payment of medical expenses, Rule 409

### COURT RECORDS

Judicial notice, Rule 201[C]5

#### **COURTS**

# **Applicability of Rules of Evidence** (this index)

Experts, court-appointed, Rule 706 Judicial notice, court records, Rule 201[C]5

Original writing rule, functions of court, Rule 1008

#### CREDIBILITY OF WITNESS

Hearsay declarant, impeachment of, Rule 806

Procedural rules of evidence, Rule 104

Relevance, character evidence, Rule 404[D]7

# CRIMINAL CASES

Hearsay, criminal preliminary examinations, Rule 1102[A]

Instructions to jury, Rule 303

Judicial notice, Rule 201[C]1

Omitted statement of rule, presumptions in, Rule 303[A]

Presumptions in

generally, Rule 303

instructions to jury, Rule 303

omitted statement of rule, Rule 303[A]

submission to jury, Rule 303

Pretrial disclosure of facts or data underlying expert opinion, Rule 705[D]3

Submission to jury, presumptions in, Rule 303

# CROSS-EXAMINATION OF WITNESSES

Generally, Rule 611

Impeachment by prior bad acts, Rule 608[D]2

Leading questions, Rule 611[D]3

Relevance, reputation character evidence, Rule 405[C]3

# DAUBERT STANDARD

Expert testimony, Rules 702[E]1, 702[E]5-702[E]7

### DECLARANT

Defined, Rule 801[A]

#### DECLARATIONS AGAINST INTEREST

Hearsay exceptions or exclusions, Rules 804[C]3, 804[D]4

#### **DEFINITIONS**

Administrative proceeding, Rule 508[A]

In camera review, Rule 508[A]

Cleric, Rule 503[A]

Client, Rule 504[A]

Communication, Rule 504[A]

Confidential, Rules 503[A], 504[A]

Declarant, Rule 801[A]

Department, Rule 508[A]

Environmental audit report, Rule 508[A]

Environmental law, Rule 508[A]

Environmental self-evaluation, Rule 508[A]

Government, Rule 505[A]

Hearsay, Rule 801[A]

Informer, Rule 505[A]

Judicial proceeding, Rule 508[A]

Law enforcement officer, Rule 505[A]

Lawyer, Rule 504[A]

Mental health therapist, Rule 506[A]

Original writing, Rule 1002[D]1

Original writing rule, Rule 1001[A]

Patient, Rule 506[A]

Physician, Rule 506[A]

Relevant evidence, Rules 401[A], 401[D]

Representative of the client, Rule 504[A]

Representative of the lawyer, Rule 504[A]

Statement, Rule 801[A]

Statements which are not hearsay, Rule 801[A]

#### DEPARTMENT

Defined, Rule 508[A]

#### **DEPOSITIONS**

Lack of personal knowledge, Rule 602[D]4

Prior witness statements, Rule 613[C]1

#### **DIAGRAM**

Authentication or identification, Rule 901[B]3

#### **DISCLOSURE**

Expert testimony, disclosure of facts or data underlying, Rule 705
Liability insurance, relevance, Rule 411[D]2

#### DISCOVERY

**Depositions** (this index) **Disclosure** (this index)
Lawyer-client privilege, Rule
504[F]2

### DISTINCTIVE CHARACTERISTICS

Authentication or identification, Rule 901[D]5

# DOMESTIC PUBLIC DOCUMENTS

Sealed documents, Rules 902[D]2, 902[D]3

### DRUG-INFLUENCED WITNESSES

Competency, general rule of, Rule 601[D]5

#### **DUE PROCESS**

Procedural rules of evidence, Rule 101[D]3

### **DUPLICATES**

Copies (this index)

#### **DYING DECLARATIONS**

Hearsay exceptions or exclusions, Rules 804[B]3, 804[C]2, 804[D]3

#### EFFECTIVE DATE

Applicability of rules of evidence, Rule 1102

# ENVIRONMENTAL AUDIT REPORT

Defined, Rule 508[A]

# **ENVIRONMENTAL LAW**

Defined, Rule 508[A]

# ENVIRONMENTAL SELF-EVALUATION

Defined, Rule 508[A] Evidentiary privilege generally, Rule 508 defined, Rule 508[A]

#### **ERROR**

**Procedural Rules of Evidence** (this index)

#### ESTATE OF DECLARANT

Witness competency, general rule of, Rules 601[C]3, 601[D]9

#### **EVIDENTIARY RULES**

Procedural rules of evidence, Rule 101[D]3

#### **EXCEPTIONS OR EXCLUSIONS**

**Hearsay** (this index)

Physician and mental health therapist-patient privilege, Rule 506[D]7

# **Privilege, Evidentiary Privilege** (this index)

Relevance (this index)

Witnesses (this index)

# **EXCITED UTTERANCES**

Hearsay exceptions or exclusions, Rules 803[B]2, 803[C]2, 803[D]2

#### **EXCLUSION**

Direct or cross examination, Rule 615[D]4

Procedural rules of evidence, exclusion of jury from hearing inadmissible evidence, Rule 103[D]6

Unfair prejudice, exclusion of relevant evidence, Rules 403[D]3, 403[D]4

### **EXCLUSIONARY RULES**

Relevance, Rule 402[D]3

#### **EXHIBITS**

Authentication or identification, Rule 901[B]1

#### **EXISTENCE**

Original writing rule, Rule 1008[C]

#### **EXPERT TESTIMONY**

**Opinion and Expert Testimony** (this index)

# EXTRANEOUS PREJUDICIAL INFORMATION

Witnesses, Rule 606[D]3

#### **EXTRINSIC EVIDENCE**

Witnesses, extrinsic evidence of prior inconsistent statements, Rule 613

#### **FAMILY HISTORY**

Hearsay exceptions or exclusions, Rules 803[B]19, 803[B]23, 803[C]19, 803[C]23, 803[D]19, 803[D]23, 804[C]4, 804[D]5

#### **FAMILY RECORDS**

Hearsay exceptions or exclusions, Rules 803[B]13, 803[C]13, 803[D]13

#### **FAMILY RELATIONSHIPS**

Hearsay exceptions or exclusions, Rule 804[B]5

### FEDERAL LAW

Applicability in civil cases, Rule 302[C]

#### FIRST RESPONDERS

Peer support, Rule Rule 507

### **FOREIGN LAW**

Judicial notice, Rule 201[F]

# FOREIGN RECORDS OR DOCUMENTS

Authentication or identification, Rules 902[C]3, 902[C]12, 902[D]4

# **GENERAL THEORY**

Procedural rules of evidence, offer of proof, Rule 103[D]4

### GOVERNMENT

Defined, Rule 505[A]

Informer. **Government Informer** (this index)

#### GOVERNMENT—Cont'd

Privilege, evidentiary privilege defined, Rule 505[A] informer. Government informer, infra

#### **GOVERNMENT INFORMER**

Privilege, evidentiary privilege generally, Rule 505 waiver of government informer identity, Rule 510[D]3 Waiver of government informer identity, Rule 510[D]3

#### **GRAND JURY**

Applicability of Rules of Evidence (this index)

#### **GUILTY PLEA**

Relevance, Rule 410

#### **HABIT**

Relevance, Rule 406

#### HANDWRITING

Authentication or identification, Rules 901[B]5, 901[D]3

#### **HEARING**

**Procedural Rules of Evidence** (this index)

#### **HEARSAY**

Generally, Rule 802

Absence of record, hearsay exceptions, Rules 803[D]7, 803[D]10

Adoptive admissions, Rules 801[C]6, 801[D]9

Agent's admissions, Rules 801[C]8, 801[D]11

Ancient documents, hearsay exceptions, Rules 803[B]16, 803[C]16, 803[D]16

Authorized admissions, Rules 801[C]7, 801[D]10

Availability or unavailablity of declarant, hearsay exceptions, Rules 803, 804

Baptismal certificates, hearsay exceptions, Rules 803[B]12, 803[C]12, 803[D]12

**Boundaries** (this index)

#### HEARSAY—Cont'd

**Business Records** (this index)

Character, reputation concerning, Rule 803[D]21

#### **Coconspirators** (this index)

Commercial publications, exceptions or exclusions, Rules 803[B]17, 803[C]17, 803[D]17

Commercial publications, hearsay exceptions, Rules 803[B]17, 803[C]17, 803[D]17

Confrontation right, overlap between hearsay and, Rule 801[D]1

Consistent or inconsistent statements, Rules 801[B]2, 801[B]3, 801[C]2, 801[C]3

Credibility, impeachment of hearsay declarant, Rule 806

Criminal preliminary examinations, applicability of rules of evidence, Rule 1102[A]

Declarant defined, Rule 801[A]

Declarations against interest, exceptions or exclusions, Rule 804[D]4

Declarations against interest, hearsay exceptions, Rules 804[C]3, 804[D]4

#### Definitions

declarant, Rule 801[A] hearsay, Rule 801[A] statement, Rule 801[A] statements which are not hearsay,

Rule 801[A]

Dying declarations, hearsay exceptions, Pulse 804[B] 2, 804[G] 2

tions, Rules 804[B]3, 804[C]2, 804[D]3

Exceptions or exclusions

generally, Rules 803, 804

absence of record, Rules 803[D]7, 803[D]10

ancient documents, Rules 803[B]16, 803[C]16, 803[D]16

availability or unavailablity of declarant, Rules 803, 804

baptismal certificates, Rules 803[B]12, 803[C]12, 803[D]12

**Boundaries** (this index)

#### HEARSAY—Cont'd

Exceptions or exclusions—Cont'd business records, exceptions or exclusions, supra

**Business Records** (this index)

character, reputation concerning, Rule 803[D]21

commercial publications, Rules 803[B]17, 803[C]17, 803[D]17

declarations against interest, Rules 804[C]3, 804[D]4

dying declarations, Rules 804[B]3, 804[C]2, 804[D]3

exceptions, generally, Rule 803

excited utterances, Rules 803[B]2, 803[C]2, 803[D]2

family history, Rules 803[B]19, 803[B]23, 803[C]19, 803[C]23, 803[D]19, 803[D]23, 804[C]4, 804[D]5

family records, Rules 803[B]13, 803[C]13, 803[D]13

family relationships, Rule 804[B]5 interest, declarations or statements against, Rules 804[B]4, 804[C]3, 804[D]4

# **Interest in Property or Subject Matter** (this index)

judgment as to personal or family history, Rule 803[D]23

learned treatise, Rules 803[B]18, 803[C]18, 803[D]18

market reports, Rules 803[B]17, 803[C]17, 803[D]17

marriage certificates, Rules 803[B]12, 803[C]12, 803[D]12

medical diagnoses or treatment, Rules 803[B]4, 803[C]4, 803[D]4

past recollection, Rules 803[B]5, 803[C]5, 803[D]5

personal history, statement of, Rules 804[C]4, 804[D]5

present sense impression, Rules 803[B]1, 803[C]1, 803[D]1

prior convictions, Rules 803[B]22, 803[C]22, 803[D]22

#### HEARSAY—Cont'd

Exceptions or exclusions—Cont'd prior testimony, Rules 804[B]2, 804[C]1, 804[D]2

Public Records (this index)

records. See lines throughout this group

religious organization records, Rules 803[B]11, 803[C]11, 803[D]11

reports. See lines throughout this group

**Reputation** (this index)

**Residual Exception** (this index)

statements against interest, Rule 804[B]4

state of mind, Rules 803[B]3, 803[C]3, 803[D]3

unavailablity of declarant, Rule 804

vital statistics, Rules 803[B]9, 803[C]9, 803[D]8

Excited utterances, exceptions or exclusions, Rules 803[B]2, 803[C]2, 803[D]2

Family history, exceptions or exclusions, Rules 803[B]19, 803[B]23, 803[C]19, 803[C]23, 803[D]19, 803[D]23, 804[C]4, 804[D]5

Family records, exceptions or exclusions, Rules 803[B]13, 803[C]13, 803[D]13

Family relationships, exceptions or exclusions, Rule 804[B]5

Hearsay defined, Rule 801[A]

Hearsay within hearsay, Rule 805

Identification, pretrial identification, Rules 801[B]4, 801[C]4, 801[D]7

Impeachment of hearsay declarant, Rule 806

Inconsistent statements, Rule 801[B]2

Interest, declarations or statements against, Rules 804[B]4, 804[C]3, 804[D]4

Interest in Property or Subject Matter (this index)

#### HEARSAY—Cont'd

Judgment as to personal or family history, exceptions or exclusions, Rule 803[D]23

Learned treatise, exceptions or exclusions, Rules 803[B]18, 803[C]18, 803[D]18

Market reports, exceptions or exclusions, Rules 803[B]17, 803[C]17, 803[D]17

Marriage certificates, exceptions or exclusions, Rules 803[B]12, 803[C]12, 803[D]12

Medical diagnoses or treatment, exceptions or exclusions, Rules 803[B]4, 803[C]4, 803[D]4

Out-of-court statement, Rule 807[A]

Past recollection, exceptions or exclusions, Rules 803[B]5, 803[C]5, 803[D]5

Personal history, statement of, Rules 804[C]4, 804[D]5

Present sense impression, exceptions or exclusions, Rules 803[B]1, 803[C]1, 803[D]1

Pretrial identification, Rules 801[B]4, 801[C]4, 801[D]7

Prior convictions, exceptions or exclusions, Rules 803[B]22, 803[C]22, 803[D]22

Prior testimony, exceptions or exclusions, Rules 804[B]2, 804[C]1, 804[D]2

**Public Records** (this index)

Records. See lines throughout this group

Religious organization records, hearsay exceptions, Rules 803[B]11, 803[C]11, 803[D]11

Reports. See lines throughout this group

**Reputation** (this index)

Residual Exception (this index)

Statement defined, Rule 801[A] Statements against interest, hearsay exceptions, Rule 804[B]4

Statements which are not hearsay defined, Rule 801[A]

State of mind, hearsay exceptions, Rules 803[B]3, 803[C]3, 803[D]3

#### HEARSAY—Cont'd

Unavailablity of declarant, hearsay exceptions, Rule 804

Vital statistics, hearsay exceptions, Rules 803[B]9, 803[C]9, 803[D]8

Witnesses, lack of personal knowledge, Rule 602[D]1

#### HEARSAY WITHIN HEARSAY

Generally, Rule 805

#### HOMICIDE CASE

Relevance, character evidence, Rule 404[D]5

# **HOSTILE WITNESSES**

Leading questions, Rule 611[D]3

### **HUSBAND AND WIFE PRIVILEGE**

Generally, Rule 502

Confidential communications, Rules 502[C]1, 502[D]2

Disqualification, Rules 502[C]2, 502[D]1, 601[D]3

Exceptions, Rule 502[D]3

#### HYPNOTISM

General rule of competency, hypnotized witnesses, Rule 601[D]4

Refreshing witness memory through, Rule 612[D]5

#### **HYPOTHETICAL QUESTIONS**

Expert, bases of opinion testimony by, Rule 703[D]1

# **IDENTIFICATION**

Authentication or Identification (this index)

# **IMMATURE WITNESSES**

Leading questions, Rule 611[D]3

### IMPEACHMENT OF WITNESS

Constitutional rights violated, Rules 607[D]9, 613[D]7
Conviction of crime, Rule 609
Cross-examination, impeachment by prior bad acts, Rule 608[D]2
Hearsay declarant, Rule 806

Jury verdict, Rule 606[D]2

# IMPEACHMENT OF WITNESS

-Cont'd

Partiality, impeachment on, Rule 608[C]3

Prior inconsistent statements, Rule 613[C]4

Witness, generally, Rule 607

#### IMPROPER SUBJECT

Expert testimony, Rule 702[D]7

#### INADVERTENT DISCLOSURE

Relevance, liability insurance, Rule 411[D]2

#### IN CAMERA REVIEW

Defined, Rule 508[A]

# INCONSISTENT STATEMENTS

Hearsay, Rule 801[B]2 Impeachment of witness, Rules 607[C]3, 607[D]5

#### **INDICTMENT**

Witnesses, inquiry into validity of indictment, Rule 606

#### **INFANCY**

Witnesses, general rule of competency, Rule 601[D]1

#### **INFORMERS**

Defined, Rule 505[A]

**Government Informer** (this index)

Privilege, evidentiary privilege defined, Rule 505[A]

**Government Informer** (this index)

# INNOCENCE

Presumption of, Rule 301[D]1

# INSTRUCTIONS TO JURY

Criminal cases, Rule 303

# INTEREST IN PROPERTY OR SUBJECT MATTER

Hearsay exceptions

declarations or statements against interest, Rules 804[B]4, 804[C]3, 804[D]4

records or documents affecting interest in property, Rules 803[B]14, 803[B]15,

# INTEREST IN PROPERTY OR SUBJECT MATTER—Cont'd

Hearsay exceptions—Cont'd 803[C]14, 803[C]15, 803[D]14, 803[D]15

## INTEREST IN PROPERTY, RECORDS OR DOCUMENTS AFFECTING

Hearsay exceptions or exclusions, Rules 803[B]14, 803[B]15, 803[C]14, 803[C]15, 803[D]14, 803[D]15

#### **INTERPRETERS**

Witnesses, Rule 604

#### INTERROGATION

Foundation, Rule 616[C]
Interpretive analysis, Rule 616[D]
Judge, calling for interrogation of
witness by, Rule 614
Mode and order of, Rule 611
Statements made during custodial
interrogation, Rules 616[A]616[D]

#### INTOXICATED WITNESSES

Competency, general rule of, Rule 601[D]5

## IRREBUTTABLE PRESUMPTIONS

Law of evidentiary presumption, Rule 301[D]1

### IRRELEVANT EVIDENCE

Generally, Rule 402

#### **JENCKS ACT**

Witnesses, Rule 612[D]5

#### **JUDGES**

Calling for interrogation of witness by judge, Rule 614

Competency of judge as witness, Rule 605

Control by, Rule 611

Original writing rule, functions of judge, Rule 1008[A]

#### **JUDGMENTS**

Boundaries, Rules 803[C]23, 803[D]23

#### JUDGMENTS—Cont'd

Hearsay exception, judgment as to personal or family history, Rule 803[D]23

#### JUDICIAL NOTICE

Adjudicative facts, Rule 201
Common law rules, Rule 201[F]
Constitutionality, Rule 201[F]
Court records, Rule 201[C]5
Criminal cases, Rule 201[C]1
Foreign law, Rule 201[F]
Legislative facts, Rules 201[C]2, 201[F]
Officers in federal court, Rule 201[C]4
Reasoning facts, Rule 201[C]3
Rules of court, Rule 201[C]4

# JUDICIAL PROCEEDING

Defined, Rule 508[A]

# JURY AND JURY TRIAL

Competency of juror as witness, Rule 606

Criminal cases, submission to jury, Rule 303

Exclusion from hearing inadmissible evidence, Rule 103[D]6

Hearing of jury, Rules 103[A], 104 Instructions to jury, Rule 303

Original writing rule, functions of jury, Rule 1008

# **Procedural Rules of Evidence** (this index)

#### **JUVENILES**

Applicability of rules of evidence in juvenile court proceedings, Rule 1101[D]1

Witnesses, juvenile adjudications, Rule 609

#### LAW ENFORCEMENT OFFICER

Defined, Rule 505[A]

# LAW OF EVIDENTIARY PRESUMPTION

Appellate rules, Rule 301[D]1 Bursting bubble theory, Rules 301[D]2, 302[C]

# LAW OF EVIDENTIARY PRESUMPTION—Cont'd

Conflicting presumptions, Rule 301[D]6

#### Criminal Cases (this index)

Federal law, applicability in civil cases, Rule 302[C]

Innocence, presumption of, Rule 301[D]1

Irrebuttable presumptions, Rule 301[D]1

Presumptions, generally, Rule 301 Prima facie evidence, Rule 301[D]5

### LAWYER-CLIENT PRIVILEGE

**Attorney-Client Privilege** (this index)

#### **LAWYERS**

Attorneys at Law (this index)

#### LEADING QUESTIONS

Witnesses, Rule 611

#### LEARNED TREATISE

Hearsay exceptions, Rules 803[B]18, 803[C]18, 803[D]18

#### LEGISLATIVE FACTS

Judicial notice, Rules 201[C]2, 201[F]

# LIABILITY INSURANCE

Relevance, Rule 411

#### LIMITED ADMISSIBILITY

Procedural rules of evidence, Rule 105

# LOST OR DESTROYED INSTRUMENTS

Original writing rule, Rules 1004[C]1, 1004[D]1

#### MARKET REPORTS

Hearsay exceptions, Rules 803[B]17, 803[C]17, 803[D]17

#### MARRIAGE CERTIFICATES

Hearsay exceptions, Rules 803[B]12, 803[C]12, 803[D]12

# MEDICAL DIAGNOSES OR TREATMENT

Hearsay exceptions, Rules 803[B]4, 803[C]4, 803[D]4

# MEDICAL EXPENSES

Relevance, payment of medical expenses, Rule 409

#### **MEMORY**

Witnesses, lack of personal knowledge, Rule 602[D]2
Writing used for refreshing memory, Rule 612

#### MENTAL HEALTH THERAPIST

Defined, Rule 506[A] Exceptions, Rule 506[D]7 Privilege, evidentiary privilege generally, Rule 506 defined, Rule 506[A] exceptions, Rule 506[D]7

#### MENTAL INCOMPETENCY

Witnesses, general rule of competency, Rule 601[D]2

# MENTALLY IMPAIRED WITNESSES

Leading questions, Rule 611[D]3

### **MODEL**

Authentication or identification, Rule 901[B]3

#### MOTION TO STRIKE

**Procedural Rules of Evidence** (this index)

# NEWSPAPERS AND PERIODICALS

Authentication or identification, Rules 902[C]6, 902[D]7

# **NEWS REPORTERS**

Privilege, evidentiary privilege, Rule 509

#### **NOLO CONTENDERE**

Relevance, Rule 410

# NOTICE

**Judicial Notice** (this index)

#### NOTICE—Cont'd

Relevance, sexual assault, Rule 412[D]1

#### **OATH OR AFFIRMATION**

Witnesses, Rule 603

#### **OBJECTIONS**

Judge, calling for interrogation of witness by, Rule 614

**Procedural Rules of Evidence** (this index)

#### **OFFERED PLEA**

Relevance, Rule 410

#### OFFER OF PROOF

**Procedural Rules of Evidence** (this index)

#### OFFICERS IN FEDERAL COURT

Judicial notice, Rule 201[C]4

#### OFFICIAL PUBLICATIONS

Authentication or identification, Rules 902[C]5, 902[D]6

# OMITTED STATEMENT OF RULE

Criminal cases, presumptions in, Rule 303[A]

### OPINION AND EXPERT TESTIMONY

Generally, Rule 608

Abuse of discretion standard, expert testimony, Rule 702[E]2

Appeal or review, expert testimony, Rules 702[D]1, 702[E]4

# **Authentication or Identification** (this index)

Bases of opinion testimony by expert, Rule 703

Competency, expert testimony, Rules 702[C]1, 702[D]2

Court-appointed experts, Rule 706

Criminal cases, pretrial disclosure of facts or data underlying expert opinion, Rule 705[D]3

Daubert standard, expert testimony, Rules 702[E]1, 702[E]5-7

Disclosure of facts or data underlying expert opinion, Rule 705

Expert testimony, generally, Rule 702

## OPINION AND EXPERT TESTIMONY—Cont'd

Hypothetical questions, bases of opinion testimony by expert, Rule 703[D]1

Improper subject, expert testimony, Rule 702[D]7

Opinion testimony, generally, Rule 701

Personal knowledge lacking, Rule 602[D]6

Pretrial disclosure of facts or data underlying expert opinion, Rule 705[D]3

Rebuttal, disclosure of facts or data underlying expert opinion, Rule 705[D]8

Relevance, opinion character evidence, Rule 405

Remand, expert testimony, Rule 702[E]4

Scientific evidence, expert testimony, Rules 702[D]5, 702[D]6, 702[E]3

Standard of review, expert testimony, Rule 702[D]1

Ultimate issue rule, Rule 704

Weight of evidence, disclosure of facts or data underlying expert opinion, Rule 705[D]5

#### **ORAL STATEMENTS**

Witnesses, oral prior statements, Rule 613[C]2

# **ORIGINAL**

Defined, Rule 1001[A]

#### ORIGINAL WRITING RULE

Admissibility of duplicate, Rule 1003 Contents, admissibility of other evidence of, Rule 1004

Copies, admissibility of, Rule 1003 Court, functions of, Rule 1008

Definitions

generally, Rule 1001[A] original writing, Rule 1002[D]1

Duplicate

admissibility of, Rule 1003 defined, Rule 1001[A]

Existence, Rule 1008[C]

# ORIGINAL WRITING RULE —Cont'd

Judge, functions of, Rule 1008[A] Jury, functions of, Rule 1008 Lost or destroyed originals, Rules 1004[C]1, 1004[D]1 Original defined, Rule 1001[A]

Parol evidence rule, Rule 1002[D]2 Photographs defined, Rule 1001[A] Public records, Rule 1005

Requirement of original, Rule 1002 Summaries, Rule 1006

Testimony, generally, Rule 1007

# OTHER CRIMES, WRONGS, OR ACTS

Relevance, Rule 404

#### **OUT-OF-COURT STATEMENT**

Hearsay, Rule 807[A]

#### **PARDON**

Witnesses, effect of pardon, Rule 609

#### PAROL EVIDENCE RULE

Original writing rule, Rule 1002[D]2

#### **PARTIALITY**

Impeachment of witness, Rules 607[C]2, 607[D]4, 608[C]3

### PAST RECOLLECTION

Hearsay exception, Rules 803[B]5, 803[C]5, 803[D]5

# PAST SEXUAL BEHAVIOR

Relevance, Rule 412

#### **PATIENT**

Defined, Rule 506[A]

**Physician-Patient Privilege** (this index)

### **PAYMENTS**

Relevance, payment of medical expenses, Rule 409

# PEER SUPPORT

First responders, Rule Rule 507

# PENDENCY OF APPEAL

Generally, Rule 609

#### PERSONAL HISTORY

Hearsay exception, statement of personal history, Rules 804[C]4, 804[D]5

#### PERSONAL KNOWLEDGE

Witnesses, Rule 602

#### **PHOTOGRAPHS**

Authentication or identification, Rule 901[B]3

Defined, Rule 1001[A]

### PHYSICIAN-PATIENT PRIVILEGE

Generally, Rule 506 Exceptions, Rule 506[D]7 Waiver of, Rule 510[D]2

# **PHYSICIANS**

Defined, Rule 506[A] Privilege. **Physician-Patient Privilege** (this index)

#### PLAIN ERROR

**Procedural Rules of Evidence** (this index)

#### **PLEAS**

Relevance, Rule 410

#### PRE-DELIBERATION

Witnesses, pre-deliberation inquiry into impartiality of jurors, Rule 606[D]5

# **PREJUDICE**

Bias or Prejudice (this index)

### PRELIMINARY QUESTIONS

Procedural rules of evidence, Rule 104

#### **PRESENTATION**

Appeal, preservation for, Rule 612 Mode and order of witnesses, Rule 611

Reasonable time limit, Rule 611[D]6 Witnesses

appeal, preservation for, Rule 612 mode and order of, Rule 611

#### PRESENT SENSE IMPRESSION

Hearsay exception, Rules 803[B]1, 803[C]1, 803[D]1

#### PRESERVATION FOR APPEAL

Generally, Rule 612

#### **PRESUMPTIONS**

Authentication or identification, presumptively authentic acts, Rules 902[D]11-13

**Law of Evidentiary Presumption** (this index)

#### PRETRIAL MATTERS

Expert opinion, pretrial disclosure of facts or data underlying, Rule 705[D]3

Hearsay, pretrial identification, Rules 801[B]4, 801[C]4, 801[D]7

#### PRIMA FACIE EVIDENCE

Law of evidentiary presumption, Rule 301[D]5

#### PRIOR CONVICTIONS

Hearsay exceptions, Rules 803[B]22, 803[C]22, 803[D]22

#### PRIOR STATEMENTS

Inconsistent statements, Rule 613 Witnesses

inconsistent statements, Rule 613 written statements, Rule 613[C]2 Written statements, Rule 613[C]2

#### PRIOR TESTIMONY

Hearsay exceptions, Rules 804[B]2, 804[C]1, 804[D]2

### PRIVILEGE AGAINST SELF-INCRIMINATION

Generally, Rule 608

# PRIVILEGE, EVIDENTIARY PRIVILEGE

Generally, Rule 501

Administrative proceeding defined, Rule 508[A]

Attorneys at Law (this index) In camera review defined, Rule

508[A] Child abuse reporting, lawyer-client

Child abuse reporting, lawyer-client privilege, Rule 504[D]6

Clergy (this index)

Cleric defined, Rule 503[A]

Client defined, Rule 504[A]

# PRIVILEGE, EVIDENTIARY PRIVILEGE—Cont'd

**Communication** (this index)

**Confidentiality** (this index)

Definitions

administrative proceeding, Rule 508[A]

in camera review, Rule 508[A]

cleric, Rule 503[A]

client, Rule 504[A]

communication, Rule 504[A]

confidential, Rules 503[A], 504[A]

department, Rule 508[A]

environmental audit report, Rule 508[A]

environmental law, Rule 508[A] environmental self-evaluation,

Rule 508[A] government, Rule 505[A]

informer, Rule 505[A]

judicial proceeding, Rule 508[A]

law enforcement officer, Rule 505[A]

lawyer, Rule 504[A]

mental health therapist, Rule 506[A]

patient, Rule 506[A]

physician, Rule 506[A]

representative of the client, Rule 504[A]

representative of the lawyer, Rule 504[A]

Department defined, Rule 508[A]

Discovery, lawyer-client privilege, Rule 504[F]2

Environmental audit report defined, Rule 508[A]

Environmental law defined, Rule 508[A]

Environmental self-evaluation generally, Rule 508

defined, Rule 508[A]

Exceptions

husband and wife privilege, Rule 502[D]3

lawyer-client privilege, Rule 504[D]6

PRIVILEGE, EVIDENTIARY

#### PRIVILEGE—Cont'd PRIVILEGE—Cont'd Exceptions—Cont'd Work product, lawyer-client privilege, Rules 504[C]1, 504[F]1 physician and mental health therapist-patient privilege, PROCEDURAL RULES OF Rule 506[D]7 **EVIDENCE Government Informer** (this index) Admissibility, questions of, generally, **Government** (this index) Rule 104 Husband and Wife Privilege (this Completeness rule, Rule 106[D]1 index) Conditional relevancy, Rule 104[D]2 **Informers** (this index) Credibility, Rule 104 Judicial proceeding defined, Rule Due process issues, Rule 101[D]3 508[A] Error. Plain error, infra Law enforcement officer defined, Evidentiary rules, Rule 101[D]3 Rule 505[A] Exclusion of jury from hearing Lawyer-client privilege. Attorneyinadmissible evidence, Rule **Client Privilege** (this index) 103[D]6 Lawyers. **Attorneys at Law** (this General theory, offer of proof, Rule index) 103[D]4 Mental Health Therapist (this Hearing. Jury and jury trial, infra index) Interpretive analysis, Rules 101[D]-News reporters, Rule 509 103[D] Patient Jury and jury trial defined, Rule 506[A] exclusion from hearing inadmis-Physician-Patient Privilege (this sible evidence, Rule 103[D]6 index) hearing of jury, Rules 103[A], 104 Physician-Patient Privilege (this hearings outside presence of jury, index) Rule 104[D]3 **Physicians** (this index) Limited admissibility, Rule 105 Representative of the client defined. Motion to strike Rule 504[A] generally, Rule 103[D]3 Representative of the lawyer defined, Rule 504[A] timely motion to strike, Rule Self-evaluation. Environmental self-103[D]2 evaluation, supra Objection generally, Rule 103[A] Spousal privilege. **Husband and** Wife Privilege (this index) timely objection, Rule 103[D]2 Victims, Rule 512[A] Offer of proof generally, Rules 103[A], 103[D]4 Waiver record of, Rule 103[D]5 generally, Rule 510 Plain error government informer identity, Rule 510[D]3 generally, Rule 103[D]7 lawyer-client privilege, Rule effect of erroneous ruling, Rule 510[D]1 103[A] Preliminary questions, Rule 104 physician-patient privilege, Rule 510[D]2 Purpose and construction, Rule 102 Wife. Husband and Wife Privilege Questions of admissibility, generally,

Rule 104

PRIVILEGE, EVIDENTIARY

(this index)

#### PROCEDURAL RULES OF EVIDENCE—Cont'd

Record or recording offer, record of, Rule 103[A] remainder of or related writings or recorded statements, Rule 106

Relevancy conditioned on fact, Rule 104

Remainder of or related writings or recorded statements, Rule 106

Rulings on evidence, Rule 103 Scope, Rule 101

Standard of review, Rule 103[D]1

Strike. Motion to strike, supra Testimony by accused, Rule 104

Timely objection or motion to strike, Rule 103[D]2

Weight of evidence, Rule 104 Writings, remainder of or related recorded statements, Rule 106

#### PROCESS OR SYSTEM

Authentication or identification, Rules 901[B]11, 901[D]10

#### PROFESSIONAL RELATIONSHIPS

Competency of witness, general rule of, Rule 601[D]6

#### **PUBLIC DOCUMENTS**

Sealed documents, Rules 902[C]1, 902[C]2

#### PUBLICLY FILED WRITING

Authentication or identification, Rule 901[B]9

#### PUBLIC RECORDS

Absence of, hearsay exceptions, Rules 803[B]10, 803[D]10

Authentication or identification, Rules 901[B]9, 901[D]8, 902[C]4, 902[D]5

Baptismal certificates, hearsay exceptions, Rules 803[B]12, 803[C]12, 803[D]12

Exceptions. Hearsay exceptions, infra Hearsay exceptions

generally, Rules 803[B]8, 803[C]8-10, 803[D]7, 803[D]10

#### PUBLIC RECORDS—Cont'd

Hearsay exceptions—Cont'd absence of, Rules 803[B]10, 803[D]10

baptismal certificates, Rules 803[B]12, 803[C]12, 803[D]12

marriage certificates, Rules 803[B]12, 803[C]12, 803[D]12

vital statistics, Rules 803[B]9, 803[C]9, 803[D]8

Marriage certificates, hearsay exceptions, Rules 803[B]12, 803[C]12, 803[D]12

Original writing rule, Rule 1005 Vital statistics, hearsay exceptions, Rules 803[B]9, 803[C]9, 803[D]8

#### PURPOSE AND CONSTRUCTION

Procedural rules of evidence, Rule 102

# QUESTIONS OF ADMISSIBILITY

**Procedural Rules of Evidence** (this index)

#### RAPE SHIELD LAW

Relevance, Rule 412[D]5

#### REASONING FACTS

Judicial notice, Rule 201[C]3

#### **REASONS**

Relevant evidence, exclusion of, Rule 403

### REBUTTAL

Expert opinion, disclosure of facts or data underlying, Rule 705[D]8 Scope of testimony, Rule 611[D]5

#### RECORDS OR REPORTS

Authentication or Identification (this index)

**Business Records** (this index)

Hearsay (this index)

**Procedural Rules of Evidence** (this index)

Public Records (this index)

# REFRESHING MEMORY

Writing used for, Rule 612

#### RELEVANCE

Admissibility, generally, Rule 402 Balancing purpose, character evidence, Rule 404[D]9

Business routine, Rule 406[C]2 Character evidence, Rule 404

Child molestation, sexual assault, Rules 412[C]3, 412[C]4

Compromise and offers to compromise, Rule 408

Confusion, exclusion of relevant evidence on grounds of, Rule 403[A]

Constitutionality

generally, Rule 402[D]2 sexual assault, Rule 412[D]4

Costs and expenses, payment of medical expenses, Rule 409

Credibility of witness, character evidence, Rule 404[D]7

Cross-examination, reputation character evidence, Rule 405[C]3

Definitions

relevance, Rule 401[D]

relevant evidence, Rules 401[A], 401[D]

Disclosure, liability insurance, Rule 411[D]2

Exceptions or exclusions

generally, Rule 403

character evidence, Rule 404

compromise and offers to compromise, Rules 408[C]1, 408[D]2

liability insurance, Rules 411[C]1, 411[D]1

payment of medical expenses, Rule 409[C]1

pleas, Rules 410[C]1, 410[D]1 subsequent remedial measures, Rule 407[C]1

Exclusionary rules, Rules 402[D]3, 403[D]3, 403[D]4

Guilty plea, Rule 410

Habit, Rule 406

#### RELEVANCE—Cont'd

Homicide case, character evidence, Rule 404[D]5

Inadvertent disclosure, liability insurance, Rule 411[D]2

Irrelevant evidence, Rule 402

Liability insurance, Rule 411

Medical expenses, payment of, Rule 409

Nolo contendere, Rule 410

Notice, sexual assault, Rule 412[D]1

Offered plea, Rule 410

Opinion character evidence, Rule 405

Other crimes, wrongs, or acts, Rule 404

Past sexual behavior, Rule 412

Payment of medical expenses, Rule 409

Pleas, Rule 410

Prejudice

exclusion of relevant evidence on grounds of, Rule 403[A]

unfair prejudice, infra

Procedural rules of evidence, relevancy conditioned on fact, Rule 104

Rape shield law, sexual assault, Rule 412[D]5

Reasons, exclusion of relevant evidence, Rule 403

Relevance defined, Rule 401[D]

Relevant evidence defined, Rules 401[A], 401[D]

Routine practice, Rule 406

Self-defense, character evidence, Rule 404[D]3

**Sexual Assault** (this index)

Standard of review, exclusion of relevant evidence, Rule 403[D]

Stipulations, exclusion of relevant evidence, Rule 403[D]1

Subsequent remedial measures, Rule 407

Traffic code violations, Rule 416 Unfair prejudice

character evidence, Rule 404[D]10 exclusion of relevant evidence, Rules 403[D]3, 403[D]4

#### RELEVANCE—Cont'd

Waste of time, exclusion of relevant evidence on grounds of, Rule 403[A]

Withdrawn plea, Rule 410

#### RELEVANT EVIDENCE

Defined, Rules 401[A], 401[D]

# RELIGION AND RELIGIOUS MATTERS

Hearsay exceptions, records of religious organization, Rules 803[B]11, 803[C]11, 803[D]11

Witnesses, religious beliefs or opinions, Rule 610

# REMAINDER OF OR RELATED WRITINGS OR RECORDED STATEMENTS

Procedural rules of evidence, Rule 106

#### **REMAND**

Expert testimony, Rule 702[E]4

#### REPORTERS

Privilege, evidentiary privilege, Rule 509

#### REPORTS

**Records or Reports** (this index)

# REPRESENTATIVE OF THE CLIENT

Defined, Rule 504[A]

# REPRESENTATIVE OF THE LAWYER

Defined, Rule 504[A]

## REPUTATION

Boundaries, Rules 803[B]20, 803[C]20, 803[D]20

Character, hearsay exceptions or exclusions, Rules 803[B]21, 803[C]21

Family history, hearsay exceptions or exclusions, Rules 803[B]19, 803[C]19

Hearsay exceptions or exclusions generally, Rules 803[D]19, 803[D]20

#### REPUTATION—Cont'd

Hearsay exceptions or exclusions
—Cont'd

boundaries, Rules 803[B]20, 803[C]20

character, Rules 803[B]21, 803[C]21

family history, reputation concerning, Rules 803[B]19, 803[C]19

Witnesses, reputation evidence, Rule 608

### RESIDUAL EXCEPTION

Hearsay, Rules 803[C]24, 803[D]24, 804[B]6, 804[D]6, 807[A]

#### **REVIEW**

Appeal or Review (this index)

#### ROUTINE PRACTICE

Relevance, Rule 406

#### **RULES OF COURT**

Judicial notice, Rule 201[C]4

# **RULINGS ON EVIDENCE**

Procedural rules of evidence, Rule 103

#### **SANITY**

Witnesses, lack of personal knowledge, Rule 602[D]3

# SCIENTIFIC EVIDENCE

Expert testimony, Rules 702[D]5, 702[D]6, 702[E]3

#### SEALED DOCUMENTS

# Authentication or Identification (this index)

Domestic public documents, Rules 902[D]2, 902[D]3

Public documents, Rules 902[C]1, 902[C]2

#### **SELF-AUTHENTICATION**

Generally, Rule 902

#### **SELF-DEFENSE**

Relevance, character evidence, Rule 404[D]3

#### **SELF-EVALUATION**

**Privilege, Evidentiary Privilege** (this index)

# SELF-INCRIMINATION PRIVILEGE

Generally, Rule 608

#### **SEXUAL ASSAULT**

Character evidence, Rules 404[C]3, 404[D]6, 404[D]12 Constitutionality, Rule 412[D]4 Relevance

generally, Rule 412 character evidence, Rule 404[D]6 constitutionality, Rule 412[D]4

#### SMALL CLAIMS COURT

Applicability of rules of evidence, Rule 1101[D]1

#### SPOUSAL PRIVILEGE

**Husband and Wife Privilege** (this index)

#### STANDARD OF REVIEW

Expert testimony, Rule 702[D]1 Procedural rules of evidence, Rule 103[D]1

Relevant evidence, exclusion of, Rule 403[D]

#### **STATEMENTS**

Custodial interrogation, Rules 616[A]-616[D] Defined, Rule 801[A]

Against interest, hearsay exceptions, Rule 804[B]4

# STATEMENTS WHICH ARE NOT HEARSAY

Defined, Rule 801[A]

#### STATE OF MIND

Hearsay exceptions, Rules 803[B]3, 803[C]3, 803[D]3

### **STATUTE**

Authentication or Identification (this index)

#### **STIPULATIONS**

Relevant evidence, exclusion of, Rule 403[D]1

#### STRIKE

**Procedural Rules of Evidence** (this index)

#### SUBMISSION TO JURY

Criminal cases, presumptions in, Rule 303

#### SUBSCRIBING WITNESS

Authentication or identification, Rule 903

# SUBSEQUENT REMEDIAL MEASURES

Relevance, Rule 407

### **SUMMARIES**

Original writing rule, Rule 1006

#### TELEPHONE CONVERSATION

Authentication or identification, Rule 901[B]8

# **TESTIMONY**

Witnesses (this index)

#### TIME OR DATE

Presentation, reasonable time limit, Rule 611[D]6

Procedural rules of evidence, timely objection or motion to strike, Rule 103[D]2

Witnesses, time limits, Rule 609

#### TRADE INSCRIPTIONS

Authentication or identification, Rules 902[C]7, 902[D]8

#### TRAFFIC CODE VIOLATIONS

Relevance, Rule 416

# **ULTIMATE ISSUE RULE**

Opinion and expert testimony, Rule 704

#### UNAVAILABILITY

Hearsay exceptions, availability or unavailablity of declarant, Rules 803, 804

### **UNFAIR PREJUDICE**

**Relevance** (this index)

#### VALIDITY

Verdict or indictment, inquiry into validity of, Rule 606

#### VICTIM

Defendant's expressions or associations regarding selection of victim, Rule 417[A]

Privileged communications, Rule 512[A]

#### **VIDEOTAPES**

Authentication or identification, Rule 901[D]6

#### VITAL STATISTICS

Hearsay exceptions, Rules 803[B]9, 803[C]9, 803[D]8

#### VOICE IDENTIFICATION

Generally, Rules 901[B]7, 901[D]6

#### WAIVER

**Privilege**, **Evidentiary Privilege** (this index)

#### WASTE OF TIME

Relevant evidence, exclusion of on grounds of waste of time, Rule 403[A]

# WEIGHT OF EVIDENCE

Expert opinion, disclosure of facts or data underlying, Rule 705[D]5

Procedural rules of evidence, Rule 104

#### WIFE

**Husband and Wife Privilege** (this index)

#### WITHDRAWN PLEA

Relevance, Rule 410

#### WITNESSES

Generally, Rule 613

Abandonment of common law voucher, impeachment of witness, Rule 607[D]1

Annulment, effect of, Rule 609

**Appeal or Review** (this index)

Bias, impeachment by showing, Rules 607[D]4, 608[D]3

#### WITNESSES—Cont'd

Calling for interrogation of witness by judge, Rule 614

Chain of custody, lack of personal knowledge, Rule 602[D]5

Character (this index)

Competency of Witnesses (this index)

Conduct of witness, Rule 608 Confrontation clause, impeachment of witness, Rule 607[D]8

**Confrontation of Witnesses** (this index)

Contradiction grounds, impeachment of witness, Rule 607[D]7

Conviction of crime, impeachment by, Rule 609

Credibility of Witness (this index)
Cross-Examination of Witness (this index)

#### **Depositions** (this index)

Drug-influenced witnesses, general rule of competency, Rule 601[D]5

Estate of declarant, general rule of competency, Rules 601[C]3, 601[D]9

Exceptions or exclusions

exclusion of witnesses, Rule 615 prior inconsistent statements, Rule 613[D]3

Extraneous prejudicial information, Rule 606[D]3

Extrinsic evidence of prior inconsistent statements, Rule 613

Hearsay, lack of personal knowledge, Rule 602[D]1

Hostile witnesses, leading questions, Rule 611[D]3

**Hypnotism** (this index)

Immature witnesses, leading questions, Rule 611[D]3

**Impeachment of Witness** (this index)

Improper opinion testimony, Rule 602[D]6

Inconsistent statement grounds, impeachment of witness, Rules 607[C]3, 607[D]5

#### WITNESSES—Cont'd

Indictment, inquiry into validity of, Rule 606

Infancy, general rule of competency, Rule 601[D]1

Interpreters, Rule 604

**Interrogation** (this index)

Intoxicated witnesses, general rule of competency, Rule 601[D]5

Jencks Act, Rule 612[D]5

Judges (this index)

Juror as witness, competency of, Rule 606

Juvenile adjudications, Rule 609 Leading questions, Rule 611

Memory, lack of personal knowledge, Rule 602[D]2

Mental incompetency, general rule of competency, Rule 601[D]2

Mentally impaired witnesses, leading questions, Rule 611[D]3

Oath or affirmation, Rule 603

Objections, calling for interrogation of witness by judge, Rule 614

Opinion evidence, Rule 608

Oral prior statements, Rule 613[C]2

Original Writing Rule (this index)

Pardon, effect of, Rule 609

Partiality, impeachment of witness, Rules 607[C]2, 607[D]4, 608[C]3

Pendency of appeal, Rule 609 Personal knowledge, lack of, Rule

Pre-deliberation inquiry into impartiality of jurors, Rule

Presentation

606[D]5

appeal, preservation for, Rule 612 mode and order of, Rule 611

Prior statements

inconsistent statements, Rule 613 written statements, Rule 613[C]2

Prior testimony, hearsay exceptions, Rules 804[B]2, 804[C]1, 804[D]2

Privilege against self-incrimination, Rule 608

#### WITNESSES—Cont'd

Procedural rules of evidence, testimony by accused, Rule 104

Professional relationships, general rule of competency, Rule 601[D]6

Refreshing memory, writing used for, Rule 612

Religious beliefs or opinions, Rule 610

Reputation evidence, Rule 608 Sanity, lack of personal knowledge, Rule 602[D]3

Scientific evidence, Rules 702[D]5, 702[D]6, 702[E]3

Self-incrimination privilege, Rule 608

Spousal disqualification privilege, general rule of competency, Rule 601[D]3

Time limits, Rule 609

Validity of verdict or indictment, inquiry into, Rule 606

Verdict, inquiry into validity of, Rule 606

Writing or written documents

prior statements, written, Rule 613[C]2

refresh memory, writing used to, Rule 612

Wrongful death action, general rule of competency, Rules 601[C]2, 601[D]8

# WORK PRODUCT

Lawyer-client privilege, Rules 504[C]1, 504[F]1

# WRITING OR WRITTEN INSTRUMENTS

Original Writing Rule (this index)

Procedural rules of evidence, remainder of or related writings or recorded statements, Rule 106

Witnesses (this index)

#### WRONGFUL DEATH ACTION

Witnesses, general rule of competency, Rules 601[C]2, 601[D]8