

Index

ACCOUNTANT-CLIENT PRIVILEGE

Generally, § 12:6

ADMINISTRATIVE LAW

State regulations, judicial notice,
§ 4:8

ADMISSIBILITY OF EVIDENCE TO INTERPET CONTRACTS

Generally, §§ 18:1 to 18:14

Contracts and instruments outside
Georgia

parol evidence, § 18:5

admissibility of later agree-
ments, § 18:8

ambiguity, § 18:9

collateral agreement, § 18:11

complete partial written
contract, § 18:10

instruments, § 18:6

merger clause, § 18:12

parol evidence to show no valid
instrument existed, use of,
§ 18:7

receipts for payment, § 18:13

rule for contracts subject to Stat-
ute of Frauds, § 18:14

Parol evidence

generally, §§ 18:2 to 18:14

ADMISSION AND EXCLUSION OF EVIDENCE

Generally, § 10:1 et seq.

Contents of documents, §§ 10:3, 10:4

Copies of documents, § 10:2

Duplicates of documents, § 10:2

Hearsay, this index

Sound and voice recordings, § 10:15

ADMISSIONS BY WITNESSES

Confessions, this index

Hearsay rules

generally, §§ 9:1 to 9:40

ADMISSIONS BY WITNESSES —Cont'd

Hearsay rules—Cont'd

for detailed treatment see Hearsay,
this index

AGENTS

Hearsay rules, agents' admissions,
§ 9:12

ALL, BUT ONLY, RELEVANT EVIDENCE RULE

Generally, § 3:2

ALTERATION OF EVIDENCE

For detailed treatment see Preserva-
tion of Evidence and Avoidance
of Spoliation, this index

ANCIENT DOCUMENTS

Hearsay rules, § 9:28

ATTORNEY AND CLIENT

Privilege

generally, § 12:4

corporate clients, § 12:5

Right to counsel, § 11:11

AUTHENTICATION OF DOCUMENTARY EVIDENCE

Generally, § 10:6 et seq.

For detailed treatment see

Documentary and Demonstra-
tive Evidence, this index

AVOIDANCE OF SPOILIATION

Preservation of Evidence and Avoid-
ance of Spoliation, this index

BLACKBOARDS

Control of proceedings, § 16:17

BLOOD TESTING

Relevancy, this index

BLOODHOUND EVIDENCE

Expert witnesses, §§ 13:20, 13:21

BLOODHOUND EVIDENCE

—Cont'd

Harper v. State, criminal cases,
§ 13:24

BOUNDARIES

Hearsay rules, boundary matters,
§ 9:26

BURDENS AND PRESUMPTIONS

Generally, §§ 15:1 to 15:19

Affirmative defenses

Criminal cases, proof of affirmative defenses in, below
proof of, § 15:11

Allocations of burdens, § 15:2

Circumstantial evidence, § 15:10

Clear and convincing evidence,
§ 15:4

Conflicting presumptions, § 15:18

Criminal cases, proof of affirmative defenses in

generally, § 15:12 et seq.

due process issues, § 15:12

insanity, § 15:14

specific defenses, § 15:13

Due process

burden shifting in criminal cases,
§ 15:12

statutory presumptions, § 15:17

Insanity in criminal cases, § 15:14

Nature of presumptions, § 15:15

Negative and positive testimony,
§ 15:11

Number of witnesses, § 15:6

Operation of presumptions, § 15:16

Party's own testimony, § 15:7

Persuasion, burden of, distinguished,
§ 15:1

Positive and negative testimony,
§ 15:9

Positive or affirmative defense,
§ 15:11

Preponderance of evidence, § 15:3

Reasonable doubt, § 15:5

Shifting burden in criminal cases, due process issues, § 15:12

Specific defenses in criminal cases,
proof of, § 15:13

BURDENS AND PRESUMPTIONS

—Cont'd

Statutory presumptions, due process concerns, § 15:17

Testimony of party, § 15:7

Uncontroverted evidence, § 15:8

CELL PHONE INFORMATION

Search and seizure law, § 11:17

CHARACTER

Credibility, this index

CHARACTER EVIDENCE

Credibility, this index

Criminal victim, credibility, § 6:18

Hearsay rules, reputation statements,
§ 9:30

Rebuttal and limitations
credibility, § 6:4

Relevancy, this index

CHARTS

Control of proceedings, § 16:17

CHILDREN

Competency as witnesses, § 5:3

Hearsay rules, prior statements of sexual abuse victims, § 9:7

Relevancy of other crimes, prior offenses in child molestation cases, §§ 7:18, 7:19

CIRCUMSTANTIAL EVIDENCE

Burdens and presumptions, § 15:10

CIVIL CASES

Judicial notice, § 4:4

Preservation of evidence, § 2:5

Preservation of evidence, duty, § 2:4

CLEAR AND CONVINCING EVIDENCE

Generally, § 15:4

CLERGY PRIVILEGE

Generally, § 12:11

CLIENTS

Attorney and Client, this index

COMPETENCY

Witnesses, this index

INDEX

CONFESSIONS

- Accused's privilege not to be a witness against himself, § 11:5
- Admissions, hearsay rules. Hearsay, this index
- Incriminating facts, privilege of witness not to testify to, § 11:9
- Non-testimonial actions, § 11:8
- Silent, constitutional privilege to remain, § 11:7
- Unlawfully obtained statement used to impeach, § 11:10

CONSPIRACIES

- Hearsay rules, coconspirator statements, § 9:13

CONSTITUTIONAL LAW

- Burden shifting in criminal cases, due process, § 15:12
- Privileges, constitutional
 - generally, §§ 11:1 to 11:26
 - for detailed treatment see Privileges, this index
- Statutory presumptions, due process, § 15:17

CONTROL OF PROCEEDINGS

- Generally, § 16:3 et seq.
- Blackboards, § 16:17
- Charts, § 16:17
- Comparison, other writings for, § 16:18
- Court's power to question witnesses, § 16:13
- Cross-examination, limitations, § 16:10
- Demonstrations, §§ 16:14, 16:16
- Diagrams, § 16:17
- Direct examination, § 16:9
- Exceptions to sequestration of witnesses rule, § 16:6
- Formal exceptions unnecessary, § 16:2
- Illustrative materials, § 16:14
- Improper court opinions on the evidence, § 16:13
- Interrogation of witnesses, § 16:5
- Jury room, evidence taken to, § 16:21
- Jury views, § 16:20

CONTROL OF PROCEEDINGS

—Cont'd

- Leading questions, § 16:9
- Limitations
 - cross-examination, § 16:10
 - re-cross examination, § 16:12
 - re-direct examination, § 16:11
- Models, § 16:17
- Oath or affirmation, § 16:8
- Offer of proof to preserve error for exclusion of evidence, § 16:4
- Oral, in-person testimony requirement, § 16:7
- Other writings for comparison, § 16:18
- Overhead projectors, § 16:17
- Persons, § 16:14
- Persons as evidence, § 16:15
- Physical objects, § 16:19
- Posters, § 16:17
- Preliminary questions of admissibility, § 16:3
- Presentation of evidence, § 16:5
- Re-cross examination, limitations, § 16:12
- Re-direct examination, limitations, § 16:11
- Screening function of trial court, § 16:3
- Sequestration of witnesses, § 16:6
- Specific objections with grounds must be made to avoid waiver, § 16:1

COPIES OF DOCUMENTS

- Generally, § 10:2

CORPORATIONS

- Attorney-client privilege, corporate clients, § 12:5

CREDIBILITY

- Generally, § 6:1 et. seq.
- Attacking or supporting
 - admissibility of polygraph tests, § 6:17
- Character evidence
 - distinct limitations on form, § 6:3
 - five express exceptions to admit, § 6:3

CREDIBILITY—Cont'd

- Character evidence—Cont'd
 - general rules limiting form, § 6:2
 - inadmissible, § 6:1
 - rebuttal and limitations, § 6:4
- Character evidence of a criminal victim, § 6:18
- Character or character traits
 - required and permitted forms of evidence, § 6:5
- Hearsay rules, credibility of declarant, § 9:40
- Inadmissible, character evidence, § 6:1
- Other means to attack
 - Admissibility of polygraph tests to attack or support credibility, § 6:16
 - prior statement
 - consistent, § 6:15
 - consistent, child hearsay statute, § 6:16
 - inconsistent, impeachment, § 6:14
 - showing bias or interest, § 6:13
- Supporting witness
 - proper and improper bolstering, § 6:12
- Witness, attacking or bolstering, § 6:9
- Witness, attacking or supporting evidence of prior criminal conviction, § 6:11
 - proper and improper impeachment, § 6:10
- Witnesses
 - for detailed treatment see Witnesses, this index
- Witness's character
 - attacking or supporting any, truthfulness, § 6:6
 - supporting for truthfulness, bolstering, § 6:8
 - who may attack, truthfulness by impeachment, § 6:7

CRIMINAL CASES

- Burdens and Presumptions, this index
- Expert Witnesses, this index

CRIMINAL CASES—Cont'd

- Judicial notice, § 4:4
- Pretrial motions, § 14:4

CRIMINAL DEFENDANTS

- Competency as witnesses, § 5:5

CROSS-EXAMINATION

- Control of proceedings, limitations, §§ 16:10, 16:12
- Expert witnesses, § 13:32

DEFINITION

- Hearsay rules, §§ 9:3, 9:5

DEMONSTRATIONS

- Control of proceedings, §§ 16:14, 16:16

DEMONSTRATIVE EVIDENCE

- See Documentary and Demonstrative Evidence, this index

DIAGRAMS

- Generally, § 16:17
- Control of proceedings, § 16:17

DIRECT EXAMINATION

- Control of proceedings, § 16:9

**DOCUMENTARY AND
DEMONSTRATIVE
EVIDENCE**

- Admission of contents, § 10:4
- Authentication of documentary evidence
 - generally, § 10:6 et seq.
 - demand for authentication, § 10:13
 - self-authenticating documents, § 10:7
- Copies, § 10:2
- Demand for authentication, § 10:13
- Duplicates, § 10:2
- Electronic records, § 10:12
- Foreign laws, § 10:10
- Judge and jury roles as to documents, § 10:8
- Laws of other jurisdictions, § 10:10
- Medical bills, § 10:11
- Motion pictures, § 10:14
- Parol Evidence Rule, this index
- Photographs, § 10:14

INDEX

DOCUMENTARY AND DEMONSTRATIVE EVIDENCE—Cont'd

- Public records, § 10:9
- Videotapes, § 10:14
- Voluminous records, § 10:5
- X-rays, § 10:14

DRUGS AND ALCOHOL

- Privileges, refusal to take drug or alcohol tests, § 12:16

DUE CARE

- Subjects of expert testimony, § 13:7

DUI

- Relevancy of other crimes, wrongs, or acts, § 7:21

DUPLICATES

- Generally, § 10:2

DYING DECLARATIONS

- Hearsay, § 9:36

ELECTRONIC RECORDS

- Generally, § 10:12

EMOTIONAL CONDITION

- Hearsay rules, statements of existing condition, § 9:19

EMPLOYMENT

- Hearsay rules, employees' admissions, § 9:12

ETHICAL LIMITATIONS ON COMMUNICATIONS WITH PERSONS REPRESENTED BY COUNSEL

- Informal evidence gathering, limitation, § 2:1

EXAMINATION OF WITNESSES

- Admission and Exclusion of Evidence, this index
- Hypothetical questions, § 13:31
- Privileges, this index

EXCLUSION OF EVIDENCE

- Admission and Exclusion of Evidence, this index
- Exclusionary rule. See Search and Seizure Law, this index

EXPERT WITNESSES

- Generally, § 13:1 et seq.
- Atomic absorption tests, Harper v. State, criminal cases, § 13:26
- Bloodhound evidence
 - generally, § 13:20
 - Harper v. State, criminal cases, § 13:24
- Court appointed experts, § 13:28
- Criminal cases. Harper v. State, below
- Cross-examination, § 13:32
- Distinct requirements, § 13:10
- DNA evidence, Harper v. State, § 13:23
- Due care opinions, § 13:7
- Exclusion of expert opinions, § 13:29
- Experiments and out-of-court reenactments, § 13:33
- Facts and data, reliability, § 13:16
- Fingerprint evidence under Harper v. State, § 13:27
- Handwriting, admissibility under the Civil Standard Expert Opinion on, § 13:19
- Harper v. State
 - atomic absorption tests, criminal cases, § 13:26
 - ballistic evidence, § 13:26
 - bloodhound evidence, criminal cases under, § 13:23
 - criminal proceedings prior to July 1, 2022, §§ 13:22, 13:23
 - DNA evidence, § 13:23
 - fingerprint evidence, § 13:27
 - HGN test results, § 13:25
- Hearsay rules, learned treatises, § 9:29
- HGN test results, Harper v. State, § 13:25
- Hypothetical questions, § 13:31
- Insanity, mental competency and, § 13:4
- Jury consideration of expert opinion, § 13:34
- Learned treatises, § 9:29
- Market value, subjects of expert testimony, § 13:3

EXPERT WITNESSES—Cont’d

- Medical malpractice, subjects of expert testimony, § 13:13
- Out-of-court reenactments, § 13:33
- Paternity test results, § 13:21
- Physical conditions, subjects of expert testimony, § 13:5
- Pretrial motions, § 14:3
- Qualification, §§ 13:12, 13:13
- Relevancy of opinion, § 13:11
- Reliability
 - generally, §§ 13:15 to 13:18
 - aspects, § 13:15
 - conclusion, § 13:18
 - facts and data, § 13:16
 - methodology, § 13:17
- Rule 702, applicability, § 13:9
- Standard of care opinions, § 13:7
- Subjects of expert testimony, § 13:3 *et seq.*
- Summary judgment, § 13:30
- Testimony, § 13:1
- Truthfulness, subjects of expert testimony, § 13:8
- Ultimate factual issue, § 13:14
- Value, market, subjects of expert testimony, § 13:3
- Vehicle speed, subjects of expert testimony, § 13:6
- When required, § 13:2

EXTRINSIC EVIDENCE

- See Parol Evidence Rule, this index

FACT AND LAW QUESTIONS

- Documents, judge and jury roles as to, § 10:8
- Expert opinions, jury consideration of, § 13:34
- Judicial notice of matters of law.
 - Judicial Notice, this index

FAMILY HISTORY

- Hearsay rules, § 9:25

FEDERAL LAW

- Judicial notice, § 4:9

FEDERAL REGULATIONS

- Judicial notice, § 4:10

FINGERPRINTS

- Expert witnesses, *Harper v. State*, § 13:27

FOREIGN LAWS

- Generally, § 10:10
- Judicial notice, § 4:6

GANGS

- Relevancy of other crimes, wrongs, or acts, § 7:22

GOVERNMENT MATTERS

- Judicial notice, § 4:12

GOVERNMENTAL PRIVILEGES

- Generally, § 12:12

HANDWRITING

- Expert witnesses admissibility under the Civil Standard Expert Opinion on Handwriting, § 13:19

HEALTH CARE

- See Medical Care, this index

HEALTHCARE PROVIDERS

- Relevancy of statements as admissions, § 7:20

HEARSAY

- Generally, §§ 9:1 to 9:40
- Admissions
 - generally, § 9:2
 - adoption or belief in its truth, exclusions, § 9:11
 - agents or representatives; attorneys, § 9:12
 - coconspirator statements, § 9:13
 - exclusions, party’s own statement offered against party, § 9:10
 - judicial, § 9:15
 - personal knowledge issues, § 9:14
- Adoptive admissions, § 9:11
- Agents’ admissions, § 9:12
- Ancient documents, § 9:28
- Boundary matters, § 9:26
- Business records, § 9:22
- Child sexual abuse victims’ prior statements, § 9:7
- Coconspirator statements, § 9:13

INDEX

HEARSAY—Cont'd

- Confrontation Clause, impact of, § 9:4
- Credibility of declarant, § 9:40
- Declarant credibility, § 9:40
- Declarations against interest, § 9:37
- Definition, §§ 9:3, 9:5
- Dying declarations, § 9:36
- Emotional condition, statements of existing condition, § 9:19
- Employees' admissions, § 9:12
- Exceptions to exclusions, § 9:9
- Excited utterances, § 9:18
- Exclusion, generally, § 9:2
- Exclusion and admission, generally, § 9:2
- Family history, § 9:25
- Hearsay within hearsay, § 9:39
- Historical matters, § 9:26
- Hospital records, § 9:23
- Interest, declarations against, § 9:37
- Interests in property, statements as to, § 9:27
- Judgments evidence, § 9:32
- Judicial admissions, § 9:15
- Judicial proceeding testimony, § 9:35
- Learned treatises, § 9:29
- Market reports, § 9:31
- Materiality of defendant's availability, §§ 9:17 to 9:32
- Medical diagnosis or treatment statements, § 9:20
- Medical reports, § 9:23
- Mental condition, statements of existing condition, § 9:19
- Mortality tables, § 9:31
- Official written statements, § 9:24
- Pecuniary interest, declarations against, § 9:37
- Pedigree, § 9:25
- Penal interest, declarations against, § 9:37
- Physical condition, statements of existing condition, § 9:19
- Present sense impression, § 9:17
- Previous judicial proceeding testimony, § 9:35

HEARSAY—Cont'd

- Prior statements of witnesses
 - generally, § 9:6
 - child sexual abuse victims, § 9:7
 - identifying person, statements of, § 9:8
- Public interest matters, § 9:26
- Public records, § 9:24
- Recollections, recorded, § 9:21
- Records
 - hospital records, § 9:23
 - public records, § 9:24
- Reports
 - market reports, § 9:31
 - medical reports, § 9:23
- Reputation statements, § 9:30
- Res gestae replaced, § 9:16
- Residual hearsay exception, § 9:38
- Specific rule, statements by definition excluded from or deemed admissible by, § 9:5
- Testimony at a previous judicial proceeding, § 9:35
- Unavailability of declarant, §§ 9:33 to 9:37
- Witnesses, prior statements of
 - generally, § 9:6
 - child sexual abuse victims, § 9:7
- Wrongful procurement, exception, § 9:34

HGN TEST RESULTS

- Expert witnesses, *Harper v. State*, § 13:25

HISTORY

- Hearsay rules, historical matters, § 9:26

HOSPITALS

- Hearsay rules, § 9:23

HUSBAND AND WIFE

- See Spouses, this index

IDENTITY

- Relevancy of other crimes, wrongs, or acts, § 7:11

ILLUSTRATIVE MATERIALS

- Control of proceedings, § 16:14

IMPEACHMENT

Self-incrimination privilege, unlawfully obtained statement used for, § 11:10

Witnesses, this index

IN LIMINE MOTIONS

Generally, § 14:2

INFANTS

Children, this index

INFORMANT PRIVILEGE

Generally, § 12:13

INSANITY

See Sanity, this index

INTENT

Relevance of similar transactions to show, § 7:5

INTEREST

Hearsay rules, declarations against interest, § 9:37

INTERROGATIONS

Control of proceedings, § 16:5

JOURNALIST PRIVILEGE

Generally, § 12:14

JUDGES

Expert witnesses, court appointed, § 13:28

Fact and Law Questions, this index

JUDGMENTS

Evidence of, hearsay rules, § 9:32

JUDICIAL NOTICE

Generally, §§ 4:1 to 4:12

Adjudicative facts, §§ 4:2, 4:3

Administrative matters, § 4:12

Administrative regulations, § 4:8

Civil or criminal proceedings, distinguished, § 4:4

Federal courts, § 4:9

Federal law, § 4:9

Federal regulations, § 4:9

Foreign law, § 4:6

Government matters, § 4:12

Judicial proceedings, § 4:11

JUDICIAL NOTICE—Cont'd

Law, legislative facts, and related matters, § 4:5

Local ordinances, § 4:7

Ordinances, § 4:7

Purpose and procedure, § 4:2

Regulations, state, § 4:8

JUDICIAL PROCEEDINGS

Generally, see Trials, this index

JURIES

Continuing witness rule, § 16:21

Expert opinion, jury consideration of, § 13:34

Fact and Law Questions, this index

Jury room, evidence taken to, § 16:21

Views by jury, § 16:20

JURY ROOM

Control of proceedings, § 16:21

JURY VIEWS

Control of proceedings, § 16:20

KNOWLEDGE

Relevancy of other crimes, wrongs, or acts, § 7:6

LAW

Fact and Law Questions, this index

Foreign Laws, this index

Judicial Notice, this index

LAW ENFORCEMENT OFFICERS

Privileged communications with peer counselors, § 12:15

LAW QUESTIONS

Fact and Law Questions, this index

LEADING QUESTIONS

Control of proceedings, § 16:9

LEARNED TREATISES

Hearsay rules, § 9:29

LIABILITY INSURANCE

Relevance of evidence as to, § 8:7

LIMITATIONS

Credibility, this index

Ethical limitations on communications with persons represented

INDEX

LIMITATIONS—Cont'd

by counsel. See Preservation of Evidence and Avoidance of Spoliation, this index

LOCAL ORDINANCES

Judicial notice, § 4:7

MARKET VALUE

Subjects of expert testimony, § 13:3

MARRIAGE

See also Spouses, this index

MEDICAL CARE

Bills as evidence, § 10:11

Hospital records, hearsay rules, § 9:23

Medical diagnosis or treatment statements, § 9:20

Physician-Patient Privilege, this index

Reports, hearsay rules, § 9:23

MEDICAL MALPRACTICE

Expert testimony, § 13:13

MEMORY

Recorded recollections, hearsay rules, § 9:21

MENTAL COMPETENCY

Expert witnesses, § 13:4

Hearsay, statements of existing condition, § 9:19

Privileged communications, § 12:10

Witnesses, § 5:2

MINORS

Children, this index

MODELS

Control of proceedings, § 16:17

MORTALITY TABLES

Hearsay rules, § 9:31

MOTION PICTURES

Generally, § 10:14

MOTIONS IN LIMINE

Generally, § 14:2

MOTIVE

Relevancy of other crimes, wrongs, or acts, § 7:4

NONPARTIES

Preservation of Evidence and Avoidance of Spoliation, this index

NOTICE

Judicial Notice, this index

OATH OR AFFIRMATION

Control of proceedings, § 16:8

OPINIONS

Generally, § 13:1 et seq.

Expert

generally, § 13:1

for detailed treatment see Expert Witnesses, this index

Hypothetical questions, § 13:31

OPPORTUNITY

Relevancy of other crimes, wrongs, or acts, § 7:8

ORAL TESTIMONY

Control of proceedings, § 16:7

ORDINANCES

Judicial notice, § 4:7

OTHER CRIMES, WRONGS, OR ACTS

Relevancy, this index

OUT-OF-COURT

REENACTMENTS

Expert witnesses, § 13:33

OVERHEAD PROJECTORS

Generally, § 16:17

Control of proceedings, § 16:17

PAROL EVIDENCE RULE

Generally, §§ 17:1 to 17:8

Admissibility of evidence relating to contract damages, § 17:8

Collateral source rule

exceptions, § 17:4

Excluding damages evidence in negligent security cases, § 17:7

PAROL EVIDENCE RULE—Cont’d

Impact requirement limits damage evidence in negligence claims, § 17:6

Principal parol evidence rules
2025 Georgia tort reform measures, § 17:5
purpose and effect, § 17:2
substantive effect, § 17:3

Principal parol evidence rules, generally, §§ 17:2 to 17:5

PATERNITY

Expert witnesses, test results, § 13:21

PECUNIARY INTEREST

Hearsay, declarations against interest, § 9:37

PEDIGREE

Hearsay rules, § 9:25

PENAL INTEREST

Hearsay, declarations against interest, § 9:37

PERSONAL KNOWLEDGE

Admissions, personal knowledge issues, § 9:14

PERSONS

Control of proceedings, §§ 16:14, 16:15

Demonstrative evidence, persons as, § 16:14

PHOTOGRAPHS

Generally, § 10:14

PHYSICAL CAPACITY

Witness competency, § 5:4

PHYSICAL CONDITION

Expert testimony, subjects of, § 13:5
Hearsay rules, statements of existing condition, § 9:19

PHYSICAL OBJECTS

Generally, § 16:19
Control of proceedings, § 16:19

PHYSICIAN-PATIENT PRIVILEGE

Generally, § 12:7

PHYSICIAN-PATIENT PRIVILEGE—Cont’d

Medical review boards and peer reviews, § 12:8

PLAN

Relevancy of other crimes, wrongs, or acts, § 7:10

PLEAS

Relevance of plea bargains and discussion evidence, § 8:6

POSTERS

Generally, § 16:17
Control of proceedings, § 16:17

PRELIMINARY QUESTIONS OF ADMISSIBILITY

Control of proceedings, § 16:3

PREPARATION

Relevancy of other crimes, wrongs, or acts, § 7:9

PREPONDERANCE OF EVIDENCE

Generally, § 15:3
Defendant committed other act, § 7:14
Relevancy of other crimes, wrongs, or acts, § 7:14

PRESENT SENSE IMPRESSION

Hearsay, § 9:17

PRESENTATION OF EVIDENCE

Control of proceedings, § 16:5

PRESERVATION OF EVIDENCE AND AVOIDANCE OF SPOILIATION

Civil cases, § 2:5
Discovery tools are available against a party to a civil case, § 2:9
Improper ex parte contact, represented persons in criminal proceedings, § 2:3
Improper ex parte contact with plaintiff’s treating physicians, § 2:2
Notice to produce, § 2:10

INDEX

PRESERVATION OF EVIDENCE AND AVOIDANCE OF SPOILIATION—Cont'd

- Obtaining evidence from non parties
cases filed outside of Georgia,
§ 2:13
- failure of subpoenaed party to
attend to testify or to produce
evidence, § 2:17
- generally, §§ 2:11 to 2:17
- protection from and compelling
compliance with subpoena,
§ 2:16
- reside in Georgia for use in Geor-
gia state court, § 2:11
- reside outside Georgia for Georgia
state court, § 2:12
- subpoenas, § 2:14
- witness fees payment, § 2:15
- Presumption for failure to produce
documents, § 2:6
- Requirements for preservation, § 2:7
- Statutory requirements, § 2:8

PRESUMPTIONS

- Burdens and Presumptions, this index

PRETRIAL MOTIONS

- Generally, § 14:1 et seq.
- Criminal cases, § 14:4
- Expert testimony, § 14:3
- In limine motions, § 14:2
- Motions in limine, § 14:2
- Summary judgment, § 14:1

PRIOR STATEMENTS

- Hearsay. See Hearsay, this index

PRIVILEGES

- Generally, §§ 12:1 to 12:16
- Accountant-client, § 12:6
- Accused's constitutional privilege not
to be a witness against himself,
§ 11:5
- Attorney-client
 - generally, § 12:4
 - corporate clients, § 12:5
- Confessions, this index
- Constitutional
 - generally, §§ 11:1 to 11:26

PRIVILEGES—Cont'd

- Constitutional—Cont'd
 - Confessions, this index
 - incriminating facts, privilege of
witness not to testify to,
§ 11:9
 - personal nature of constitutional
privileges, § 11:3
 - right to counsel, § 11:11
 - Search and Seizure Law, this index
 - Self-Incrimination Privilege, this
index
- Drug or alcohol tests, refusal to take,
§ 12:16
- Exclusionary rule. See Search and
Seizure Law, this index
- Governmental, § 12:12
- Incriminating facts, constitutional
privilege of witness not to testify
to, § 11:9
- Informant privilege, § 12:13
- Journalist privilege, § 12:14
- Law enforcement officers' com-
munications with peer
counselors, § 12:15
- Mental health, § 12:10
- Personal nature of constitutional priv-
ileges, § 11:3
- Physician-patient
 - generally, § 12:7
 - medical review boards and peer
reviews, § 12:8
- Psychiatric examinations, § 11:6
- Qualified news gathering privilege,
§ 12:14
- Right to counsel, § 11:11
- Search and Seizure Law, this index
- Self-Incrimination Privilege, this
index
- Silent, constitutional privilege to
remain, § 11:7
- Spousal
 - generally, § 12:5
 - compelling, § 12:3
- State matters and secrets of state,
§ 12:12
- Statutory, generally, §§ 12:1 to 12:16
- Veterinarian-patient, § 12:9

PROPERTY

- Boundary matters, hearsay rules, § 9:26
- Interests in property statements, hearsay rules, § 9:27

PSYCHIATRIC EXAMINATIONS

- Self-incrimination, privilege against, § 11:6

PUBLIC INTEREST MATTERS

- Hearsay rules, § 9:26

PUBLIC RECORDS

- Documentary evidence, § 10:9
- Hearsay rules, § 9:24

QUALIFIED NEWS GATHERING PRIVILEGE

- Generally, § 12:14

REAL EVIDENCE

- See Documentary and Demonstrative Evidence, this index

REASONABLE DOUBT

- Burdens and presumptions, § 15:5

REBUTTAL AND LIMITATIONS

- Character evidence, credibility, § 6:4

RECORDED RECOLLECTIONS

- Hearsay rules, § 9:21

RECORDS

- Hearsay, this index
- Public Records, this index

RE-CROSS EXAMINATION

- Control of proceedings, limitations, § 16:12

RE-DIRECT EXAMINATION

- Control of proceedings, limitations, § 16:11

REENACTMENTS

- Expert witnesses, § 13:33

REGULATIONS

- Judicial notice, state, § 4:8

RELEVANCY

- Generally, §§ 3:1 et seq., 8:1 et seq.

RELEVANCY—Cont'd

- Absence of mistake or accident, other act relevant to show, § 7:7
- All, but only, relevant evidence rule, § 3:2
- Cases holding other acts inadmissible for any purpose, § 7:12
- Child molestation cases, prior offenses in, §§ 7:18, 7:19
- Defendant's participation in criminal gang activity, § 7:21
- Exceptions, §§ 8:3, 8:4
- Exclusion for unfair prejudice, § 3:1 et seq.
- Expert witnesses, § 13:11
- Gang activity, § 7:22
- Georgia Rule 403, unfair prejudice under, § 3:3
- Habit of person, § 8:2
- Healthcare providers, statements as admissions, § 7:20
- Identity, other act relevant to show, § 7:11
- Intent, other act relevant to show, § 7:5
- Knowledge, other act relevant to show, § 7:6
- Liability insurance evidence, § 8:7
- Mediation, § 8:4
- Medical expense payment offers, § 8:5
- Motive, other act relevant to show, § 7:4
- Offers of compromise, § 8:4
- Opportunity, showing of, § 7:8
- Other act evidence, § 7:3
- Other crimes, wrongs, or acts generally, § 7:1 et seq.
 - absence of mistake or accident, showing of, § 7:7
 - cases holding the acts inadmissible for any purpose, § 7:12
 - child molestation cases, prior offenses in, § 7:18
 - gang activity, § 7:22
 - healthcare providers, statements as admissions, § 7:20
 - identity, showing of, § 7:11
 - intent, showing of, § 7:5

INDEX

RELEVANCY—Cont'd

Other crimes, wrongs, or acts

—Cont'd

knowledge, showing of, § 7:6

motive, showing of, § 7:4

opportunity, showing of, § 7:8

other act evidence, § 7:3

past sexual behavior of victim, sex offense cases, § 7:16

plan, showing of, § 7:10

preparation, showing of, § 7:9

preponderance of evidence

defendant committed, § 7:14

prior offenses in child molestation cases, §§ 7:18, 7:19

prior offenses in sexual assault cases, § 7:17

Rule 403, balancing under, § 7:13

sex offense or molestation cases, specific other act rules

applicable to certain, § 7:15

sexual assault cases, prior offenses in, §§ 7:17, 7:19

sufficiency of one purpose for, § 7:3

Past sexual behavior of victim, sex offense cases, § 7:16

Plan, other act relevant to show, § 7:10

Preparation, other act relevant to show, § 7:9

Preponderance of evidence defendant committed, § 7:14

Prior offenses in child molestation cases, §§ 7:18, 7:19

Prior offenses in sexual assault cases, § 7:17

Remedial measures, exceptions, § 8:3

Routing practice of organization, § 8:2

Rule 403, balancing under, § 7:13

Sex offense or molestation cases, specific other act rules

applicable to certain, § 7:15

Sexual assault cases, prior offenses in, §§ 7:17, 7:19

Sufficiency of one purpose for, § 7:3

RELIGION

Clergy privilege, § 12:11

REMEDIAL MEASURES EVIDENCE

Relevancy, § 8:3

REPORTS

See Hearsay, this index

RES GESTAE

Replaced, § 9:16

RESIDUAL HEARSAY EXCEPTION

Generally, § 9:38

RULE 403

Balancing under, § 7:13

RULE 404(B)

Generally, § 7:2 et seq.

RULES OF EVIDENCE

Generally, §§ 1:1 to 1:4

Broad applicability with narrow exceptions, § 1:2

General interpretive principles, § 1:4

Interpretation of, § 1:2

Introduction, § 1:1

SANITY

Criminal cases, proof of insanity, § 15:14

Expert witnesses, § 13:4

Mental health. See Mental Competency, this index

SCIENTIFIC EVIDENCE

Documentary and Demonstrative Evidence, this index

Expert Witnesses, this index

Learned treatises, hearsay rules, § 9:29

Relevancy, this index

SCREENING FUNCTION

Trial court, § 16:3

SEARCH AND SEIZURE LAW

Generally, § 11:13 et seq.

Automobile searches, § 11:18

Cell phone information, § 11:17

Evidence obtained by private individuals not excluded, § 11:15

SEARCH AND SEIZURE LAW

—Cont'd

- Exceptions to warrant requirement consent to search, § 11:22
- exigent circumstances, § 11:23
- generally, §§ 11:21 to 11:24
- search-incident-to-arrest, § 11:24
- Exclusionary rule, § 11:13 et seq.
- Independent source, § 11:26
- Inevitable discovery, § 11:25
- Warrant required for electronic surveillance or wiretapping, § 11:14
- Warrantless searches, § 11:16
- generally, §§ 11:16 to 11:20
- homes, § 11:19
- schools, § 11:20

SECRETS OF STATE PRIVILEGES

- Generally, § 12:12

SELF-INCRIMINATION

PRIVILEGE

- Generally, § 11:2 et seq.
- Accused's privilege not to be a witness against himself, § 11:5
- Four aspects, § 11:4
- Impeachment, unlawfully obtained statement used for, § 11:10
- Incriminating facts, privilege of witness not to testify to, § 11:9
- Non-testimonial actions, § 11:8
- Personal nature of constitutional privileges, § 11:3
- Silent, privilege to remain, § 11:7
- Unlawfully obtained statement used to impeach, § 11:10
- Waiver of right, § 11:11

SEQUESTRATION OF WITNESSES

- Generally, § 16:6

SEX OFFENSES

- Relevancy of other crimes, wrongs, or acts, § 7:16

SEXUAL ABUSE

- Hearsay rules, prior statements of sexual abuse victims, children, § 9:7

SEXUAL ASSAULT CASES

- Relevancy of other crimes, wrongs, or acts, §§ 7:17, 7:19

SILENCE

- Privilege of the accused to remain silent, § 11:7

SIMILAR TRANSACTIONS

- Relevancy, this index

SOUND AND VOICE RECORDINGS

- Admission and exclusion of evidence, § 10:15

SPOLIATION

- Preservation of Evidence and Avoidance of Spoliation, this index

SPOUSES

- Competency as witnesses, § 5:6
- Pedigree and family history, hearsay rules, § 9:25
- Privileges, spousal
- generally, § 12:5
- compelling, § 12:3

STANDARDS OF CARE

- Subjects of expert testimony, § 13:7

STATE MATTERS PRIVILEGE

- Generally, § 12:12

STATUTORY PRIVILEGES

- Generally, §§ 12:1 to 12:16
- For detailed treatment see Privileges, this index

SUFFICIENCY OF EVIDENCE

- Weight and Sufficiency of Evidence, this index

SUMMARY JUDGMENT

- Generally, § 14:1
- Expert witnesses, § 13:30

TAMPERING WITH EVIDENCE

- For detailed treatment see Preservation of Evidence and Avoidance of Spoliation, this index

TESTIMONY

- Admission and Exclusion of Evidence, this index

INDEX

TESTIMONY—Cont'd

- Affirmative or negative defense,
§ 15:11
- Burdens and presumptions
negative or affirmative defense,
§ 15:11
- party's own testimony, § 15:7
- positive or affirmative defense,
§ 15:11
- Cross-examination of expert wit-
nesses, § 13:32
- Expert
generally, § 13:1
- for detailed treatment see Expert
Witnesses, this index
- Hearsay rules, previous judicial
proceeding testimony, § 9:35
- Hypothetical questions, § 13:31
- Insanity, expert witnesses, § 13:4
- Market value, subjects of expert
testimony, § 13:3
- Medical malpractice, subjects of
expert testimony, § 13:13
- Physical conditions, subjects of
expert testimony, § 13:5
- Previous judicial proceeding
testimony, hearsay rules, § 9:35
- generally, § 9:35
- Privileges, this index
- Standards of care, subjects of expert
testimony, § 13:7
- Truthfulness, subjects of expert
testimony, § 13:8
- Value, market, subjects of expert
testimony, § 13:3
- Vehicle speed, subjects of expert
testimony, § 13:6

TRIALS

- Admission of evidence
generally, § 10:1 et seq.
- for detailed treatment see Admis-
sion and Exclusion of Evi-
dence, this index
- Examination of Witnesses, this index
- Exclusion of evidence. Admission
and Exclusion of Evidence, this
index
- Judicial notice of evidence elicited in
judicial proceedings, § 4:11

TRIALS—Cont'd

- Objections, this index
- Privileges, this index
- Production of Documentary Evi-
dence, this index
- Subpoenas, this index
- Testimony, this index
- Witnesses, this index

TRUTHFULNESS

- Subjects of expert testimony, § 13:8

UNCONTROVERTED EVIDENCE

- Burdens and presumptions, § 15:8

VALUE

- Market value, subjects of expert
testimony, § 13:3

VEHICLE SPEED

- Subjects of expert testimony, § 13:6

VETERINARIAN-PATIENT PRIVILEGE

- Generally, § 12:9

VIDEOTAPES

- Generally, § 10:14

VOLUMINOUS RECORDS

- Generally, § 10:5

WARRANTS

- Searches without warrants, § 11:16

WIFE AND HUSBAND

- See Spouses, this index

WITNESSES

- Admissions by Witnesses, this index
- Children
competency, § 5:3
- sexual abuse victims' prior state-
ments, hearsay rules, § 9:7
- Competency rules
generally, § 5:1 et seq.
- children, § 5:3
- criminal defendant, § 5:5
- mental capacity, § 5:2
- physical capacity, § 5:4
- scope of lay witness testimony, lay
opinion testimony, § 5:7
- spouse, § 5:6

WITNESSES—Cont'd

- Competency rules—Cont'd
 - ultimate issue testimony, § 5:7
- Criminal defendants, competency, § 5:5
- Examination of witnesses. See Examination, this index
- Experts
 - generally, § 13:1
 - for detailed treatment see Expert Witnesses, this index
- General rule of competency, § 5:1
- Hearsay rules, prior statements
 - generally, §§ 9:6 to 9:8
 - child sexual abuse victims, § 9:7
- Impeachment
 - self-incrimination privilege,
 - unlawfully obtained statement used for, § 11:10
- Judge as witness, preclusion from testifying, § 16:22
- Juror as witness, preclusion from testifying, § 16:22
- Mental competency, § 5:2
- Number of witnesses, burdens and presumptions, § 15:6

WITNESSES—Cont'd

- Physical capacity and competency, § 5:4
- Prior statements, hearsay rules
 - generally, § 9:6
 - child sexual abuse victims, § 9:7
 - identifying person, statements of, § 9:8
- Privileges, this index
- Qualification of expert witnesses, §§ 13:12, 13:13
- Spouses, this index
- Subpoenas, this index
- Testimony, this index
- Ultimate issue testimony, competency rules, § 5:7

WRITINGS

- Documentary and Demonstrative Evidence, this index

WRONGFUL PROCUREMENT

- Hearsay, exception, § 9:34

X-RAYS

- Generally, § 10:14