

# Index

## ACQUITTAL

- See also Trial, this index
- Double jeopardy defense after, **Auth. Comm. Rule 29(a)**
- Motion for
  - Generally, **Rule 29**
  - Time table, **Part II**
- New trial after, **Rule 29(d)**

## AIDING AND ABETTING

- Indictments and informations, **Auth. Comm. Rule 7(c)**

## ALFORD PLEA

- Generally, **Auth. Comm. Rule 11(b)**

## ALIASES

- Indictment allegations, **Auth. Comm. Rule 7(c)**
- John Doe warrants, **Auth. Comm. Rule 4(c)**

## ALIBI DEFENSES

- Continuing duty to disclose, **Rule 12.1(c)**
- Discovery, **Rule 12.1**
- Good cause exception, **Auth. Comm. Rule 12.1(d)**
- Government witnesses, disclosure of, **Rule 12.1(a), (b)**
- Impeachment documents, **Auth. Comm. Rule 12.1(b)**
- Notice requirements
  - Generally, **Rule 12.1**
  - Time table, **Part II**
- Potential witnesses, disclosure, **Auth. Comm. Rule 12.1(e)**
- Specificity of disclosure, **Auth. Comm. Rule 12.1(a)**
- Timeliness of disclosure, **Auth. Comm. Rule 12.1(a)**
- Withdrawn intention, inadmissibility, **Rule 12.1(f)**

## ALLEGATIONS

- Indictments and Informations, generally, this index

## ALLOCUTION

- Pleas
  - Generally, **Rule 11(c)**
  - Recordation of proceedings, **Rule 11(g)**
- Time table, **Part II**

## ANONYMOUS JURORS

- Generally, **Auth. Comm. Rule 24(a)**

## APPEARANCES

- Initial Appearances, generally, this index

**APPEARANCES—Cont'd**

Time table, **Part II**

**APPELLATE REVIEW**

Contempt citations, **Auth. Comm. Rule 42**

Correction of sentence on remand, **Rule 35(a)**

Death sentence, stay of execution of, **Rule 38**

Dispositive matters, magistrate's ruling, **Rule 59(b)**

Exceptions, **Rule 51**

Foreign law issue, standard of review of, **Auth. Comm. Rule 26.1**

Habeas Corpus, generally, this index

Harmless error, **Rule 52(a)**

Mandamus, review by, **Part VII**

Misdemeanors, **Rule 58(g)**

Nondispositive matters, magistrate's ruling, **Rule 59(a)**

Objections, **Rule 51**

Petty offenses, **Rule 58(g)**

Plain error, **Rule 52(b)**

Plea of guilty or nolo contendere, conditional entry of, **Rule 11(a)**

Primer, **Part VI, Part VII**

Record, time table, **Part II**

Reduction of sentence on remand, **Rule 35(a)**

Release from custody, **Rule 46(c)**

Right of appeal, notice to defendant of, **Rule 32(c)**

Time table, **Part II**

**ARGUMENT**

Closing argument, **Rule 29.1**

**ARRAIGNMENT**

Generally, **Rule 10**

Disclosure statement, **Rule 12.4**

Evidence, notice by government of intent to use, **Rule 12(a)**

Initial Appearances, generally, this index

Misdemeanors, **Rule 58(b)**

Nongovernmental corporate party, **Rule 12.4(a)**

Notice by government of intent to use evidence, **Rule 12(a)**

Organizational victim, **Rule 12.4(a)**

Petty offenses, **Rule 58(b)**

Presence, defendant's right of, **Rule 43**

Recusal by court, **Auth. Comm. Rule 12.4(a)**

Supplemental filing, **Rule 12.4(b)**

Time table, **Part II**

Video conferencing, **Rule 10(c)**

Waiving appearance, **Rule 10(b)**

**ARREST**

Generally, **Auth. Comm. Rule 4(a)**

Commitment to another district, **Rule 40**

Initial Appearances, generally, this index

## INDEX

### ARREST—Cont'd

- Probation, arrest of person on, **Rule 40**
- Release From Custody, generally, this index
- Search and Seizure, generally, this index
- Supervised release, arrest of person on, **Rule 40**
- Territorial limits of warrant for, **Rule 4(c)**
- Time table for post arrest procedure, **Part II**
- Warrants. See Arrest Warrants, generally, this index

### ARREST OF JUDGMENT

- Generally, **Rule 34**

### ARREST WARRANTS

- Generally, **Rule 4**
- See also Arrest, this index; Warrants, this index
- Applications, **Auth. Comm. Rule 4(a)**
- Complaint as basis for, **Auth. Comm. Rule 3**
- Description, **Auth. Comm. Rule 4(b)**
- Execution
  - Generally, **Rule 9(c)**
  - Nationwide execution, **Auth. Comm. Rule 9(b)**
  - Timing of execution, **Auth. Comm. Rule 4(c)**
- Form, **Rule 4(b), Rule 9(b)**
- Fourth Amendment strictures, **Auth. Comm. Rule 4**
- Fugitive from justice warrants, **Auth. Comm. Rule 5(a)**
- Hearsay, probable cause finding based on, **Rule 4(a)**
- Home arrests, **Auth. Comm. Rule 4(c)**
- Indictment
  - Initial appearances after arrest on, **Auth. Comm. Rule 5(a)**
  - Issuance on, **Rule 9**
- Initial Appearances, generally, this index
- Issuance, **Rule 4(a)**
- John Doe warrants, **Auth. Comm. Rule 4(b)**
- Media ride-alongs, **Auth. Comm. Rule 4(c)**
- Name of person to be arrested, **Auth. Comm. Rule 4(b)**
- Nationwide execution, **Auth. Comm. Rule 9(b)**
- Oral information, **Auth. Comm. Rule 3**
- Probable cause, **Rule 4(a)**
- Return, **Rule 4(c), Rule 9(c)**
- Service, **Rule 4(c)**
- Summons distinguished, **Auth. Comm. Rule 4(a)**
- Territorial limits, **Rule 4(c)**
- Timing of execution, **Auth. Comm. Rule 4(c)**
- Unexecuted warrants, **Rule 4(c)**
- Who may execute, **Auth. Comm. Rule 4(c)**

### ATTORNEYS AT LAW

- Counsel, Right to, generally, this index

**AUTHENTICATION**

Evidence, generally, this index

**BAIL**

Release From Custody, generally, this index

**BATTERED WOMAN'S SYNDROME**

Mental Condition Defenses, generally, this index

**BENCH TRIALS**

Generally, **Rule 23(c)**

**BENCH WARRANTS**

Generally, **Auth. Comm. Rule 17(a)**

**BIFURCATED JURY PROCEEDINGS**

Forfeitures, **Auth. Comm. Rule 32.2(b)**

**BILLS OF PARTICULARS**

Generally, **Rule 7(f)**

Amendment, **Auth. Comm. Rule 7(f)**

Discovery, **Auth. Comm. Rule 7(f)**

Discretion of court as to, **Auth. Comm. Rule 7(f)**

Limitation upon proof, **Auth. Comm. Rule 7(f)**

Retrial, **Auth. Comm. Rule 7(f)**

Time table, **Part II**

**BOOKING**

Initial Appearances, generally, this index

**BRAINWASHING DEFENSE**

Mental Condition Defenses, generally, this index

**BROADCASTING OF PROCEEDINGS**

Generally, **Rule 53**

**CALENDARS**

Generally, **Rule 50**

Directory, **Part XIII**

**CAMERAS IN COURT ROOM**

Generally, **Rule 53**

**CERTIORARI**

Time table, **Part II**

**CHARACTER EVIDENCE**

Evidence, generally, this index

**CHARGING**

Indictments and Informations, generally, this index

**CHILD MOLESTATION**

Sex Offense Cases, generally, this index

## INDEX

### **CIVIL CONTEMPT**

Contempt, generally, this index

### **CLERICAL ERRORS**

Correction, time table for, **Part II**

### **CLERKS**

Filing of papers with, **Rule 56**

Records responsibilities, **Rule 55**

### **CLOSING ARGUMENT**

Generally, **Rule 29.1**

### **COERCED PLEAS**

Venue, **Auth. Comm. Rule 20(c)**

### **COLLOQUY**

Allocution, generally, this index

### **COMMON LAW**

Rules of procedure of, **Auth. Comm. Rule 2**

### **COMMUNICATIONS**

Wire and Electronic Communications Interception, generally, this index

### **COMPLAINT**

Generally, **Rule 3**

Arrest warrant on

Generally, **Rule 4**

Bases for, **Auth. Comm. Rule 3**

Distinctions, **Auth. Comm. Rule 4(a)**

Bills of Particulars, generally, this index

Presentation, **Auth. Comm. Rule 3**

Purpose of, **Auth. Comm. Rule 3**

Summons on

Generally, **Rule 4**

Distinctions, **Auth. Comm. Rule 4(a)**

Time table for, **Part II**

Who may file, **Auth. Comm. Rule 3**

### **COMPROMISE OFFERS**

Evidence, generally, this index

### **CONDITIONAL PLEAS**

Pleas, generally, this index

### **CONDUCT**

Character proof by evidence of specific instances of, **Evid. Rule 405(b)**

### **CONFESSIONS**

Bench conferences on admissibility of, **Evid. Rule 104(c)**

Discovery, **Rule 16(a)**

Initial appearance delays as affecting, **Auth. Comm. Rule 5(a)**

Safe harbor for confessions, **Auth. Comm. Rule 5(a)**

**CONFESSIONS—Cont’d**

Suppression motions, **Part VIII**

**CONFRONTATION RIGHTS**

Deposition evidence, **Auth. Comm. Rule 15(a), (f)**

**CONSPIRACIES**

Indictment requirements, **Auth. Comm. Rule 7(c)**

Joinder of offenses, **Auth. Comm. Rule 8(a)**

**CONSTRUCTION, RULE OF**

Criminal procedure rules, **Rule 2**

**CONTEMPT**

Generally, **Rule 42**

Criminal contempt, **Rule 42**

Criminal procedure rules, applicability of, **Auth. Comm. Rule 1**

Grand juries

Contempt powers of, **Auth. Comm. Rule 6**

Hearings on, **Rule 6(e)**

Judge, disqualification, **Auth. Comm. Rule 42(a)**

Least possible power doctrine, **Auth. Comm. Rule 42(a)**

Subpoenas, enforcement by, **Rule 17(g)**

**CONTINUANCE MOTIONS**

Generally, **Auth. Comm. Rule 50**

**CORAM NOBIS WRIT**

Habeas relief for federal prisoners, **Part IX**

**CORPORATIONS**

Time table, corporate disclosure, **Part II**

**COUNSEL, RIGHT TO**

Generally, **Rule 44**

Arraignment, **Auth. Comm. Rule 10**

Effective assistance of counsel, **Auth. Comm. Rule 44(a)**

Grand jury practice, **Auth. Comm. Rule 6**

Habeas corpus evidentiary hearings, **Hab. Corp. Rule 8**

Indictments and informations, **Auth. Comm. Rule 10(a)**

Initial appearance, required statement at, **Rule 5(c)**

Plea entry, required advice to defendant, **Rule 11(c)**

**COURTS**

Bench warrants, **Auth. Comm. Rule 17(a)**

Directory of United States Federal Court, **Part XIV**

District courts, jurisdiction, **Part I(C)**

Experts, appointment of, **Evid. Rule 706(a) et seq.**

Fact findings by, **Rule 23(c)**

Jury, trial without, **Rule 23(c)**

Local rules, **Rule 57**

## INDEX

### **COURTS—Cont'd**

#### Magistrate courts

Complaints, presentation of, **Auth. Comm. Rule 3**

Initial Appearances, **Rule 5**

Jurisdiction, **Part I(C)**

Presentation of complaint, **Auth. Comm. Rule 3**

No controlling law, procedure, **Rule 57(b)**

Organization, **Part I(C)**

Pretrial detention, supervision of, **Rule 46(h)**

Privacy protection for papers filed with courts, **Rule 49.1**

Records, **Rule 55**

Regulation of courtroom conduct, **Rule 53**

Request for court action, **Rule 16.1**

Supervision of pretrial detention, **Rule 46(h)**

Witnesses, calling of by courts, **Evid. Rule 614**

### **CRIMINAL CONTEMPT**

Contempt, generally, this index

### **CRIMINAL FORFEITURE**

Generally, **Rule 32.2**

Indictments and informations, **Auth. Comm. Rule 7(c)**

### **CRIMINAL RECORDS**

Records, generally, this index

### **CROSS-EXAMINATION**

Completeness rule, **Evid. Rule 106**

Expert witnesses, **Evid. Rule 705**

Leading questions, **Evid. Rule 611(c)**

Preliminary questions, effect of accused's testimony on, **Evid. Rule 104(d)**

Scope of, **Evid. Rule 611(b)**

Witness statements, production of, **Rule 26.2**

### **CRUEL AND UNUSUAL PUNISHMENT**

Habeas relief for state prisoners, **Part IX**

### **CUSTODY**

Filing motion, **Rule 3**

Habeas Corpus, generally, this index

Judge, preliminary consideration by, **Rule 4**

Magistrates' powers, **Rule 10**

Release From Custody, generally, this index

Time table, **Part II**

### **DEATH SENTENCE**

Closing argument, **Auth. Comm. Rule 29.1**

Stay of execution of, **Rule 38**

### **DEFENSES**

Acquittal, motion for judgment of, **Rule 29**

Alibi Defense, this index

**DEFENSES—Cont'd**

- Directed verdict, motion for, **Rule 29(a)**
- Pretrial motions, **Rule 12(b)**
- Public authority defense, required notice of, **Rule 12.3**
- Time table for raising, **Part II**
- Waiver by failure to raise prior to trial, **Auth. Comm. Rule 12**

**DEFINITIONS**

- Generally, **Rule 1**

**DEPOSITIONS**

- Generally, **Rule 15**
- See also Discovery, this index
- Apex depositions, **Auth. Comm. Rule 15(a)**
- Confrontation rights, **Auth. Comm. Rule 15(a), (f)**
- Discretion of court to order, **Auth. Comm. Rule 15**
- Enemy combatants, use of depositions for, **Auth. Comm. 15(a)**
- Evidence, use as
  - Generally, **Rule 15(f)**
  - Objections, **Rule 15(g)**
  - Stipulations, **Rule 15(f)**
- Exceptional circumstances requirement, **Auth. Comm. Rule 15(a)**
- Grand jury investigation, deposition in aid of, **Auth. Comm. 15(a)**
- How taken, **Rule 15(e)**
- Motion for, **Auth. Comm. Rule 15(a)**
- Notices, **Rule 15(b)**
- Place of examination, **Rule 17(f)**
- Pre-trial proceeding, **Auth. Comm. 15(f)**
- Relevancy requirements, **Auth. Comm. Rule 15(a)**
- Stipulations, use as evidence under, **Rule 15(f)**
- Subpoenas
  - Generally, **Rule 17**
  - Place of examination, **Rule 17(f)**
- Time for notice of taking, **Part II**
- Unavailability of witness showings, **Auth. Comm. Rule 15(a)**

**DETENTION**

- Commitment to another district, **Rule 40**
- Habeas Corpus, generally, this index
- Release From Custody, generally, this index
- Reports to court on persons in custody, **Rule 46(h)**
- Temporary detention, **Auth. Comm. Rule 46(a)**

**DIRECTORY**

- Generally, **Part XIII**

**DISCOVERY**

- Generally, **Rule 16**
- Alibi defense notices, time tables, **Part II**
- Alibi witnesses, **Rule 12.1**



## INDEX

### DISCOVERY—Cont'd

- Bills of Particulars, generally, this index
- Confessions, right of defendants to inspect, **Rule 16(a)**
- Constitutional requirements, **Auth. Comm. Rule 16(a)**
- Continuing disclosure duties, **Rule 16(c)**
- Defendants' evidence, **Rule 16(b)**
- Depositions, generally, this index
- Expert witnesses, **Rule 16(a)**
- Failure to comply with request for, **Rule 16(d)**
- Habeas corpus proceedings, **Hab. Corp. Rule 6**
- Location of, **Auth. Comm. Rule 16(c)**
- Mental condition defenses
  - Generally, **Rule 12.2**
  - Examination of defendant claiming, **Rule 12.2(c)**
- Motions, time for, **Rule 12(b)**
- Pretrial conferences, **Auth. Comm. Rule 17.1**
- Prosecution evidence, **Rule 16(a)**
- Protective and modifying orders, **Rule 16(d)**
- Public authority defense, **Rule 12.3**
- Records, defendants', **Rule 16(a)**
- Regulation, **Rule 16(d)**
- Request for court action, **Rule 16.1**
- Subpoenas duces tecum, use of, **Auth. Comm. Rule 17(c)**
- Timing of request, **Auth. Comm. Rule 16(a)**
- Within possession of government, **Auth. Comm. Rule 16(a)**
- Witness statements, production of
  - Generally, **Rule 26.2**
  - Probation revocation proceedings, **Rule 32.1(c)**
  - Victims' statements, **Rule 32(c)**
- Work product protection, **Auth. Comm. Rule 16(a)**

### DISMISSAL

- Generally, **Rule 48**
- Court, dismissal by, **Rule 48(b)**
- Delay, dismissal for, **Auth. Comm. Rule 48(b)**
- Government, dismissal by, **Rule 48(a)**
- Indictment, motion to dismiss, **Rule 6(b)**
- Prejudice, dismissal with, **Auth. Comm. Rule 48(a)**
- Pretrial dismissal motions, **Auth. Comm. Rule 12(b)**

### DISTRICT COURTS

- Courts, generally, this index

### DOUBLE JEOPARDY

- Acquittal, effect of, **Auth. Comm. Rule 29(a)**
- Mistrial, effect of, **Rule 26.3**

### DUPLICITY OF CHARGES

- Indictments and Informations, generally, this index

**DWELLINGS**

Warrant execution, **Auth. Comm. Rule 4(c)**

**ELECTRONIC COMMUNICATIONS**

Filings, **Auth. Comm. Rule 56**

Wire and electronic communications interception, generally, this index

**ENEMY COMBATANTS**

Depositions, **Auth. Comm. 15(a)**

Habeas corpus, **Part IX**

**ENLARGEMENT OF TIME**

Time, generally, this index

**ENTRAPMENT**

Susceptibility defense. See Mental Condition Defenses, generally, this index

**ERROR**

Harmless Error, generally, this index

Plain Error, generally, this index

**EVIDENCE**

Generally, **Evid. Rule 101 et seq.**

See also Witnesses, this index

Accident, other act evidence admissible as to absence of, **Evid. Rule 404(b)**

Acknowledged documents, **Evid. Rule 902(8)**

Admissibility

Accident, other act evidence as to absence of, **Evid. Rule 404(b)**

Authentication, **Evid. Rule 901(a) et seq.**

Bases of expert's opinion, **Evid. Rule 703**

Bench conferences, **Evid. Rule 103(c)**

Character evidence

Generally, **Evid. Rule 404(a)**

Witness credibility, **Evid. Rule 608(a)**

Completeness rule as to prior statements, **Evid. Rule 106, Evid. Rule 612**

Compromise, offers to, **Evid. Rule 408**

Conduct, evidence of specific instances of, **Evid. Rule 405(b)**

Conduct of witness, **Evid. Rule 608(b)**

Confessions, **Evid. Rule 104(c)**

Cumulative evidence, **Evid. Rule 403**

Depositions, **Rule 15(f)**

Duplicate of writing or recording, **Evid. Rule 1003**

Dying declarations, **Evid. Rule 804(b)**

Exceptions, **Rule 51**

Former testimony, **Evid. Rule 804(b)**

Habit, **Evid. Rule 406**

Identity, other act evidence as to, **Evid. Rule 404(b)**

In limine motions, **Auth. Comm. Rule 12**

Intent, other act evidence as to, **Evid. Rule 404(b)**

Interest, statement against, **Evid. Rule 804(b)**

## INDEX

### EVIDENCE—Cont'd

#### Admissibility—Cont'd

Irrelevant evidence, **Evid. Rule 402**

Joined defendants, evidence admissible as to one of, **Evid. Rule 105**

Jury trials, admissibility arguments in, **Evid. Rule 103(c)**

Knowledge, other act evidence as to, **Evid. Rule 404(b)**

Liability insurance, **Evid. Rule 411**

Limited, **Evid. Rule 105**

Medical expenses, payment of, **Evid. Rule 409**

Mental condition opinions, **Evid. Rule 704(b)**

Mistake, other act evidence as to absence of, **Evid. Rule 404(b)**

Motive, other act evidence as to, **Evid. Rule 404(b)**

#### Objections

Generally, **Evid. Rule 103(a), Rule 51**

Pretrial, **Rule 12(f)**

Offer of proof, **Evid. Rule 103(a)**

Offers to compromise, **Evid. Rule 408**

Opinion evidence as to character of witness, **Evid. Rule 608(a)**

Opportunity, other act evidence as to, **Evid. Rule 404(b)**

#### Other crimes, wrongs, or acts

Generally, **Evid. Rule 404(b)**

Sex offense cases, **Evid. Rule 412 et seq.**

Plain error, rulings constituting, **Evid. Rule 103(d)**

Plan, other act evidence as to, **Evid. Rule 404(b)**

Plea bargain discussions, **Auth. Comm. Rule 11(f)**

Pleas and plea discussions, **Evid. Rule 410**

Practice, routine, **Evid. Rule 406**

Prejudicial evidence, **Evid. Rule 403**

Preliminary questions, **Evid. Rule 104(a)**

Preparation, other act evidence as to, **Evid. Rule 404(b)**

Proffers, **Evid. Rule 103(a)**

Record of offer and ruling on, **Evid. Rule 103(b)**

Relevancy, **Evid. Rule 401 et seq.**

Religious beliefs of witnesses, **Evid. Rule 610**

Reputation, proof of, **Evid. Rule 405(a)**

#### Reputation evidence

Boundaries, **Evid. Rule 803(20)**

Character of witness, **Evid. Rule 608(a)**

General history, **Evid. Rule 803(20)**

Hearsay rule, **Evid. Rule 803(19)**

Rulings on, effect of, **Evid. Rule 103(a)**

Sex Offense Cases, generally, this index

Ultimate issue opinions, **Evid. Rule 704(a)**

Admissions, **Evid. Rule 801(d)**

Adoption reputation evidence, **Evid. Rule 803(19)**

Amendments, **Evid. Rule 1102**

**EVIDENCE—Cont'd**

Ancient documents

Generally, **Evid. Rule 803(16)**

Authentication, **Evid. Rule 901(b)**

Authentication

Acknowledged documents, **Evid. Rule 902(8)**

Ancient documents, **Evid. Rule 901(b)**

Handwriting identification, **Evid. Rule 901(b)**

Official publications, **Evid. Rule 902(5)**

Public documents, **Evid. Rule 902(1)**

Self-authentication, **Evid. Rule 902(1)**

Telephone conversations, **Evid. Rule 901(b)**

Testimony of subscribing witnesses, **Evid. Rule 903**

Voice identification, **Evid. Rule 901(b)**

Baptismal certificates, **Evid. Rule 803(12)**

Bases of expert's opinion, **Evid. Rule 703**

Bench conferences on admissibility

Generally, **Evid. Rule 103(c)**

Confessions, **Evid. Rule 104(c)**

Best evidence rule, **Evid. Rule 1001 et seq.**

Birth records, **Evid. Rule 803(9)**

Birth reputation evidence, **Evid. Rule 803(19)**

Boundaries, reputation evidence as to, **Evid. Rule 803(20)**

Business records, **Evid. Rule 803(6) et seq.**

Character evidence

Generally, **Evid. Rule 404(a)**

Conduct, evidence of specific instances of, **Evid. Rule 405(b)**

Hearsay rule and, **Evid. Rule 803(21)**

Reputation, proof of, **Evid. Rule 405(a)**

Commercial publications, **Evid. Rule 803(17)**

Completeness rule as to prior statements

Generally, **Evid. Rule 106**

Refreshing memory, **Evid. Rule 612**

Compromise, offers to, admissibility, **Evid. Rule 408**

Conduct, evidence of specific instances of, **Evid. Rule 405(b)**

Conduct of witness, **Evid. Rule 608(b)**

Confessions, admissibility of, **Evid. Rule 104(c)**

Construction of federal rules, **Evid. Rule 102**

Copies of records, **Auth. Comm. Rule 27**

Credibility of evidence ruled admissible, preliminary questions as to, **Evid. Rule 104(e)**

Crime, witness' conviction of

Generally, **Evid. Rule 609(a)**

Annulment, effect of, **Evid. Rule 609(c)**

Appeal pending convictions, **Evid. Rule 609(e)**

Juvenile adjudications, **Evid. Rule 609(d)**

Pardon, effect of, **Evid. Rule 609(c)**

Rehabilitation, effect of, **Evid. Rule 609(c)**

## INDEX

### EVIDENCE—Cont'd

- Crime, witness' conviction of—Cont'd
  - Time limits, **Evid. Rule 609(b)**
- Cross-examination
  - Expert witnesses, **Evid. Rule 705**
  - Leading questions, **Evid. Rule 611(c)**
  - Scope of, **Evid. Rule 611(b)**
  - Witness statements, production of, **Rule 26.2**
- Cumulative evidence, **Evid. Rule 403**
- Death records, **Evid. Rule 803(9)**
- Death reputation evidence, **Evid. Rule 803(19)**
- Deeds, **Evid. Rule 803(14) et seq.**
- Depositions
  - Admissibility, **Rule 15(f)**
  - Objections, **Rule 15(g)**
- Destroyed original writings, recordings, and photographs, **Evid. Rule 1004(1)**
- Discovery, generally, this index
- Divorce reputation evidence, **Evid. Rule 803(19)**
- Duplicate of writing or recording, **Evid. Rule 1001(4)**
- Dying declarations, **Evid. Rule 804(b)**
- Emotional condition, statements of, **Evid. Rule 803(3)**
- Erroneous rulings on, **Evid. Rule 103(a)**
- Exceptions to admission of, **Rule 51**
- Excited utterances, **Evid. Rule 803(2)**
- Exhibits, marking, **Auth. Comm. Rule 26**
- Existing condition statements, **Evid. Rule 803(3)**
- Expert and Opinion Evidence, generally, this index
- Family history reputation evidence, **Evid. Rule 803(19)**
- Family records, **Evid. Rule 803(13)**
- Foreign law, **Rule 26.1**
- Foreign records, **Auth. Comm. Rule 27**
- Former testimony, **Evid. Rule 804(b)**
- Foundation
  - Generally, **Evid. Rule 901(a) et seq.**
  - See also Preliminary questions, post
- Functions of court and jury, **Evid. Rule 1008**
- General history, reputation evidence as to, **Evid. Rule 803(20)**
- Habit, **Evid. Rule 406**
- Handwriting identification, **Evid. Rule 901(b)**
- Hearsay and hearsay exceptions
  - Generally, **Evid. Rule 801 et seq.**
  - Admissions, **Evid. Rule 801(d)**
  - Adoption reputation evidence, **Evid. Rule 803(19)**
  - Ancient documents, **Evid. Rule 803(16)**
  - Arrest, probable cause finding based on hearsay, **Rule 4(a)**
  - Assertions, **Evid. Rule 801(a)**
  - Availability of declarant immaterial, **Evid. Rule 803(1) et seq.**

**EVIDENCE—Cont’d**

Hearsay and hearsay exceptions—Cont’d

- Baptismal certificates, **Evid. Rule 803(12)**
- Birth records, **Evid. Rule 803(9)**
- Birth reputation evidence, **Evid. Rule 803(19)**
- Boundaries, reputation evidence as to, **Evid. Rule 803(20)**
- Business records, **Evid. Rule 803(6) et seq.**
- Character reputation, **Evid. Rule 803(21)**
- Commercial publications, **Evid. Rule 803(17)**
- Credibility of hearsay declarant, **Evid. Rule 806**
- Death records, **Evid. Rule 803(9)**
- Death reputation evidence, **Evid. Rule 803(19)**
- Declarant defined, **Evid. Rule 801(b)**
- Deeds, **Evid. Rule 803(14) et seq.**
- Definition, **Evid. Rule 801**
- Divorce reputation evidence, **Evid. Rule 803(19)**
- Double hearsay, **Evid. Rule 805**
- Dying declarations, **Evid. Rule 804(b)**
- Emotional condition, statements of, **Evid. Rule 803(3)**
- Excited utterances, **Evid. Rule 803(2)**
- Existing condition statements, **Evid. Rule 803(3)**
- Family history reputation evidence, **Evid. Rule 803(19)**
- Family records, **Evid. Rule 803(13)**
- Former testimony, **Evid. Rule 804(b)**
- General history, reputation evidence as to, **Evid. Rule 803(20)**
- Grand juries, consideration of hearsay evidence by, **Auth. Comm. Rule 6**
- Impending death, statement made under belief of, **Evid. Rule 804(b)**
- Inadmissibility, rule of, **Evid. Rule 802**
- Interest, statement against, **Evid. Rule 804(b)**
- Interest of justice determinations, **Evid. Rule 807**
- Judgment of previous conviction, **Evid. Rule 803(22) et seq.**
- Learned treatises, **Evid. Rule 803(18)**
- Legitimacy reputation evidence, **Evid. Rule 803(19)**
- Market reports, **Evid. Rule 803(17)**
- Marriage certificates, **Evid. Rule 803(12)**
- Marriage records, **Evid. Rule 803(9)**
- Marriage reputation evidence, **Evid. Rule 803(19)**
- Medical diagnosis or treatment, statements made for, **Evid. Rule 803(4)**
- Mental condition, statements of, **Evid. Rule 803(3)**
- Nonverbal conduct, **Evid. Rule 801(a)**
- Personal history reputation evidence, **Evid. Rule 803(19)**
- Personal history statements, **Evid. Rule 804(b)**
- Physical condition, statements of, **Evid. Rule 803(3)**
- Present sense impressions, **Evid. Rule 803(1)**
- Prior statements of witnesses, **Evid. Rule 801(d)**
- Probable cause, finding based on, **Rule 4(a)**
- Probation, **Auth. Comm. Rule 32.1(b)**

## INDEX

### EVIDENCE—Cont'd

- Hearsay and hearsay exceptions—Cont'd
  - Property interest documents, **Evid. Rule 803(14) et seq.**
  - Public records and reports, **Evid. Rule 803(8), Evid. Rule 803(10)**
  - Published compilations, **Evid. Rule 803(17)**
  - Recorded recollections, **Evid. Rule 803(5)**
  - Religious organization records, **Evid. Rule 803(11)**
  - Residual exception, **Evid. Rule 807**
  - Statement defined, **Evid. Rule 801(a)**
  - Trustworthiness determinations, **Evid. Rule 807**
  - Unavailability of declarant immaterial, **Evid. Rule 803(1) et seq.**
  - Unavailability of witness, establishment of, **Evid. Rule 804(a)**
  - Vital statistics records, **Evid. Rule 803(9)**
- Identity, other act evidence admissible as to, **Evid. Rule 404(b)**
- Impending death, statement made under belief of, **Evid. Rule 804(b)**
- In camera inspection, **Auth. Comm. Rule 26**
- Inconsistent prior statement of witness, **Evid. Rule 613(b)**
- Inferences of witnesses, **Evid. Rule 701**
- Informants' statements, required disclosures of, **Auth. Comm. Rule 12(h)**
- In limine motions, **Auth. Comm. Rule 12**
- Intent, other act evidence admissible as to, **Evid. Rule 404(b)**
- Interest, statement against, **Evid. Rule 804(b)**
- Interpreters
  - Appointment by court, **Rule 28**
  - Evidentiary rules applicable to, **Evid. Rule 604**
- Irrelevant evidence, **Evid. Rule 402**
- Joined defendants, evidence admissible as to one of, **Evid. Rule 105**
- Judgment of previous conviction, **Evid. Rule 803(22) et seq.**
- Judicial notice
  - Generally, **Evid. Rule 201(a) et seq.**
  - Adjudicated facts, **Evid. Rule 201(a)**
  - Challenge, right to, **Evid. Rule 201(e)**
  - Discretion of court as to, **Evid. Rule 201(c)**
  - Disputed facts, **Evid. Rule 201(b)**
  - Generally known facts, **Evid. Rule 201(b)**
  - Hearing on propriety of, **Evid. Rule 201(e)**
  - Instructing as to, **Evid. Rule 201(g)**
  - Mandatory, **Evid. Rule 201(d)**
  - Official records, **Rule 27**
  - Own motion of court, **Evid. Rule 201(c)**
  - Scope of rule, **Evid. Rule 201(a)**
  - Time for, **Evid. Rule 201(f)**
- Jury trials, admissibility arguments in
  - Generally, **Evid. Rule 103(c)**
  - Confessions, **Evid. Rule 104(c)**
- Knowledge, other act evidence admissible as to, **Evid. Rule 404(b)**
- Leading questions, **Evid. Rule 611(c)**

**EVIDENCE—Cont'd**

- Learned treatises, **Evid. Rule 803(18)**
- Legitimacy reputation evidence, **Evid. Rule 803(19)**
- Limited admissibility, **Evid. Rule 105**
- Lost original writings, recordings, and photographs, **Evid. Rule 1004(1)**
- Market reports, **Evid. Rule 803(17)**
- Marriage
  - Certificates, **Evid. Rule 803(12)**
  - Records, **Evid. Rule 803(9)**
  - Reputation evidence, **Evid. Rule 803(19)**
- Medical diagnosis or treatment, statements made for, **Evid. Rule 803(4)**
- Medical expenses, admissibility of evidence re payment of, **Evid. Rule 409**
- Memory, writing used to refresh
  - Completeness rule, **Evid. Rule 612**
  - Hearsay rule, **Evid. Rule 803(5)**
- Mental condition
  - Opinions, **Evid. Rule 704(b)**
  - Statements of, **Evid. Rule 803(3)**
- Mistake, other act evidence admissible as to absence of, **Evid. Rule 404(b)**
- Motive, other act evidence admissible as to, **Evid. Rule 404(b)**
- Notice by government of intent to use, **Rule 12(a)**
- Objections
  - Generally, **Rule 51**
  - Depositions, **Rule 15(g)**
- Offers to compromise, admissibility, **Evid. Rule 408**
- Official publications, authentication, **Evid. Rule 902(5)**
- Official records, proof of, **Rule 27**
- Opinion evidence
  - Handwriting identification, **Evid. Rule 901(b)**
  - Reputation of witness, **Evid. Rule 608(a)**
- Opportunity, other act evidence admissible as to, **Evid. Rule 404(b)**
- Original of writing or recording, **Evid. Rule 1002**
- Other crimes, wrongs, or acts admissibility of evidence of
  - Generally, **Evid. Rule 404(b)**
  - Sex offense cases, **Evid. Rule 412 et seq.**
- Perceived evidence of expert, **Evid. Rule 703**
- Personal history
  - Reputation evidence, **Evid. Rule 803(19)**
  - Statements, **Evid. Rule 804(b)**
- Personal knowledge of witnesses, **Evid. Rule 602**
- Photographs, **Evid. Rule 1001(2)**
- Physical condition, statements of, **Evid. Rule 803(3)**
- Physical evidence, motions to suppress, **Auth. Comm. Rule 12(b)**
- Plain error, admissibility rulings constituting, **Evid. Rule 103(d)**
- Plan, other act evidence admissible as to, **Evid. Rule 404(b)**
- Pleas and plea discussions, **Evid. Rule 410**



## INDEX

### EVIDENCE—Cont'd

#### Practice

Generally, **Part XI**

Routine, **Evid. Rule 406**

Practice, routine, **Evid. Rule 406**

Prejudicial relevant evidence, **Evid. Rule 403**

#### Preliminary questions

Accused's testimony on, effect of, **Evid. Rule 104(d)**

Admissibility, **Evid. Rule 104(a)**

Confessions, admissibility of, **Evid. Rule 104(c)**

Credibility of evidence ruled admissible, **Evid. Rule 104(e)**

Foundation, **Evid. Rule 901(a) et seq.**

Relevancy, **Evid. Rule 104(b)**

Weight of evidence ruled admissible, **Evid. Rule 104(e)**

Preparation, other act evidence admissible as to, **Evid. Rule 404(b)**

Present sense impressions, **Evid. Rule 803(1)**

Preservation duties of government, **Auth. Comm. Rule 16(a)**

Presumptions in civil actions and proceedings, **Rule 301, Rule 302**

Prior statements of witnesses, **Evid. Rule 613(b), Evid. Rule 801(d)**

Prior statement used to refresh memory

Completeness rule, **Evid. Rule 612**

Hearsay rule, **Evid. Rule 803(5)**

Privileges. See Witnesses, generally, this index

Probative value weighing test, **Evid. Rule 403**

Property interest documents, **Evid. Rule 803(14) et seq.**

#### Public records and reports

Generally, **Evid. Rule 803(8), (10)**

Authentication, **Evid. Rule 902(1)**

Proof of, **Evid. Rule 1005, Rule 27**

Published compilations, **Evid. Rule 803(17)**

Purpose of federal rules, **Evid. Rule 102**

Recorded recollections, **Evid. Rule 803(5)**

Recordings, **Evid. Rule 1001 et seq.**

Records of offers and rulings on admissibility, **Evid. Rule 103(b)**

Refreshing memory, writing used for

Completeness rule, **Evid. Rule 612**

Hearsay rule, **Evid. Rule 803(5)**

#### Relevancy

Generally, **Evid. Rule 401 et seq.**

Admissibility and, **Evid. Rule 402**

Character evidence, **Evid. Rule 404(a)**

Cumulative evidence, **Evid. Rule 403**

Definition, **Evid. Rule 401**

Habit, **Evid. Rule 406**

Irrelevant evidence, **Evid. Rule 402**

Other crimes, wrongs, or acts

Generally, **Evid. Rule 404(b)**

**EVIDENCE—Cont'd**

Relevancy—Cont'd

Other crimes, wrongs, or acts—Cont'd

Sex offense cases, **Evid. Rule 412 et seq.**

Practice, routine, **Evid. Rule 406**

Prejudicial evidence, **Evid. Rule 403**

Preliminary questions, **Evid. Rule 104(b)**

Probative value weighing test, **Evid. Rule 403**

Sex Offense Cases, generally, this index

Weighing test, **Evid. Rule 403**

Religious beliefs of witnesses, **Evid. Rule 610**

Religious organization records, **Evid. Rule 803(11)**

Reputation

Boundaries, evidence as to, **Evid. Rule 803(20)**

Character of witness

Generally, **Evid. Rule 608(a)**

Hearsay rule as to, **Evid. Rule 803(21)**

Character proof by evidence of, **Evid. Rule 405(a)**

General history, evidence as to, **Evid. Rule 803(20)**

Hearsay rule, **Evid. Rule 803(19)**

Proof of, **Evid. Rule 405(a)**

Rulings on, **Evid. Rule 103(a)**

Scientific, **Evid. Rule 702**

Self-authentication, **Evid. Rule 902(1)**

Sequestration of witnesses, **Evid. Rule 615**

Sex Offense Cases, generally, this index

Specialized knowledge, **Evid. Rule 702**

Stipulation, trial by, **Auth. Comm. Rule 26**

Subpoenas, **Rule 17**

Subsequent remedial measures, **Evid. Rule 407**

Summaries of voluminous material, **Evid. Rule 1006**

Suppression

Exclusion rule, **Part VIII**

Identification of defendant, **Auth. Comm. Rule 12(b)**

Motions for

Generally, **Rule 41(h)**

Time for, **Rule 12(b)**

Physical evidence, **Auth. Comm. Rule 12(b)**

Primer on suppression motions, **Part VIII**

Seized evidence, **Auth. Comm. Rule 12(b)**

Time table, **Part II**

Technical, **Evid. Rule 702**

Telephone conversations, authentication, **Evid. Rule 901(b)**

Testimony, taking of, **Rule 26**

Testimony or written admission of party, **Evid. Rule 1007**

Time table for evidence motions, **Part II**

Title, **Evid. Rule 1103**

Ultimate issue opinions, **Evid. Rule 704(a)**

## INDEX

### EVIDENCE—Cont'd

- Unavailability of witness, establishment of, **Evid. Rule 804(a)**
- Videotapes, **Evid. Rule 1001(2)**
- Vital statistics records, **Evid. Rule 803(9)**
- Voice identification, **Evid. Rule 901(b)**
- Weighing of probative value vouches prejudice, **Evid. Rule 403**
- Weight of evidence ruled admissible, preliminary questions as to, **Evid. Rule 104(e)**
- Witness statements, production of
  - Generally, **Rule 26.2**
  - Detention hearings, **Rule 46(j)**
  - Probation revocation proceedings, **Rule 32.1(c)**
  - Victims' statements, **Rule 32(c)**
- Writings, **Evid. Rule 1001 et seq.**
- Writing used to refresh memory
  - Completeness rule, **Evid. Rule 612**
  - Hearsay rule, **Evid. Rule 803(5)**
- X-rays, **Evid. Rule 1001(2)**

### EXCUSABLE NEGLIGENCE

- Time, **Auth. Comm. Rule 45(b)**

### EXECUTION

- Appellate review, stay of execution of death sentence, **Rule 38**
- Arrest Warrants, this index
- Petty offenses, stay of execution and release pending appeal, **Rule 58(g)**
- Stay of, time table for motion, **Part II**
- Time table for motion for stay of execution, **Part II**
- Warrants, **Rule 41(f)**

### EXPERT AND OPINION EVIDENCE

- Generally, **Evid. Rule 701 et seq.**
- Bases of opinion, **Evid. Rule 703**
- Character of witness, opinion evidence as to, **Evid. Rule 608(a)**
- Court-appointed experts
  - Generally, **Evid. Rule 706(a)**
  - Compensation, **Evid. Rule 706(b)**
  - Jury, disclosure to of appointment, **Evid. Rule 706(c)**
  - Nominations by parties, **Evid. Rule 706(a)**
- Discovery of witnesses, **Rule 16(a)**
- Handwriting identification, **Evid. Rule 901(b)**
- Inferences, **Evid. Rule 701**
- Lay opinions, **Evid. Rule 701**
- Learned treatise hearsay rule, **Evid. Rule 803(18)**
- Mental condition defenses, notice requirements, **Rule 12.2**
- Mental condition opinions, **Evid. Rule 704(b)**
- Perceived evidence of, **Evid. Rule 703**
- Reputation of witness, opinion evidence as to, **Evid. Rule 608(a)**
- Sanction for failure to disclose report, **Rule 12.2(d)**

**EXPERT AND OPINION EVIDENCE—Cont'd**

- Scientific evidence, **Evid. Rule 702**
- Specialized knowledge, evidence as to, **Evid. Rule 702**
- Technical evidence, **Evid. Rule 702**
- Ultimate issue opinions, **Evid. Rule 704(a)**
- Underlying facts and data, testimony as to, **Evid. Rule 705**

**EXTENSIONS**

- Time, generally, this index

**FEDERAL PREEMPTION**

- State rules, preemption of, **Auth. Comm. Rule 1**

**FEDERAL PRISONERS**

- Habeas corpus, **Part IX**

**FELONIES**

- Indictment requirements for charging of, **Auth. Comm. Rule 7(a)**
- Initial appearance requirements, **Rule 5(c)**
- Joinder of offenses, **Auth. Comm. Rule 8(a)**
- Records, generally, this index

**FIFTH AMENDMENT PRIVILEGE**

- Self-Incrimination Privilege, **Rule 6**

**FILING OF PAPERS**

- Generally, **Rule 49**
- Clerks' responsibilities, **Rule 56**
- Electronic filings, **Auth. Comm. Rule 56**
- Habeas corpus petitions, **Hab. Corp. Rule 3**
- Privacy protection, papers filed with court, **Rule 49.1**

**FOREIGN COUNTRIES**

- Subpoenas, **Auth. Comm. Rule 17(e)**

**FOREIGN LAW**

- Time table, **Part II**

**FORFEITURES**

- Appeal, stay pending appeal, **Rule 32.2(d)**
- Asserting own interest, **Auth. Comm. Rule 32.2(c)**
- Bail, forfeiture of, **Rule 46(i)**
- Bifurcated jury proceedings, **Auth. Comm. Rule 32.2(b)**
- Court finding of in trial without jury, **Rule 23(c)**
- Criminal forfeiture, **Rule 32.2**
- Death of defendant, effect on forfeiture orders, **Auth. Comm. Rule 32.2(b)**
- Indictment or information, necessary allegations in, **Rule 7(c)**
- Judgment, required provisions, **Rule 32(k)**
- Jury determination, **Rule 32.2(b)**
- Money judgments, **Auth. Comm. Rule 32.2(b)**
- Multiple defendants, **Auth. Comm. Rule 32.2(c)**
- Plea agreements not to contest, **Rule 32.2(b)**

## INDEX

### FORFEITURES—Cont'd

- Post-verdict hearing, **Auth. Comm. Rule 32.2(b)**
- Preliminary order, **Rule 32.2(b)**
- Rules of evidence, **Auth. Comm. Rule 32.2(c)**
- Seizing property, **Rule 32.2(b)**
- Sentence, criminal forfeiture, **Rule 32(k)**
- Standing and ripeness, **Rule 32.2(c)**
- Stay of execution of sentence, **Rule 32.2(d), 38**
- Substitute property, **Rule 32.2(e)**
- Summary judgments, **Auth. Comm. Rule 32.2(c)**
- Third parties, notice to, **Auth. Comm. Rule 32.2(b)**
- Third party petitions, **Auth. Comm. Rule 32.2(c)**

### FOUNDATION

- Evidence, generally, this index

### GRAND JURIES

- Generally, **Rule 6**
- See also Indictments and Informations, this index
- Alternates, **Rule 6(a)**
- Banking officials, disclosure to, **Auth. Comm. Rule 6(e)**
- Bills of Particulars, generally, this index
- Challenges, **Rule 6(b)**
- Closed hearings, **Rule 6(e)**
- Contempt proceedings, **Rule 6(e)**
- Counsel, right to, **Auth. Comm. Rule 6**
- Deposition in aid of grand jury investigation, **Auth. Comm. 15(a)**
- Discharge of juror, **Rule 6(g)**
- Disclosure requests, **Auth. Comm. Rule 6(e)**
- Discriminatory selection of, **Auth. Comm. Rule 6(a)**
- Dismissal motions, **Auth. Comm. Rule 6(b)**
- Duration, **Auth. Comm. Rule 6(g)**
- Equal protection challenges, **Auth. Comm. Rule 6(b)**
- Evidentiary privileges, **Auth. Comm. Rule 6**
- Evidentiary rules, **Auth. Comm. Rule 6**
- Exculpatory evidence, presentation to, **Auth. Comm. Rule 6**
- Excuse of juror, **Rule 6(h)**
- Extensions of terms, **Auth. Comm. Rule 6(g)**
- Findings of, **Rule 6(f)**
- Foreperson, **Rule 6(c)**
- Government lawyer and supporting personnel, disclosure to, **Auth. Comm. Rule 6(e)**
- Hearsay evidence, **Auth. Comm. Rule 6**
- Impeachment of indictment by juror, **Evid. Rule 606(b)**
- Independent counsel reports, **Auth. Comm. Rule 6(e)**
- Indian Tribe, defined, **Rule 6(i)**
- Indictments by, **Rule 6(f)**
- Interpreters, **Rule 6(d)**
- Investigative powers, **Auth. Comm. Rule 6**

**GRAND JURIES—Cont'd**

- Irregularities, indictment dismissal motions based on, **Rule 6(b)**
- Legally qualified persons, **Auth. Comm. Rule 6(a)**
- Marital privilege, **Auth. Comm. Rule 6**
- Motions to dismiss, **Auth. Comm. Rule 6(b)**
- No-indictment findings, **Auth. Comm. Rule 6(f)**
- Objections to, **Rule 6(b)**
- Procedural irregularities, **Auth. Comm. Rule 6**
- Prosecutors, supervision of, **Auth. Comm. Rule 6**
- Psychotherapist-patient privilege, **Auth. Comm. Rule 6**
- Qualifications of members, **Rule 6(b)**
- Qualified persons, **Auth. Comm. Rule 6(a)**
- Race-based challenges, **Auth. Comm. Rule 6(b)**
- Recordings of proceedings, **Rule 6(e)**
- Records, **Rule 6(c)**
- Refusal to indict, **Auth. Comm. Rule 6(f)**
- Release of grand jury material, **Auth. Comm. Rule 6**
- Replacement of jurors, **Auth. Comm. Rule 6(a)**
- Role of in federal prosecutions, **Auth. Comm. Rule 6**
- Sealed indictments, **Rule 6(e)**
- Secrecy, **Rule 6(e)**
- Self-incrimination privilege, **Auth. Comm. Rule 6**
- Size, **Rule 6(a)**
- Subpoena powers, **Auth. Comm. Rule 6**
- Subpoenas, **Auth. Comm. Rule 17(a)**
- Summoning, **Rule 6(a)**
- Term, **Auth. Comm. Rule 6(g)**
- Time table, **Part II**
- Unsealing of records of, **Rule 6(e)**
- Who may be present, **Rule 6(d)**
- Witnesses, revealing of testimony by, **Auth. Comm. Rule 6(e)**

**GUILTY PLEAS**

- Pleas, generally, this index

**HABEAS CORPUS**

- Generally, **Hab. Corp. Rule 1 et seq.**
- See also Appellate Review, this index
- Abuse of writ
  - Generally, **Hab. Corp. Rule 9**
  - Response of petitioner, **Hab. Corp. Forms**
- Ad testificandum writ to obtain prisoner interview, **Auth. Comm. Rule 17(a)**
- Affidavits, **Hab. Corp. Rule 7**
- All Writs Act, **Part IX**
- Amendment of petition, **Hab. Corp. Rule 5**
- Answers to petitions, **Hab. Corp. Rule 5**
- Batson violations, **Part IX**
- Civil procedure rules, applicability of, **Hab. Corp. Auth. Comm. Rule 11**

## INDEX

### **HABEAS CORPUS—Cont'd**

- Coram nobis writ, habeas relief for federal prisoners, **Part IX**
- Counsel, appointment of, **Hab. Corp. Rule 8**
- Cruel and unusual punishment, habeas relief for state prisoners, **Part IX**
- Custody requirement, **Hab. Corp. Rule 1**
- Delayed petitions
  - Generally, **Hab. Corp. Rule 9**
  - Response of petitioner, **Hab. Corp. Forms**
- Discovery, **Hab. Corp. Rule 6**
- Dismissal of petition, summary, **Hab. Corp. Rule 4**
- Documents, **Hab. Corp. Rule 7**
- Enemy combatants, habeas petitions for, **Part IX**
- Evidentiary hearings, **Hab. Corp. Rule 8**
- Exhaustion of state remedies, **Hab. Corp. Rule 5, Part IX**
- Exhibits, **Hab. Corp. Rule 7**
- Expansion of record, **Hab. Corp. Rule 7**
- Federal prisoners, habeas relief for, **Part IX**
- Fees, **Hab. Corp. Rule 3**
- Filing requirements, **Hab. Corp. Rule 3**
- Forma pauperis, leave to proceed in
  - Generally, **Hab. Corp. Rule 3**
  - Declaration, **Hab. Corp. Forms**
- Frivolous applications
  - Abuse of writ, **Hab. Corp. Rule 9**
  - Screening of, **Hab. Corp. Rule 4**
- Hearings, **Hab. Corp. Rule 8**
- Hybrid federal-state petitions, **Hab. Corp. Rule 2**
- In custody requirement, **Hab. Corp. Rule 1**
- Indigent
  - Generally, **Hab. Corp. Rule 3**
  - Declaration, **Hab. Corp. Forms**
- Ineffective counsel claims, **Hab. Corp. Rule 9, Part IX**
- Insufficient petitions, disposition of, **Hab. Corp. Rule 2**
- Laches, **Hab. Corp. Rule 9**
- Local rule requirements, **Hab. Corp. Rule 2**
- Magistrates, authority of, **Hab. Corp. Rule 8, Hab. Corp. Rule 10**
- Petition
  - Form, **Hab. Corp. Forms**
  - Requirements, **Hab. Corp. Rule 2**
- Preliminary consideration of petition, **Hab. Corp. Rule 4**
- Primer, **Part IX**
- Reasonable diligence requirement, **Hab. Corp. Rule 9**
- Record, expansion of, **Hab. Corp. Rule 7**
- Respondents, **Hab. Corp. Rule 2**
- Return to petitions, **Hab. Corp. Rule 5**
- Scope of rules, **Hab. Corp. Rule 1**
- Service, **Hab. Corp. Rule 3**

**HABEAS CORPUS—Cont'd**

- Stale claims, **Hab. Corp. Rule 9**
- State prisoners, relief for, **Part IX**
- Successive petitions
  - Generally, **Hab. Corp. Rule 9**
  - Response of petitioner, **Hab. Corp. Forms**
- Summary dismissal of petition, **Hab. Corp. Rule 4**
- Traverse, **Hab. Corp. Rule 5**

**HABIT**

- Evidence, generally, this index

**HARMLESS ERROR**

- Generally, **Rule 52(a)**
- Evidence rulings, **Evid. Rule 103(a)**
- Indictments and informations, **Rule 7(c)**
- Petty offenses, **Auth. Comm. Rule 58(b)**
- Pleas, **Rule 11(h)**

**HEARINGS**

- Time table, **Part II**

**HEARSAY**

- Evidence, generally, this index

**HOLIDAYS**

- Legal holiday, defined, **Rule 45(a)**
- Time table, **Part II**

**HOMES**

- Dwellings, generally, this index

**HUSBAND-WIFE PRIVILEGE**

- Grand juries, **Auth. Comm. Rule 6**

**IDENTITY**

- Evidence, generally, this index
- John Doe warrants, **Auth. Comm. Rule 4(b)**
- Motions challenging pretrial identifications of defendant, **Auth. Comm. Rule 12(b)**

**ILLEGAL EVIDENCE**

- Evidence, generally, this index

**INDICTMENTS AND INFORMATIONS**

- See also Grand Juries, this index
- Affirmative defenses, **Auth. Comm. Rule 7(c)**
- Aiding and abetting, **Auth. Comm. Rule 7(c)**
- Aliases, **Auth. Comm. Rule 7(c)**
- Amendment of indictments, **Auth. Comm. Rule 7(a)**
- Amendment of informations, **Auth. Comm. Rule 7(e), Rule 7(e)**
- Apprendi errors, **Auth. Comm. Rule 7(c)**
- Arraignment, **Rule 10**



## INDEX

### INDICTMENTS AND INFORMATIONS—Cont'd

- Arrest warrants, issuance on, **Rule 9**
- Bills of Particulars, generally, this index
- Challenging sufficiency of indictment, **Auth. Comm. Rule 7(a)**
- Conjunctive or disjunctive pleading, **Auth. Comm. Rule 7(c)**
- Conspiracy indictments, **Auth. Comm. Rule 7(c)**
- Construction of, **Auth. Comm. Rule 7(c)**
- Contents, **Rule 7(c)**
- Criminal forfeiture, **Auth. Comm. Rule 7(c)**
- Date allegations, **Auth. Comm. Rule 7(c)**
- Dismissal motions, **Rule 6(b)**
- Distinctions, **Rule 7(a)**
- DNA identification, **Auth. Comm. Rule 7(c)**
- Duplicity of charges, **Auth. Comm. Rule 8(a)**
- Entering plea, **Auth. Comm. Rule 10(a)**
- Errors, **Rule 7(c)**
- Felonies, indictment requirements for charging of, **Auth. Comm. Rule 7(a)**
- Fifth Amendment requirements, **Auth. Comm. Rule 7(a)**
- Filing of information, **Rule 7(a)**
- Forfeiture allegations, **Rule 7(c)**
- Form, **Auth. Comm. Rule 9(b)**
- Grand juries, findings and return by, **Rule 6(f)**
- Grand jury irregularities, dismissal motions based on, **Rule 6(b)**
- Guilty plea as waiver of indictment, **Auth. Comm. Rule 7(b)**
- Harmless errors, **Rule 7(c)**
- Immaterial and irrelevant material, striking of, **Auth. Comm. Rule 7(d)**
- Impeachment of indictment by juror, **Evid. Rule 606(b)**
- Incorrect statute, citation of, **Auth. Comm. Rule 7(c)**
- Informations, time table, **Part II**
- Initial appearances after arrest on, **Auth. Comm. Rule 5(a)**
- Intent charges, **Auth. Comm. Rule 7(c)**
- Joinder
  - Indictments or informations, **Rule 13**
  - Offenses or defendants, **Rule 8**
- Jury instructions, amendment of indictments by, **Auth. Comm. Rule 7(a)**
- Location allegations, **Auth. Comm. Rule 7(c)**
- Mistakes, **Rule 7(c)**
- Multiplicity of charges, **Auth. Comm. Rule 8(a)**
- Names, **Auth. Comm. Rule 7(c)**
- Nature, **Rule 7(c)**
- Perjury, **Auth. Comm. Rule 7(c)**
- Prejudicial material, striking of, **Auth. Comm. Rule 7(d)**
- Presentation of indictment, **Auth. Comm. Rule 10(a)**
- Presumption of sufficiency, **Auth. Comm. Rule 7(a)**
- Purposes of indictments, **Auth. Comm. Rule 7(a)**
- Reading, **Auth. Comm. Rule 10(a)**
- Refusal of grand jury to indict, **Auth. Comm. Rule 6(f)**

**INDICTMENTS AND INFORMATION—Cont'd**

- Requirements of, **Auth. Comm. Rule 7(c)**
- Return, **Auth. Comm. Rule 9(c)**
- Right to appear, **Auth. Comm. Rule 10(a)**
- Right to counsel, **Auth. Comm. Rule 10(a)**
- Sealed indictments, **Rule 6(e)**
- Statutes of limitation, **Auth. Comm. Rule 7(c)**
- Statutory language, use of, **Auth. Comm. Rule 7(c)**
- Strike, motions to, **Auth. Comm. Rule 7(d)**
- Summons, issuance on, **Rule 9**
- Superseding indictments
  - Generally, **Auth. Comm. Rule 7(a)**
  - Arraignment on, **Auth. Comm. Rule 10(a)**
- Surplusage, **Rule 7(d)**
- Time allegations, **Auth. Comm. Rule 7(c)**
- Time table for motions on, **Part II**
- Venue
  - Generally, **Rule 20(a)**
  - Allegations, **Auth. Comm. Rule 7(c)**
- Video conferencing, **Auth. Comm. Rule 10(c)**
- Waiver
  - generally, **Auth. Comm. Rule 9(c)**
  - Appearance, **Auth. Comm. Rule 10(b)**
  - Indictment, **Rule 7(b)**
  - Reading, **Auth. Comm. Rule 10(a)**
- Witnesses names and addresses, **Auth. Comm. Rule 7(c)**

**INDIGENT DEFENDANTS**

- Deposition costs, **Rule 15(d)**
- Habeas corpus petitions, **Hab. Corp. Rule 3**
- Right to counsel, **Rule 44**
- Subpoena costs, **Rule 17(b)**

**INFERENCES**

- Witnesses testimony, **Evid. Rule 701**

**INFORMATIONS**

- Indictments and Informations, generally, this index

**INITIAL APPEARANCES**

- Generally, **Rule 5**
- Applications at, **Auth. Comm. Rule 5(c)**
- Arraignment, **Rule 10**
- Burden of proof as to violations of rule, **Auth. Comm. Rule 5(a)**
- Confessions following delay of, **Auth. Comm. Rule 5(a)**
- Delay in taking before magistrate, **Auth. Comm. Rule 5**
- Felony arrests, **Rule 5(d)**
- Indictment, arrests on, **Auth. Comm. Rule 5(a)**
- Misdemeanors, **Auth. Comm. Rule 5(e), Rule 58(b)**
- Petty offenses, **Rule 58(b)**

## INDEX

### INITIAL APPEARANCES—Cont'd

- Probable cause determinations, **Auth. Comm. Rule 5**
- Purpose, **Auth. Comm. Rule 5(a)**
- State judge, appearance before, **Rule 5(a)**
- Unreasonable delay, **Auth. Comm. Rule 5(a)**
- Video conferencing, **Rule 5(f)**
- Violations of rule, burden of proof as to, **Auth. Comm. Rule 5(a)**
- Warrantless arrest, entitlement to complaint meeting, **Auth. Comm. Rule 5(b)**

### IN LIMINE MOTIONS

- Time for, **Auth. Comm. Rule 12**

### INSANITY

- Mental Condition Defenses, generally, this index

### INSPECTION

- Discovery, generally, this index

### INSTRUCTIONS

- Jurors and Jury Trials, generally, this index

### INTENT

- Indictments, required charges in, **Auth. Comm. Rule 7(c)**
- Proving. See Evidence, generally, this index

### INTERCEPTION

- Wire and electronic communications interception, generally, this index

### INTERLOCUTORY APPEAL

- Petty offenses, **Auth. Comm. Rule 58(g)**

### INTERPRETERS

- Appointment by court, **Rule 28**
- Evidentiary rules applicable to, **Evid. Rule 604**
- Grand juries, **Rule 6(d)**

### JOHN DOE WARRANTS

- Generally, **Auth. Comm. Rule 4(b)**

### JOINDER

- Generally, **Rule 8**
- Antagonistic defenses, **Auth. Comm. Rule 14(a)**
- Indictments or informations, joinder of, **Rule 8, Rule 13**
- Offenses, **Rule 8(a)**
- Persons
  - Generally, **Rule 8(b)**
  - Conflicts of interest, **Auth. Comm. Rule 44(a)**
  - Evidence admissible as to one defendant, **Evid. Rule 105**
  - Misjoinder, **Auth. Comm. Rule 8(b)**
  - Right to counsel, **Rule 44(c)**
  - Same act or transaction rule, **Auth. Comm. Rule 8(b)**
  - Verdicts, **Rule 31(b)**
- Prejudicial joinder, **Rule 14(a)**

**JOINDER—Cont'd**

Retroactive misjoinder, **Auth. Comm. Rule 14(a)**  
Separate juries, use of, **Auth. Comm. Rule 14(a)**  
Severance motions  
    Generally, **Rule 14**  
    Time for, **Rule 12(b)**  
Subsequent offenses, **Auth. Comm. Rule 13**  
Verdicts as to joined defendants, **Rule 31(b)**

**JUDGES**

Certification of readiness, **Auth. Comm. Rule 25(a)**  
Contempt, disqualification, **Auth. Comm. Rule 42(a)**  
Directory, **Part XIV**  
Disability, **Rule 25**  
Magistrate judges  
    Habeas corpus applications, consideration of, **Hab. Corp. Rule 8, Hab. Corp. Rule 10**  
    Voir dire supervision, **Auth. Comm. Rule 24(a)**  
Readiness, certification of, **Auth. Comm. Rule 25(a)**  
Recusal, **Rule 25**  
Substitute judge, certification of, **Auth. Comm. Rule 25(a)**  
Witnesses, judges as, **Evid. Rule 605**

**JUDGMENT**

Generally, **Rule 32**  
Acquittal, motion for judgment of, **Rule 29**  
Arrest motion  
    Generally, **Rule 34**  
    Time table, **Part II**  
Clerical mistakes, correction of, **Rule 36**  
Evidence of, **Evid. Rule 803(22) et seq.**  
Forfeiture provisions, **Rule 32(k), Rule 32.2**  
Recordation, **Rule 55**  
Requirements, **Rule 32(k)**

**JUDICIAL NOTICE**

Evidence, generally, this index

**JUDICIAL RULEMAKING**

Generally, **Part XI**  
Amendment procedures, **Jud. Rule. Proc. (B)**  
Authority for, **Jud. Rule. Proc. (A)**

**JURISDICTION**

Arrest warrants, territorial limits, **Rule 4(c)**  
Bench warrants, **Auth. Comm. Rule 17(a)**  
Classification of federal crimes, **Part I(B)**  
District courts, **Part I(C)**  
Magistrate courts, **Part I(C)**  
Minor offenses, **Auth. Comm. Rule 1**

## INDEX

### **JURISDICTION—Cont'd**

- Scope of criminal procedure rules, **Rule 1**
- Venue, generally, this index

### **JURORS AND JURY TRIALS**

- Generally, **Rule 23, Rule 24**
- Additional instructions during deliberations, **Auth. Comm. Rule 30(d)**
- Admissibility of evidence proceedings
  - Generally, **Evid. Rule 103(c)**
  - Confessions, **Evid. Rule 104(c)**
- Alternate jurors, **Rule 24(c)**
- Anonymous jurors, **Auth. Comm. Rule 24(a)**
- Bench conferences
  - Generally, **Evid. Rule 103(c)**
  - Confessions, **Evid. Rule 104(c)**
- Bench trials, **Rule 23(c)**
- Cause challenges, **Auth. Comm. Rule 24(b)**
- Closing argument, **Rule 29.1**
- Competency of juror as witness, **Evid. Rule 606(a)**
- Court, trial by, **Rule 23(c)**
- Court-conducted voir dire, **Auth. Comm. Rule 24(a)**
- Directed verdict, motion for, **Rule 29(a)**
- Evidence admissibility proceedings
  - Generally, **Evid. Rule 103(c)**
  - Confessions, **Evid. Rule 104(c)**
- Examination of prospective jurors, **Rule 24(a)**
- Exclusions from jury service, **Auth. Comm. Rule 24(a)**
- Excuse of juror, twelve-juror requirement and, **Rule 23(b)**
- Forfeitures, **Rule 32.2(b)**
- Impeachment of verdict by juror, **Evid. Rule 606(b)**
- Instructions
  - Generally, **Rule 30**
  - Amendment of indictments by, **Auth. Comm. Rule 7(a)**
  - Improper venue, **Auth. Comm. Rule 18**
  - Reasonable doubt instruction, **Auth. Comm. Rule 30(a)**
  - Time table for motions, **Part II**
  - Venue, challenge to, **Auth. Comm. Rule 18**
- Just cause for excuse of juror, **Auth. Comm. Rule 23(b)**
- Limited admissibility evidence, instructions as to, **Evid. Rule 105**
- Magistrate judges, use of in voir dire, **Auth. Comm. Rule 24(a)**
- Peremptory challenges
  - Generally, **Rule 24(b)**
  - Alternate jurors, **Rule 24(c)**
  - Discriminatory use, **Auth. Comm. Rule 24(b)**
- Poll of jury, **Rule 31(d)**
- Prejudice within district, transfer of venue for, **Rule 21(a)**
- Qualifications of jurors, **Auth. Comm. Rule 24(a)**
- Questionnaires, **Auth. Comm. Rule 24(a)**

**JURORS AND JURY TRIALS—Cont'd**

- Reasonable doubt instruction, **Auth. Comm. Rule 30(a)**
- Right to jury trial, **Rule 23(a)**
- Separate juries, use of, **Auth. Comm. Rule 14(a)**
- Size of jury, **Auth. Comm. Rule 23(b), Rule 23(b)**
- Supplemental arguments during deliberations, **Auth. Comm. Rule 30(d)**
- Supplemental instructions during deliberations, **Part III**
- Time table for motions re, **Part II**
- Trial jurors, **Rule 24**
- Unanimity instruction, **Auth. Comm. Rule 30(a)**
- Verdict. See Trial, generally, this index
- Voir dire
  - Generally, **Rule 24**
  - Magistrate judges, use in, **Auth. Comm. Rule 24(a)**
  - Presence of defendant, **Rule 43**
  - Waiver of right to jury trial, **Auth. Comm. Rule 23(a)**
  - Witness, competency of juror as, **Evid. Rule 606(a)**

**JUVENILES**

- Venue waivers, **Rule 20(a)**

**KNOWLEDGE**

- Evidence, generally, this index

**LEGAL HOLIDAYS**

- Holidays, generally, this index

**LOCAL RULES**

- Generally, **Rule 57**

**MAGISTRATE COURTS**

- Courts, generally, this index

**MAGISTRATE JUDGES**

- Judges, generally, this index

**MAILBOX RULE**

- Generally, **Auth. Comm. Rule 49(b)**

**MARITAL PRIVILEGE**

- Grand juries, **Auth. Comm. Rule 6**

**MEDIA RIDE-ALONGS**

- Generally, **Auth. Comm. Rule 4(c)**

**MEMORY LOSS DEFENSE**

- Mental Condition Defenses, generally, this index

**MENTAL CONDITION DEFENSES**

- Battered woman's syndrome, notice requirements, **Auth. Comm. Rule 12.2(b)**
- Brainwashing defense, notice requirements, **Auth. Comm. Rule 12.2(b)**
- Discovery, **Rule 12.2**
- Dismissal motion raising, **Auth. Comm. Rule 12(b), Evid. Rule 704(b)**

## INDEX

### MENTAL CONDITION DEFENSES—Cont'd

- Entrapment susceptibility defense, notice requirements, **Auth. Comm. Rule 12.2(b)**
- Evidence, this index
- Examination of defendant claiming, **Rule 12.2(c)**
- Form of required notice, **Auth. Comm. Rule 12.2(a)**
- Insanity, notice of intention to rely on defense, time table for, **Part II**
- Memory loss defense, notice requirements, **Auth. Comm. Rule 12.2(b)**
- Notice requirements, **Rule 12.2**
- Opinion testimony notice requirements, **Rule 12.2**
- Time table for motions, **Part II**
- Ultimate issue opinions, **Evid. Rule 704(b)**
- Withdrawn intention, inadmissibility of, **Rule 12.2(e)**

### MINOR OFFENSES

- Jurisdiction, **Auth. Comm. Rule 1**

### MISDEMEANORS

- Generally, **Rule 58**
- Appeals, **Rule 58(g)**
- Initial appearances, **Auth. Comm. Rule 5(e)**
- Joinder of offenses, **Auth. Comm. Rule 8(a)**
- New trials, **Rule 58(f)**
- Payment in lieu of appearance, **Rule 58(d)**
- Pleas, **Rule 58(c)**
- Pretrial procedures, **Rule 58(b)**
- Records, **Rule 58(e)**
- Venue, **Rule 58(c)**

### MISTAKE

- Evidence, generally, this index

### MISTRIAL

- Generally, **Rule 26.3**
- New trial after mistrial, **Auth. Comm. Rule 33(a)**

### MOTION PRACTICE

- Generally, **Rule 12, Rule 47**
- Acquittal
  - Generally, **Rule 29**
  - Time table, **Part II**
- Arrest of judgment, **Rule 34**
- Bill of particulars, motion for, **Auth. Comm. Rule 7(f)**
- Continuance motions, **Auth. Comm. Rule 50**
- Continued custody or release status, **Rule 12(g)**
- Deadline for motions, **Rule 12(c)**
- Defenses
  - Determination by, **Rule 12(b)**
  - Waiver by failure to raise prior to trial, **Auth. Comm. Rule 12**
- Delayed rulings, **Auth. Comm. Rule 12(e)**

**MOTION PRACTICE—Cont'd**

- Depositions, motion for, **Auth. Comm. Rule 15(a)**
- Discovery motions, time for, **Rule 12(b)**
- Discovery orders, **Rule 16(d)**
- Dismissal motions, **Auth. Comm. Rule 12(b)**
- Exceptions, **Rule 51**
- Filing of papers, **Rule 49**
- Findings of fact
  - Generally, **Rule 12(g)**
  - Court's statement of, **Auth. Comm. Rule 12(e)**
- Hearings on motions
  - Evidentiary hearings, **Auth. Comm. Rule 12(f)**
  - Findings, **Rule 12(f)**
  - Records of, **Rule 12(f)**
  - Suppression hearings, **Rule 12(h)**
- In limine motions, **Auth. Comm. Rule 12**
- Joinder
  - Indictments or informations, joinder of, **Rule 13**
  - Prejudicial joinder, **Rule 14**
  - Severance orders, **Rule 14**
- Necessary motions, **Rule 12(b)**
- Notice of orders, **Rule 49(c)**
- Objections, **Rule 51**
- Orders, notice of, **Rule 49(c)**
- Plea of guilty or nolo contendere, appeal from ruling after conditional entry of,  
**Rule 11(a)**
- Recusal, **Auth. Comm. Rule 25(b)**
- Rule 29 motions, **Auth. Comm. Rule 47(b)**
- Rulings, time for, **Rule 12(d)**
- Seized property
  - Motion for return of, **Rule 41(g)**
  - Suppression, **Rule 41(h)**
- Service of papers, **Rule 49**
- Severance
  - Generally, **Rule 14**
  - Time for, **Rule 12(b)**
- Specificity requirements, **Auth. Comm. Rule 47**
- Suppression motions
  - Primer, **Part VIII**
  - Time for, **Rule 12(b)**
- Time for hearing pretrial motions, **Rule 12(c)**
- Time requirements, **Rule 45**
- Time table for motions, **Part II**
- Waiver of defenses o raise prior to trial, **Auth. Comm. Rule 12**
- Written motions, **Auth. Comm. Rule 47, Rule 12(b)**

**MOTIVE**

- Evidence, generally, this index



## INDEX

### **MULTIPLE DEFENDANTS**

Forfeitures, **Auth. Comm. Rule 32.2(c)**

### **MULTIPLICITY OF CHARGES**

Indictments and Informations, generally, this index

### **NAMES**

Indictments, use in, **Auth. Comm. Rule 7(c)**

John Doe warrants, **Auth. Comm. Rule 4(b)**

### **NEWLY DISCOVERED EVIDENCE**

New trial, **Auth. Comm. Rule 33(a), Rule 33(b)**

### **NEW TRIAL**

Generally, **Rule 33**

Acquittal order, new trial after, **Rule 29(d)**

Disability of judge, **Auth. Comm. Rule 25(a)**

Ineffective assistance of counsel claims, **Auth. Comm. Rule 33(a)**

Misdemeanors, **Rule 58(f)**

Mistrial, new trial after, **Auth. Comm. Rule 33(a)**

Motions for, time table, **Part II**

Newly discovered evidence, **Auth. Comm. Rule 33(a), Rule 33(b)**

Petty offenses, **Rule 58(f)**

Prejudice, **Auth. Comm. Rule 33(a)**

Remand, new trial after, **Auth. Comm. Rule 33(b)**

Retroactive application of Rule 33, **Auth. Comm. Rule 33(b)**

Unique circumstances exception, **Auth. Comm. Rule 33(b)**

### **NOLO CONTENDERE**

Pleas, generally, this index

### **NOTES**

Advisory Committee Notes, **Part XII**

### **OBJECTIONS**

Generally, **Rule 51**

Harmless error, **Rule 52(a)**

Plain error, **Rule 52(b)**

### **OFFICIAL RECORDS**

Records, generally, this index

### **OPINION EVIDENCE**

Expert and Opinion Evidence, generally, this index

### **OPPORTUNITY**

Evidence, generally, this index

### **ORDERS**

Generally, **Part XII**

See also Motion Practice, this index

Appealable orders, **Part VII**

Exceptions, **Rule 51**

**ORDERS—Cont'd**

Notice of, **Rule 49(c)**

Objections, **Rule 51**

**OUTRAGEOUS GOVERNMENT CONDUCT**

Dismissal motion raising defense of, **Auth. Comm. Rule 12(b)**

**OVERFLOW ROOMS**

Trial, **Auth. Comm. Rule 53**

**OWN RECOGNIZANCE**

Release From Custody, generally, this index

**PARTICULARS**

Bills of Particulars, generally, this index

**PARTIES**

Court-appointed experts, nominations by parties, **Evid. Rule 706(a)**

Joinder of parties, **Auth. Comm. Rule 8(b)**

**PERJURY**

Indictments and informations, **Auth. Comm. Rule 7(c)**

**PERPETUAL CALENDAR**

Directory, **Part XIII**

**PETTY OFFENSES**

Generally, **Rule 58**

Appeals, **Rule 58(g)**

Arraignment, **Rule 58(b)**

Citations, **Auth. Comm. Rule 58(d)**

Defined, **Rule 58(a)**

Fixed sum, payment in lieu of appearance, **Rule 58(d)**

Guilty or nolo contendere plea, **Rule 58(c)**

Harmless error, **Auth. Comm. Rule 58(b)**

Interlocutory appeal, **Auth. Comm. Rule 58(g)**

New trials, **Rule 58(f)**

Payment in lieu of appearance, **Rule 58(d)**

Pleas, **Rule 58(c)**

Pretrial procedures, **Rule 58(b)**

Records, **Rule 58(e)**

Stay of execution and release pending appeal, **Rule 58(g)**

Summons, **Auth. Comm. Rule 58(d)**

Venue, **Rule 58(c)**

**PHOTOGRAPHS IN COURT ROOM**

Generally, **Rule 53**

**PLAIN ERROR**

Generally, **Rule 52(b)**

Evidence rulings, **Evid. Rule 103(d)**

## INDEX

### PLAN

Evidence, generally, this index

### PLEA BARGAINING

Generally, **Rule 11(e)**

See also Pleas, this index

Attacking pleas, **Auth. Comm. Rule 11(h)**

Court involvement in, **Auth. Comm. Rule 11(e)**

Disclosure requirements, **Auth. Comm. Rule 11(e)**

Dismissal motion raising defense of violation of agreement, **Auth. Comm. Rule 12(b)**

Evidence of plea discussions and withdrawn pleas, admissibility of, **Evid. Rule 410**

Form, **Auth. Comm. Rule 11(h)**

Pretrial conferences, **Rule 17.1**

Voluntariness of plea, court's obligation to assure, **Rule 11(b)**

Waiver of venue, **Rule 20(a)**

Withdrawal before sentence imposed, **Rule 32(e)**

### PLEADING

Archaic forms of pleas, **Auth. Comm. Rule 12(a)**

Indictments and Informations, generally, this index

Pleas, generally, this index

### PLEAS

Generally, **Auth. Comm. Rule 11**

See also Plea Bargaining, this index

Alford plea, **Auth. Comm. Rule 11(b)**

Allocution

Generally, **Rule 11(c)**

Recordation of proceedings, **Rule 11(g)**

Time table, **Part II**

Archaic forms of pleas, **Auth. Comm. Rule 12(a)**

Brady rights, waiver of, **Auth. Comm. Rule 11(b)**

Breach of plea agreements, **Auth. Comm. Rule 11(c)**

Conditional pleas, **Rule 11(a)**

Corporations, entry of pleas for, **Auth. Comm. Rule 11(b)**

Effect of not guilty plea, **Auth. Comm. Rule 11(a)**

Evidence of plea discussions and withdrawn pleas, admissibility of, **Evid. Rule 410**

Fair and just reason for withdrawal of plea, **Auth. Comm. Rule 11(d)**

Guilty, plea of, **Rule 11(c)**

See also Plea Bargaining, this index

Alford plea, **Auth. Comm. Rule 11(b)**

Attacking pleas, **Auth. Comm. Rule 11(h)**

Conditional, **Auth. Comm. Rule 11(a)**

Right to counsel, advice of, **Rule 11(c)**

Right to enter, **Rule 11(c)**

Voluntariness, court's obligation to assure, **Rule 11(b)**

**PLEAS—Cont'd**

- Guilty, plea of, **Rule 11(c)**—Cont'd
  - Waiver of indictment, **Auth. Comm. Rule 7(b)**
  - Waiver of right to trial, **Rule 11(b), (c)**
  - Written submissions, **Auth. Comm. Rule 11(c)**
- Harmless error rule, **Rule 11(h)**
- Initial appearance, plea entry at, **Auth. Comm. Rule 5(d)**
- Limited discovery before pleas, **Auth. Comm. Rule 11(c)**
- Misdemeanors, **Rule 58(c)**
- Nolo contendere
  - Generally, **Rule 11(b)**
  - Allocution, **Rule 11(c)**
  - Conditional, **Auth. Comm. Rule 11(a)**
  - Consent of court to, **Auth. Comm. Rule 11(b)**
  - Effect of, **Auth. Comm. Rule 11(b)**
  - Evidence of, admissibility, **Evid. Rule 410**
  - Probation, **Auth. Comm. Rule 32.1(b)**
  - Right to counsel, advice of, **Rule 11(c)**
  - Voluntariness, court's obligation to assure, **Rule 11(b)**
  - Waiver of right to trial, **Rule 11(c)**
    - Voluntariness of plea, **Rule 11(b)**
  - Withdrawal, **Auth. Comm. Rule 11(d)**
- Package deals, **Auth. Comm. Rule 11(c)**
- Petty offenses, **Rule 58(c)**
- Prescription drug use, effect of, **Auth. Comm. Rule 11(b)**
- Presence, defendant's right of, **Rule 43**
- Recordation of proceedings, **Rule 11(g)**
- Refusal to enter, **Rule 11(a)**
- Right to counsel, advice of, **Rule 11(c)**
- Stipulated-fact trial, **Auth. Comm. Rule 11(b)**
- Time table for, **Part II**
- Venue transfer for entry of, **Rule 20**
- Waiver of venue, **Rule 20(a)**
- Wired plea agreements, **Auth. Comm. Rule 11(c)**
- Withdrawal
  - Admissibility of evidence, **Evid. Rule 410**
  - Guilty plea or nolo contendere plea, **Auth. Comm. Rule 11(d)**

**PRACTICE, ROUTINE**

- Evidence, generally, this index

**PREJUDICIAL PUBLICITY**

- Dismissal motion raising, **Auth. Comm. Rule 12(b)**
- Venue transfers caused by, **Rule 21(a)**

**PRELIMINARY EXAMINATION**

- Right to, informing defendant as to, **Rule 5(c)**
- Time table, **Part II**
- Video conferencing, **Rule 5(f)**

## INDEX

### **PRELIMINARY ORDER**

Forfeitures, **Rule 32.2(b)**

### **PRESCRIPTION DRUG USE**

Pleas, **Auth. Comm. Rule 11(b)**

### **PRESENCE OF DEFENDANT**

Generally, **Rule 43**

### **PRESENTENCE REPORTS**

Sentence, generally, this index

### **PRETRIAL CONFERENCES**

Generally, **Rule 17.1**

Evidence of plea discussions and withdrawn pleas, admissibility of, **Evid. Rule 410**

Request for court action, **Rule 16.1**

Time table, **Part II**

### **PRETRIAL DETENTION**

Release From Custody, generally, this index

### **PRETRIAL MOTIONS**

Motion Practice, generally, this index

### **PRISONERS**

Habeas Corpus, generally, this index

Interviews, procedure for obtaining, **Auth. Comm. Rule 17(a)**

Mailbox rule, **Auth. Comm. Rule 49(b)**

Service on, **Auth. Comm. Rule 49(b)**

### **PRIVACY**

Protection for filings made with court, **Rule 49.1**

### **PROBABLE CAUSE**

Arrest, **Rule 4(a)**

Burden of proof, **Auth. Comm. Rule 4(a)**

Hearsay evidence, finding based on, **Rule 4(a)**

Initial appearances, determinations at, **Auth. Comm. Rule 5**

Standard for evaluating, **Auth. Comm. Rule 4(a)**

### **PROBATION**

See also Sentence, this index

Arrest of person on, **Rule 40**

Disposition of case, **Rule 32.1(d)**, **Rule 32.1(e)**

Fifth Amendment rights, **Auth. Comm. Rule 32.1(b)**

Hearsay evidence, use of, **Auth. Comm. Rule 32.1(b)**

Modification, **Rule 32.1(c)**

Nolo contendere plea, use of, **Auth. Comm. Rule 32.1(b)**

Revocation, **Rule 32.1(b)**

Sentencing factors, inclusion of information relevant to, **Rule 32**

Supervised release

Generally, **Rule 32.1(b)**

**PROBATION—Cont'd**

- Supervised release—Cont'd
- Time table, **Part II**
- Time table, **Part II**
- Waiver of rights, **Auth. Comm. Rule 32.1(b)**

**PROCESS AND SERVICE OF PROCESS**

- Habeas corpus petitions, **Hab. Corp. Rule 3**
- Indictment and information, warrant or summons upon, **Auth. Comm. Rule 9(c)**
- Miscellaneous papers, **Rule 49**
- Subpoenas, personal service, **Auth. Comm. Rule 17(d)**
- Warrant
- Arrest
  - Generally, **Rule 4**
  - Indictment and information, warrant or summons upon, **Auth. Comm. Rule 9(c)**

**PSYCHOTHERAPIST-PATIENT PRIVILEGE**

- Grand juries, **Auth. Comm. Rule 6**

**PUBLIC AUTHORITY DEFENSE**

- Content of notice, **Auth. Comm. Rule 12.3(a)**
- Continuing duty to disclose, **Rule 12.3(b)**
- Disclosure of witnesses, **Rule 12.3(a)**
- Discovery, **Rule 12.3**
- Failure to comply, **Rule 12.3(c)**
- Government demand, exchange of witness names triggered by, **Auth. Comm. Rule 12.3(a)**
- Notice requirements, **Rule 12.3**
- Rule 16 discovery, **Auth. Comm. Rule 12.3(a)**
- Seal, filing notice under, **Auth. Comm. Rule 12.3(a)**
- Timing of notice, **Auth. Comm. Rule 12.3(a)**
- Withdrawn intention, inadmissibility, **Rule 12.3(e)**

**PUBLICITY**

- Venue transfers caused by, **Rule 21(a)**

**PURPOSE OF FEDERAL RULES**

- Generally, **Rule 2**

**RAPE**

- Sex Offense Cases, generally, this index

**RECOGNIZANCE**

- Release From Custody, generally, this index

**RECORDS**

- Generally, **Rule 55**
- Appellate review record, time table, **Part II**
- Birth records, admissibility, **Evid. Rule 803(9)**
- Business records, admissibility, **Evid. Rule 803(6) et seq.**
- Certification, **Auth. Comm. Rule 27**

## INDEX

### RECORDS—Cont'd

- Clerical mistakes, correction of, **Rule 36**
- Clerks' responsibilities, **Rule 55**
- Copies of records, admissibility, **Auth. Comm. Rule 27**
- Death records, admissibility, **Evid. Rule 803(9)**
- Destroyed originals, proof of, **Evid. Rule 1004(1)**
- Discovery, **Rule 16(a)**
- Duplicate of writing or recording, admissibility of, **Evid. Rule 1003**
- Duplicates, admissibility, **Evid. Rule 1001(4)**
- Evidence rulings, **Evid. Rule 103(b)**
- Family records, admissibility, **Evid. Rule 803(13)**
- Foreign records, **Auth. Comm. Rule 27**
- Grand jury proceedings
  - Generally, **Rule 6(c)**
  - Unsealing of, **Rule 6(e)**
- Hearsay considerations
  - Birth records, **Evid. Rule 803(9)**
  - Business records, **Evid. Rule 803(6) et seq.**
  - Death records, **Evid. Rule 803(9)**
  - Family records, **Evid. Rule 803(13)**
  - Marriage records, **Evid. Rule 803(9)**
  - Public records and reports, **Evid. Rule 803(8), Evid. Rule 803(10)**
  - Recorded recollections, **Evid. Rule 803(5)**
  - Religious organization records, **Evid. Rule 803(11)**
  - Vital statistics records, **Evid. Rule 803(9)**
- Judgments, **Rule 55**
- Judicial notice of official records, **Rule 27**
- Lost originals, proof of, **Evid. Rule 1004(1)**
- Marriage records, admissibility, **Evid. Rule 803(9)**
- Misdemeanors, **Rule 58(e)**
- Motion hearings, **Rule 12(f)**
- Official records, proof of, **Rule 27**
- Petty offenses, **Rule 58(e)**
- Plea allocutions, **Rule 11(g)**
- Proof of official records, **Rule 27**
- Public records
  - Hearsay rules, **Evid. Rule 803(8), Evid. Rule 803(10)**
  - Judicial notice, **Rule 27**
  - Proof of, **Evid. Rule 1005**
- Recordings, **Evid. Rule 1001 et seq.**
- Religious organization records, admissibility, **Evid. Rule 803(11)**
- Vital statistics records, admissibility, **Evid. Rule 803(9)**

### RECUSAL

- Arraignment, **Auth. Comm. Rule 12.4(a)**
- Judges, **Rule 25**

## **RELEASE FROM CUSTODY**

Generally, **Rule 46**

Amendment of conditions of release, **Auth. Comm. Rule 46(a)**

Appeal, release pending, **Rule 46(c)**

Approval of sureties, **Rule 46(e)**

Bail bonds, **Rule 46(e)**

Bail Reform Act of 1984, **Auth. Comm. Rule 46(a)**

Burden of proof as to right to, **Auth. Comm. Rule 46(a)**

Conditions of release, **Auth. Comm. Rule 46(a)**

Danger determinations, **Auth. Comm. Rule 46(a)**

Exoneration of sureties, **Rule 46(g)**

Flight risk, **Auth. Comm. Rule 46(a)**

Forfeiture of bond, **Rule 46(f)**

Forfeiture of property, **Rule 46(i)**

Habeas Corpus, generally, this index

Hearings, detention

    Nebbia hearings, **Auth. Comm. Rule 46(e)**

    Request for, **Auth. Comm. Rule 46(a)**

    Witness statements, **Rule 46(j)**

Justification of sureties, **Rule 46(e)**

Modification of conditions of release, **Auth. Comm. Rule 46(a)**

Nebbia hearings, **Auth. Comm. Rule 46(e)**

Notice of appeal, release pending, **Rule 46(c)**

Presumptions as to detention

    Post trial, **Auth. Comm. Rule 46(c)**

    Pretrial, **Auth. Comm. Rule 46(a)**

Pretrial release, **Rule 46(a)**

Pretrial Services Agency reports, **Auth. Comm. Rule 46(a)**

Sentence, release pending, **Rule 46(c)**

Standards for, **Auth. Comm. Rule 46(a)**

Supervision of pretrial detention, **Rule 46(h)**

Sureties, justification, **Rule 46(e)**

Temporary detention, **Auth. Comm. Rule 46(a)**

Time table, **Part II**

Trial, release during, **Rule 46(b)**

## **REMAND**

Appellate review, correction of sentence on remand, **Rule 35(a)**

New trial after remand, **Auth. Comm. Rule 33(b)**

## **REPUTATION**

Evidence, generally, this index

## **RESTITUTION**

Generally, **Auth. Comm. Rule 32(b)**

## **RETROACTIVE MISJOINDER**

Generally, **Auth. Comm. Rule 14(a)**



## INDEX

### RIGHTS OF ACCUSED

Counsel, Right to, generally, this index

### RULEMAKING

Amendments of rules, **Jud. Rule. Proc. (B)**

Authority for, **Jud. Rule. Proc. (A)**

### RULINGS

Orders, generally, this index

### SATURDAYS AND SUNDAYS

Time table, **Part II**

### SCOPE OF CRIMINAL PROCEDURE RULES

Generally, **Rule 1**

### SEARCH AND SEIZURE

Generally, **Rule 41**

See also Search Warrants, this index

Consent, **Auth. Comm. Rule 4(c)**

Exigent circumstances, **Auth. Comm. Rule 4(c)**

Forfeitures, **Rule 32.2(b)**

Forwarding papers to clerk, **Rule 41(i)**

Inventory, warrant, **Rule 41(f)**

Knock and announce rule, **Auth. Comm. Rule 41(f)**

Motions

Return of property, **Rule 41(g)**

Suppression, **Part VIII, Rule 41(h)**

Primer on suppression motions, **Part VIII**

Standing, **Part IV**

### SEARCH WARRANTS

See also Warrants, this index

Authority to issue, **Rule 41(b)**

Home arrests, **Auth. Comm. Rule 4(c)**

State officials, application of federal rules to, **Auth. Comm. Rule 1**

Time table, **Part II**

### SEIZURE

Search and Seizure, generally, this index

### SELECTIVE PROSECUTION

Generally, **Auth. Comm. Rule 12(b)**

### SELF-INCRIMINATION PRIVILEGE

Grand juries, testimony before, **Auth. Comm. Rule 6**

### SENTENCE

Generally, **Rule 32**

Advice of right to appeal, **Rule 32(j)**

Allocation time table, **Part II**

Assistance to prosecution, reduction of sentence for, **Rule 35(b)**

Changed circumstances reductions, **Rule 35(b)**

**SENTENCE—Cont'd**

Correction of sentence

Generally, **Rule 35**

Clerical errors, **Rule 35(c), Rule 36**

Court determinations, **Rule 32(i)**

Death sentence, **Rule 38**

Definitions, **Rule 32(a)**

Disability of judge, **Rule 25(b)**

Disclosing report and recommendation, **Rule 32(e)**

Federal sentencing guidelines

Generally, **Auth. Comm. Rule 32(b)**

Guilty plea, advising defendant, **Rule 11(b)**

Primer, **Part VI**

Forfeiture, criminal, **Rule 32(k)**

Hearing, **Rule 32(c)**

Introduction of evidence, **Rule 32(i)**

Judgment, **Rule 32(k)**

Notice of possible departure from sentencing guidelines, **Rule 32(h)**

Objecting to the report, **Rule 32(f)**

Opportunity to speak, **Rule 32(i)**

Plea bargaining recommendations, **Auth. Comm. Rule 11(e)**

Plea withdrawal before sentence imposed, **Rule 32(e)**

Presence, defendant's right of, **Rule 43**

Presentence reports

Generally, **Rule 32(d)**

Time table for, **Part II**

Probation, generally, this index

Probation officers' reports, **Rule 32(b)**

Reduction, **Rule 35**

Reform Act of 1985, **Auth. Comm. Rule 35**

Release from custody pending, **Rule 46(c)**

Remand, correction of sentence on, **Rule 35(a)**

Restitution, **Auth. Comm. Rule 32(c)**

Statements, **Rule 32(c)**

Stay of execution, **Rule 38**

Submitting the report, **Rule 32(g)**

Substantial assistance to prosecution, reduction of sentence for, **Rule 35(b)**

Supervised release, **Rule 32.1(b)**

Time for, **Rule 32(b)**

Time table, **Part II**

Venue, transfer for entry of, **Rule 20(a)**

Victims' statements

Generally, **Rule 32(c)**

Definitions, **Rule 32(a)**

Worksheets, federal guideline, **Part VI**

**SEPARATE OR JOINT TRIALS**

Joinder of parties, **Auth. Comm. Rule 8(b)**

## INDEX

### SERVICE OF PROCESS

Process and Service of Process, generally, this index

### SEVERANCE

Motion for, time table for, **Part II**

### SEX OFFENSES

Evidentiary rules

Generally, **Evid. Rule 412 et seq.**

Child molestation charges

Civil cases concerning, **Evid. Rule 415**

Other crimes evidence, **Evid. Rule 414**

Consent, **Evid. Rule 412(b)**

Other crimes evidence, **Evid. Rule 413 et seq.**

Predisposition of victim, **Evid. Rule 412(a)**

Procedure to determine admissibility, **Evid. Rule 412(c)**

Specific prior sexual acts, **Evid. Rule 412(b)**

Victim's prior conduct, **Evid. Rule 412(a)**

### SODOMY

Sex Offense Cases, generally, this index

### SPECIAL RULES

Minor offenses, **Auth. Comm. Rule 1**

### SPEEDY TRIAL RIGHTS

Calendars, **Auth. Comm. Rule 50**

Court, dismissal by, **Auth. Comm. Rule 48(b)**

Dismissal motion raising defense of, **Auth. Comm. Rule 12(b)**

### SPOUSAL PRIVILEGE

Grand juries, **Auth. Comm. Rule 6**

### STATE COURTS

Federal rules applicable to, **Auth. Comm. Rule 1**

Fugitive from justice warrants, arrest under, **Auth. Comm. Rule 5(a)**

Habeas Corpus, generally, this index

Initial appearance before, **Rule 5(a)**

Warrants, issuance by, **Auth. Comm. Rule 41(a)**

### STATEMENTS OF WITNESSES

Witnesses

### STATE PRISONERS

Habeas corpus, **Part IX**

### STATUTES OF LIMITATION

Indictments and informations, **Auth. Comm. Rule 7(c)**

### STIPULATED-FACT TRIAL

Pleas, **Auth. Comm. Rule 11(b)**

### STIPULATIONS

Breach of, **Auth. Comm. Rule 17.1**

**STIPULATIONS—Cont’d**

Depositions, use of as evidence, **Rule 15(f)**  
Pretrial conferences, **Rule 17.1**  
Trial by, **Auth. Comm. Rule 26**

**SUBPOENAS**

Generally, **Rule 17**  
Ad testificandum, **Auth. Comm. Rule 17**  
Bench warrants, **Auth. Comm. Rule 17(a)**  
Challenges, **Auth. Comm. Rule 17(a), (g)**  
Contempt, enforcement by, **Rule 17(g)**  
Costs, **Rule 17(b)**  
Depositions, **Rule 17(f)**  
Disobedience, **Rule 17(g)**  
Documents, **Rule 17(c)**  
Duces tecum  
    Generally, **Auth. Comm. Rule 17**  
    Discovery purposes, **Auth. Comm. Rule 17(c)**  
Foreign service, **Rule 17(e)**  
Form, **Rule 17(a)**  
Forthwith, **Auth. Comm. Rule 17(a)**  
Grand jury, **Auth. Comm. Rule 17(a)**  
Inability to pay, **Auth. Comm. Rule 17(b)**  
Personal service, **Auth. Comm. Rule 17(d)**  
Physical evidence, **Rule 17(c)**  
Place of service, **Rule 17(e)**  
Prisoner interviews, **Auth. Comm. Rule 17(a)**  
Privileged documents, **Auth. Comm. Rule 17(c)**  
Quashing  
    Generally, **Auth. Comm. Rule 17(a)**  
    Grounds, **Auth. Comm. Rule 17(c)**  
Seals, **Rule 17(a)**  
Service, **Rule 17(d)**  
Time table for, **Part II**  
Timing, **Auth. Comm. Rule 17(a)**  
Willful disobedience, **Auth. Comm. Rule 17(g)**  
Witness statements, **Rule 17(h)**

**SUBSTITUTE PROPERTY**

Forfeitures, **Rule 32.2(e)**

**SUMMARY JUDGMENTS**

Forfeitures, **Auth. Comm. Rule 32.2(c)**

**SUMMONS**

Generally, **Rule 4**  
Arrest warrant distinguished, **Auth. Comm. Rule 4(a)**  
Delivery, **Auth. Comm. Rule 4(c)**  
Failure to appear, **Auth. Comm. Rule 9(a)**  
Form, **Rule 4(b), Rule 9(b)**

## INDEX

### **SUMMONS—Cont'd**

- Indictment or information, issuance on, **Rule 9**
- Initial Appearances, generally, this index
- Issuance, **Rule 4(a)**
- Petty offenses, **Auth. Comm. Rule 58(d)**
- Probable cause, **Rule 4(a)**
- Return, **Rule 9(c)**
- Service, **Rule 9(c)**
- Time table for, **Part II**
- Who may serve, **Auth. Comm. Rule 4(c)**

### **SUPERVISED RELEASE**

- Generally, **Rule 32.1(b)**
- Arrest of person on, **Rule 40**
- Probation, generally, this index
- Revocation, allocution rights upon, **Rule 32.1(b)**, **Rule 32.1(c)**

### **SUPPRESSION OF EVIDENCE**

- Evidence, generally, this index

### **TECHNICAL PROCEDURES**

- Elimination of, **Auth. Comm. Rule 2**

### **TESTIMONY**

- Evidence, generally, this index
- Witnesses, generally, this index

### **TIME**

- Generally, **Rule 45**
- Computation of, **Part II**
- Extensions of
  - Generally, **Rule 45**
  - Time for moving for, **Part II**

### **TITLE**

- Federal Rules of Criminal Procedure, **Rule 61**

### **TRANSFER**

- Venue, generally, this index

### **TRIAL**

- Acquittal, motion for judgment of
  - Generally, **Rule 29**
- Appeal, **Auth. Comm. Rule 29(e)**
- Conditional rulings, **Rule 29(d)**
- Discharge of jury, motion after, **Rule 29(c)**
- Double jeopardy, **Auth. Comm. Rule 29(a)**
- JOA, **Auth. Comm. Rule 29(a)**
- New trial after, **Rule 29(d)**
- Post-verdict, **Rule 29(c)**
- Purpose, **Rule 29(a)**
- Reservation of decision, **Auth. Comm. Rule 29(b)**

**TRIAL—Cont'd**

- Acquittal, motion for judgment of—Cont'd
  - Submission of cause, motion before, **Rule 29(b)**
  - Verdict, motion after, **Rule 29(c)**
- Bench trials, **Rule 23(c)**
- Broadcasting of proceedings, **Rule 53**
- Calendars, **Rule 50**
- Clerical mistakes, correction of, **Rule 36**
- Closing argument, **Rule 29.1**
- Continuance motions, **Auth. Comm. Rule 50**
- Court, trial by, **Rule 23(c)**
- Cross-examination
  - Completeness rule, **Evid. Rule 106**
  - Expert witnesses, **Evid. Rule 705**
  - Leading questions, **Evid. Rule 611(c)**
  - Scope of, **Evid. Rule 611(b)**
  - Witness statements, production of, **Rule 26.2**
- Directed verdict, motion for, **Rule 29(a)**
- Disability of judge, **Rule 25**
- Evidence, generally, this index
- Examination of witnesses. See Witnesses, generally, this index
- Exceptions, **Rule 51**
- Exclusion of witnesses, orders for, **Evid. Rule 615**
- Exhibits, marking, **Auth. Comm. Rule 26**
- Expert and Opinion Evidence, generally, this index
- Fact findings by court, **Rule 23(c)**
- Foreign law, raising issue concerning, **Rule 26.1**
- Harmless error, **Rule 52(a)**
- Hearsay. See Evidence, generally, this index
- Hostile witnesses, **Evid. Rule 611(c)**
- Improper argument, **Auth. Comm. Rule 29.1**
- In camera inspection of evidence, **Auth. Comm. Rule 26**
- Instructions. See Jurors and Jury Trials, generally, this index
- Interpreters
  - Appointment by court, **Rule 28**
  - Evidentiary rules applicable to, **Evid. Rule 604**
- JOA, **Auth. Comm. Rule 29(a)**
- Judgment, generally, this index
- Jurors and Jury Trials, generally, this index
- Leading questions, **Evid. Rule 611(c)**
- Lesser offense verdicts, **Rule 31(c)**
- Lists, witness, **Auth. Comm. Rule 26**
- Mistrial, **Rule 26.3**
- Objections, **Rule 51**
- Order of testimony, **Auth. Comm. Rule 26**
- Overflow rooms and closed-circuit, **Auth. Comm. Rule 53**
- Photographs in court, **Rule 53**

## INDEX

### TRIAL—Cont'd

- Plain error, **Rule 52(b)**
- Presence, defendant's right of, **Rule 43**
- Presentation of witnesses, control of, **Evid. Rule 611(a)**
- Reasonable doubt instruction, **Auth. Comm. Rule 30(a)**
- Recusal of judge, **Rule 25**
- Regulation of courtroom conduct, **Rule 53**
- Sentence, generally, this index
- Sequestration of witnesses, **Evid. Rule 615**
- Sex Offense Cases, generally, this index
- Stipulation, trial by, **Auth. Comm. Rule 26**
- Testimony, taking of, **Rule 26**
- Venue, generally, this index
- Verdict
  - Generally, **Rule 31**
  - Acquittal, motion for judgment after, **Rule 29(c)**
  - Directed verdict, motion for, **Rule 29(a)**
  - Form of, **Auth. Comm. Rule 31(a)**
  - Government or defense request, **Auth. Comm. Rule 31(c)**
  - Inconsistent verdicts, **Auth. Comm. Rule 31(a)**
  - Joined defendants, **Rule 31(b)**
  - Lesser offenses, **Rule 31(c)**
  - Poll of jury, **Rule 31(d)**
  - Reading, **Auth. Comm. Rule 31(a)**
  - Return, **Rule 31(a)**
  - Special verdicts, **Auth. Comm. Rule 31(a)**
  - Unanimity, **Rule 31(a)**
  - Unanimous, **Auth. Comm. Rule 31(a)**
- Videotaping sentencing proceedings, **Auth. Comm. Rule 53**
- Witnesses, generally, this index

### UNITED STATES FEDERAL COURT DIRECTORY

- Generally, **Part XIII**

### VENUE

- Generally, **Rule 18**
- Coerced pleas, **Auth. Comm. Rule 20(c)**
- Improper, waiver of, **Auth. Comm. Rule 18**
- Indictment allegations as affecting, **Auth. Comm. Rule 7(c)**
- Indictment or information, venue of, **Rule 20(a)**
- Jury instruction re improper venue, **Auth. Comm. Rule 18**
- Misdemeanors, **Rule 58(c)**
- Petty offenses, **Rule 58(c)**
- Plea, transfer for, **Rule 20(a)**
- Prejudice within district, transfer for, **Rule 21(a)**
- Sentence, transfer for, **Rule 20(a)**
- Transfers
  - Commitment to another district, **Rule 40**

**VENUE—Cont'd**

Transfers—Cont'd

Convenience of witnesses, **Auth. Comm. Rule 18, Rule 21(b)**

Convenience transfers, **Rule 21(b)**

Discretion of court, **Auth. Comm. Rule 18, Auth. Comm. Rule 21**

Indictment or information, venue of, **Rule 20(a)**

Juveniles, waivers by, **Rule 20(d)**

Not guilty plea, effect of, **Rule 20(c)**

Plea, transfer for, **Rule 20(a)**

Prejudice within district, transfer for, **Rule 21(a)**

Procedure, **Rule 21(c)**

Right to transfer, **Auth. Comm. Rule 20(a)**

Sentence, transfer for, **Rule 20(a)**

Time table, **Part II**

Time to file motion for transfer, **Rule 21(d)**

Trial, transfer for, **Rule 21**

Trial, transfer for, **Rule 21**

Waiver

Generally, **Rule 20(a)**

Improper venue, **Auth. Comm. Rule 18**

Juveniles, **Rule 20(d)**

**VERDICT**

See also Jurors and Jury Trials, this index; Trial, this index

Impeachment of verdict by juror, **Evid. Rule 606(b)**

Presence, defendant's right of, **Rule 43**

**VICTIM'S RIGHTS**

Generally, **Rule 60**

**VICTIMS' STATEMENTS**

Generally, **Rule 32(c)**

Definitions, **Rule 32(a)**

**VIDEOTAPING**

Sentencing proceedings, **Auth. Comm. Rule 53**

**VIDEO TELECONFERENCING**

Arraignment, **Rule 10(c)**

Indictments and informations, **Auth. Comm. Rule 10(c)**

Initial appearances, **Rule 5(f)**

**VOIR DIRE**

See also Jurors and Jury Trials, this index

**WAIVER**

Indictments and Informations, this index

Probation, **Auth. Comm. Rule 32.1(b)**

**WARRANTS**

See also Arrest Warrants, this index

See also Search and Seizure, this index



## INDEX

### WARRANTS—Cont'd

- See also Search Warrants, this index
- Authority to issue, **Rule 41(b)**
- Bench warrants, **Auth. Comm. Rule 17(a)**
- Contents, **Rule 41(c)**
- Definitions, **Rule 41(a)**
- Execution, **Rule 41(f)**
- Inventory, **Rule 41(f)**
- Issuance, **Rule 41(e)**
- Knock and announce rule, **Auth. Comm. Rule 41(f)**
- Motions
  - Return of property, **Rule 41(g)**
  - Suppression, **Rule 41(h)**
- Pen register warrants, **Auth. Comm. Rule 41(c)**
- Return, **Rule 41(f)**
- Scope of search warrants, **Rule 41(a)**
- State courts, issuance by, **Auth. Comm. Rule 41(a)**
- Time table, **Part II**

### WILLFUL DISOBEDIENCE

- Subpoenas, **Auth. Comm. Rule 17(g)**

### WIRE AND ELECTRONIC COMMUNICATIONS INTERCEPTION

- Generally, **Part XIV**
- Advertising of wire, oral, or electronic communication intercepting devices,  
**§ 2512**
- Authorization for interception of wire, oral, or electronic communications,  
**§ 2516**
- Confiscation of wire, oral, or electronic communication intercepting devices,  
**§ 2513**
- Damages, recovery of civil damages authorized, **§ 2520**
- Definitions, **§ 2510**
- Disclosure, **§ 2511, § 2517**
- Distribution of wire, oral, or electronic communication intercepting devices,  
**§ 2512**
- Enforcement of Communications Assistance for Law Enforcement Act, **§ 2522**
- Evidence of intercepted wire or oral communications, **§ 2515**
- Injunctions against illegal interception, **§ 2521**
- Manufacture of wire, oral, or electronic communication intercepting devices,  
**§ 2512**
- Possession of wire, oral, or electronic communication intercepting devices,  
**§ 2512**
- Procedure for interception of wire, oral, or electronic communications, **§ 2518**
- Reports concerning intercepted wire, oral, or electronic communications, **§ 2519**

### WITNESSES

- Generally, **Evid. Rule 601 et seq.**
- See also Evidence, this index
- Character evidence, **Evid. Rule 608(a)**

**WITNESSES—Cont'd**

Character of witness, evidence of

Generally, **Evid. Rule 404(a)**

Conduct, evidence of specific instances of, **Evid. Rule 405(b)**

Reputation, proof of, **Evid. Rule 405(a)**

Competency

Generally, **Evid. Rule 601**

Judge as witness, **Evid. Rule 605**

Juror as witness, **Evid. Rule 606(a)**

Personal knowledge requirement, **Evid. Rule 602**

Completeness rule as to prior statements

Generally, **Evid. Rule 106**

Refreshing memory, **Evid. Rule 612**

Conduct evidence, **Evid. Rule 608(b)**

Convenience-of-witness transfers of venue, **Auth. Comm. Rule 18, Rule 21(b)**

Court, calling of witnesses by, **Evid. Rule 614**

Court-appointed experts

Generally, **Evid. Rule 706(a)**

Compensation, **Evid. Rule 706(b)**

Jury, disclosure to of appointment, **Evid. Rule 706(c)**

Nominations by parties, **Evid. Rule 706(a)**

Credibility

Character evidence, **Evid. Rule 608(a)**

Conduct evidence, **Evid. Rule 608(b)**

Crime, conviction of, **Evid. Rule 609(a) et seq.**

Hearsay declarant, **Evid. Rule 806**

Impeachment of generally, **Evid. Rule 607**

Opinion evidence as to character of, **Evid. Rule 608(a)**

Religious beliefs, evidence of, **Evid. Rule 610**

Reputation evidence as to character of

Generally, **Evid. Rule 608(a)**

Hearsay rule, **Evid. Rule 803(21)**

Crime, conviction of

Generally, **Evid. Rule 609(a)**

Annulment, effect of, **Evid. Rule 609(c)**

Appeal pending convictions, **Evid. Rule 609(e)**

Juvenile adjudications, **Evid. Rule 609(d)**

Pardon, effect of, **Evid. Rule 609(c)**

Rehabilitation, effect of, **Evid. Rule 609(c)**

Time limits, **Evid. Rule 609(b)**

Cross-examination

Completeness rule, **Evid. Rule 106**

Expert witnesses, **Evid. Rule 705**

Leading questions, **Evid. Rule 611(c)**

Preliminary questions, effect of accused's testimony on, **Evid. Rule 104(d)**

Prior statement, examination re, **Evid. Rule 613(a)**

Scope of, **Evid. Rule 611(b)**

## INDEX

### WITNESSES—Cont'd

Cross-examination—Cont'd

Witness statements, production of, **Rule 26.2**

Declarant defined, **Evid. Rule 801(b)**

Exclusion of witnesses, orders for, **Evid. Rule 615**

Expert and Opinion Evidence, generally, this index

Harassment of, **Evid. Rule 611(a)**

Hearsay. See Evidence, generally, this index

Hostile, **Evid. Rule 611(c)**

Impeachment

Generally, **Evid. Rule 607**

Character of witness, evidence of, **Evid. Rule 404(a)-Evid. Rule 405(a)**

Completeness rule as to prior statements, **Evid. Rule 106**

Conduct, evidence of specific instances of, **Evid. Rule 405(b)**

Indictments and informations, names and addresses, **Auth. Comm. Rule 7(c)**

Inferences drawn by, **Evid. Rule 701**

Informants' statements, required disclosures of, **Auth. Comm. Rule 12(h)**

Interpreters

Appointment by court, **Rule 28**

Evidentiary rules applicable to, **Evid. Rule 604**

Multiple interpreters, **Rule 28**

Judge as witness, **Evid. Rule 605**

Juror as, **Evid. Rule 606(a)**

Leading questions, **Evid. Rule 611(c)**

Lists, **Auth. Comm. Rule 26**

Memory, writing used to refresh

Completeness rule, **Evid. Rule 612**

Hearsay rule, **Evid. Rule 803(5)**

Oath or affirmation, **Evid. Rule 603**

Opinions. See Expert and Opinion Evidence, generally, this index

Order of presentation of, **Evid. Rule 611(a)**

Order of testimony, **Auth. Comm. Rule 26**

Personal knowledge requirement, **Evid. Rule 602**

Preliminary Examination, this index

Preliminary questions

Privileges, **Evid. Rule 104(a)**

Qualifications, **Evid. Rule 104(a)**

Prior statement, examination on, **Evid. Rule 613(a)**

Prior statement used to refresh memory

Completeness rule, **Evid. Rule 612**

Hearsay rule, **Evid. Rule 803(5)**

Privileges

Generally, **Evid. Rule 501**

Grand jury practice, **Auth. Comm. Rule 6**

Preliminary questions, **Evid. Rule 104(a)**

Self-incrimination

Grand juries, testimony before, **Auth. Comm. Rule 6**

**WITNESSES—Cont'd**

- Qualifications, preliminary questions, **Evid. Rule 104(a)**
- Refreshing memory, writing used for
  - Completeness rule, **Evid. Rule 612**
  - Hearsay rule, **Evid. Rule 803(5)**
- Religious beliefs, evidence of, **Evid. Rule 610**
- Sequestration, **Evid. Rule 615**
- Sex Offense Cases, generally, this index
- Statements, production of
  - Generally, **Rule 26.2**
  - Destruction of notes, **Auth. Comm. Rule 26.2(e)**
  - Detention hearings, **Rule 46(j)**
  - Hearsay, **Auth. Comm. Rule 32(i)**
  - Probation revocation proceedings, **Rule 32.1(c)**
  - Recess to examine statement, **Rule 26.2(d)**
  - Redacted statements, **Rule 26.2(c)**
  - Sanction for failure to produce statement, **Rule 26.2(e)**
  - Self-incrimination privilege, **Auth. Comm. Rule 32(i)**
  - 2003 PROTECT Act, impact of, **Auth. Comm. Rule 32(i)**
  - Victims' statements, **Rule 32(c)**
- Subpoenas
  - Generally, **Rule 17**
  - Statements, **Rule 17(h)**
- Testimony, taking of, **Rule 26**
- Transfer of venue for convenience of, **Auth. Comm. Rule 18, Rule 21(b)**
- Unavailability
  - Establishment of, **Evid. Rule 804(a)**
  - Taking of depositions, **Auth. Comm. Rule 15(a)**
- Venue, transfer of for convenience of witnesses, **Auth. Comm. Rule 18, Rule 21(b)**
- Writing used to refresh memory
  - Completeness rule, **Evid. Rule 612**
  - Hearsay rule, **Evid. Rule 803(5)**

**WRITS**

- Habeas Corpus, generally, this index
- Mandamus, review by, **Part VII**