

Table of Contents

I. PARTS OF A TRIAL

CHAPTER 1. APPLICABILITY OF THE RULES OF EVIDENCE

- § 1:1 Generally
- § 1:2 Administrative hearings
- § 1:3 Attorneys' statements
- § 1:4 Banking Commission hearings
- § 1:5 Board of Education hearings
- § 1:6 Commitment proceedings
- § 1:7 Department of Motor Vehicles license revocation hearings
- § 1:8 Department of Revenue hearings
- § 1:9 Employment Security Commission
- § 1:10 Federal Rules of Evidence
- § 1:11 Foreclosure hearings
- § 1:12 General Rules of Practice for the Superior and District Courts
- § 1:13 Guardianship hearings
- § 1:14 Immigration hearings
- § 1:15 Industrial Commission hearings
- § 1:16 Insurance Department hearings
- § 1:17 Juvenile abuse, neglect and dependency hearings
- § 1:18 Juvenile delinquency hearings
- § 1:19 Local and municipal board hearings
- § 1:20 Medical Board hearings
- § 1:21 Non-jury trial
- § 1:22 North Carolina Rules of Evidence
- § 1:23 Occupational Safety and Health Review Commission hearings
- § 1:24 Post-conviction motions and hearings
- § 1:25 Preliminary injunction hearings
- § 1:26 Preliminary questions on the admissibility of evidence and motions to suppress
- § 1:27 Probable cause hearings
- § 1:28 Probation revocation hearings
- § 1:29 Property Tax Commission
- § 1:30 Sentencing hearings
- § 1:31 State Bar hearings
- § 1:32 Trial motions

ADMISSIBILITY OF EVIDENCE IN NORTH CAROLINA

- § 1:33 Unpublished opinions
- § 1:34 Utilities Commission hearings

**CHAPTER 2. MANAGEMENT OF PERSONS
IN THE COURTROOM**

- § 2:1 Competence to stand trial
- § 2:2 Consolidating testimony
- § 2:3 Contempt—Generally
- § 2:4 —Civil
- § 2:5 —Criminal
- § 2:6 Control of the examination of witnesses
- § 2:7 Electronic media and photography coverage of judicial proceedings
- § 2:8 Exclusion of the public and media from the courtroom
- § 2:9 —Closed courtrooms by statutory mandate
- § 2:10 —Exclusion of parties and witnesses
- § 2:11 Hostile and adverse witnesses
- § 2:12 Security of the courtroom—Armed security
- § 2:13 —Exclusion of dangerous or disruptive persons
- § 2:14 —Physical restraints on parties and witnesses

**CHAPTER 3. OPENING STATEMENTS,
WITNESS EXAMINATION, AND CLOSING
ARGUMENTS**

- § 3:1 Closing argument—Generally
- § 3:2 —Attorney's opinions
- § 3:3 —Conceding defendant's guilt
- § 3:4 —Commenting on defendant's silence and right to trial by jury
- § 3:5 —Failure to object
- § 3:6 —Name-calling
- § 3:7 Cross-examination
- § 3:8 Direct examination
- § 3:9 Opening statements
- § 3:10 Order of arguments and proceedings
- § 3:11 Rebuttal and surrebuttal
- § 3:12 Re-direct and re-cross-examination
- § 3:13 Re-opening the case

**CHAPTER 4. PROCESS OF ADMITTING
AND EXCLUDING EVIDENCE**

- § 4:1 Additional or new evidence
- § 4:2 Affidavits

TABLE OF CONTENTS

| | |
|--------|--|
| § 4:3 | Calling and questioning witnesses—Judicial questions |
| § 4:4 | —Juror questions |
| § 4:5 | Drawing the sting |
| § 4:6 | Form objections—Definition |
| § 4:7 | —Argumentative |
| § 4:8 | —Asked and answered |
| § 4:9 | —Assumes facts not in evidence |
| § 4:10 | —Badgering or harassing the witness |
| § 4:11 | —Calls for narrative |
| § 4:12 | —Leading |
| § 4:13 | Judicial comments during trial |
| § 4:14 | Judicial notice—Adjudicative facts |
| § 4:15 | —Domestic and foreign laws and court decisions |
| § 4:16 | Motions—Civil—Motion for a directed verdict and motion for judgment notwithstanding the verdict (JNOV) |
| § 4:17 | —Motion for a new trial or to amend or alter the judgment |
| § 4:18 | —Motion for summary judgment |
| § 4:19 | —Criminal—Motion for appropriate relief |
| § 4:20 | —Motion for mistrial |
| § 4:21 | —Motion to dismiss for insufficient evidence |
| § 4:22 | —Motion in limine on evidentiary matter |
| § 4:23 | Objections to admissibility and motions to strike—Authority |
| § 4:24 | —Changes in the law during trial |
| § 4:25 | —Continuing or specified line objection |
| § 4:26 | —Exceptions to evidentiary rulings |
| § 4:27 | —Failure to specifically object |
| § 4:28 | —Judicial questioning |
| § 4:29 | —Motion to strike |
| § 4:30 | —Nonresponsive witness testimony |
| § 4:31 | —Renewal of objection required for pre-trial motion in limine ruling despite 103(a)(2) |
| § 4:32 | —Trust and estate matters on appeal |
| § 4:33 | —Waiver of previous or subsequent objection |
| § 4:34 | Offer of proof |
| § 4:35 | Opening the door and invited error |
| § 4:36 | Preliminary questions determined by the judge |
| § 4:37 | Recordation of proceedings |
| § 4:38 | Refreshing recollection—Generally |
| § 4:39 | —During testimony |
| § 4:40 | —Prior to testifying |
| § 4:41 | Rule of completeness |
| § 4:42 | Stipulations and admissions |

ADMISSIBILITY OF EVIDENCE IN NORTH CAROLINA

- § 4:43 —Capacity proceedings
- § 4:44 —Prior convictions and *Old Chief*
- § 4:45 Voir dire a witness
- § 4:46 Weight and credibility determined by the factfinder

II. CORE GROUNDS FOR ADMISSIBILITY: RELEVANCE, RULE 403 AND POLICY EXCLUSIONS

CHAPTER 5. RELEVANCE

- § 5:1 Generally
- § 5:2 Examples of relevance determinations
- § 5:3 Conditional relevance
- § 5:4 Habit, custom, and routine practice
- § 5:5 Related terms

CHAPTER 6. PRESUMPTIONS AND PRIMA FACIE EVIDENCE

- § 6:1 Presumptions and prima facie evidence—Generally
- § 6:2 Accounts verified and itemized
- § 6:3 Adverse possession
- § 6:4 Bankruptcy asbestos trust claims
- § 6:5 Bill of lading
- § 6:6 Calendar
- § 6:7 Child custody and support
- § 6:8 City ordinance
- § 6:9 Criminal records
- § 6:10 Death or missing person certificate
- § 6:11 Defamation
- § 6:12 Default judgment evidence against sureties
- § 6:13 Destroyed court records and evidence of title
- § 6:14 Driver's license records
- § 6:15 Engineers certificate
- § 6:16 Fee simple upon loss or destruction of deed
- § 6:17 Financial transaction card theft
- § 6:18 Fireworks possession
- § 6:19 Fraud presumed
- § 6:20 General Statutes
- § 6:21 Government certificates and documents
- § 6:22 Governmental immunity
- § 6:23 Hospital authorities

TABLE OF CONTENTS

- § 6:24 Hospital expenses
- § 6:25 Impaired driving
- § 6:26 Involuntary commitment
- § 6:27 Intent and knowledge
- § 6:28 Mailbox rule
- § 6:29 Marital property
- § 6:30 Measuring device
- § 6:31 Missing Witness Rule
- § 6:32 Mortality or life tables
- § 6:33 Nuisances
- § 6:34 Optometrists
- § 6:35 Ordinances
- § 6:36 Osteopaths
- § 6:37 Ownership of motor vehicle
- § 6:38 Parol evidence rule
- § 6:39 Paternity
- § 6:40 Possession of property follows title
- § 6:41 Present worth of annuities
- § 6:42 Prostitution
- § 6:43 Regularity of official action
- § 6:44 Riots and disorderly conduct
- § 6:45 School bus safety camera photographs and video
- § 6:46 Security lien term
- § 6:47 Sex and gender identity
- § 6:48 Slayer statute and evidence of criminal dispositions in civil cases
- § 6:49 Speed enhancement
- § 6:50 Subdivisions boundary lines
- § 6:51 Tax assessment
- § 6:52 Title
- § 6:53 Trademarks
- § 6:54 Voter registration
- § 6:55 Wills
- § 6:56 Worthless check prosecution

CHAPTER 7. RULE 403

- § 7:1 Generally
- § 7:2 Application

CHAPTER 8. POLICY EXCLUSIONS TO RELEVANCY

- § 8:1 Generally
- § 8:2 Accident and incident reports

ADMISSIBILITY OF EVIDENCE IN NORTH CAROLINA

- § 8:3 Aggravating factors after conviction for impaired driving
- § 8:4 Apologies and offers of corrective action by health care providers
- § 8:5 Compromise offers and settlements
- § 8:6 Child Fatality Review Team findings
- § 8:7 Confessions and *corpus delicti*
- § 8:8 Hospital patient statements under shock or sedation
- § 8:9 Ignition interlock evidence of intoxication
- § 8:10 Liability insurance
- § 8:11 Medical expenses
- § 8:12 Plea offers and statements
- § 8:13 Pleadings
- § 8:14 Rape Shield
- § 8:15 Rape shield exceptions and exclusions—False and prior allegations
 - Impeachment
 - Past sexual offending behavior by the victim witness
 - Relations with the defendant and consent
 - Relations with third persons
 - Virginity and lack of sexual activity
- § 8:21 Restitution
- § 8:22 Safety standard inspections of gas pipeline facilities
- § 8:23 Seat belts
- § 8:24 Securities, exchange
- § 8:25 Sexually transmitted infection test results
- § 8:26 Subsequent remedial measures

III. WITNESS TESTIMONY

CHAPTER 9. COMPETENCE TO TESTIFY

- § 9:1 Generally
- § 9:2 Counsel as witness
- § 9:3 Depositions
- § 9:4 Developmental and intellectual disabilities
- § 9:5 Hearsay declarant competency
- § 9:6 Infancy and youth
- § 9:7 Interested persons—Generally
- § 9:8 —Criminal defendant
- § 9:9 —Dead Man's Statute
- § 9:10 Intoxication and substance abuse concerns
- § 9:11 Judge as witness
- § 9:12 Juror as witness
- § 9:13 Mediator as witness

TABLE OF CONTENTS

- § 9:14 Mental health concerns
- § 9:15 Oath to testify

CHAPTER 10. PERSONAL KNOWLEDGE

- § 10:1 Generally
- § 10:2 Application

CHAPTER 11. LAY OPINION

- § 11:1 Generally
- § 11:2 Age
- § 11:3 Animal behavior and training
- § 11:4 Blood, tissue, hair and other biological matter
- § 11:5 Cause and time of death or injury
- § 11:6 Child pornography
- § 11:7 Credibility
- § 11:8 Damages
- § 11:9 Data and technology interpretation
- § 11:10 Domestic violence
- § 11:11 Drug identification
- § 11:12 Environmental causation
- § 11:13 Fingerprint identification
- § 11:14 Firearm and bullet identification
- § 11:15 Fire examination
- § 11:16 Handwriting
- § 11:17 Identification of persons
- § 11:18 Intoxication
- § 11:19 Investigative process
- § 11:20 Mental condition or capacity and mens rea
- § 11:21 Physical and emotional appearance
- § 11:22 Reputation
- § 11:23 Right of Way
- § 11:24 Smell
- § 11:25 Shoe and shoeprint comparison
- § 11:26 Speed
- § 11:27 Valuation
- § 11:28 Ultimate opinion

CHAPTER 12. EXPERT OPINION

- § 12:1 Generally
- § 12:2 Appointment of expert witnesses
- § 12:3 Degree of certainty
- § 12:4 Disclosure of basis of opinion
- § 12:5 Hypothetical questions
- § 12:6 Opinions on ultimate issues and legal conclusions

ADMISSIBILITY OF EVIDENCE IN NORTH CAROLINA

- § 12:7 Qualifications
- § 12:8 Standard of reliability
- § 12:9 —Based upon sufficient facts or data
- § 12:10 —Product of reliable principles and methods
- § 12:11 —Reliable application of principles and methods
- § 12:12 Types of expert testimony—Accident reconstruction
- § 12:13 —Battered child syndrome and shaken baby syndrome
- § 12:14 —Battered woman syndrome
- § 12:15 —Bite marks and odontology
- § 12:16 —Blood grouping—paternity in civil cases
- § 12:17 —Blood grouping—paternity in criminal cases
- § 12:18 —Blood stain and spatter
- § 12:19 —Capacity to consent
- § 12:20 —Cause of death or injury
- § 12:21 —Character
- § 12:22 —Child custody evaluation
- § 12:23 —Child Sexual Abuse Accommodation Syndrome
- § 12:24 —Child sexual abuse evaluation
- § 12:25 —Chiropractors
- § 12:26 —Computer analysis
- § 12:27 —Credibility
- § 12:28 —Cultural expert
- § 12:29 —Dangerous animals
- § 12:30 —Data and technology
- § 12:31 —Death examination
- § 12:32 —Deterrence from criminal activity and risk of recidivism
- § 12:33 —DNA testing and analysis
- § 12:34 —Drug identification
- § 12:35 —Earnings and economic loss
- § 12:36 —Engineering
- § 12:37 —Environmental causation
- § 12:38 —Eyewitness identification
- § 12:39 —Fibers
- § 12:40 —Fingerprints
- § 12:41 —Firearms, ballistics, and other tool mark identification
- § 12:42 —Fire investigation
- § 12:43 —Footprint and shoeprint comparison
- § 12:44 —Gaming
- § 12:45 —Hair
- § 12:46 —Handwriting analysis
- § 12:47 —Intoxication and drug use
- § 12:48 —Drug recognition

TABLE OF CONTENTS

- § 12:49 — —Horizontal Gaze Nystagmus (HGN) Test
- § 12:50 — —Intoxylizer and Other Breath Tests
- § 12:51 — —Retrograde extrapolation
- § 12:52 —Interpreters
- § 12:53 —Legal malpractice
- § 12:54 —Medical expert
- § 12:55 — —Medical malpractice
- § 12:56 — — —Area of medical expertise
- § 12:57 — — —Familiarity with the relevant medical community
- § 12:58 —Memory, recovered or repressed
- § 12:59 —Mental health and competency
- § 12:60 —Mining and blasting
- § 12:61 —Munchausen's Syndrome by Proxy and Vulnerable Child Syndrome
- § 12:62 —Negligence and breach of duty
- § 12:63 —Neuropsychologist
- § 12:64 —Obscenity expert
- § 12:65 —Post-traumatic stress disorder (PTSD)
- § 12:66 —Property rights
- § 12:67 —Rehabilitation
- § 12:68 —Self-defense and use of force doctrine
- § 12:69 —Speed-measuring device
- § 12:70 —Sex offender assessment and treatment
- § 12:71 —Statistical probability
- § 12:72 —Sudden emergency doctrine
- § 12:73 —Torture
- § 12:74 —Valuation, fees and damages
- § 12:75 —Veterinarians

CHAPTER 13. CREDIBILITY OF WITNESSES

- § 13:1 Generally
- § 13:2 Bias, interest, or corruption
- § 13:3 Character for truthfulness—Generally
- § 13:4 —Opinion and reputation
- § 13:5 —Specific instances of conduct
- § 13:6 —Conviction of a crime
- § 13:7 — —Applicable convictions
- § 13:8 — — —Avoiding Rule 609
- § 13:9 — — —Civil cases
- § 13:10 — — —Juvenile convictions
- § 13:11 — — —Older convictions
- § 13:12 Contradiction

ADMISSIBILITY OF EVIDENCE IN NORTH CAROLINA

- § 13:13 Fear
- § 13:14 Hearsay declarant credibility
- § 13:15 Hypnosis and impeachment of recovered memory
- § 13:16 Polygraph and truth-detection machines
- § 13:17 Prior statements
- § 13:18 —Consistent statements and corroboration
- § 13:19 —Inconsistent statements and impeachment
- § 13:20 —Inconsistent statements and Impeachment—
 - Collateral matters
- § 13:21 —Inconsistent statements and impeachment—
 - Material matters
- § 13:22 Religious beliefs or opinions
- § 13:23 Sensory capacity and mental health
- § 13:24 Silence or omission
- § 13:25 Who may impeach

CHAPTER 14. NON-CREDIBILITY CHARACTER EVIDENCE

- § 14:1 Generally
- § 14:2 Character in conformity exceptions
- § 14:3 —Character of accused
- § 14:4 —Character of victim
- § 14:5 —Credibility character of witness
- § 14:6 Methods of proving non-credibility character
- § 14:7 —Reputation
- § 14:8 —Opinion
- § 14:9 —Specific instances of conduct
- § 14:10 Character as an essential element

CHAPTER 15. RULE 404(B)—NON- CHARACTER EVIDENCE OF PRIOR ACTS

- § 15:1 Generally
- § 15:2 Rule 404(b) foundational considerations—Limited purpose
- § 15:3 —Pretrial notice
- § 15:4 —Proof of commission of prior acts
- § 15:5 —Remoteness in time
- § 15:6 —Sufficient similarity
- § 15:7 Rule 404(b) examples—Absence of accident or mistake
- § 15:8 —Common plan or scheme
- § 15:9 —Entrapment
- § 15:10 —Familiarity
- § 15:11 —Identity

TABLE OF CONTENTS

- § 15:12 —Intent and malice
- § 15:13 —Knowledge and consciousness of guilt
- § 15:14 —Modus operandi
- § 15:15 —Motive
- § 15:16 —Notice
- § 15:17 —Prior acts of a third party
- § 15:18 —Same transaction rule, *res gestae*, or completing the story

IV. HEARSAY

CHAPTER 16. ADMISSIBILITY AND SCOPE OF HEARSAY

- § 16:1 Generally
- § 16:2 Definition of Hearsay
- § 16:3 Nonhearsay purpose—Context
- § 16:4 —Corroboration and impeachment
- § 16:5 —Effect on the listener and proof of subsequent conduct
- § 16:6 —Motive and intent
- § 16:7 —Notice or knowledge
- § 16:8 —Proving statement was made
- § 16:9 —State of mind
- § 16:10 —Verbal acts, operative facts and words of independent legal significance

CHAPTER 17. HEARSAY EXEMPTIONS FOR ADMISSIONS

- § 17:1 Admissions generally
- § 17:2 Admission by a party opponent
- § 17:3 Adoptive or vicarious admissions
- § 17:4 Authorized or agent admissions
- § 17:5 Co-conspirator statements

CHAPTER 18. HEARSAY EXCEPTIONS—AVAILABILITY NOT AT ISSUE

- § 18:1 Generally
- § 18:2 Absence of records
- § 18:3 Ancient documents
- § 18:4 Business records
- § 18:5 —Affidavits
- § 18:6 —Lack of trustworthiness

ADMISSIBILITY OF EVIDENCE IN NORTH CAROLINA

- § 18:7 Excited utterance
- § 18:8 Family history
- § 18:9 Judgments to prove history or boundaries
- § 18:10 Learned treatises
- § 18:11 Market reports and commercial publications
- § 18:12 Medical diagnosis or treatment
- § 18:13 Past recollection recorded
- § 18:14 Present sense impression
- § 18:15 Property interests
- § 18:16 Public records and records of vital statistics
- § 18:17 —Lack of trustworthiness
- § 18:18 Res gestae
- § 18:19 Reputation as to character
- § 18:20 Residual or catch-all hearsay exception
- § 18:21 Then existing mental, emotional, or physical condition

**CHAPTER 19. HEARSAY EXCEPTIONS—
UNAVAILABILITY REQUIRED**

- § 19:1 Defining unavailability
- § 19:2 Dying declarations
- § 19:3 Family history
- § 19:4 Former testimony
- § 19:5 Residual or catch-all hearsay exception
- § 19:6 Statement against interest—Generally
- § 19:7 —Civil cases
- § 19:8 —Criminal cases

**V. AUTHENTICATION AND
ADMISSIBILITY OF EVIDENCE BY
FORM**

CHAPTER 20. AUTHENTICATION

- § 20:1 Generally
- § 20:2 Ancient Documents
- § 20:3 Business records
- § 20:4 Cell phone records, email and text messages
- § 20:5 Chain of custody
- § 20:6 Electronic signatures
- § 20:7 Email and other electronic communications
- § 20:8 Handwriting and letters
- § 20:9 Judgments and criminal convictions

TABLE OF CONTENTS

- § 20:10 Maps and surveys
- § 20:11 Metadata
- § 20:12 Photographs, videotapes, motion pictures, or x-rays
- § 20:13 Real (tangible) evidence
- § 20:14 Self-authenticating evidence
- § 20:15 —Statutory examples
- § 20:16 Social networking statements and images
- § 20:17 Voice identification and audio recordings

CHAPTER 21. BEST EVIDENCE RULE

- § 21:1 Generally
- § 21:2 Duplicates and public records
- § 21:3 Exceptions to the best evidence rule
- § 21:4 Summaries
- § 21:5 Testimony or deposition admitting contents

CHAPTER 22. DEMONSTRATIVE EVIDENCE

- § 22:1 Generally
- § 22:2 3D Printing
- § 22:3 Anatomically correct dolls and other objects used to assist child testimony
- § 22:4 Composite sketch
- § 22:5 Copies, casts, and enlargements
- § 22:6 Demonstration
- § 22:7 Diagrams and drawings
- § 22:8 Experiments
- § 22:9 Maps
- § 22:10 Models, casts and duplicates
- § 22:11 Objects
- § 22:12 Photographs, images, and video

VI. OVERLAPPING CONSIDERATIONS

CHAPTER 23. JURY CONSIDERATIONS

- § 23:1 Contact with Jurors
- § 23:2 External influences and validity of verdict
- § 23:3 Jury instructions
- § 23:4 Jury notes
- § 23:5 Limiting instructions to the jury
- § 23:6 Requests by the jury and use of exhibits

ADMISSIBILITY OF EVIDENCE IN NORTH CAROLINA

- § 23:7 Substitution of juror
- § 23:8 View—Civil cases
- § 23:9 —Criminal cases
- § 23:10 Voir dire of jury panel
- § 23:11 Waiver of jury trial

CHAPTER 24. CONSTITUTIONAL CONSIDERATIONS

- § 24:1 Crime victim's right to be heard
- § 24:2 Ex post facto laws
- § 24:3 Right to confrontation—Generally
- § 24:4 —Accommodations for testifying
- § 24:5 ——Children
- § 24:6 ——Disabilities
- § 24:7 ——Forensic analysts
- § 24:8 ——Involuntary commitment
- § 24:9 ——Public health and medical conditions
- § 24:10 —Co-defendant's statements and joinder of charges
- § 24:11 —Crawford ruling generally
- § 24:12 —Crawford ruling—North Carolina application
- § 24:13 ——Dying declaration exception
- § 24:14 ——Forensic reports
- § 24:15 ——Forfeiture by wrongdoing exception
- § 24:16 ——Nontestimonial statements
- § 24:17 ——Prior opportunity for cross-examination
- § 24:18 ——Rule of completeness
- § 24:19 ——Testimonial statements to law enforcement
- § 24:20 ——Unavailability
- § 24:21 —Probation revocation hearings
- § 24:22 —Sentencing hearings
- § 24:23 Right to counsel
- § 24:24 Right to a fair trial
- § 24:25 Right to a public trial
- § 24:26 Right to present evidence in defense

CHAPTER 25. PRIVILEGES, CONFIDENTIALITY, AND THE RIGHT TO INFORMATIONAL PRIVACY

- § 25:1 Generally
- § 25:2 Abortion patients
- § 25:3 Attorney-client privilege of confidential communications—Generally
- § 25:4 —Civil

TABLE OF CONTENTS

| | |
|---------|--|
| § 25:5 | —Criminal |
| § 25:6 | —Joint defense or common interest doctrine |
| § 25:7 | Autopsy reports |
| § 25:8 | Behavior analyst-client privilege |
| § 25:9 | Clergy-communicant privilege of confidential communications |
| § 25:10 | Collaborative law privilege of confidential communications |
| § 25:11 | Counselor-client privilege of confidential communications |
| § 25:12 | Crime Victims Compensation Act privilege exceptions |
| § 25:13 | Crisis center counselor-client privilege of confidential communications |
| § 25:14 | Defamation privileges |
| § 25:15 | Electronic monitoring data |
| § 25:16 | Environmental audit report privilege |
| § 25:17 | Expungement records |
| § 25:18 | Guardian ad litem—Parent privilege of confidential communications |
| § 25:19 | Human trafficking victim confidentiality |
| § 25:20 | Informational privacy right |
| § 25:21 | Insurance audit privilege |
| § 25:22 | Interests of justice |
| § 25:23 | Journalist fair report privilege and privilege of confidential communications |
| § 25:24 | Judicial and legislative testimonial privileges |
| § 25:25 | Marital and family therapist privilege of confidential communications |
| § 25:26 | Marital privilege of confidential communications |
| § 25:27 | Marital privilege—Generally |
| § 25:28 | —Child abuse and termination of parental rights cases |
| § 25:29 | —Civil cases |
| § 25:30 | —Criminal cases |
| § 25:31 | —Express and implied waiver |
| § 25:32 | Mediation conference protection of confidential communications and testimonial privilege |
| § 25:33 | Medical peer review committee privilege of confidential information |
| § 25:34 | Mental health records in capacity proceedings |
| § 25:35 | Nurse-patient privilege |
| § 25:36 | Optometrist-patient privilege |
| § 25:37 | Peer support group counselor-client privilege |
| § 25:38 | Physician-patient privilege |
| § 25:39 | —Express and implied waiver |

ADMISSIBILITY OF EVIDENCE IN NORTH CAROLINA

- § 25:40 —Statutory exceptions
- § 25:41 Privilege against self-incrimination and right to remain silent
- § 25:42 —Juvenile
- § 25:43 —Silence
- § 25:44 —Waiver
- § 25:45 Psychologist-client privilege
- § 25:46 School counselor-student privilege
- § 25:47 Sexual assault evidence collection kit confidentiality
- § 25:48 Social worker-client privilege
- § 25:49 Spousal testimonial privilege
- § 25:50 —Spousal hearsay declarants

CHAPTER 26. DISCOVERY AND INVESTIGATION

- § 26:1 Generally
- § 26:2 —Civil
- § 26:3 —Criminal
- § 26:4 Appeal of discovery orders
- § 26:5 Attorney work product
- § 26:6 Confidential informants, anonymous tips, and corroboration
- § 26:7 Court reporter certified trial transcriptions
- § 26:8 Depositions
- § 26:9 Electronic eavesdropping
- § 26:10 Eyewitness identification police procedures
- § 26:11 Ex parte communications with physicians in workers' compensation claims
- § 26:12 Expert witness discovery
- § 26:13 Freedom of Information Act and Public Records Act
- § 26:14 Juvenile government records
- § 26:15 Metadata
- § 26:16 Postconviction discovery and new evidence
- § 26:17 Protective orders against discovery
- § 26:18 Sexual assault examination kits
- § 26:19 Spoliation of evidence
- § 26:20 Subpoena duces tecum
- § 26:21 Tax returns

CHAPTER 27. STANDARDS OF REVIEW ON APPEAL FOR EVIDENTIARY ERROR

- § 27:1 Generally
- § 27:2 Abuse of discretion
- § 27:3 Administrative appeals

TABLE OF CONTENTS

- § 27:4 Attorney disciplinary hearings
- § 27:5 Contempt proceedings
- § 27:6 Demonstrative evidence
- § 27:7 De Novo
- § 27:8 Grossly improper remarks during closing argument
- § 27:9 Ineffective assistance of counsel
- § 27:10 Dispositional orders, interlocutory orders, and final judgments
- § 27:11 Non-jury trials
- § 27:12 Plain Error
- § 27:13 Prejudicial error and harmless error
- § 27:14 State's right to appeal in a criminal proceeding
- § 27:15 Weight of appellate authority

Table of Laws and Rules

Table of Cases

Index