

# Table of Contents

## CHAPTER 1 COLORADO RULES OF EVIDENCE

### ARTICLE I GENERAL PROVISIONS

Rule 101	Scope .....	3
Rule 102	Purpose and Construction .....	3
Rule 103	Rulings on Evidence.....	3
Rule 104	Preliminary Questions .....	4
Rule 105	Limited Admissibility .....	5
Rule 106	Remainder of or Related Statements.....	5

### ARTICLE II JUDICIAL NOTICE

Rule 201	Judicial Notice of Adjudicative Facts.....	6
----------	--	---

### ARTICLE III PRESUMPTIONS IN CIVIL ACTIONS AND PROCEEDINGS

Rule 301	Presumptions in General in Civil Actions and Proceedings.....	7
Rule 302	Reserved .....	7

### ARTICLE IV RELEVANCY AND ITS LIMITS

Rule 401	Definition of “Relevant Evidence” .....	7
Rule 402	Relevant Evidence Generally Admissible; Irrelevant Evidence Inadmissible .....	7
Rule 403	Exclusion of Relevant Evidence on Grounds of Prejudice, Confusion, or Waste of Time .....	8
Rule 404	Character Evidence; Other Crimes, Wrongs, or Acts .....	8
Rule 405	Methods of Proving Character .....	9
Rule 406	Habit; Routine Practice .....	10
Rule 407	Subsequent Remedial Measures .....	10
Rule 408	Compromise and Offers to Compromise.....	10
Rule 409	Payment of Medical and Similar Expenses .....	11
Rule 410	Offer to Plead Guilty; Nolo Contendere; Withdrawn Pleas of Guilty .....	11
Rule 411	Liability Insurance .....	12
Rule 412	Reserved .....	12

### ARTICLE V PRIVILEGES

Rule 501	Privileges Recognized Only as Provided .....	12
Rule 502	Attorney-Client Privilege and Work Product; Limitations on Waiver .....	13

### ARTICLE VI WITNESSES

## COLORADO HANDBOOK ON EVIDENCE

Rule 601	General Rule of Competency .....	14
Rule 602	Lack of Personal Knowledge .....	14
Rule 603	Oath or Affirmation .....	14
Rule 604	Interpreters .....	15
Rule 605	Competency of Judge as Witness .....	15
Rule 606	Competency of Juror as Witness .....	15
Rule 607	Who May Impeach.....	16
Rule 608	Evidence of Character and Conduct of Witness .....	16
Rule 609	Reserved .....	17
Rule 610	Religious Beliefs or Opinions.....	17
Rule 611	Mode and Order of Interrogation and Presentation .	17
Rule 612	Writing Used to Refresh Memory.....	18
Rule 613	Prior Statements of Witnesses .....	19
Rule 614	Calling and Interrogation of Witnesses by Court ....	19
Rule 615	Exclusion of Witnesses from the Courtroom: Preventing an Excluded Witness's Access to Trial Testimony .....	20

### ARTICLE VII OPINIONS AND EXPERT TESTIMONY

Rule 701	Opinion Testimony by Lay Witnesses .....	20
Rule 702	Testimony by Experts .....	21
Rule 703	Bases of Opinion Testimony by Experts.....	21
Rule 704	Opinion on Ultimate Issue .....	22
Rule 705	Disclosure of Facts or Data Underlying Expert Opinion .....	22
Rule 706	Court Appointed Experts .....	22

### ARTICLE VIII HEARSAY

Rule 801	Definitions.....	23
Rule 802	Hearsay Rule.....	24
Rule 803	Hearsay Exceptions: Availability of Declarant Immaterial .....	25
Rule 804	Hearsay Exceptions: Declarant Unavailable .....	30
Rule 805	Hearsay within Hearsay .....	33
Rule 806	Attacking and Supporting Credibility of Declarant..	33
Rule 807	Residual Exception .....	33

### ARTICLE IX AUTHENTICATION AND IDENTIFICATION

Rule 901	Requirement of Authentication or Identification .....	34
Rule 902	Self-Authentication .....	35
Rule 903	Subscribing Witness' Testimony Unnecessary .....	38

### ARTICLE X CONTENTS OF WRITINGS, RECORDINGS AND PHOTOGRAPHS

Rule 1001	Definitions .....	38
Rule 1002	Requirement of Original.....	39
Rule 1003	Admissibility of Duplicates.....	39

## TABLE OF CONTENTS

Rule 1004	Admissibility of Other Evidence of Contents.....	40
Rule 1005	Public Records.....	40
Rule 1006	Summaries.....	40
Rule 1007	Testimony or Written Admission of Party.....	41
Rule 1008	Functions of Court and Jury.....	41

### ARTICLE XI MISCELLANEOUS RULES

Rule 1101	Applicability of Rules.....	42
Rule 1102	Reserved.....	42
Rule 1103	Title.....	42

## CHAPTER 2 COLORADO RULES OF EVIDENCE WITH AUTHORS' COMMENTARY

### ARTICLE I GENERAL PROVISIONS

Rule 101	Scope.....	45
Rule 102	Purpose and Construction.....	46
Rule 103	Rulings on Evidence.....	46
Rule 104	Preliminary Questions.....	58
Rule 105	Limited Admissibility.....	61
Rule 106	Remainder of or Related Writings or Recorded Statements.....	63

### ARTICLE II JUDICIAL NOTICE

Rule 201	Judicial Notice of Adjudicative Facts.....	65
----------	--	----

### ARTICLE III PRESUMPTIONS IN CIVIL ACTIONS AND PROCEEDINGS

Rule 301	Presumptions in General in Civil Actions and Proceedings.....	69
Rule 302	Reserved.....	71

### ARTICLE IV RELEVANCY AND ITS LIMITS

Rule 401	Definition of "Relevant Evidence".....	71
Rule 402	Relevant Evidence Generally Admissible; Irrelevant Evidence Inadmissible.....	77
Rule 403	Exclusion of Relevant Evidence on Grounds of Prejudice, Confusion, or Waste of Time.....	86
Rule 404	Character Evidence; Other Crimes, Wrongs, or Acts.....	98
Rule 405	Methods of Proving Character.....	120
Rule 406	Habit; Routine Practice.....	125
Rule 407	Subsequent Remedial Measures.....	127
Rule 408	Compromise and Offers to Compromise.....	129
Rule 409	Payment of Medical and Similar Expenses.....	131

COLORADO HANDBOOK ON EVIDENCE

Rule 410	Offer to Plead Guilty; Nolo Contendere; Withdrawn Pleas of Guilty .....	132
Rule 411	Liability Insurance .....	135
Rule 412	Reserved .....	136

**ARTICLE V PRIVILEGES**

Rule 501	Privileges Recognized Only as Provided .....	136
Rule 502	Attorney-Client Privilege and Work Product; Limitations on Waiver .....	138

**ARTICLE VI WITNESSES**

Rule 601	General Rule of Competency .....	142
Rule 602	Lack of Personal Knowledge .....	145
Rule 603	Oath or Affirmation .....	147
Rule 604	Interpreters .....	148
Rule 605	Competency of Judge as Witness .....	148
Rule 606	Competency of Juror as Witness .....	149
Rule 607	Who May Impeach.....	154
Rule 608	Evidence of Character and Conduct of Witness .....	155
Rule 609	Reserved .....	163
Rule 610	Religious Beliefs or Opinions.....	163
Rule 611	Mode and Order of Interrogation and Presentation .	163
Rule 612	Writing Used to Refresh Memory.....	171
Rule 613	Prior Statements of Witnesses .....	172
Rule 614	Calling and Interrogation of Witnesses by Court ....	176
Rule 615	Exclusion of Witnesses From the Courtroom: Preventing an Excluded Witness's Access to Trial Testimony .....	177

**ARTICLE VII OPINIONS AND EXPERT TESTIMONY**

Rule 701	Opinion Testimony by Lay Witnesses .....	179
Rule 702	Testimony by Experts .....	188
Rule 703	Bases of Opinion Testimony by Experts.....	206
Rule 704	Opinion on Ultimate Issue .....	210
Rule 705	Disclosure of Facts or Data Underlying Expert Opinion .....	215
Rule 706	Court Appointed Experts .....	217

**ARTICLE VIII HEARSAY**

Rule 801	Definitions .....	219
Rule 802	Hearsay Rule.....	236
Rule 803	Hearsay Exceptions: Availability of Declarant Immaterial.....	247
Rule 804	Hearsay Exceptions: Declarant Unavailable..	271
Rule 804(a)	Definition of "Unavailable" .....	274
Rule 804(b)(1)	Former Testimony .....	278
Rule 804(b)(2)	Dying Declarations .....	280

## TABLE OF CONTENTS

Rule 804(b)(3)	Statements Against Interest.....	282
Rule 804(b)(4)	Statement of Personal or Family History.....	288
Rule 805	Hearsay within Hearsay.....	289
Rule 806	Attacking and Supporting Credibility of Declarant.....	290
Rule 807	Residual Exception.....	292

## ARTICLE IX AUTHENTICATION AND IDENTIFICATION

Rule 901	Requirement of Authentication or Identification.....	296
Rule 902	Self-Authentication.....	306
Rule 903	Subscribing Witness' Testimony Unnecessary.....	310

## ARTICLE X CONTENTS OF WRITINGS, RECORDINGS AND PHOTOGRAPHS

Rule 1001	Definitions.....	311
Rule 1002	Requirement of Original.....	313
Rule 1003	Admissibility of Duplicates.....	314
Rule 1004	Admissibility of Other Evidence of Contents.....	316
Rule 1005	Public Records.....	318
Rule 1006	Summaries.....	319
Rule 1007	Testimony or Written Admission of Party.....	321
Rule 1008	Functions of Court and Jury.....	322

## ARTICLE XI MISCELLANEOUS RULES

Rule 1101	Applicability of Rules.....	323
Rule 1102	Reserved.....	325
Rule 1103	Title.....	325

## CHAPTER 3 SELECTED CONSTITUTIONAL AND STATUTORY PROVISIONS

### CONSTITUTION OF THE STATE OF COLORADO

Art. 2, § 7	Security of Person and Property— Searches—Seizures—Warrants.....	339
Art. 2, § 9	Treason—Estates of Suicides.....	339
Art. 2, § 16	Criminal Prosecutions—Rights of Defendant.....	340
Art. 2, § 17	Imprisonment of Witnesses—Depositions— Form.....	340
Art. 2, § 18	Crimes—Evidence Against One's Self— Jeopardy.....	340
Art. 2, § 25	Due Process of Law.....	340
Art. 5, § 25	Special Legislation Prohibited.....	340
Art. 6, § 21	Rule-Making Power.....	341
Art. 7, § 9	No Privilege to Witness In Election Trial ...	341

## SELECTED STATUTORY PROVISIONS

### TITLE 4 UNIFORM COMMERCIAL CODE

#### ARTICLE 1 GENERAL PROVISIONS

#### PART 2 GENERAL DEFINITIONS AND PRINCIPLES OF INTERPRETATION

§ 4-1-202	Notice—Knowledge .....	342
§ 4-1-205	Reasonable time—Seasonableness .....	343
§§ 4-1-206 to 4-1-209	Repealed by Laws 2006, Ch. 133, § 1, eff. Sept. 1, 2006.....	343

#### ARTICLE 2 SALES

#### PART 2 FORM, FORMATION, AND READJUSTMENT OF CONTRACT

§ 4-2-201	Formal requirements—Statute of frauds .....	343
§ 4-2-202	Final expression—Parol or extrinsic evidence.....	344
§ 4-2-205	Firm offers .....	344

#### PART 3 GENERAL OBLIGATION AND CONSTRUCTION OF CONTRACT

§ 4-2-302	Unconscionable contract or clause.....	344
-----------	--	-----

#### PART 7 REMEDIES

§ 4-2-723	Proof of market price—Time and place .....	345
§ 4-2-724	Admissibility of market quotations.....	345

#### ARTICLE 2.5 LEASES

#### PART 2 FORMATION AND CONSTRUCTION OF LEASE CONTRACT

§ 4-2.5-202	Final written expression: Parol or extrinsic evidence.....	345
-------------	---	-----

#### PART 5 DEFAULT

§ 4-2.5-507	Proof of market rent: time and place.....	346
-------------	---	-----

#### ARTICLE 3 NEGOTIABLE INSTRUMENTS

#### PART 3 ENFORCEMENT OF INSTRUMENTS

§ 4-3-308	Proof of signatures and status as holder in due course .....	346
-----------	---	-----

TABLE OF CONTENTS

**PART 5 DISHONOR**

§ 4-3-505	Evidence of dishonor .....	347
-----------	----------------------------	-----

**ARTICLE 8 INVESTMENT SECURITIES**

**PART 1 SHORT TITLE AND GENERAL MATTERS**

§ 4-8-113	Statute of frauds inapplicable .....	348
-----------	--------------------------------------	-----

**TITLE 6 CONSUMER AND COMMERCIAL AFFAIRS**

**ARTICLE 2 UNFAIR PRACTICES ACT**

§ 6-2-107	Allegation and proof—Evidence .....	348
-----------	-------------------------------------	-----

**TITLE 8 LABOR AND INDUSTRY**

**ARTICLE 1 DIVISION OF LABOR STANDARDS AND STATISTICS—  
INDUSTRIAL CLAIM APPEALS OFFICE**

§ 8-1-118	Rules of evidence—Procedure .....	348
§ 8-2-201	Damages—Fellow servant rule abolished— Limitation on admission of criminal history .....	348

**TITLE 12 PROFESSIONS AND OCCUPATIONS**

**ARTICLE 30 PROVISIONS APPLICABLE TO HEALTH CARE  
PROFESSIONS AND OCCUPATIONS**

**PART 2 PROFESSIONAL REVIEW OF HEALTH CARE  
PROVIDERS**

§ 12-30-204	Establishment of professional review committees—Function—Rules .....	349
-------------	---	-----

**TITLE 13 COURTS AND COURT PROCEDURE**

**ARTICLE 21 DAMAGES**

**PART 4 PRODUCT LIABILITY ACTIONS—GENERAL  
PROVISIONS**

§ 13-21-404	Inadmissible evidence .....	358
-------------	-----------------------------	-----

**ARTICLE 22 AGE OF COMPETENCE—ARBITRATION—MEDIATION**

**PART 2 UNIFORM ARBITRATION ACT**

§ 13-22-209	Initiation of arbitration .....	358
-------------	---------------------------------	-----

**PART 3 DISPUTE RESOLUTION ACT**

§ 13-22-307	Confidentiality .....	359
-------------	-----------------------	-----

**ARTICLE 25 EVIDENCE—GENERAL PROVISIONS**

§ 13-25-101	Printed statutes—Reports of decisions .....	360
§ 13-25-102	United States census bureau mortality table as evidence.....	360
§ 13-25-103	Repealed by Laws 2013, Ch. 46, § 2, eff. Aug. 6, 2014 .....	360
§ 13-25-104	Proof of handwriting.....	360
§ 13-25-105	Certificate of register—Patent.....	360
§ 13-25-106	Judicial notice of laws of other jurisdictions.....	361
§ 13-25-107	Proceedings of cities and towns .....	361
§ 13-25-108	Evidence of assessment .....	361
§ 13-25-109	Recording of patents to land.....	362
§ 13-25-110	Patent—Copy of record.....	362
§ 13-25-111	Patents already recorded.....	362
§ 13-25-112	Fees of recorder .....	362
§ 13-25-113	Lost deed—Bond—Note—Affidavit.....	362
§ 13-25-114	Certificate of publisher .....	362
§ 13-25-115	Certificate of head officer .....	363
§ 13-25-116	Water officials' records .....	363
§ 13-25-117	Parties plaintiff .....	363
§ 13-25-118	Joint defendants .....	364
§ 13-25-119	Dying declarations .....	364
§ 13-25-120	Corporate resolutions and minutes .....	364
§ 13-25-121	Reports of death .....	365
§ 13-25-122	Person missing, interned, or captured.....	365
§ 13-25-123	Report deemed pursuant to law .....	366
§ 13-25-124	Libel and slander—How pleaded.....	366
§ 13-25-125	Justification—Pleaded and proved.....	366
§ 13-25-125.5	Libel and slander—Self-publication .....	366
§ 13-25-126	Genetic tests to determine parentage .....	366
§ 13-25-126.5	Documents arising from environmental self-evaluation—Admissibility in evidence.....	369
§ 13-25-127	Civil actions—Degree of proof required .....	373
§ 13-25-128	Rules of evidence—Grant of authority subject to reservation .....	373
§ 13-25-129	Statements of a child—Hearsay exception .....	374
§ 13-25-129.5	Statements of persons with intellectual and developmental disabilities—hearsay exception..	375
§ 13-25-130	Criminal actions—Use of photographs, video tapes, or films of property .....	377
§ 13-25-131	Civil actions—Sexual assault—Certain evidence presumed irrelevant .....	378
§ 13-25-132	Criminal actions—Video tape depositions—Use at trial .....	379



## TABLE OF CONTENTS

§ 13-25-133	Telecommunications devices for the deaf and teletype—Inadmissibility in evidence—Exception .....	380
§ 13-25-134	Electronic records and signatures—Admissibility in evidence—Originals .....	380
§ 13-25-136	Criminal actions—prenatal drug and alcohol screening—admissibility of evidence .....	380
§ 13-25-137	Admissibility of commercial packaging.....	381
§ 13-25-138	Victim’s prior sexual conduct history—Evidentiary hearing—Victim’s identity—Protective order.....	381
§ 13-25-139	Criminal action—Interference with witness—Forfeiture by wrongdoing .....	383

## ARTICLE 26 UNIFORM PHOTOGRAPHIC RECORDS ACT

§ 13-26-101	Short title.....	384
§ 13-26-102	Business and public records as evidence.....	384
§ 13-26-103	Records of trust departments or companies not excepted.....	384
§ 13-26-104	Uniform construction .....	385

## ARTICLE 27 UNIFORM UNSWORN DECLARATIONS ACT

§ 13-27-101	Short title.....	385
§ 13-27-102	Definitions .....	385
§ 13-27-103	Applicability .....	386
§ 13-27-104	Validity of unsworn declaration .....	386
§ 13-27-105	Required medium .....	386
§ 13-27-106	Form of unsworn declaration.....	386
§ 13-27-107	Uniformity of application and construction .....	387
§ 13-27-108	Relation to “Electronic Signatures in Global and National Commerce Act” .....	387

## ARTICLE 64 HEALTH-CARE AVAILABILITY ACT

## PART 4 PROCEDURES AND EVIDENCE IN MEDICAL MALPRACTICE ACTIONS

§ 13-64-401	Qualifications as expert witness in medical malpractice actions or proceedings .....	387
§ 13-64-402	Collateral source evidence .....	388
§ 13-64-402.5	Evidence relating to legally protected health-care activity—Legislative declaration .....	388

## ARTICLE 90 WITNESSES

## PART 1 GENERAL PROVISIONS

§ 13-90-101	Who may testify—Interest.....	389
§ 13-90-102	Testimony concerning oral statements made by	

	person incapable of testifying—When allowed— Definitions .....	389
§ 13-90-103	Repealed by Laws 1977, H.B.1675, § 5, eff. May 26, 1977.....	391
§ 13-90-104	Conversation of deceased partner.....	391
§ 13-90-105	Incompetent not restored by release.....	391
§ 13-90-106	Who may not testify .....	391
§ 13-90-107	Who may not testify without consent— Definitions .....	391
§ 13-90-108	Offer taken as consent .....	403
§ 13-90-109	Estates of deceased persons, infants, and persons who have been declared mentally incompetent .....	404
§ 13-90-110	Religious opinions of witness .....	404
§ 13-90-111	Repealed by Laws 2008, Ch. 68, § 2, eff. Aug. 5, 2008 .....	404
§ 13-90-112	Power to enforce subpoena duces tecum .....	404
§ 13-90-113	Interpreters—Compensation.....	404
§ 13-90-114	Paid by state .....	404
§ 13-90-115	Service of subpoena.....	405
§ 13-90-116	Examination of party to record by adverse party .....	405
§ 13-90-117	Affirmation—Form—Perjury .....	405
§ 13-90-117.5	Oath or affirmation taken by a child .....	405
§ 13-90-118	Witness immunity .....	406
§ 13-90-119	Privilege for newsperson .....	406

## **PART 2 APPOINTMENT OF INTERPRETERS FOR PERSONS WHO ARE DEAF OR HARD OF HEARING**

§ 13-90-201	Legislative declaration .....	408
§ 13-90-202	Definitions .....	409
§ 13-90-203	Powers and duties of the enterprise—rules.....	410
§ 13-90-204	Appointment of auxiliary services providers.....	410
§ 13-90-205	Coordination of auxiliary services requests.....	411
§ 13-90-206	Use of an intermediary interpreter .....	412
§ 13-90-207	Requirements to be met prior to commencing proceedings .....	412
§ 13-90-208	Waiver.....	412
§ 13-90-209	Privileged communications .....	413
§ 13-90-210	Compensation .....	413

## **ARTICLE 90.5 UNIFORM INTERSTATE DEPOSITIONS AND DISCOVERY ACT**

§ 13-90.5-101	Short title.....	413
§ 13-90.5-102	Definitions .....	413
§ 13-90.5-103	Issuance of subpoena.....	414
§ 13-90.5-104	Service of subpoena.....	414
§ 13-90.5-105	Deposition, production, and inspection.....	414
§ 13-90.5-106	Application to court.....	414

TABLE OF CONTENTS

§ 13-90.5-107	Uniformity of application and construction .....	415
<b>TITLE 14 DOMESTIC MATTERS</b>		
<b>ARTICLE 2 MARRIAGE AND RIGHTS OF MARRIED PERSONS</b>		
<b>PART 2 RIGHTS OF MARRIED PERSONS</b>		
§ 14-2-203	Rights in separate business .....	415
<b>ARTICLE 5 UNIFORM INTERSTATE FAMILY SUPPORT ACT</b>		
<b>PART 3 CIVIL PROVISIONS OF GENERAL APPLICATION</b>		
§ 14-5-316	Special rules of evidence and procedure .....	415
<b>ARTICLE 6 NONSUPPORT</b>		
§ 14-6-105	Spouse competent witness .....	416
<b>ARTICLE 12 MARRIAGE COUNSELING</b>		
§ 14-12-105	Counseling proceedings to be private— Communications confidential .....	417
<b>ARTICLE 13 UNIFORM CHILD-CUSTODY JURISDICTION AND ENFORCEMENT ACT</b>		
<b>PART 1 GENERAL PROVISIONS</b>		
§ 14-13-111	Taking testimony in another state .....	417
<b>TITLE 15 PROBATE, TRUSTS, AND FIDUCIARIES</b>		
<b>ARTICLE 10 GENERAL PROVISIONS, DEFINITIONS, JURISDICTION</b>		
§ 15-10-107	Evidence of death or status .....	418
<b>ARTICLE 11 INTESTATE SUCCESSION AND WILLS</b>		
<b>PART 5 WILLS AND WILL CONTRACTS AND CUSTODY AND DEPOSIT OF WILLS</b>		
§ 15-11-513	Separate writing or memorandum identifying devise of certain types of tangible personal property .....	419
§ 15-11-514	Contracts concerning succession .....	419

**ARTICLE 12 PROBATE OF WILLS AND ADMINISTRATION**

**PART 4 FORMAL TESTACY AND APPOINTMENT PROCEEDINGS**

§ 15-12-407	Formal testacy proceedings—Burdens in contested cases .....	420
-------------	---	-----

**TITLE 16 CRIMINAL PROCEEDINGS**

**ARTICLE 3 ARREST—SEARCHES AND SEIZURES**

**PART 3 SEARCHES AND SEIZURES**

§ 16-3-301.1	Court orders for the production of records—Definitions .....	420
§ 16-3-308	Evidence—Admissibility—Declaration of purpose—Definitions .....	424
§ 16-3-309	Admissibility of laboratory test results .....	425
§ 16-3-310	Oral advisement and consent prior to search of a vehicle or a person during a police contact .....	427
§ 16-3-311	Peace officer incident recordings .....	428
§ 16-3-312	Warrantless entry of a dwelling .....	429

**ARTICLE 7 SEPARATE TRIAL—ARRAIGNMENT—PLEA AGREEMENTS—DEFERRED PROSECUTION AND DEFERRED SENTENCING**

**PART 3 PLEA DISCUSSIONS AND PLEA AGREEMENTS**

§ 16-7-303	Fact of discussion and agreement not admissible .	430
------------	---	-----

**ARTICLE 8 INSANITY—RELEASE**

**PART 1 GENERAL PROVISIONS**

§ 16-8-106	Examinations and report .....	430
§ 16-8-107	Evidence .....	435
§ 16-8-109	Testimony of lay witnesses .....	437
§ 16-8-114	Evidence concerning competency—Inadmissibility .....	437
§ 16-8.5-110	Testimony of lay witnesses .....	438

**ARTICLE 10 JURY TRIALS**

**PART 2 EVIDENCE OF INCONSISTENT STATEMENTS—VARIANCE**

§ 16-10-201	Inconsistent statement of witness—Competency of evidence .....	438
-------------	--	-----

TABLE OF CONTENTS

**PART 3 EVIDENCE OF SIMILAR TRANSACTIONS**

§ 16-10-301	Evidence of similar transactions—Legislative declaration.....	439
-------------	---	-----

**ARTICLE 11 IMPOSITION OF SENTENCE**

**PART 2 PROBATION**

§ 16-11-206	Revocation hearing .....	441
-------------	--------------------------	-----

**ARTICLE 15 WIRETAPPING AND EAVESDROPPING**

§ 16-15-102	Ex parte order authorizing the interception of wire, oral, or electronic communications.....	442
-------------	--	-----

**ARTICLE 22 COLORADO SEX OFFENDER REGISTRATION ACT**

§ 16-22-109	Registration forms—Local law enforcement agencies—Duties—Report.....	451
-------------	--	-----

**TITLE 18 CRIMINAL CODE**

**ARTICLE 1 PROVISIONS APPLICABLE TO OFFENSES GENERALLY**

**PART 8 RESPONSIBILITY**

§ 18-1-803	Impaired mental condition .....	454
§ 18-1-804	Intoxication .....	455

**ARTICLE 1.3 SENTENCING IN CRIMINAL CASES**

**PART 8 SPECIAL PROCEEDINGS—SENTENCING OF HABITUAL CRIMINALS**

§ 18-1.3-802	Evidence of former convictions—Identity.....	456
--------------	--	-----

**PART 9 SENTENCING OF SEX OFFENDERS**

§ 18-1.3-911	Evidentiary hearing.....	456
--------------	--------------------------	-----

**ARTICLE 3 OFFENSES AGAINST THE PERSON**

**PART 1 HOMICIDE AND RELATED OFFENSES**

§ 18-3-106	Vehicular homicide.....	457
------------	-------------------------	-----

**PART 2 ASSAULTS**

§ 18-3-205	Vehicular assault.....	462
------------	------------------------	-----

**PART 4 UNLAWFUL SEXUAL BEHAVIOR**

§ 18-3-407	Victim's and witness's prior history—Evidentiary hearing—Victim's identity—Protective order ....	467
§ 18-3-407.5	Victim evidence—Forensic evidence—Electronic lie detector exam without victim's consent prohibited .....	469
§ 18-3-407.7	Sexual assault victim emergency payment program—Creation—Eligibility .....	471
§ 18-3-407.9	Forensic nurse examiners—Telehealth program—Creation—Appropriation .....	472
§ 18-3-411	Sex offenses against children—Limitation for commencing proceedings—Evidence—Statutory privilege—Definition .....	473

**ARTICLE 4 OFFENSES AGAINST PROPERTY**

**PART 4 THEFT**

§ 18-4-414	Evidence of value.....	475
------------	------------------------	-----

**ARTICLE 6 OFFENSES INVOLVING THE FAMILY RELATIONS**

**PART 4 WRONGS TO CHILDREN**

§ 18-6-401.1	Child abuse—Limitation for commencing proceedings—Evidence—Statutory privilege .....	475
§ 18-6-401.3	Video tape depositions—Children—Victims of child abuse .....	476

**PART 8 DOMESTIC VIOLENCE**

§ 18-6-801.5	Domestic violence—Evidence of similar transactions.....	477
--------------	---	-----

**ARTICLE 6.5 WRONGS TO AT-RISK ADULTS**

§ 18-6.5-104	Statutory privilege not allowed.....	478
--------------	--------------------------------------	-----

**ARTICLE 8 OFFENSES—GOVERNMENTAL OPERATIONS**

**PART 6 OFFENSES RELATING TO JUDICIAL AND OTHER PROCEEDINGS**

§ 18-8-610	Tampering with physical evidence .....	478
------------	--	-----

**ARTICLE 9 OFFENSES AGAINST PUBLIC PEACE, ORDER, AND DECENCY**

**PART 3 OFFENSES INVOLVING COMMUNICATIONS**

§ 18-9-305	Exceptions.....	479
------------	-----------------	-----

TABLE OF CONTENTS

**ARTICLE 15 OFFENSES—MAKING, FINANCING, OR COLLECTION  
OF LOANS**

§ 18-15-103	Presumption that extension of credit is extortionate.....	482
-------------	--	-----

**TITLE 19 CHILDREN’S CODE**

**ARTICLE 2 THE COLORADO JUVENILE JUSTICE SYSTEM  
[REPEALED]**

**PART 5 ENTRY INTO SYSTEM [REPEALED]**

§§ 19-2-511 to 19-2-518	Repealed and relocated by Laws 2021, Ch. 136 (S.B. 21-059), § 1, eff. Oct. 1, 2021 .....	483
-------------------------	--	-----

**PART 8 ADJUDICATORY PROCEDURES [REPEALED]**

§§ 19-2-802 to 19-2-805	Repealed and relocated by Laws 2021, Ch. 136 (S.B. 21-059), § 1, eff. Oct. 1, 2021 .....	483
-------------------------	--	-----

**ARTICLE 3 DEPENDENCY AND NEGLECT**

**PART 2 GENERAL PROVISIONS**

§ 19-3-207	Inadmissibility of certain evidence .....	483
------------	---	-----

**PART 3 CHILD ABUSE OR NEGLECT**

§ 19-3-306	Evidence of abuse—Color photographs and X rays .....	484
§ 19-3-311	Evidence not privileged.....	484

**TITLE 24 GOVERNMENT—STATE**

**ARTICLE 4 RULE-MAKING AND LICENSING PROCEDURES BY  
STATE AGENCIES**

§ 24-4-105	Hearings and determinations.....	485
------------	----------------------------------	-----

**ARTICLE 72 PUBLIC RECORDS**

§ 24-72-110	Evidence admissible, when—Charges .....	494
§ 24-72-111	Originals destroyed, prior abstracts as evidence .	496

**TITLE 25 PUBLIC HEALTH AND ENVIRONMENT**

**ARTICLE 2 VITAL STATISTICS**

§ 25-2-110	Certificates of death—Electronic death registration system—Amended certificate of death following a change in gender—Rules—Definitions.....	496
§ 25-2-117	Certified copies furnished—Fee.....	505
§ 25-3-109	Quality management functions—Confidentiality and immunity.....	506

**TITLE 31 GOVERNMENT—MUNICIPAL**

**ARTICLE 16 ORDINANCES—PENALTIES**

**PART 2 ORDINANCE CODES ADOPTED BY REFERENCE**

§ 31-16-208	Use as evidence .....	508
-------------	-----------------------	-----

**ARTICLE 23 PLANNING AND ZONING**

**PART 1 PLATS OF CITIES AND TOWNS**

§ 31-23-109	Plats shall be evidence .....	508
-------------	-------------------------------	-----

**TITLE 35 AGRICULTURE**

**ARTICLE 43 BRANDING AND HERDING**

§ 35-43-101	Brands on livestock—Evidence.....	509
§ 35-43-102	Branding—Evidence of ownership—Penalty.....	509
§ 35-43-109	Brands personal property—Recording by board—Rules—Effect .....	509

**TITLE 37 WATER AND IRRIGATION**

**ARTICLE 5 FINANCIAL ADMINISTRATION**

§ 37-5-115	Assessment records prima facie evidence.....	510
------------	--	-----

**TITLE 38 PROPERTY—REAL AND PERSONAL**

**ARTICLE 1 PROCEEDINGS**

§ 38-1-118	Evidence concerning value of property.....	510
------------	--	-----

**ARTICLE 10 FRAUDS—STATUTE OF FRAUDS**

§ 38-10-101	Conveyances to defraud .....	510
§ 38-10-102	Purchaser with notice—Prior grantee privy .....	510
§ 38-10-103	Conveyance determinable at will of grantor	



## TABLE OF CONTENTS

	void .....	510
§ 38-10-104	Power to revoke and reconvey.....	511
§ 38-10-105	Conveyance before power vests.....	511
§ 38-10-106	Conveyance—Trust—Power must be in writing..	511
§ 38-10-107	Not to affect will or trusts by operation of law...	511
§ 38-10-108	Contracts for interests in land—Must be written .....	511
§ 38-10-109	Authorized agent may subscribe instrument .....	512
§ 38-10-110	Courts may enforce specific performance.....	512
§ 38-10-111	Trusts for use of grantor void against creditors ..	512
§ 38-10-111.5	Trusts to establish or maintain eligibility for certain public assistance void—Exceptions .....	512
§ 38-10-112	Void agreements.....	512
§ 38-10-113	Goods sold at auction—Memorandum .....	513
§ 38-10-114	No delivery or change of possession—Effect .....	513
§ 38-10-115	Creditors defined.....	513
§ 38-10-116	Lawful agent may subscribe .....	513
§ 38-10-117	Conveyances to defraud creditors void .....	514
§ 38-10-118	Grant or assignment of trust .....	514
§ 38-10-119	Conveyances void against heirs .....	514
§ 38-10-120	Intent, question of fact—Want of consideration ..	514
§ 38-10-121	Purchaser with notice of fraud .....	514
§ 38-10-122	Construction of terms .....	515
§ 38-10-123	Term conveyance, how construed .....	515
§ 38-10-124	Credit agreements—Required to be in writing...	515

## ARTICLE 30 TITLES AND INTERESTS

§ 38-30-155	Certified copy of record shall be evidence of title .....	516
-------------	--	-----

## ARTICLE 35 CONVEYANCING AND RECORDING

### PART 1 GENERAL PROVISIONS

§ 38-35-102	When unacknowledged instruments prima facie evidence .....	516
§ 38-35-104	Acknowledged instruments as evidence .....	517
§ 38-35-112	Certificate of death when properly recorded may be admitted as evidence.....	517

## ARTICLE 41 LIMITATIONS—HOMESTEAD EXEMPTIONS

### PART 1 LIMITATION OF ACTIONS AFFECTING REAL PROPERTY

§ 38-41-103	Evidence of adverse possession.....	518
-------------	-------------------------------------	-----

## TITLE 42 VEHICLES AND TRAFFIC

### ARTICLE 2 DRIVERS' LICENSES

## **PART 1 DRIVERS' LICENSES**

§ 42-2-121	Records to be kept by department—Admission of records in court.....	518
------------	---	-----

## **ARTICLE 4 REGULATION OF VEHICLES AND TRAFFIC**

## **PART 2 EQUIPMENT**

§ 42-4-237	Safety belt systems—Mandatory use—Exemptions—Penalty—Definitions.....	523
------------	---	-----

## **PART 13 ALCOHOL AND DRUG OFFENSES**

§ 42-4-1301	Driving under the influence—Driving while impaired—Driving with excessive alcoholic content—Definitions—Penalties.....	525
§ 42-4-1303	Records—Prima facie proof.....	532

## **PART 17 PENALTIES AND PROCEDURE**

§ 42-4-1713	Conviction record inadmissible in civil action ....	533
-------------	---	-----

## **ARTICLE 7 MOTOR VEHICLE FINANCIAL RESPONSIBILITY LAW**

## **PART 5 GENERAL**

§ 42-7-504	Matters not to be evidence in litigation .....	533
------------	--	-----

## **CHAPTER 4 SELECTED RULES OF COURT**

### **COLORADO RULES OF CIVIL PROCEDURE**

Rule 32	Use of Depositions in Court Proceedings .....	535
Rule 43	Evidence.....	538
Rule 44	Proof of Official Record .....	539
Rule 44.1	Determination of Foreign Law .....	541
Rule 45	Subpoena .....	541
Rule 108	Affidavits .....	546

### **COLORADO RULES OF CRIMINAL PROCEDURE**

Rule 6.1	Subpoenas—Issuance and Time Limits.....	546
Rule 6.2	Secrecy of Proceedings—Witness Privacy—Representation By Counsel.....	547
Rule 6.3	Oath of Witnesses .....	547
Rule 15	Depositions.....	548
Rule 16	Discovery and Procedure Before Trial .....	549
Rule 17	Subpoena .....	558
Rule 26	Evidence.....	560
Rule 26.1	Determination of Foreign Law .....	561
Rule 26.2	Written Records [REPEALED] .....	561

## TABLE OF CONTENTS

Rule 27	Proof of Official Record [REPEALED] .....	561
Rule 41	Search, Seizure, and Confession.....	561
Rule 41.1	Court Order for Nontestimonial Identification .....	567
Rule 51	Exceptions Unnecessary.....	569
Rule 52	Harmless Error and Plain Error .....	569

## CHAPTER 5 FEDERAL RULES OF EVIDENCE

### ARTICLE I GENERAL PROVISIONS

Rule 101	Scope; Definitions.....	575
Rule 102	Purpose .....	575
Rule 103	Rulings on Evidence.....	575
Rule 104	Preliminary Questions .....	576
Rule 105	Limiting Evidence That Is Not Admissible Against Other Parties or for Other Purposes .....	577
Rule 106	Remainder of or Related Statements.....	577
Rule 107	Illustrative Aids.....	577

### ARTICLE II JUDICIAL NOTICE

Rule 201	Judicial Notice of Adjudicative Facts.....	578
----------	--	-----

### ARTICLE III PRESUMPTIONS IN CIVIL CASES

Rule 301	Presumptions in Civil Cases Generally .....	578
Rule 302	Applying State Law to Presumptions in Civil Cases.....	578

### ARTICLE IV RELEVANCE AND ITS LIMITS

Rule 401	Test for Relevant Evidence .....	579
Rule 402	General Admissibility of Relevant Evidence.....	579
Rule 403	Excluding Relevant Evidence for Prejudice, Confusion, Waste of Time, or Other Reasons.....	579
Rule 404	Character Evidence; Other Crimes, Wrongs or Acts .	579
Rule 405	Methods of Proving Character .....	580
Rule 406	Habit; Routine Practice .....	581
Rule 407	Subsequent Remedial Measures .....	581
Rule 408	Compromise Offers and Negotiations .....	581
Rule 409	Offers to Pay Medical and Similar Expenses.....	582
Rule 410	Pleas, Plea Discussions, and Related Statements....	582
Rule 411	Liability Insurance .....	582
Rule 412	Sex–Offense Cases: The Victim’s Sexual Behavior or Predisposition.....	583
Rule 413	Similar Crimes in Sexual–Assault Cases .....	584
Rule 414	Similar Crimes in Child–Molestation Cases.....	584
Rule 415	Similar Acts in Civil Cases Involving Sexual Assault or Child Molestation.....	585

### ARTICLE V PRIVILEGES

COLORADO HANDBOOK ON EVIDENCE

Rule 501	Privilege in General.....	585
Rule 502	Attorney–Client Privilege and Work Product; Limitations on Waiver .....	586
Rules 503 to 600	Reserved for future legislation.....	587

**ARTICLE VI WITNESSES**

Rule 601	Competency to Testify in General .....	587
Rule 602	Need for Personal Knowledge .....	587
Rule 603	Oath or Affirmation to Testify Truthfully .....	587
Rule 604	Interpreter.....	588
Rule 605	Judge’s Competency as a Witness .....	588
Rule 606	Juror’s Competency as a Witness.....	588
Rule 607	Who May Impeach a Witness .....	588
Rule 608	A Witness’s Character for Truthfulness or Untruthfulness.....	589
Rule 609	Impeachment by Evidence of a Criminal Conviction .....	589
Rule 610	Religious Beliefs or Opinions.....	590
Rule 611	Mode and Order of Examining Witnesses and Presenting Evidence.....	590
Rule 612	Writing Used to Refresh a Witness’s Memory .....	591
Rule 613	Witness’s Prior Statement.....	591
Rule 614	Court’s Calling or Examining a Witness .....	592
Rule 615	Excluding Witnesses from the Courtroom; Preventing an Excluded Witness’s Access to Trial Testimony .....	592

**ARTICLE VII OPINIONS AND EXPERT TESTIMONY**

Rule 701	Opinion Testimony by Lay Witnesses .....	593
Rule 702	Testimony by Expert Witnesses [Rule Text & Notes of Decisions subdivisions I, II] .....	593
Rule 703	Bases of an Expert’s Opinion Testimony.....	593
Rule 704	Opinion on an Ultimate Issue.....	594
Rule 705	Disclosing the Facts or Data Underlying an Expert’s Opinion.....	594
Rule 706	Court–Appointed Expert Witnesses .....	594

**ARTICLE VIII HEARSAY**

Rule 801	Definitions That Apply to This Article; Exclusions From Hearsay.....	595
Rule 802	The Rule Against Hearsay.....	596
Rule 803	Exceptions to the Rule Against Hearsay— Regardless of Whether the Declarant Is Available as a Witness.....	596
Rule 804	Exceptions to the Rule Against Hearsay—When the Declarant Is Unavailable as a Witness .....	600
Rule 805	Hearsay Within Hearsay .....	602

## TABLE OF CONTENTS

Rule 806	Attacking and Supporting the Declarant's Credibility .....	602
Rule 807	Residual Exception .....	602

### ARTICLE IX AUTHENTICATION AND IDENTIFICATION

Rule 901	Authenticating or Identifying Evidence .....	603
Rule 902	Evidence That Is Self-Authenticating .....	604
Rule 903	Subscribing Witness's Testimony .....	606

### ARTICLE X CONTENTS OF WRITINGS, RECORDINGS, AND PHOTOGRAPHS

Rule 1001	Definitions That Apply to This Article .....	606
Rule 1002	Requirement of the Original .....	607
Rule 1003	Admissibility of Duplicates .....	607
Rule 1004	Admissibility of Other Evidence of Content .....	607
Rule 1005	Copies of Public Records to Prove Content .....	607
Rule 1006	Summaries to Prove Content .....	608
Rule 1007	Testimony or Statement of a Party to Prove Content .....	608
Rule 1008	Functions of the Court and Jury .....	608

### ARTICLE XI MISCELLANEOUS RULES

Rule 1101	Applicability of the Rules .....	609
Rule 1102	Amendments .....	610
Rule 1103	Title .....	610

## CHAPTER 6 CHECKLISTS AND FOUNDATIONS

§ 6:1	Offering an exhibit (documentary, real, or illustrative evidence) (Rules 401, 402, 901 and 902) .....	611
§ 6:2	Character evidence (Rules 404 and 405) .....	614
§ 6:3	Impeachment (Rules 607–613) .....	617
§ 6:4	Present recollection refreshed (Rule 612) .....	626
§ 6:5	Expert testimony (Rule 702) .....	629
§ 6:6	Hearsay exceptions (Rule 803) .....	632
§ 6:7	Foundation for summary of voluminous writings (Rule 1006) .....	639

## CHAPTER 7 COMMON OBJECTIONS AND RESPONSES

### I OBJECTIONS TO FORM OF QUESTION

§ 7:1	Ambiguous question (Rule 611(a)) .....	645
§ 7:2	Argumentative question (Rule 611(a)) .....	646
§ 7:3	Asked and answered (Rule 611(a)) .....	646
§ 7:4	Assumes facts not in evidence (Rule 611(a)) .....	647
§ 7:5	Compound question (Rule 611(a)) .....	647
§ 7:6	Confusing (Rule 611(a)) .....	648

§ 7:7	Harassing the witness (Rule 611(a)).....	648
§ 7:8	Leading question (direct examination) (Rule 611(c)).....	649
§ 7:9	Leading question (cross-examination) (Rule 611(c)) .....	650
§ 7:10	Narrative testimony, calls for (Rule 611(a)).....	651
§ 7:11	Repetitious question (Rule 611(a)) .....	651
§ 7:12	Unintelligible question (Rule 611(a)) .....	652

## II OBJECTIONS TO ADMISSIBILITY

§ 7:13	Authentication insufficient (Rules 901 and 902) .....	652
§ 7:14	Best evidence not being offered (Rules 1001 and 1002) .	654
§ 7:15	Bolstering (Rules 607, 608 and 801(d)(1)(B)) .....	655
§ 7:16	Chain of custody not established (real evidence) (Rule 901) .....	657
§ 7:17	Character evidence in form of opinion testimony (Rule 405) .....	658
§ 7:18	Character evidence inadmissible (Rule 404(a)).....	658
§ 7:19	Character evidence, specific acts inadmissible (Rule 405) .....	660
§ 7:20	Character witness, improper cross-examination as to specific acts (Rule 405).....	661
§ 7:21	Character witness not qualified to testify in the form of reputation or opinion (Rule 405).....	663
§ 7:22	Compromise of or offer to compromise a civil claim (Rule 408) .....	664
§ 7:23	Conclusion of law, expert witness (Rules 702 and 704)..	665
§ 7:24	Conclusion of law, lay witness (Rules 701 and 704) .....	667
§ 7:25	Confusion of the issues (Rule 403).....	668
§ 7:26	Cross-examination, beyond scope of direct (Rule 611(b)) .....	668
§ 7:27	Cumulative (Rule 403) .....	669
§ 7:28	Dead Man's Act renders witness incompetent.....	670
§ 7:29	Exclusion of witness, violation of (Rule 615) .....	671
§ 7:30	Expert lacks sufficient basis for opinion (Rule 702) .....	671
§ 7:31	Expert may not relate hearsay basis for opinion (Rule 703) .....	672
§ 7:32	Expert not qualified (Rule 702) .....	673
§ 7:33	Expert opinion based solely on hearsay not reasonably relied upon (Rule 703) .....	674
§ 7:34	Expert opinion is speculative, conjectural (Rule 702)....	675
§ 7:35	Expert opinion not helpful (Rule 702).....	676
§ 7:36	Habit evidence not admissible (Rule 406).....	677
§ 7:37	Hearsay (Rules 801 and 802).....	678
§ 7:38	Hypothetical question includes facts not in evidence (Rule 705) .....	680
§ 7:39	Hypothetical question not helpful (Rule 705).....	680
§ 7:40	Identification insufficient (Rules 901 and 902) .....	681
§ 7:41	Impeachment, bias (Rules 607 and 611) .....	683

## TABLE OF CONTENTS

§ 7:42	Impeachment, extrinsic evidence of prior conduct inadmissible (Rule 608).....	684
§ 7:43	Impeachment of own witness (Rule 607).....	685
§ 7:44	Impeachment of own witness with prior inconsistent statement.....	685
§ 7:45	Impeachment on collateral matter (Rules 403 and 607) .....	686
§ 7:46	Impeachment, prior conviction inadmissible (Colo.Rev.Stat. § 13-90-101) .....	688
§ 7:47	Incompetent; witness is incompetent (Rules 601 and 403) .....	688
§ 7:48	Insurance (Rule 411) .....	689
§ 7:49	Irrelevant (immaterial, not probative) (Rules 401 and 402) .....	690
§ 7:50	Judge as witness (Rule 605).....	691
§ 7:51	Juror as witness at trial (Rule 606(a)) .....	691
§ 7:52	Juror as witness to impeach verdict (Rule 606(b)).....	692
§ 7:53	Lay opinion testimony (Rule 701).....	693
§ 7:54	Lay witness testifying as expert (Rule 701) .....	694
§ 7:55	Medical, hospital, or similar expenses, payment of (Rule 409) .....	695
§ 7:56	Mental state or condition of accused (Rule 704(b)) .....	695
§ 7:57	Misleading the jury (Rule 403).....	696
§ 7:58	Nonresponsive answer (Rule 611).....	697
§ 7:59	Other accidents (Rules 401–403).....	698
§ 7:60	Other claims by plaintiff (Rules 401–403) .....	700
§ 7:61	Other contracts or transactions involving a party (Rules 401–403) .....	700
§ 7:62	Other crimes evidence; insufficient notice of intent to offer .....	701
§ 7:63	Other crimes evidence not adequately proven.....	701
§ 7:64	Other crimes evidence not admissible to prove character (Rule 404(b)) .....	702
§ 7:65	Other crimes evidence offered for an undisputed point (Rules 403, 404(b)) .....	704
§ 7:66	Personal knowledge lacking (Rule 602) .....	705
§ 7:67	Photograph inflammatory and unfairly prejudicial (Rule 403) .....	706
§ 7:68	Photograph, motion picture, videotape, or sound recording not authenticated (Rule 901).....	707
§ 7:69	Pleas and plea bargaining (Rule 410) .....	708
§ 7:70	Prejudicial effect outweighs probative value (Rule 403).	709
§ 7:71	Prior consistent statement not admissible to rehabilitate.....	710
§ 7:72	Prior inconsistent statement; extrinsic evidence inadmissible (Rule 613(b)).....	711
§ 7:73	Prior inconsistent statement; must disclose contents of writing (Rule 613).....	712

## COLORADO HANDBOOK ON EVIDENCE

§ 7:74	Privilege, comment on or adverse inference from invocation .....	712
§ 7:75	Privileged (Colo.Rev.Stat. § 13-90-107) .....	713
§ 7:76	Privileged attorney-client communication .....	713
§ 7:77	Privileged; clergy-communicant privilege .....	715
§ 7:78	Privileged marital communication (proposed Rule 505) ..	715
§ 7:79	Privileged; no advance notice of assertion of privilege ..	716
§ 7:80	Privileged physician-patient communication .....	717
§ 7:81	Privileged counselor/psychologist communication .....	717
§ 7:82	Privileged required report .....	718
§ 7:83	Religious belief or opinion (Rule 610) .....	718
§ 7:84	Scientific evidence not admissible (Rule 702) .....	719
§ 7:85	Sexual conduct or predisposition of alleged victim of sexual misconduct; civil case (Colo.Rev.Stat. § 13-25-131) .....	720
§ 7:86	Sexual conduct or predisposition of alleged victim of sexual misconduct; criminal case (Colo.Rev.Stat. § 18-3-407) .....	721
§ 7:87	Speculation, question calls for (Rules 602, 701 and 702) .....	722
§ 7:88	Subsequent remedial measure (Rule 407) .....	723
§ 7:89	Summary not admissible (Rule 1006) .....	723
§ 7:90	Truthfulness of another's testimony (Rules 608, 701 and 702) .....	725
§ 7:91	Ultimate issue (Rule 704) .....	726

### **Table of Laws and Rules**

### **Table of Cases**

### **Index**