Index

ABANDONED PROPERTY

Residential searches, § 7:14

ABSENTIA, TRIAL IN

Trials, this index

ABUSE OF ATTORNEYS AND LITIGANTS

Ethics, judicial proceedings, § 50:16

ABUSE OF DISCRETION

Appeal and review, § 51:6

ACCUSATIONS

Grand jury, § 21:13

ACQUITTALS

Trials, this index

ADMISSIONS

Confessions and Admissions, this index

ADMISSIONS AND CONFESSIONS

Confidential informants, § 11:20

Diminished capacity, § 11:19

Voluntariness, § 11:19

AFFIRMATIVE DEFENSES

Generally, § 32:41, § 36:1-36:27

Alibi, § 36:25, § 36:26

Consent, § 36:16

Criminal Code affirmative defenses, § 36:2

Duress, § 36:18, § 36:19

Entrapment, § 36:20, § 36:21

Failure of State to provide witness, § 32:42

Immunity, § 36:27

Intoxication, § 36:23, § 36:24

Mistake of law, § 36:6, § 36:7

Necessity, § 36:17

Premises or property, defense of, § 36:12

Self-defense, § 36:3

generally, § 36:3-36:10

Self-induced intoxication, § 36:22

Third party guilt, § 32:41

Third persons, defense of, § 36:11

AGGRAVATING FACTORS

Imprisonment, § 43:11

ALCOHOLIC BEVERAGES

Driving while Intoxicated, this index Self-induced intoxication, affirmative defenses, § 36:22

ALCOTEST

Driving while intoxicated, § 39:3

ALIBI

Affirmative defenses, § 36:25, § 36:26

ALLOCUTION BY DEFENDANT

Sentence and punishment, § 41:1

ANIMALS

Police dogs, this index

Residential searches by dogs, § 7:16

APPARENT AUTHORITY

Residential searches, consent, § 7:7

APPEAL AND REVIEW

Generally, § 51:1-51:9

Abuse of discretion, § 51:6

Arguing of appeal, § 51:8

Deference for factual findings of trial court, § 51:9

Factual findings of trial court, deference for, § 51:9

Filing of appeal, § 51:2

Instructions to jury, § 51:4

Plain error, § 51:3

Pretrial intervention, rejection of application, § 26:6, 26:18

Published decisions, § 51:10

Sentence, appeal of, § 51:7

State, appeal by, § 51:11

Statutory construction, § 51:5

Suppression of evidence, interlocutory appeals, § 30:11

Time to file appeal, § 51:1

APPROVAL

Consent or Approval, this index

ARGUMENTATIVE

Objections, § 38:4

ARREST

Generally, § 16:1

Booking procedures, § 16:20

Citizen's arrest, § 16:15

Collateral consequences of conviction, domestic violence, § 17:9

Confrontation issues at trial, domestic violence, § 17:8

Detention following arrest, § 16:21

ARREST—Cont'd Domestic violence generally, § 17:1-17:9 acts constituting domestic violence, § 17:2 collateral consequences of conviction, § 17:9 confrontation issues at trial, § 17:8 mandatory and discretionary arrests, § 17:3 pretrial release and detention, § 17:4 temporary and final restraining orders, § 17:6, 17:7 violation of restraining orders, § 17:7 weapons, search and seizure of, § 17:5 Expungement of records, arrests not resulting in conviction, § 54:7 Extradition, this index False arrest, immunity from claims, § 16:10 Field inquiry, § 16:3 Force, use in making arrest, § 16:7 Immunity from claims of false arrest, § 16:10 Impoundment of property, § 16:18 Inventory searches, § 16:18 Investigative detention to determine identity, § 16:22 "On view" requirement, warrantless arrest, § 16:13, 16:14 Post-arrest procedures, generally, § 16:16-16:21 Prearrest actions generally, § 16:3-16:5 field inquiry, § 16:3 probable cause determinations, § 16:5 Terry stop and frisk, § 16:4 Pretrial Release and Detention, this index Probable cause determinations, § 16:5 Release from custody generally, § 16:21 warrantless arrest, release on summons, § 16:12 Residential searches, arrest warrants, § 7:12 Resisting arrest generally, § 16:8 self-defense against excessive force, § 16:9 Restraining orders, domestic violence, § 17:6, 17:7 Search and seizure of weapons, domestic violence, § 17:5 Search incident to arrest lawful arrest, § 16:16 unlawful arrest, § 16:17 Self-defense against excessive force, resisting arrest, § 16:9 Strip searches, § 16:19 Submission to arrest, duty, § 16:6 Temporary and final restraining orders, domestic violence, § 17:6, 17:7 Territorial jurisdiction, § 16:2 Terry stop and frisk, § 16:4

ARREST—Cont'd

Violation of restraining orders, domestic violence, § 17:7

Warrantless arrest

generally, § 16:11-16:14

"on view" requirement, § 16:13, 16:14

release on summons, § 16:12

Weapons, domestic violence, § 17:5

ARREST OF JUDGMENT

Sentence and punishment, § 48:7

ASKED AND ANSWERED

Objections, § 38:5

ASSESSMENTS

Conditional discharge, § 24:5

ASSUMING FACTS NOT IN EVIDENCE

Objections, § 38:6

ATTACHMENT OF JEOPARDY

Trials, § 28:1

ATTEMPT

Code of criminal justice, § 2:10, § 2:11

ATTIRE OF DEFENDANT

Trials, § 32:43

ATTIRE OF WITNESSES

Trials, § 32:18

ATTORNEY DISCIPLINE

Sentence and punishment, collateral consequences, § 45:4

ATTORNEY GENERAL

Generally, § 1:2

ATTORNEYS' FEES

Ethics, § 50:9

AUTHENTICATION

Objections, § 38:7

AUTOMOBILES

Motor Vehicles, this index

BAIL

Extradition, § 18:7

Sentence and punishment, bail pending appeal, § 48:4

BALLISTICS

Forensic evidence, § 35:8

BALTHROP HEARING

Pretrial motions, § 30:28

BATTERED WOMAN SYNDROME

Self-defense, § 36:9

BEST EVIDENCE RULE

Objections, § 38:8

BIAS OR PREJUDICE

Ethics, judicial proceedings, § 50:17 Objections, § 38:33 Speedy trial, § 30:24

BIOMETRICS

Facial recognition technology, witnesses, § 12:7

BITE MARKS

Forensic evidence, § 35:11

BLOOD-ALCOHOL LEVEL

Driving while Intoxicated, this index

BOOKING PROCEDURES

Arrest, § 16:20

BRADY MATERIALS

Limitations on prosecutor's discovery obligations, § 22:3

BRIEFS

Suppression of evidence, § 30:8

BRUNSON HEARING

Pretrial motions, § 30:27

BURDEN OF PRODUCTION

Suppression of evidence, § 30:6

BURDEN OF PROOF

Generally, § 33:4 Insanity, § 37:7 Suppression of evidence, § 30:7

CANDOR

Ethics, § 50:12

CAUSATION

Code of criminal justice, § 2:6, § 2:7

CAUSE, CHALLENGES FOR

Jury and jury trial, § 31:9

CAUTIONARY INSTRUCTIONS

Objections, § 38:17

CELL PHONES

Conversations, wiretaps, § 11:12 Records, § 8:1

"CERTAIN PERSONS" INDICTMENTS

Trials, this index

CERTIFICATE OF REHABILITATION

Rehabilitation of convicted offenders, § 53:2

CHAIN OF CUSTODY

Crime scene, § **14:2** Objections, § **38:10**

CHARACTER EVIDENCE

Generally, § 32:38 Defendant, § 32:39

Objections, § 38:11

CHARGING CONFERENCE

Trials, § 32:47

CHILDREN

Juvenile Justice, this index

CIRCUMSTANTIAL EVIDENCE

Generally, § 33:10 Evidence, § 33:11

CITIZEN COMPLAINTS

Filing of charges, § 15:2

CITIZEN'S ARREST

Generally, § 16:15

CIVIL FORFEITURE

Generally, § 49:1-49:6

Contraband, defined, § 49:2

Elements of proof at trial, § 49:3

Impoundment of vehicles, § 5:5

Inadmissible as evidence at trial, § 49:5

Notice of procedures to protect of criminal defendant, § 49:5

Procedure, § 49:3

Protection of criminal defendant, procedures to, § 49:5

Statutes of limitation, § 49:4

Writ of replevin, § 49:6

CIVIL RESERVATIONS

Pleas, § 28:1

standing to appeal, § 28:2

Standing to appeal, pleas, § 28:2

CLEAR AND CONVINCING EVIDENCE

Generally, § 33:8

CLEMENCY

Executive Clemency, this index

CLEMENCY ADVISORY BOARD

Pardon application process in New Jersey, § 52:2

CLOSING ARGUMENTS

Generally, § 32:46 Objections, § 38:12

CODEFENDANTS

Trials, § 34:20, § 34:21

CODE OF CRIMINAL JUSTICE

Generally, 2:1-2:19

CODES OF CONDUCT

Ethics, this index

COFIELD HEARING

Pretrial motions, prior bad acts, § 30:29

COLLATERAL CONSEQUENCES

Domestic violence convictions, § 17:9 Guilty pleas, § 27:7 Sentence and Punishment, this index

COMMERCIAL VEHICLES

Administrative searches, § 4:7

COMMUNICATIONS

Ethics, this index

COMMUNITY CARETAKING

Impoundment of vehicles, § 5:6 Motor vehicle searches, § 4:10 Residential searches, § 7:4

COMPANION TRAFFIC TICKETS

Trials, this index

COMPASSIONATE RELEASE ACT

Executive clemency, 52:6

COMPETENCE TO TESTIFY

Objections, this index

COMPETENCY TO STAND TRIAL

Insanity, § 37:4, 37:5

COMPOSITE SKETCHES

Forensic evidence, § 35:13

COMPOUND QUESTION

Objections, § 38:14

COMPULSORY PROCESS

Trials, constitutional requirements, § 32:6

CONCURRENT SENTENCES

Imprisonment, § 43:14

CONDITIONAL DISCHARGE

Generally, § 24:1-24:8

Dismissal and expungement, § 24:8

Driver's license suspension, § 24:7

Duration of program, § 24:6

Eligibility, § 24:2

Fees and assessments, § 24:5

Petty drug offenses, § 24:1

Plea entry, § 24:3

Supervisory treatment, § 24:4

CONDITIONAL DISMISSAL PROGRAM

Generally, § 25:1-25:4

Completion of program, § 25:3

Eligibility requirements, § 25:2

Failure to complete program, § 25:4

CONDITIONAL PLEAS

Generally, § 29:2

CONFESSIONS AND ADMISSIONS

Generally, § 11:1-11:20

Ambiguous assertion, right to counsel, § 11:16

Break in interrogation, § 11:10

Bright line rules invalidating waiver, Miranda warnings, § 11:5

Corraboration, § 11:15

Custodial, three pathways, § 11:18

Custodial interrogation, § 11:2

Foregone conclusion exception, Fifth Amendment, § 11:14

Insanity, psychiatric or psychological examination reports as admissions of defendant, § 37:11

Interrogation, § 11:17

Miranda warnings

bright line rules invalidating waiver, § 11:5

public safety exception, § 11:9

waiver, § 11:4, 11:5

words used to convey, § 11:3

Objections, hearsay, § 38:24

Public safety exception, Miranda warnings, § 11:9

Right to counsel, ambiguous assertion, § 11:16

Suppression of confessions

generally, § 11:6

use of suppressed confessions at trial, § 11:8

Telephone call made from detention facility, § 11:13

Trial

use of admissions, § 11:7

use of suppressed confessions, § 11:8

CONFESSIONS AND ADMISSIONS—Cont'd

Video recorded statements, § 11:11 Waiver, Miranda warnings, § 11:4, 11:5 Wiretaps, cell phone conversations, § 11:12

CONFIDENTIAL INFORMANTS

Admissions and confessions, § 11:20 Maintaning confidentiality of, § 11:20 Pretrial motion to reveal identity, § 30:42

CONFIDENTIAL INFORMATION

Ethics, § 50:10
Police surveillance of location, pretrial motions, § 30:32
Pretrial intervention, guideline 5, § 26:15

CONFLICTS OF INTEREST

Ethics, § 50:11

CONFRONTATION

Arrest, domestic violence, § 17:8
Trials, constitutional requirements, § 32:5

CONSCIOUSNESS OF GUILT

Evidence, § 33:16

CONSECUTIVE SENTENCES

Imprisonment, § 43:14

CONSENT OR APPROVAL

Affirmative defenses, § 36:16 Motor vehicle searches, § 4:4 Residential Searches, this index

CONSPIRACY

Generally, § 2:13-2:18
Grading, accomplice liability, § 2:16
Leader of organized crime, § 2:17, § 2:18
Renunciation, § 2:15

CONTEMPT OF COURT

Red flag law, § 57:13 Trials, § 32:33

CONTINUING OBJECTIONS

Generally, § 38:15

CORONAVIRUS

Trials
generally, § 34:2-34:10
jail terms, § 34:5
phase 2 trials, § 34:4
plea by mail, municipal court, § 34:6
public health emergency declarations, § 34:10

CORONAVIRUS-Cont'd

Trials—Cont'd remote grand jury procedures, § 34:8, § 34:9 rule changes, § 34:7 strategies to reopen courts, § 34:3

CORRABORATION

Confessions and admissions, § 11:15

COUNTY PROSECUTORS

Generally, § 1:3

COURTESY

Ethics, § 50:6

COVID-19

Trials

generally, § 34:2-34:10 jail terms, § 34:5 phase 2 trials, § 34:4 plea by mail, municipal court, § 34:6 public health emergency declarations, § 34:10 remote grand jury procedures, § 34:8, § 34:9 rule changes, § 34:7 strategies to reopen courts, § 34:3

CREDITS

Imprisonment, § 43:18

CRIME SCENE

Generally, § 14:1-14:3 Chain of custody, § 14:2 Photography, § 14:3 Videography, § 14:3 Witness interviews, § 12:2

CRIMINAL JUSTICE SYSTEM

Generally, § 1:1-1:5 Attorney General, § 1:2 County prosecutors, § 1:3 Establishment, generally, § 1:1-1:5 Municipal prosecutors, § 1:5 Sheriffs, § 1:4

CROSS-EXAMINATION

Insanity, psychiatric or psychological examinations, § 37:10

CULPABILITY

Code of criminal justice, § 2:9

CUMULATIVE

Objections, § 38:16

CURATIVE INSTRUCTIONS

Objections, § 38:17

CUSTODIAL INTERROGATION

Confessions and admissions, § 11:2 Three pathways, § 11:18

CUSTOMARY LICENSE OR TOLERANCE

Pretrial motions, de minimis applications, § 30:14

DATE

Time and Date, this index

DECORUM

Ethics, § 50:13

DEFENSE ATTORNEY

Access to police internal affairs files, discovery, § 22:7 Grand jury, witnesses, § 21:8

DEFENSES

Affirmative Defenses, this index

DEFERRED JURY SERVICE

Generally, § 31:6

DEFINITIONS

Contraband, § 49:2 Death, § 13:5 Fugitive, § 18:2 Injury, § 13:4 Person, § 13:3

DELIBERATIONS

Jury and jury trial, § 32:49

DE MINIMIS APPLICATIONS

Pretrial Motions, this index

DETENTION

Pretrial Release and Detention, this index

DIMINISHED CAPACITY

Admissions and confessions, § 11:19

DIRECT EVIDENCE

Generally, § 33:12

DISCLOSURE

Discovery, this index Expunged records, § 54:3

DISCOVERY

Generally, § 22:1-22:6 Brady materials, § 22:3

DISCOVERY-Cont'd

Defendant, limitations on discovery obligations, § 22:4

Defense counsel, police internal affairs files, § 22:7

Detention hearings, § 19:9

Grand jury testimony, § 21:14

Insanity, reports of psychiatric or psychological examinations, § 37:9

Judicial resolution of discovery disputes, § 22:5

Objections, § 38:18

Police internal affairs files, defense counsel, § 22:7

Prosecutor, limitations on discovery obligations, § 22:3

Protective orders, § 22:6

DISMISSAL

Charges, § 32:35

Conditional discharge, § 24:8

Conditional Dismissal Program, this index

Indictments. Dismissal of Indictment, this index

DISMISSAL OF INDICTMENT

Grand jury, § 21:12

Pretrial motions, § 30:38

DISORDERLY PERSONS

Expungement of records, § 54:5

DISQUALIFICATION OF JUDGE

Pretrial Motions, this index

DIVERSIONARY PROGRAMS

Generally, § 23:1

DIVERSION PROGRAMS

Generally, § 19:1-22:18

Conditional Discharge, this index

Conditional Dismissal Program, this index

Pretrial Intervention, this index

DNA

Forensic evidence, § 35:6

Statute of limitations, § 30:48

DNA SAMPLES

Sentence and punishment, collateral consequences, § 45:7

DOGS

Motor vehicle searches by, § 4:11

Police dogs, this index

Residential searches by, § 7:16

DOMESTIC VIOLENCE

Arrest, this index

Search warrants, § 6:15

DOMINANT PURPOSE RULE

Grand jury, scope of post-indictment inquiry, § 21:11

DOUBLE JEOPARDY

Generally, § 30:52-30:57

Continuation of trial after improper termination of proceedings, § 30:56

Dismissal of indictment based upon related prosecution in another jurisdiction, § 30:57

Fundamental fairness, § 30:55

Mandatory joinder, § 30:52

Resentencing following imposition of illegal sentence, § 30:64

Same elements test, § 30:53

Same evidence test, § 30:54

DRIVER HEARING

Pretrial motions, recordings, § 30:31

DRIVER'S LICENSES AND PRIVILEGES

Conditional discharge, suspension of license, § 24:7

Search and seizure of driving credentials, § 4:6

Sentence and punishment, loss of privileges, § 45:5

DRIVING WHILE INTOXICATED

Generally, § 39:1-39:7

Alcotest, § 39:3

Blood-alcohol level

generally, § 39:3-39:5

alcotest, § 39:3

hospital blood draw, § 39:5

police blood draw, § 39:4

Drug recognition expert (DRE) opinion evidence, trial, § 39:8

Evidence, generally, § 39:1-39:7

Hospital blood draw, blood-alcohol level, § 39:5

Under influence of alcohol, § 39:6

Under influence of drugs, § 39:7

Moment of collision, evidence of recklessness at, § 39:2

Opinion evidence at trial, DRE, § 39:8

Police blood draw, blood-alcohol level, § 39:4

Recklessness, evidence, § 39:1, 39:2

DRUG COURT

Sentence and Punishment, this index

DRUG OFFENSES

Conditional discharge, petty drug offenses, § 24:1

Illegal drugs packaged for distribution, § 34:11

Pretrial motions, de minimis applications, § 30:18

DRUG RECOGNITION EXPERT (DRE)

Opinion evidence at trial, driving while intoxicated, § 39:8

DURESS

Affirmative defenses, § 36:18, § 36:19

EMERGENCY AID

Residential searches, § 7:3

EMERGENCY TEMPORARY RESTRAINTS

Sexual Assault Survivor Protection Act (SASPA), § 58:3, § 58:4

ENTRAPMENT

Affirmative defenses, § 36:20, § 36:21

ENTRY OF PLEAS

Plea and Plea Bargaining, this index

ETHICS

Generally, § 50:1-50:19

Abuse of attorneys and litigants, judicial proceedings, § 50:16

Bias, judicial proceedings, § 50:17

Candor before tribunal, § 50:12

Codes of conduct, generally, § 50:1-50:19

Communications

generally, § 50:8

represented parties, § 50:5

Confidentiality of information, § 50:10

Conflicts of interest, § 50:11

Courtesy, § 50:6

Decorum before tribunal, § 50:13

Egregious legal errors during trial, judicial proceedings, § 50:18

Gross negligence, prosecutors, § 50:3

Impartiality, § 50:13

Judicial proceedings

generally, § 50:15-50:19

abuse of attorneys and litigants, § 50:16

bias, § 50:17

egregious legal errors during trial, § 50:18

recusal, § 50:19

Legal fees, § 50:9

Meritorious claims, § 50:14

Pretrial publicity, prosecutors, § 50:4

Professionalism, § 50:6

Prosecutors

generally, § 50:2-50:4

gross negligence, § 50:3

pretrial publicity, § 50:4

Recusal, judicial proceedings, § 50:19

Represented parties, communications with, § 50:5

Scope of representation, § 50:7

INDEX

EVIDENCE

Generally, § 33:1-33:20

Admissions. Confessions and Admissions, this index

Briefs, suppression of evidence, § 30:8

Burden of production, suppression of evidence, § 30:6

Burden of Proof, this index

Chain of Custody, this index

Character Evidence, this index

Circumstantial evidence, § 33:10, § 33:11

Clear and convincing evidence, § 33:8

Conduct of defendant, § 33:16

Confessions and Admissions, this index

Consciousness of guilt, § 33:16

flight, § 33:18

Defendant, testimony of, § 32:44

Direct evidence, § 33:12

Double jeopardy, same evidence test, § 30:54

Driving while Intoxicated, this index

Exhibits, § 32:22

Expert Witnesses, this index

Facts, proof of, generally, § 33:1-33:20

Flight, § 33:18

Grand jury, witness testimony, § 21:5

Hearing procedures, suppression of evidence, § 30:5

Impeachment, prior conviction or prior bad acts, § 32:23

Interlocutory appeals, suppression of evidence, § 30:11

Judicial notice, § 33:19

Lay Opinions, this index

Objections, this index

Other crimes, wrongs or bad acts, § 33:20

Past recollection recorded, § 32:31

Police dogs, this index

Post-conviction appeals, suppression of evidence, § 30:11

Preponderance of evidence, § 33:7

Presumptions, this index

Pretrial motion to suppress evidence, suppression of evidence, below

Prior consistent statements, § 32:26

Prior inconsistent statements, § 32:17, § 32:28

Privileges

generally, § 32:32

suppression of evidence, § 30:9

Probable cause, § 33:6

Reasonable doubt, beyond, § 33:9

Reasonable police conduct, suppression of evidence, § 30:2

Reasonable suspicion, § 33:5

Rebuttal, this index

Refreshing recollection of witness, § 32:30

EVIDENCE—Cont'd

Relevant evidence

generally, § 33:2

exclusion, § 33:3

Reputation evidence of victim, § 32:25

Specialized lay witnesses, § 32:20

Standing, suppression of evidence, § 30:10

Stipulations, § 33:14

Suicide attempt, § 33:17

Suppression of evidence

generally, § 30:2-30:12

briefs, § 30:8

burden of production, § 30:6

burden of proof, § 30:7

Confessions and Admissions, this index

exceptions to exclusionary rule, § 30:4

foundations of exclusionary rule, § 34:3

hearing procedures, § 30:5

post-conviction and interlocutory appeals, § 30:11

privileges of accused, § 30:9

reasonable police conduct, requirement, § 30:2

standing, § 30:10

warrant requirement, exceptions to, § 30:12

Video playback, § 34:17

Warrant requirement, suppression of evidence, § 30:12

Witnesses, this index

EXAMINATION OF WITNESSES

Trials, § 32:13

EXCULPATORY EVIDENCE

Grand jury, duty of prosecutor to present and instructions, § 21:9

EXCUSED JURY SERVICE

Generally, § 31:6

EXECUTIVE CLEMENCY

Generally, § 52:1-52:6

Compassionate Release Act, 52:6

Expungement of criminal records following a pardon, § 52:5

EXHIBITS

Evidence, § 32:22

EXIGENCY

Residential searches, § 7:13

EXPERT WITNESSES

Generally, § 32:21

Objections, this index

Remote, testimony at trial, § 34:23

EXPLOSIVE DEVICES

Residential searches, use by police, § 7:9

EX POST FACTO

Application of criminal statutes, § 43:23

EXPUNGEMENT

Criminal records following pardon, executive clemency, § 52:5

EXPUNGEMENT OF RECORDS

Generally, § 54:1-54:8

Arrests not resulting in conviction, § 54:7

Availability of expunged records, § 54:2

Conditional discharge, § 24:8

Disclosure of expunged records, § 54:3

Disorderly persons' offenses, § 54:5

Indictable offenses, § 54:4

Ordinance violations, § 54:6

Petty disorderly persons' offenses, § 54:5

Sample petition for expungement, § 54:8

EXTENDED TERMS

Imprisonment, § 43:8

EXTRADITION

Generally, § 18:1-18:8

Bail pending extradition, § 18:7

Challenges to extradition, § 18:6-18:8

Fugitive, defined, § 18:2

Habeas corpus, § 18:6

Initial apprehension, § 18:3

Requisition from demand state, § 18:4

Waiver of right to contest extradition, § 18:8

Warrant, § 18:5

EXTREME RISK PROTECTIVE ORDERS

Contents of petition for, 53:9, 57:3, § 57:9

Definition, **57:2**

Hearing for final order, § 57:7

Terminating, § 57:11

FACIAL RECOGNITION

Witnesses, § 12:7

FALSE ARREST

Immunity from claims, § 16:10

FEES

Attorneys' fees, ethics, § 50:9

Conditional discharge, § 24:5

FIBER

Forensic evidence, § 35:9

FIELD INQUIRIES

Arrest, § 16:3

FIFTH AMENDMENT

Foregone conclusion exception, § 11:14 Searches of the person, § 9:2

FILING

Appeals, § 51:2

FILING OF CHARGES

Generally, § 15:1-15:4 Citizen complaints, § 15:2 Grand jury, issuance of process by, § 15:4 Police complaints, § 15:3

FINES AND PENALTIES

Sentence and punishment, § 44:1

FINGERPRINT EVIDENCE

Statutes of limitation, pretrial motions, § 30:48

FIREARMS

Weapons and Firearms, this index

FIRE INVESTIGATIONS

Residential searches, § 7:8

FIRST APPEARANCE

Generally, § 20:2

FIRST DEGREE PLUS CRIMES

Imprisonment, § 43:3

FLIGHT

Evidence, consciousness of guilt, § 33:18

FORCE

Arrest, use in making, § 16:7

FOREGONE CONCLUSION

Exception, Fifth Amendment, § 11:14

FORENSIC EVIDENCE

Ballistics, § 35:8
Bite marks, § 35:11
Composite sketches, § 35:13
DNA, § 35:6
Genetic genealogy, § 35:15
Gunshot residue, § 35:4
Hair, § 35:9
Handwriting, § 35:12
Hypnotically refreshed testimony, § 35:14
Medical examiner, § 35:7

FORENSIC EVIDENCE—Cont'd

Shoe prints, § 35:10 Tire tracks, § 35:10

Trial

generally, § 35:1-35:15 ballistics, § 35:8 bite marks, § 35:11

composite sketches, § 35:13

DNA, § 35:6 fiber, § 35:9

gunshot residue, § 35:4

hair, § 35:9

handwriting, § 35:12

medical examiner, § 35:7

novel scientific forensic procedures, § 35:2

preliminary admissibility, § 35:3

scientific forensic procedures, § 35:2

shoe print, § 35:10

standards for determining reliability, § 35:2

tire tracks, § 35:10

FORFEITURE

Civil Forfeiture, this index

FORMER JEOPARDY

Double Jeopardy, this index

FORM OF QUESTION

Objections, § 38:21

FOURTH AMENDMENT

Searches of the person, § 9:3

FUNDAMENTAL FAIRNESS

Double jeopardy, § 30:55

GAP TIME CREDITS

Imprisonment, § 43:17

GENETIC GENEALOGY

Forensic evidence, § 35:15

GRAND JURY

Generally, § 21:1-21:15

Accusations, § 21:13

Content of indictment, § 21:10

Defendant, right to testify, § 21:7

Defense attorney as witness, § 21:8

Discovery, grand jury testimony as, § 21:14

Dismissal of indictment, motions, § 21:12

Dominant purpose rule, scope of post-indictment inquiry, § 21:11

Exculpatory evidence, duty of prosecutor to present and instructions, § 21:9

GRAND JURY—Cont'd

Investigations by grand jury subpoena power, § 21:4 witness testimony, § 21:5

Issuance of process, § 15:4

Presentments, § 21:15

Prosecutor, role of, § 21:2

Public employees, obligation to testify, § 21:6

Scope of post-indictment inquiry, § 21:11

Scope of pre-indictment inquiry, § 21:3

Subpoena power, investigations by grand jury, § 21:4

Witness testimony, investigations by grand jury, § 21:5

GRAVES ACT

Imprisonment, § 43:6

GROSS NEGLIGENCE

Ethics, prosecutors, § 50:3

GUIDELINES

Pretrial Intervention, this index

GUILTY PLEA

Sentence and punishment, vacation of plea, § 48:3

GUNSHOT RESIDUE

Forensic evidence, § 35:4

HABEAS CORPUS

Extradition, § 18:6

HABIT

Objections, § 38:22

HAIR

Forensic evidence, § 35:9

HANDWRITING

Forensic evidence, § 35:12

HEARINGS

Probable cause hearings, § 20:4 Suppression of evidence, § 30:5

HEARSAY

Objections, this index

HOSPITALS

Driving while intoxicated, blood draw for blood-alcohol level, § 39:5

HOT PURSUIT

Residential searches, § 7:13

IMMUNITY

Affirmative defenses, § 36:27

IMMUNITY—Cont'd

Claims of false arrest, § 16:10

IMPARTIALITY

Ethics, § 50:13

IMPARTIAL JURY

Trials, constitutional requirements, § 32:7

IMPEACHMENT

Prior convictions or prior bad acts, prosecutor's case, § 32:23

IMPOUNDMENT OF PROPERTY

Arrest, § 16:18

Motor vehicles. Impoundment of Vehicles, this index

IMPOUNDMENT OF VEHICLES

Generally, § 5:1-5:6

Civil forfeiture, § 5:5

Community caretaking, § 5:6

Instrumentality of crime, vehicle as, § 5:4

Recovery of criminal evidence, § 5:1

Searches of motor vehicles, § 4:8

Statutes, § 5:2

IMPRISONMENT

Generally, § 43:1-43:26

Aggravating factors, § 43:11

Concurrent sentences, § 43:14

Consecutive sentences, § 43:14

Extended terms, § 43:8

First degree plus crimes, § 43:3

Gap time credits, § 43:17

Graves Act, § 43:6

Intensive supervision program, § 43:12

Interstate Agreement on Detainers, § 43:21

Jail credits, § 43:18

Merger of convictions, § 43:19

Mitigating factors, § 43:11

No Early Release Act, § 43:5

Parole

disqualification, § 43:4

eligibility, § 43:20

Presumptions of incarceration and non-incarceration, § 43:9

School zone offenses, § 43:7

Sentencing, § 43:1

enhancement, acquittal consideration, § 43:26

illegal sentence, appeal by state, § 43:25

Sex offenders, § 43:13

Split sentences, § 43:10

Standard terms, § 43:2

IMPRISONMENT—Cont'd

Three strikes sentences, § 43:15 Truth in Sentencing Act, § 43:16

INDICTMENTS

Delay by prosecutor, § 30:49
Dismissal of Indictment, this index
Expungement of records, indictable offenses, § 54:4
Grand Jury, this index

INJURY

Physical, code of criminal justice, § 2:8

INSANITY

Generally, § 37:1-37:14

Admissions of defendant, psychiatric or psychological examination reports, § 37:11

Burden of proof, § 37:7

Competency to stand trial, § 37:4, 37:5

Cross-examination, psychiatric or psychological examinations, § 37:10

Discovery of reports of psychiatric or psychological examinations, § 37:9

Mental disease or defect, § 37:2

Notice of insanity defense to prosecutor, § 37:3

Preparation of defense, § 37:13

Psychiatric or psychological examinations

generally, § 37:8-37:11

admissions of defendant, reports as, § 37:11

cross-examination, limitations on, § 37:10

discovery of reports, § 37:9

scope of examination, § 37:8

Rebuttal evidence of insanity, § 37:12

Test of insanity, § 37:6

Verdict of "not guilty by reason of insanity," § 37:14

INSTRUCTIONS TO JURY

Generally, § 32:48

Appeal and review, § 51:4

Objections, curative instructions, § 38:17

Trials, preliminary instructions to jurors, § 32:11

INTENSIVE SUPERVISION PROGRAM

Imprisonment, § 43:12

INTERLOCUTORY APPEALS

Suppression of evidence, § 30:11

INTERROGATION

Confessions and admissions, § 11:17 Custodial, three pathways, § 11:18

INTERSTATE AGREEMENT ON DETAINERS

Imprisonment, § 43:21

INTERSTATE AGREEMENT ON DETAINERS—Cont'd

Pretrial motions, § 30:63

INTERVIEWS

Witnesses, crime scene interviews, § 12:2

INTOXICATING LIQUOR

Alcoholic Beverages, this index

INTOXICATION

Affirmative defenses, § 36:23, § 36:24

INVENTORY SEARCHES

Arrest, § 16:18

Motor vehicle searches, § 4:8

INVESTIGATIONS

Generally, § 14:3

Grand jury investigations. Grand Jury, this index

JAIL CREDITS

Imprisonment, § 43:18

JEOPARDY

Trials, constitutional requirements, § 32:9

JUDICIAL NOTICE

Generally, § 33:19

JUDICIAL PROCEEDINGS

Ethics, this index

JURISDICTION

Pretrial Motions, this index

Territorial Jurisdiction, this index

JURY AND JURY TRIAL

Generally, § 31:1-31:10

Cause, challenges for, § 31:9

Deferred jury service, § 31:6

Deliberations and verdict, § 32:49

Excused jury service, § 31:6

Grand Jury, this index

Instructions to Jury, this index

Model jury questionnaire, § 31:4

Peremptory challenges, § 31:8

Qualifications of jurors, § 31:5

Swearing in jury, § 31:10

Voir dire, § 31:7

Waiver of trial by jury, § 31:2

JUVENILE JUSTICE

Generally, § 55:1-55:4

Concurrent motions to suppress evidence, § 55:4

JUVENILE JUSTICE—Cont'd

Procedures for adjudication of delinquency, § 55:2 Waiver applications, § 55:4 Waiver of family court jurisdiction, § 55:3

KNOCK AND ANNOUNCE

Requirement, search warrants, § 6:9, § 7:17

LAW ENFORCEMENT OFFICERS

Police, this index

LAY OPINIONS

Generally, § 32:19 Objections, § 38:29

LEADING QUESTION

Objections, § 38:30

LICENSES

Driver's Licenses and Privileges, this index Rehabilitation of convicted offenders, § 53:4

LIMITATION OF ACTIONS

Statutes of Limitation, this index

LINEUPS

Witnesses, § 12:5

LIVE LINEUPS

Witnesses, § 12:5

MANDATORY JOINDER

Double jeopardy, § 30:52

MATERIALITY

Objections, § 38:26

MATERIAL WITNESSES

Generally, § 12:3

MEDICAL EXAMINER

Forensic evidence, § 35:7

MENTAL DISEASE OR DEFECT

Insanity, § 37:2

MERGER OF CONVICTIONS

Imprisonment, § 43:19

MERITORIOUS CLAIMS

Ethics, § 50:14

MINORS

Juvenile Justice, this index

MIRANDA HEARINGS

Trial judge

State v. McGuigan, § 34:24

MIRANDA WARNINGS

Confessions and Admissions, this index Pretrial motions, hearings, § 30:25

MISTAKE OF LAW

Affirmative defenses, § 36:6, § 36:7

MITIGATING FACTORS

Imprisonment, § 43:11

MODEL JURY QUESTIONNAIRE

Generally, § 31:4

MOTOR VEHICLES

Driver's Licenses and Privileges, this index Driving while Intoxicated, this index Impoundment of Vehicles, this index Search and Seizure, this index

MUG SHOTS

Witnesses, § 12:6

MUNICIPAL COURT

Generally, § 56:1-56:5

Professional personnel, § 56:4

Subject matter jurisdiction, § 56:3

Territorial jurisdiction, § 56:2

Trial procedures, § 56:5

MUNICIPAL ORDINANCE VIOLATIONS

Pretrial motions, statutes of limitation, § 30:50

MUNICIPAL PROSECUTORS

Generally, § 1:5

NECESSITY

Affirmative defenses, § 36:17

NEW JERSEY RAPE SHIELD LAW

Trials, specialized proof and procedures, § 34:16

NEW TRIAL

Sentence and punishment, § 48:6

NIGHTS OR WEEKENDS

Service of sentence on, § 43:22

NO EARLY RELEASE ACT

Imprisonment, § 43:5

NOTICE

Insanity defense, notice to prosecutor, § 37:3

OATH OR AFFIRMATION

Entry of pleas, § 27:3 Search warrants, § 6:7

OBJECTIONS

Generally, § 38:1-38:34

Admissions, hearsay, § 38:24

Argumentative, § 38:4

Asked and answered, § 38:5

Assuming facts not in evidence, § 38:6

Authentication, § 38:7

Best evidence rule, § 38:8

Cautionary instructions, § 38:17

Chain of custody, § 38:10

Character evidence, § 38:11

Closing argument, § 38:12

Competence to testify

generally, § 38:13

expert witnesses, § 38:19

Compound question, § 38:14

Continuing objection, § 38:15

Cumulative, § 38:16

Curative instructions, § 38:17

Discovery, § 38:18

Expert witnesses

competence to testify, § 38:19

ultimate issue, § 38:20

Form of question, § 38:21

Habit and routine, § 38:22

Hearsay

generally, § 38:23-38:25

admissions, § 38:24

exceptions, § 38:25

tender years exception, § 34:14

Immaterial, § 38:26

Irrelevant, § 38:27

Lay opinion, § 38:29

Leading question, § 38:30

Mode of questioning witnesses, § 38:3

Move to strike answer, § 38:31

Not in evidence, § 38:32

Personal knowledge, lack of, § 38:28

Presentation of evidence, § 38:2

Scope of direct examination, beyond, § 38:9

Ultimate issue, expert witnesses, § 38:20

OBJECTIONS—Cont'd

Unduly prejudicial, § 38:33 Unresponsive, § 38:34

"ON VIEW" REQUIREMENT

Warrantless arrest, § 16:13, 16:14

OPENING STATEMENTS

Trials, § 32:12

OPINION EVIDENCE

Drug Recognition Expert (DRE), driving while intoxicated, § 39:8

ORDINANCES

Expungement of records, § 54:6

ORGANIZED CRIME

Conspiracy, leader, § 2:17, § 2:18

OTHER CRIMES OR WRONGS

Impeachment, prior convictions or prior bad acts, § 32:23

PAROLE

Certificate of rehabilitation, § 53:7 Imprisonment, this index

PASSENGERS

Motor vehicles, order to exit vehicle, § 4:12

PAST RECOLLECTION RECORDED

Evidence, § 32:31

PEREMPTORY CHALLENGES

Jury and jury trial, § 31:8

PERMISSION

Consent or Approval, this index

PERSONAL KNOWLEDGE

Objections, § 38:28

PETTY DISORDERLY PERSONS

Disorderly Persons, this index

PETTY DRUG OFFENSES

Conditional discharge, § 24:1

PHOTOGRAPHIC LINEUPS

Witnesses, § 12:5

PHOTOGRAPHY

Crime scene, § 14:3

PLAIN ERROR

Appeal and review, § 51:3

PLAIN VIEW RECOVERY

Motor vehicle searches, § 4:2

PLEA BARGAINING

Initial considerations, 2:1, 2:2

PLEAS AND PLEA BARGAINING

Generally, § 27:1-27:3

Civil reservation, plea with, § 28:1

Collateral consequences of guilty plea, § 27:7

Conditional discharge, plea entry, § 24:3

Conditional pleas, § 29:2

Entry of pleas

generally, § 27:3-27:9

collateral consequences of guilty plea, § 27:7

factual basis, § 27:4

nature of charge and consequences of plea, § 27:6

oath or affirmation, § 27:3

pretrial intervention, § 26:8, 26:14

vacated plea, effect of, § 27:9

voluntariness of plea, § 27:5

withdrawal of guilty plea, § 27:8

Factual basis of plea, § 27:4

Failure to appear at sentencing, § 29:5

Imposition of sentence, pending, restrictions, pleas with, § 29:4

Limitations, § 27:10

Oath or affirmation, entry of pleas, § 27:3

Options for pleas, § 27:2

Procedures for entry of plea, § 27:1-27:10

Restrictions, § 27:10

Restrictions, pleas with

generally, § 29:1-29:5

conditional pleas, § 29:2

failure to appear at sentencing, § 29:5

imposition of sentence, pending, § 29:4

waiver of right to appeal, plea with, § 29:3

Standing to appeal, plea with civil reservation, § 28:2

Vacated plea, effect of, § 27:9

Voluntariness of plea, § 27:5

Waiver of right to appeal, plea with restrictions, § 29:3

Withdrawal of guilty plea, § 27:8

POLICE

Complaints, filing of charges, § 15:3

Defense counsel access to police internal affairs files, § 22:7

Dogs, motor vehicle searches by, § 4:11

Driving while intoxicated, blood draw for blood-alcohol level, § 39:4

Filing of charges, police complaints, § 15:3

Informants, maintaining confidentiality, § 11:20

POLICE—Cont'd

Protective orders filed against, § 57:7 Sheriffs, § 1:4

POLICE DOGS

Defense entitlement to reports of drug canine8217s field and health reports as an element of criminal discover

State v. Morgan, § 10:15

Evidence obtained by

generally, § 10:1-10:14

residential searches, § 10:4-10:7

State v. Dunbar, § 10:2, § 10:3

Motor vehicle searches by, § 4:11, § 10:8-10:11

Residential searches, § 10:4-10:7

POSSESSION

Voluntary act, § 2:4, § 2:5

POST-ARREST PROCEDURES

Arrest, this index

POST-CONVICTION APPEALS

Suppression of evidence, § 30:11

POST-CONVICTION RELIEF

Sentence and punishment, § 48:8

POST-SENTENCE MOTIONS

Sentence and Punishment, this index

POST-VERDICT MOTIONS

Trials, § 32:51

PREARREST ACTIONS

Arrest, this index

PRE-INDICTMENT PROCEDURES

Generally, § 20:1-20:4

First appearance, § 20:2

Pre-indictment conference, § 20:3

Probable cause hearings, § 20:4

PREJUDICE

Bias or Prejudice, this index

PRELIMINARY INSTRUCTIONS TO JURORS

Trials, § 32:11

PRELIMINARY QUESTIONS

Pretrial motions, § 30:39

PREPONDERANCE OF EVIDENCE

Generally, § 33:7

PRESENTATION OF EVIDENCE

Objections, § 38:2

PRESENTMENTS

Grand jury, § 21:15

PRESUMPTIONS

Generally, § 33:13

Incarceration and non-incarceration, § 43:9

Rehabilitation of convicted offenders, § 53:2

PRETRIAL INTERVENTION

Generally, § 26:1-26:18

Acceptance of application and appeal of denial, guideline 8, § 26:18

Admissibility criteria, guideline 3, § 26:13

Amenability to correction, § 26:3

Appeal of rejection of application, § 26:6, 26:18

Confidentiality, guideline 5, § 26:15

Duration of program, § 26:9

Eligibility of applicants, § 26:4, 26:12

Evaluation of application, § 26:7

Goals of program, guideline 1, § 26:11

Guidelines

generally, § 26:10-26:18

acceptance of application and appeal of denial, guideline 8, § 26:18

admissibility criteria, guideline 3, § 26:13

confidentiality, guideline 5, § 26:15

eligibility, guideline 2, § 26:12

goals of program, guideline 1, § 26:11

plea entry requirements, guideline 4, § 26:14

prosecutor withholding action on application, guideline 7, § 26:17

time requirements, guideline 6, § 26:16

Plea entry, § 26:8, 26:14

Prosecutor withholding action on application, guideline 7, § 26:17

Public policy, § 26:2

Rejection of applications

generally, § 26:5

appeal of rejection, § 26:6, 26:18

Time requirements, guideline 6, § 26:16

PRETRIAL MOTIONS

Generally, § 30:1-30:64

Balthrop hearing, § 30:28

Brunson hearing, § 30:27

Closing pretrial hearings to press and public, § 30:45

Cofield hearing, prior bad acts, § 30:29

Confidential informant, motion to reveal identity, § 30:42

Confidentiality of police surveillance location, § 30:32

Customary license or tolerance, de minimis applications, § 30:14

```
PRETRIAL MOTIONS—Cont'd
  De minimis applications
     generally, § 30:13-30:19
     customary license or tolerance, § 30:14
     drug offenses, § 30:18
     other extenuations, § 30:17
     procedure, § 30:19
     threat of harm, absence of, § 30:15
     triviality, § 30:16
  Dismissal of indictment, § 30:38
  Disqualification of judge
     generally, § 30:36
     Code of Judicial Conduct (Canon 3, Rule 3.17), § 30:41
  DNA evidence, statutes of limitation, § 30:48
  Double Jeopardy, this index
  Driver hearing, recordings, § 30:31
  Drug offenses, de minimis applications, § 30:18
  Evidence, this index
  Fingerprint evidence, statutes of limitation, § 30:48
  Interstate Agreement on Detainers, § 30:63
  Miranda hearing, § 30:25
  Municipal ordinances, statutes of limitation, § 30:50
  Municipal ordinance violations, statutes of limitation, § 30:50
  Petty criminals, statutes of limitation, § 30:50
  Preliminary questions, § 30:39
  Procedures for filing motions, § 30:62
  Prosecutor8217s delay, seeking an indictment, statutes of limitation, § 30:49
  Recanting witness, § 30:37
  Sands hearing, § 30:26
  Selective prosecution, motion to dismiss indictment, § 30:61
  Severance, § 30:43
  Speedy trial, this index
  Statutes of limitation
     generally, § 30:46-30:51
     commencement of statutory period, § 30:47
     DNA evidence, § 30:48
     ending of statutory period, § 30:47
     fingerprint evidence, § 30:48
     municipal ordinances, § 30:50
     municipal ordinance violations, § 30:50
     petty criminals, § 30:50
     prosecutor8217s delay, seeking an indictment, § 30:49
     tolling, § 30:51
     traffic offenses, § 30:50
  Territorial jurisdiction
     generally, § 30:58-30:60
     element of offense charged, § 30:59
```

PRETRIAL MOTIONS—Cont'd

Territorial jurisdiction—Cont'd

objection to prosecution based upon lack of jurisdiction, § 30:60

Threat of harm, de minimis applications, § 30:15

Tolling of statutes of limitation, § 30:51

Traffic offenses, statutes of limitation, § 30:50

Triviality, de minimis applications, § 30:16

Venue, change of, § 30:44

Victim8217s prior false allegation of sexual assault, § 30:33

Wade hearing, suggestive identification, § 30:30

Witness8217 prior inconsistent statement, § 30:34, § 30:36 recanting witness, § 30:37

PRETRIAL PREPARATIONS

Limitations on witnesses, § 12:8

PRETRIAL PUBLICITY

Ethics, prosecutors, § 50:4

PRETRIAL RELEASE AND DETENTION

Generally, § 19:1-19:13

Arrest

generally, § 16:21

domestic violence, § 17:4

Criminal justice reform, generally, § 19:1-19:13

Discovery for detention hearings, § 19:9

Eligible defendant

definition, § 19:2

initial detention, § 19:3

Excludable time, § 19:12

Initial appearance for detention review, § 19:7

Initial detention of eligible defendant, § 19:3

Preliminary law enforcement incident reports, § 19:5

Pretrial detention hearings, § 19:8

Public policy, § 19:6

Public safety assessments, § 19:4

Revocation of release from custody, § 19:13

Speedy indictment of detained defendants, § 19:10

Speedy trial of detained defendants, § 19:11

PRIOR CONSISTENT STATEMENTS

Evidence, § 32:26

PRIOR INCONSISTENT STATEMENTS

Admissibility, § 30:34, § 30:36

Evidence, § 32:17, § 32:28

Recanting witness, § 32:29

PRIVILEGES

Evidence, this index

PROBABLE CAUSE

Arrest, § 16:5
Evidence, § 33:6
Hearings, § 20:4
Residential searches, § 7:13
Search warrabts, § 6:4

PROBATION AND SUSPENDED SENTENCE

Generally, § 46:1-46:4
Certificate of rehabilitation, § 53:7
Terms and conditions, § 46:2
Violations of probation
generally, § 46:3
procedures, § 46:4

PROFESSIONALISM

Ethics, § 50:6

PROPERTY

Defense of premises or property, affirmative defenses, § 36:12

PROSECUTORS

County prosecutors, § 1:3

Delay in seeking indictment, statute of limitations, § 30:49

Discovery, limitations on obligations, § 22:3

Ethics, this index

Grand jury, § 21:2

Indictment, delay, statute of limitations, § 30:49

Municipal prosecutors, § 1:5

Pretrial intervention, prosecutor withholding action on application, guideline 7, § 26:17

PROTECTIVE ORDERS

Discovery, § 22:6
Sexual assault survivor protection act (saspa) contents of, § 58:7
dissolve, application to, § 58:10
grounds for issuance, § 58:6
hearing on issuance, § 58:5
scope, § 58:9
service of, § 58:8
violations, § 58:9

PROTECTIVE SWEEPS

Residential searches, § 7:11

PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATIONS

Insanity, this index

PUBLICATION OF VERDICT

Trials, § 32:50

PUBLIC EMPLOYEES AND EMPLOYMENT

Grand jury, obligation to testify, § 21:6

Rehabilitation of convicted offenders, § 53:5

PUBLIC OFFICE

Sentence and punishment, forfeiture of office, § 45:2

PUBLIC POLICY

Pretrial intervention, § 26:2

Pretrial release and detention, § 19:6

PUBLIC SAFETY ASSESSMENTS

Pretrial release and detention, § 19:4

PUBLIC SAFETY EXCEPTION

Confessions and admissions, Miranda warnings, § 11:9

PUBLIC TRIAL

Constitutional right, § 32:2

Trials, constitutional requirements, § 32:2

PUBLISHED DECISIONS

Appeal and review, § 51:10

PUNISHMENT

Sentence and Punishment, this index

QUALIFICATIONS

Jurors, § 31:5

RAPE SHIELD LAW

Trials, specialized proof and procedures, § 34:16

REASONABLE CONTINUATION DOCTRINE

Residential searches, § 7:10

REASONABLE DOUBT

Evidence, § 33:9

REASONABLE POLICE CONDUCT

Suppression of evidence, § 30:2

REASONABLE SUSPICION

Evidence, § 33:5

REBUTTAL

Insanity, § 37:12

Trials, § 32:45

RECANTING WITNESS

Pretrial motions, § 30:37

Prior inconsistent statements, § 32:29

RECKLESSNESS

Driving while intoxicated, evidence, § 39:1, 39:2

RECONSIDERATION

Sentence and punishment, § 48:2

RECORDS

Expungement of Records, this index

RECUSAL

Ethics, judicial proceedings, § 50:19

RED FLAG LAW

Generally, **57:1-57:13**

Confidential central registry, § 57:10

Contempt of court, § 57:13

Extreme risk protective orders

contents of petition for, 57:3, § 57:9

definition, 57:2

hearing for final order, § 57:8

terminating, § 57:11

Firearms and ammunition, return or destruction of, § 57:12

Law enforcement officers, protective orders filed against, § 57:7

Restraining order, post-issuance requirements, 57:6

Temporary protective order

contents, 57:5

issuance, 57:4

REFRESHING RECOLLECTION OF WITNESS

Generally, § 32:30

REHABILITATION OF CONVICTED OFFENDERS

Generally, § 53:1-53:7

Applications for certificate of rehabilitation, § 53:3

Certificate of rehabilitation, § 53:2

Judicial issuance of certificate of rehabilitation, § 53:6

Licensing, § 53:4

Presumption of rehabilitation, § 53:2

Probation or parole issued certificate of rehabilitation, § 57:7

Public employment, § 53:5

REJECTION

Pretrial Intervention, this index

RELEASE FROM CUSTODY

Arrest, this index

RELEVANCE

Evidence, this index

Objections, § 38:27

RELIABILITY

Standards, forensic evidence at trial, § 35:2

RENUNCIATION

Criminal purpose, § 2:12

REPUTATION EVIDENCE

Victims, § 32:25

RESIDENTIAL SEARCHES

Generally, § 7:1-7:17

Abandoned property, § 7:14

Apparent authority, consent, § 7:7

Arrest warrants, § 7:12

Community caretaking, § 7:4

Consent

apparent authority, § 7:7

consent once removed, § 7:6

voluntary consent, § 7:5

Dogs, searches by, § 7:16

Emergency aid, § 7:3

Exigency, § 7:13

Explosive devices, use by police, § 7:9

Fire investigations, § 7:8

Hot pursuit, § 7:13

Knock and announce requirements, sanctions, § 7:17

Police dogs, § 10:4-10:7

Probable cause, § 7:13

Protective sweeps, § 7:11

Reasonable continuation doctrine, § 7:10

Sanctions

knock and announce requirements, § 7:17

Third party intervention doctrine, § 7:15

Trained dogs, searches by, § 7:16

Voluntary consent, § 7:5

Warrants

arrest warrants, § 7:12

search warrants, § 7:2

RESIDUE

Gunshot, forensic evidence, § 35:4

RESISTING ARREST

Arrest, this index

Self-defense, § 36:5

RESPONSIVENESS

Objections, § 38:34

RESTITUTION

Sentence and punishment, § 44:2

Victims of crime, § 13:6

RESTRAINING ORDERS

Arrest, domestic violence, § 17:6, 17:7

INDEX

RESTRICTIONS, PLEAS WITH

Plea and Plea Bargaining, this index

REVIEW

Appeal and review, this index

REVOCATION

Release from custody, § 19:13

ROUTINE

Objections, § 38:22

SAME ELEMENTS TEST

Double jeopardy, § 30:53

SAME EVIDENCE TEST

Double jeopardy, § 30:54

SANDS HEARING

Pretrial motions, § 30:26

SANITY

Insanity, this index

SCHOOL ZONE OFFENSES

Imprisonment, § 43:7

SCIENTIFIC FORENSIC PROCEDURES

Forensic evidence at trial, § 35:2

SCOPE OF DIRECT EXAMINATION

Objections, § 38:9

SCOPE OF REPRESENTATION

Ethics, § 50:7

SEARCH AND SEIZURE

Arrest, this index

Commercial vehicles, administrative searches, § 4:7

Community caretaking, motor vehicles, § 4:10

Consent, motor vehicles, § 4:4

Dogs, motor vehicle searches by, § 4:11

Driving credentials, § 4:6

Fifth Amendment, § 9:2

Fourth Amendment, § 9:3

Impoundment, motor vehicles, § 4:8

Inventory Searches, this index

Motor vehicles

generally, § 3:1-3:4, 4:1-4:12

automobile exception, § 4:3

commercial vehicles, administrative searches, § 4:7

community caretaking, § 4:10

consent, § 4:4

driving credentials, § 4:6

```
SEARCH AND SEIZURE—Cont'd
  Motor vehicles—Cont'd
    impoundment and inventory searches, § 4:8
    length of stop, § 3:4
    mandatory impoundment
       State v. Morgan, § 4:13
    non-testimonial evidence, stops, § 3:3
    passengers, order to exit vehicle, § 4:12
    plain view recovery of criminal evidence, § 4:2
    police dogs, searches by, § 4:11
    special needs searches, § 4:9
    stops
       generally, § 3:1-3:5
       lawful stops, generally, § 3:1-3:5
       length of stop, § 3:4
       non-testimonial evidence, § 3:3
       testimonial evidence, § 3:2
       tinted windows, § 3:5
    testimonial evidence, stops, § 3:2
    tinted windows, § 3:5
    weapons, § 4:5
  Persons
    generally, § 9:1-9:4
    Fifth Amendment, § 9:2
    Fourth Amendment, § 9:3
    strip searches, § 9:4
  Plain view recovery of criminal evidence, motor vehicles, § 4:2
  Police dogs, this index
  Residential Searches, this index
  Search Warrants, this index
  Special needs searches, motor vehicles, § 4:9
  Stops. motor vehicles, above
  Strip searches, § 9:4
  Weapons, motor vehicles, § 4:5
SEARCH WARRANTS
  Generally, § 6:1-6:16
  Affirmation, § 6:7
  All persons present, § 6:16
  Anticipatory warrants, § 6:11
  Attorney General directive, § 6:3
  Court rules, § 6:2
  Defective applications, § 6:10
  Domestic violence, § 6:15
  Entry into attached garage
    State v. Mellody, § 7:18
  Execution, time, place, and manner, § 6:12
  Judicial authority, § 6:5
```

SEARCH WARRANTS—Cont'd

Knock and announce requirement, § 6:9, § 7:17

Magistrate, neutral and detached, § 6:6

Manner, execution, § 6:12

Oath, § 6:7

Particularity determinations, § 6:4

Place, execution, § 6:12

Probable cause, § 6:4

Sanction, knock and announce requirement, § 7:17

Telephonic warrants, § 6:13

blood sample, DWI cases, § 6:14

Time, execution, § 6:12

SELECTIVE PROSECUTION

Motion to dismiss indictment, pretrial motions, § 30:61

SELF-DEFENSE

Affirmative defenses, § 36:3, § 36:4

battered woman syndrome, § 36:8-36:10

resisting arrest, § 36:5

Battered woman syndrome, § 36:8-36:10

Resisting arrest, § 36:5

Resisting arrest, excessive force, § 16:9

SELF-INDUCED INTOXICATION

Affirmative defenses, § 36:22

SENTENCE AND PUNISHMENT

Generally, § 37:1-45:8

Allocution by defendant, § 41:1

Appeal and review, § 51:7

Arrest of judgment, § 48:7

Attorney discipline, collateral consequences, § 45:4

Bail pending appeal, § 48:4

Code of Criminal Justice, overview, § 2:19

Collateral consequences

generally, § 45:1-45:8

attorney discipline, § 45:4

DNA samples, § 45:7

driving privileges, loss of, § 45:5

firearms, § 45:6

public office, forfeiture of, § 45:2

sex offenders, registration, § 45:8

United States, removal from, § 45:3

Default in payments ordered under sentence, § 48:9

DNA samples, collateral consequences, § 45:7

Double jeopardy, resentencing following imposition of illegal sentence, § 30:64

Driving privileges, loss of, § 45:5

Drug court

eligibility and procedures, § 47:1

SENTENCE AND PUNISHMENT—Cont'd Executive Clemency, this index Ex post facto application of criminal statutes, § 43:23 Expungement of Records, this index Fines and penalties, § 44:1 Firearms, collateral consequences, § 45:6 Guilty plea, vacation of, § 48:3 Illegal sentence, appeal by state, § 43:25 Imprisonment, this index Multiplicity, § 43:24 New trial, § 48:6 Nights or weekends, service of sentence on, § 43:22 Parole, this index Post-conviction relief, § 48:8 Post-sentence motions generally, § 48:1-48:8 arrest of judgment, § 48:7 bail pending appeal, § 48:4 guilty plea, vacation of, § 48:3 new trial, § 48:6 post-conviction relief, § 48:8 prosecution, motion to appeal by, § 48:5 reconsideration of sentence, § 48:2 Pre-sentence investigations, § 40:1 Probation and Suspended Sentence, this index Prosecution, motion to appeal by, § 48:5 Public office, forfeiture of, § 45:2 Reconsideration of sentence, § 48:2 Rehabilitation of Convicted Offenders, this index Restitution, § 44:2 Sex offenders, registration, § 45:8 Suspended sentence. Probation and Suspended Sentence, this index United States, removal from, § 45:3 Victim impact statements, § 42:1 Waiver of appearance, § 34:18 **SEVERANCE** Pretrial motions, § 30:43 **SEX OFFENDERS** Imprisonment, § 43:13 Sentence and punishment, registration, § 45:8 **SEX OFFENSES** Statutory protections, 58:13 Trials generally, § 34:12-34:16 closed circuit testimony, § 34:12

fresh complaint, § 34:14

SEX OFFENSES-Cont'd

Trials—Cont'd fresh complaint, tender years exception, hearsay, § 34:14 pretrial investigation, child sexual assault, § 34:13

Rape Shield Law, § 34:16

tender years exception, hearsay, § 34:14

SEXUAL ASSAULT SURVIVOR PROTECTION ACT (SASPA)

Generally, 58:1-58:13

Central registry of orders, § 58:12

Emergency temporary restraints

application, § 58:3

notification to law enforcement, § 58:4

service, § 58:4

Final protective order

contents of, § 58:7

dissolve, application to, § 58:10

grounds for issuance, § 58:6

hearing on issuance, § 58:5

scope, § 58:9

service of, § 58:8

violations, § 58:9

Privacy of records, § 58:11

Statutory protections, 58:13

Victims, defined, § 58:2

SHERIFFS

Generally, § 1:4

SHOE PRINTS

Forensic evidence, § 35:10

SHOES

Prints, forensic evidence, § 35:10

SHOW UP IDENTIFICATION

Witnesses, § 12:4

SKETCHES

Composite, forensic evidence, § 35:13

SPECIALIZED LAY WITNESSES

Generally, § 32:20

SPECIAL NEEDS SEARCHES

Motor vehicle searches, § 4:9

SPEEDY INDICTMENT

Detained defendants, § 19:10

SPEEDY TRIAL

Generally, § 30:20-30:24

Assertion of right, § 30:23

SPEEDY TRIAL—Cont'd

Constitutional right, § 32:3

Detained defendants, § 19:11

Length of delay, § 30:21

Prejudice to defendant, § 30:24

Reason for delay, § 30:22

Trials, constitutional requirements, § 32:3

SPLIT SENTENCES

Imprisonment, § 43:10

STANDARD TERMS

Imprisonment, § 43:2

STANDING

Plea with civil reservation, appeal, § 28:2

Suppression of evidence, § 30:10

STATUTES OF LIMITATION

Civil forfeiture, § 49:4

Pretrial Motions, this index

STIPULATIONS

Evidence, § 33:14

STOP AND FRISK

Arrest, § 16:4

STOPS

Search and Seizure, this index

STRIKING OF ANSWER

Objections, § 38:31

STRIP SEARCHES

Arrest, § 16:19

Search of the person, § 9:4

SUBMISSION TO ARREST

Generally, § 16:6

SUBPOENAS

Grand jury, investigations by, § 21:4

SUICIDE

Attempt, evidence, § 33:17

SUPERVISORY TREATMENT

Conditional discharge, § 24:4

SUPPRESSION OF EVIDENCE

Evidence, this index

SURREBUTTAL

Trials, § 32:45

Index-42

SUSPENDED SENTENCE

Probation and Suspended Sentence, this index

SWEARING IN JURY

Generally, § 31:10

TEMPORARY PROTECTIVE ORDERS

Contents, **57:5** Issuance, **57:4**

TEMPORARY RESTRAINING ORDERS

Arrest, domestic violence, § 17:6, 17:7

TENDER YEARS EXCEPTION

Hearsay, § 34:14

TERRITORIAL JURISDICTION

Arrest, § 16:2

Pretrial Motions, this index

TERRY STOP AND FRISK

Arrest, § 16:4

THIRD PARTY INTERVENTION DOCTRINE

Residential searches, § 7:15

THIRD PERSONS

Defense of third persons, affirmative defenses, § 36:11

THREAT OF HARM

Pretrial motions, de minimis applications, § 30:15

THREE STRIKES SENTENCES

Imprisonment, § 43:15

TIME AND DATE

Filing of appeal, § 51:1

Pretrial intervention, time requirements, guideline 6, § 26:16

Statutes of Limitation, this index

TINTED WINDOWS

Motor vehicles, search and seizure, § 3:5

TIRES

Tracks, forensic evidence, § 35:10

TIRE TRACKS

Forensic evidence, § 35:10

TOLLING

Pretrial motions, statutes of limitation, § 30:51

TRAFFIC TICKETS

Trials, this index

TRANSLATION SERVICES

Defendant, specialized trial proof and procedures, § 34:22

TRIALS

```
Absentia, § 32:60, § 32:61
Acquittals
  motion for acquittal, § 32:34
Additional charges, § 32:35
Adjournment to obtain new counsel, § 32:10
Affirmative Defenses, this index
Attire of defendant, § 32:43
Attire of witnesses, § 32:18
Certain persons
  generally, § 32:53-32:59
  bifurcated trial, § 32:58
  domestic violence, § 32:57
  firearms, § 32:56
  prior convictions, § 32:59
Character of defendant, § 32:39
Charging conference, § 32:47
Closing Arguments, this index
Codefendant trials, § 34:20, § 34:21
Companion traffic ticket, § 34:19
  acquittals, § 34:19
  hung jury, § 34:19
Compulsory process, § 32:6
Confessions and Admissions, this index
Confrontation, § 32:5
Constitutional requirements
  generally, § 32:1-32:9
  compulsory process, § 32:6
  confrontation, § 32:5
  counsel for defense, § 32:4
  impartial jury, § 32:7
  informed of nature of charges, § 32:8
  jeopardy, § 32:9
  public trial, § 32:2
  speedy trial, § 32:3
  venue, § 32:7
  vicinage clause, § 32:7
Contempt of court, § 32:33
Coronavirus
  generally, § 34:2-34:10
  jail terms, § 34:5
  phase 2 trials, § 34:4
  plea by mail, municipal court, § 34:6
  public health emergency declarations, § 34:10
```

remote grand jury procedures, § 34:8, § 34:9

```
TRIALS—Cont'd
  Coronavirus—Cont'd
    rule changes, § 34:7
     strategies to reopen courts, § 34:3
  Counsel for defense, § 32:4
  COVID-19
     generally, § 34:2-34:10
    jail terms, § 34:5
    phase 2 trials, § 34:4
    plea by mail, municipal court, § 34:6
    public health emergency declarations, § 34:10
    remote grand jury procedures, § 34:8, § 34:9
     rule changes, § 34:7
    strategies to reopen courts, § 34:3
  Defendant's case, § 32:36-32:44
    character of defendant, § 32:39
  Dismissal of charges, § 32:35
  Double jeopardy, § 32:52
  Driving while Intoxicated, this index
  Evidence, this index
  Examination of witnesses, § 32:13
  Fact witnesses, § 32:17
  Forensic evidence, this index
  Impartial jury, § 32:7
  Impeachment, prior convictions or prior bad acts, § 32:23
  Informed of nature of charges, § 32:8
  Insanity, this index
  Jeopardy, § 32:9
  Judge
     State v. McGuigan, § 34:24
  Jury and Jury Trial, this index
  Mistrial, § 32:52
  Non-testimonial evidence, § 32:14
  Objections, this index
  Opening statements, § 32:12
  Post-verdict motions, § 32:51
  Preliminary instructions to jurors, § 32:11
  Pretrial Motions, this index
  Prosecution's case, § 32:16-28:34
    impeachment, prior convictions or prior bad acts, § 32:23
     prior bad acts, § 32:24
  Publication of verdict, § 32:50
  Public trial, § 32:2
  Rebuttal, § 32:45
  Remote expert witness testimony, § 34:23
  Retrial, § 32:52
```

```
TRIALS—Cont'd
  Sex offenses
     generally, § 34:12-34:16
    closed circuit testimony, § 34:12
    fresh complaint, § 34:14
    fresh complaint, tender years exception, hearsay, § 34:14
    pretrial investigation, child sexual assault, § 34:13
    Rape Shield Law, § 34:16
    tender years exception, hearsay, § 34:14
  Specialized proof and procedures
    generally, § 34:1-34:21
    in absentia, § 32:61
    certain persons
       generally, § 32:53-32:59
       bifurcated trial, § 32:59
       domestic violence, § 32:57
       firearms, § 32:56
       prior convictions, § 32:59
    codefendant trials, § 34:20, § 34:21
    companion traffic ticket, § 34:19
       acquittals, § 34:19
       hung jury, § 34:19
    COVID-19
       generally, § 34:2-34:10
       jail terms, § 34:5
       phase 2 trials, § 34:4
       plea by mail, municipal court, § 34:6
       public health emergency declarations, § 34:10
       remote grand jury procedures, § 34:8, § 34:9
       rule changes, § 34:7
       strategies to reopen courts, § 34:3
    drug offenses
       illegal drugs packaged for distribution, § 34:11
    sex offenses
       generally, § 34:12-34:16
       closed circuit testimony, § 34:12
       fresh complaint, § 34:14
       fresh complaint, tender years exception, hearsay, § 34:14
       pretrial investigation, child sexual assault, § 34:13
       Rape Shield Law, § 34:16
       tender years exception, hearsay, § 34:14
    translation services for defendant, § 34:22
    video playback, testimony and evidence, § 34:17
    waiver
       sentencing appearance, § 34:18
       trial appearance, § 32:62
  Speedy trial, § 32:3
```

TRIALS—Cont'd

Surrebuttal, § 32:45

Testimonial evidence, § 32:15

closed circuit, sex offenses, § 34:12

Translation services for defendant, specialized proof and procedures, § 34:22

Venue, § 32:7

Vicinage clause, § 32:7

Video playback, testimony and evidence, § 34:17

Waive

sentencing appearance, § 34:18

trial appearance, § 32:62

TRIVIALITY

Pretrial motions, de minimis applications, § 30:16

TRUTH IN SENTENCING ACT

Imprisonment, § 43:16

ULTIMATE ISSUE

Objections, expert witnesses, § 38:20

UNITED STATES

Sentence and punishment, removal from U.S., § 45:3

VACATED PLEAS

Effect, § 27:9

VEHICLES

Motor Vehicles, this index

VENUE

Pretrial motions, change of venue, § 30:44

Trials, constitutional requirements, § 32:7

VERDICTS

Jury and jury trial, § 32:49

"Not guilty by reason of insanity," § 37:14

VICINAGE CLAUSE

Trials, constitutional requirements, § 32:7

VICTIMS OF CRIME

Generally, § 13:1-13:6

Death, defined, § 13:5

Injury, defined, § 13:4

Legislative enactments, § 13:2

Person, defined, § 13:3

Restitution, § 13:6

Sentence and punishment, victim impact statements, § 42:1

Sexual assualt victims, defined under SASPA, § 58:2

VIDEOGRAPHY

Crime scene, § 14:3

VIDEO PLAYBACK

Testimony and evidence, § 34:17

VIDEO RECORDED STATEMENTS

Confessions and admissions, § 11:11

VOIR DIRE

Jurors, § 31:7

VOLUNTARINESS

Admissions and confessions, § 11:19

Pleas, § 27:5

Residential searches, voluntary consent, § 7:5

VOLUNTARY ACT

Possession, § 2:4, § 2:5

Requirement, § 2:3

WADE HEARING

Pretrial motions, suggestive identification, § 30:30

WAIVER

Confessions and admissions, Miranda warnings, § 11:4, 11:5

Extradition, waiver of right to contest, § 18:8

Jury trial, § 31:2

Juvenile justice, family court jurisdiction, § 55:3

Plea with restrictions, right to appeal, § 29:3

Sentencing appearance, § 34:18

Trial appearance, § 32:62

WARRANTLESS ARREST

Arrest, this index

WARRANTS

Extradition, § 18:5

Residential Searches, this index

Search Warrants, this index

Suppression of evidence, § 30:12

WEAPONS AND FIREARMS

Arrest, domestic violence, § 17:5

Motor vehicle searches, § 4:5

Return or destruction of seized firearms and ammunition, § 57:12

Sentence and punishment, collateral consequences, § 45:6

WIRETAPS

Cell phone conversations, § 11:12

WITHDRAWAL

Guilty pleas, § 27:8

WITNESSES

Generally, § 12:1-12:6

Crime scene interviews, § 12:2

Index-48

INDEX

WITNESSES—Cont'd

Facial recognition technology, § 12:7
Fact witnesses, generally, § 12:1-12:6
Limitations, pretrial witness preparations, § 12:8
Material witnesses, § 12:3
Mug shots, § 12:6
Photographic and live lineups, § 12:5
Pretrial witness preparations, limitations, § 12:8
Show up identification, § 12:4