Index

ABSENCE OF BUSINESS RECORD

Hearsay, this index

ABSENCE OF COMPLAINTS

Hearsay, circumstantial evidence of nonhappening, § 27-801[D]4.c.(v)

ABSENCE OF PUBLIC RECORD

Hearsay, §§ 27-803[C]10, 27-803[D]10

ABUSE OF DISCRETION

Expert and opinion testimony, §§ 27-702[D]4.a.(iii), 27-702[D]5.b.(v)(a) Hearsay, § 27-804[D]6.h

ACCIDENTS

Character evidence, § 27-404[D]8.f.(viii)
Presumptions, § 27-301[D]4.aa
Privileged matter, accident reports, § 27-501[D]1.i

ACKNOWLEDGED DOCUMENTS

Self-Authentication, this index

ADMINISTRATIVE PROCEEDINGS

Applicability of rules, § 27-1101[D]5.c Judicial notice, § 27-201[F]3.e

ADMINISTRATIVE RULES

Judicial notice, § 27-201[F]3.e.(i)

ADMISSIONS

Best and Secondary Evidence, this index Hearsay, this index Impeachment of witnesses, § 27-609[C]1

ADOPTIVE ADMISSIONS

Hearsay, this index

ADVERSE POSSESSION

Presumptions, § 27-301[D]4.i

AFFIRMATIONS

Oaths and Affirmations, this index

AGENTS, ADMISSIONS BY

Hearsay, this index

ALCOHOL

Intoxication, this index

ALIENATION OF AFFECTIONS

Husband-wife privilege, § 27-505[D]3.b

ALTERATION OF INTENT

Presumptions, wills, § 27-301[D]4.v

ANCIENT DOCUMENTS

Authentication or Identification, this index Hearsay, §§ 27-803[C]16, 27-803[D]16

"ANY TENDENCY"

Relevance, § 27-401[D]5

APPEAL AND REVIEW

Expert and opinion testimony, §§ 27-702[D]4.a.(v), 27-702[D]5.b.(v)

Hearsay, § 27-802[D]1

Impeachment of witnesses, effect on conviction of crime, § 27-609[D]5

Interlocutory appeals, privileged matter, § 27-501[D]3

Offer of proof, preservation of record for appeal, § 27-103[D]4.a

Presumptions, § 27-301[D]1.b

Standard of Review, this index

APPEARANCE

Presumption of authority to represent based on appearance of counsel, § 27-301[D]4.bb

APPLICABILITY OF RULES

Generally, § 27-1101

Adjudicative proceedings, juveniles, § 27-1101[D]2.b

Administrative proceedings, § 27-1101[D]5.c

Arrest warrants, § 27-1101[D]5.b.(iii)

Contempt proceedings, § 27-1101[D]3

Criminal proceedings, § 27-1101[D]5.b

Dispositional proceedings, juveniles, § 27-1101[D]2.a

Extradition, § 27-1101[D]5.b.(i)

Federal variations, § 27-1101[E]

Foundation, § 27-1101[C]

Grand jury proceedings, § 27-1101[D]5.a

Interpretive analysis, § 27-1101[D]

Juvenile proceedings, § 27-1101[D]2

Legislative history, § 27-1101[B]

Preliminary criminal proceedings, § 27-1101[D]5.b.(ii)

Privileges, § 27-1101[D]4

Probation proceedings, § 27-1101[D]5.b.(v)

Rendition, § 27-1101[D]5.b.(i)

Scope, § 27-1101[D]1

Search warrants, § 27-1101[D]5.b.(iii)

Sentencing proceedings, § 27-1101[D]5.b.(iv)

Small claims courts, § 27-1101[D]5.d.(ii)

Statement of rule, § 27-1101[A]

Summons, criminal proceedings, § 27-1101[D]5.b.(iii)

APPLICABILITY OF RULES—Cont'd

Suppression hearings, § 27-1101[D]5.b.(ii).(a) Workers' compensation, § 27-1101[D]5.d.(i)

ARREST WARRANTS

Applicability of rules, § 27-1101[D]5.b.(iii)

ASSAULT

Relevance, character evidence, § 27-403[D]5.a.(i)

Sexual Assaults, this index

ATTORNEY-CLIENT PRIVILEGE

Generally, § 27-503

Attestation of attorney to document, § 27-503[D]7.d

Attorney, communication made to, § 27-503[D]2

Business transactions, partial waivers and exceptions, § 27-511[D]1.e.(iv)

Civil pleadings, waiver, § 27-511[D]1.a

Client, declarant as, § 27-503[D]1

Client has put attorney-client relationship in issue, § 27-503[D]7.c

Common interest doctrine, § 27-503[D]4.g

Court order, disclosure pursuant to, § 27-511[D]1.f

Crime, furtherance of, § 27-503[D]7.a

Criminal pleadings, waiver, § 27-511[D]1.b

Deceased client, claimants through same, § 27-503[D]7.b

Discovery

Waiver, § 27-511[D]1.c

Work product doctrine, § 27-503[F]1

E-discovery, responses to, § 27-511[D]1.e.(vi)

E-mail, reasonable expectation of confidence, § 27-503[D]4.e

Exceptions

Generally, § 27-503[D]7

Partial waivers and exceptions, below

Fiduciary exception, trustees and beneficiaries, § 27-503[D]7.f

Foundation, § 27-503[C]

Fraud, furtherance of, § 27-503[D]7.a

Governmental investigative agencies, partial waivers and exceptions, § 27-511[D]1.e.(ii)

Incarcerated individuals, reasonable expectation of confidence, § 27-503[D]4.f Interpretive analysis, § 27-503[D]

Joint clients in subsequent actions between themselves, § 27-503[D]7.e

Land-line telephone conversations, reasonable expectation of confidence, \S 27-503[D]4.c

Legal services, communication made for purposes of facilitating rendition of, § 27-503[D]5

Legislative history, § 27-503[B]

Non-essential personnel, access to confidential corporate documents, § 27-503[D]4.b

Overheard conversations, reasonable expectation of confidence, § 27-503[D]4.a

ATTORNEY-CLIENT PRIVILEGE—Cont'd Partial waivers and exceptions Generally, § 27-511[D]1.e Business transactions, § 27-511[D]1.e.(iv) Common interest privilege, disclosures by one member of, § 27-511[D]1.e.(v) E-discovery, responses to, § 27-511[D]1.e.(vi) Governmental investigative agencies, § 27-511[D]1.e.(ii) Selected documents, § 27-511[D]1.e.(i) Settlement negotiations, § 27-511[D]1.e.(iii) Pleadings, waiver, §§ 27-511[D]1.a, 27-511[D]1.b Reasonable expectation of confidence Generally, § 27-503[D]4 Common interest doctrine, § 27-503[D]4.g E-mail, § 27-503[D]4.e Incarcerated individuals, § 27-503[D]4.f Land-line telephone conversations, § 27-503[D]4.c Non-essential personnel, access to confidential corporate documents, § 27-503[D]4.b Overheard conversations, § 27-503[D]4.a Tele-facsimile, § 27-503[D]4.d Third persons, presence of essential third persons, § 27-503[D]4.h Representative of attorney, communication made to, § 27-503[D]3 Selected documents, partial waivers and exceptions, § 27-511[D]1.e.(i) Settlement negotiations, partial waivers and exceptions, § 27-511[D]1.e.(iii) Standing to make claim, § 27-503[D]6 Statement of rule, § 27-503[A] Survival of the privilege, § 27-503[D]6.a Tele-facsimile, reasonable expectation of confidence, § 27-503[D]4.d Third persons, presence of essential third persons, § 27-503[D]4.h Trial, waiver, § 27-511[D]1.d Waiver Generally, § 27-511 Civil pleadings, § 27-511[D]1.a Court order, disclosure pursuant to, § 27-511[D]1.f Criminal pleadings, § 27-511[D]1.b Discovery, § 27-511[D]1.c Foundation, § 27-511[C] Interpretive analysis, § 27-511[D] Legislative history, § 27-511[B] Partial waivers and exceptions, above Pleadings, §§ 27-511[D]1.a, 27-511[D]1.b Statement of rule, § 27-511[A] Trial, § 27-511[D]1.d Work product doctrine, §§ 27-503[C]1, 27-503[F]

ATTORNEYS

Expert and opinion testimony, appointment of attorney in custody dispute or termination proceedings, § 27-702[D]8.d.(iv)(a)

ATTORNEYS—Cont'd

Guilty pleas, effective assistance of counsel, § 27-410[D]4

Nolo contendere pleas, effective assistance of counsel, § 27-410[D]4

Presumptions, this index

Privilege. Attorney-Client Privilege, this index

AUCTIONS

Presumptions, § 27-301[D]4.f

AUTHENTICATION OR IDENTIFICATION

Generally, § 27-901 to 27-903

Ancient documents

Foundation, § 27-901[C]10

Interpretive analysis, § 27-901[D]9

Chain of custody

Generally, § 27-901[D]2.b

Foundation, § 27-901[C]6.b

Interpretive analysis, § 27-901[D]5.b

Conversation content, identification of by circumstances, § 27-901[D]7

Diagram as what it is claimed to be, § 27-901[C]3.a

Discovery, § 27-901[D]2.c

Distinctive characteristics, § 27-901[D]5

Emails, § 27-901[D]5.a.(ii)

Expert witnesses. Handwriting testimony by expert witness, below

Federal variations, § 27-901[E]

Foundation, § 27-901[C]

Handwriting testimony by expert witness

Daubert questions, forensic stylistics and handwriting testimony, § 27-702[D]6.c.(iii)

Foundation, § 27-901[C]5

Interpretive analysis, § 27-901[D]4

Handwriting testimony by lay witness

Foundation, § 27-901[C]4

Interpretive analysis, § 27-901[D]3

Interpretive analysis, § 27-901[D]

Legislative history, § 27-901[B]

Letters, § 27-901[D]5.a.(i)

Matter is what it is claimed to be, § 27-901[C]3

Mobile phone records, § 27-901[D]5.a.(v)

Model as what it is claimed to be, § 27-901[C]3.c

Photograph as what it is claimed to be, § 27-901[C]3.b

Preliminary questions, § 27-104[D]2.c

Process or system

Foundation, § 27-901[C]11

Interpretive analysis, § 27-901[D]10

Public records

Interpretive analysis, § 27-901[D]8

Legislative history, § 27-901[C]9

AUTHENTICATION OR IDENTIFICATION—Cont'd

Readily identifiable items

Foundation, § 27-901[C]6.a

Interpretive analysis, § 27-901[D]5.a

Self-Authentication, this index

Social media pages, § 27-901[D]5.a.(vi)

Statement of rule, § 27-901[A]

Statute or rule, authentication under

Interpretive analysis, § 27-901[D]11

Legislative history, § 27-901[C]12

Steps for foundation, § 27-901[C]1

Subscribing witness testimony

Generally, § 27-903

Federal variations, § 27-903[E]

Foundation, § 27-903[C]

Interpretive analysis, § 27-903[D]

Legislative history, § 27-903[B]

Statement of rule, § 27-903[A]

System. Process or system, above

Tape recordings, § 27-901[D]6.a

Telephones

Foundation, phone conversation, § 27-901[C]8

Mobile phone records, § 27-901[D]5.a.(v)

Testimony, authentication by, § 27-901[D]2

Text messaging, § 27-901[D]5.a.(iv)

Video tapes, § 27-901[D]6.c

Voice identification

Foundation, § 27-901[C]7

Interpretive analysis, § 27-901[D]6

Website postings, § 27-901[D]5.a.(iii)

Wiretap laws, relevance of, § 27-901[D]6.b

AUTHORIZED ADMISSIONS

Hearsay, this index

AUTOMOBILES

Motor Vehicles, this index

BAPTISMAL CERTIFICATES

Hearsay, §§ 27-803[C]12, 27-803[D]12

BASIS OF TESTIMONY

Expert and Opinion Testimony, this index

BATSON CHALLENGE

Unconstitutional use of peremptory challenge of juror on basis of race or gender, necessity of timely objection, § 27-606[D]4.g

BEST AND SECONDARY EVIDENCE

Generally, § 27-1001 to 27-1008

Admission of party. Testimony or statement of party to prove content, below

Index-6

BEST AND SECONDARY EVIDENCE—Cont'd

Collateral matters

Generally, § 27-1004

Federal variations, § 27-1004[E]

Foundation, § 27-1004[C]4

Interpretive analysis, § 27-1004[D]4

Legislative history, § 27-1004[B]

Statement of rule, § 27-1004[A]

Definitions

Generally, § 27-1001

Federal variations, § 27-1001[E]

Foundation, § 27-1001[C]

Interpretive analysis, § 27-1001[D]

Legislative history, § 27-1001[B]

Statement of rule, § 27-1001[A]

Duplicates

Generally, § 27-1003

Federal variations, § 27-1003[E]

Foundation, § 27-1003[C]

Interpretive analysis, § 27-1003[D]

Legislative history, § 27-1003[B]

Statement of rule, § 27-1003[A]

Federal variations, § 27-1002[E]

Foundation, § 27-1002[C]

Interpretive analysis, § 27-1002[D]

Judge and jury, functions of

Generally, § 27-1008

Denial that original ever existed, § 27-1008[C]1

Disputed originals, § 27-1008[C]2

Federal variations, § 27-1008[E]

Foundation, § 27-1008[C]

Interpretive analysis, § 27-1008[D]

Legislative history, § 27-1008[B]

Other evidence content of original, § 27-1008[C]3

Statement of rule, § 27-1008[A]

Legislative history, § 27-1002[B]

Lost or destroyed originals

Generally, § 27-1004

Foundation, § 27-1004[C]1

Interpretive analysis, § 27-1004[D]1

Statement of rule, § 27-1004[A]

Opponent in possession of original

Generally, § 27-1004

Foundation, § 27-1004[C]3

Interpretive analysis, § 27-1004[D]3

Statement of rule, § 27-1004[A]

BEST AND SECONDARY EVIDENCE—Cont'd

Other evidence of contents

Generally, § 27-1004

Collateral matters, above

Foundation, § 27-1004[C]

Interpretive analysis, § 27-1004[D]

Lost or destroyed originals, above

Opponent in possession of original, above

Statement of rule, § 27-1004[A]

Unobtainable originals, below

Parol evidence, § 27-1002[D]2

Public records

Generally, § 27-1005

Federal variations, § 27-1005[E]

Foundation, § 27-1005[C]

Interpretive analysis, § 27-1005[D]

Legislative history, § 27-1005[B]

Statement of rule, § 27-1005[A]

Statement of rule, § 27-1002[A]

Summaries

Generally, § 27-1006

Federal variations, § 27-1006[E]

Foundation, § 27-1006[C]

Interpretive analysis, § 27-1006[D]

Legislative history, § 27-1006[B]

Statement of rule, § 27-1006[A]

Supreme Court's correction of analysis, § 27-1002[D]1

Testimony or statement of party to prove content

Generally, § 27-1007

Denial that the original ever existed, § 27-1007[C]1

Disputed original, § 27-1007[C]2

Federal variations, § 27-1007[E]

Foundation, § 27-1007[C]

Interpretive analysis, § 27-1007[D]

Legislative history, § 27-1007[B]

Other evidence of content of the original, § 27-1007[C]3

Statement of rule, § 27-1007[A]

Unobtainable originals

Generally, § 27-1004

Foundation, § 27-1004[C]2

Interpretive analysis, § 27-1004[D]2

Statement of rule, § 27-1004[A]

Voluminous writings, recordings, or photographs

Generally, § 27-1006

Federal variations, § 27-1006[E]

Foundation, § 27-1006[C]

Interpretive analysis, § 27-1006[D]

BEST AND SECONDARY EVIDENCE—Cont'd

Voluminous writings, recordings, or photographs—Cont'd Legislative history, § 27-1006[B] Statement of rule, § 27-1006[A]

BIAS OR PREJUDICE

Compromise and offers to compromise, § 27-408[D]2.c Impeachment of witnesses, § 27-607[C]2 Presumptions, competence of attorney, § 27-301[D]4.r.(2)

BOUNDARIES

Hearsay, §§ 27-803[C]20, 27-803[C]23, 27-803[D]20, 27-803[D]23

BURDEN OF PROOF

Expert and opinion testimony, challenge to foundation, § 27-705[D]4 Juror as witness, impeachment of verdict, § 27-606[D]2.b

BURSTING BUBBLE THEORY

Presumptions, this index

BUSINESS RECORDS

Hearsay, this index

CAUSATION

Expert and opinion testimony, § 27-702[D]8.d.(ii)

CELEBRATORY PHOTOGRAPHS

Relevance, § 27-403[D]4.b

CELL PHONES

Authentication or identification, § 27-901[D]5.a.(v) Expert and opinion testimony, § 27-702[D]8

CERTIFIED COPIES OF PUBLIC DOCUMENTS

Self-Authentication, this index

CHAIN OF CUSTODY

Authentication or Identification, this index Personal knowledge of witnesses, § 27-602[D]5

CHARACTER EVIDENCE

Generally, §§ 27-404, 27-405

Accident, absence of, § 27-404[D]8.f.(viii)

Child abuse, § 27-404[D]8.d

Collateral evidence, § 27-405[D]5

Conforming behavior, proof of

Foundation, § 27-404[C]1

Interpretive analysis, § 27-404[D]1

Consciousness of guilt, § 27-404[D]8.f.(ix)(a)

Contextual bad acts that form the factual setting of the crime charged, $\ 27-404[D]8.f.(ix)(e)$

Criminal cases, § 27-405[D]9

Criminal defendant, evidence offered by, §§ 27-404[D]2, 27-404[D]4

CHARACTER EVIDENCE—Cont'd

Cross-examination, § 27-405[C]3

Damages, § 27-404[D]8.f.(ix)(f)

Direct examination

Foundation, § 27-405[C]4

Interpretive analysis, § 27-405[D]4

Distinguishable prior sexual bad acts, exclusion of, § 27-401[D]10.h.(i)

Expert testimony regarding defendant's normal sexual proclivities, § 27-401[D]10.h.(iii)

False exculpatory statements, § 27-404[D]8.f.(ix)(h)

Fear of coming forward, § 27-404[D]8.f.(ix)(b)

Federal variations, § 27-404[E]

Foundation, § 27-404[C]

Hearsay, reputation, §§ 27-803[C]21, 27-803[D]21

Homosexuality, § 27-401[D]10.h.(iv)

Identity, §§ 27-404[D]8.f.(vii), 27-404[D]10.e

Impeachment, § 27-404[D]8.f.(ix)(g)

Impeachment of Witnesses, this index

Inclusionary purposes

Generally, § 27-404[D]8a

Damages, § 27-404[D]8.f.(ix)(f)

False exculpatory statements, § 27-404[D]8.f.(ix)(h)

Fear of coming forward, § 27-404[D]8.f.(ix)(b)

Identity, § 27-404[D]8.f.(vii)

Impeachment, § 27-404[D]8.f.(ix)(g)

Intent, § 27-404[D]8.f.(iii)

Knowledge, § 27-404[D]8.f.(vi)

Mistake or accident, absence of, § 27-404[D]8.f.(viii)

Modus operandi, § 27-404[D]8.f.(ix)(c)

Motions in limine, § 27-404[D]8.e

Motive, § 27-404[D]8.f.(i)

Opportunity, § 27-404[D]8.f.(ii)

Plan or scheme, § 27-404[D]8.f.(v)

Preparation, § 27-404[D]8.f.(iv)

Prior threats, § 27-404[D]8.f.(ix)(a)

Remoteness, § 27-404[D]8.b

Sexual offenses, § 27-404[D]8.f.(ix)(d)

Sufficient similarity, § 27-404[D]8.c

Intent, §§ 27-404[D]8.f.(iii), 27-404[D]10.b

Interpretive analysis, § 27-404[D]

Knowledge, §§ 27-404[D]8.f.(vi), 27-404[D]10.a

Legislative history, § 27-404[B]

In limine motions, § 27-404[D]8.e

Methods of proof, § 27-405[D]1

Mistake, absence of, § 27-404[D]8.f.(viii)

Modus operandi, $\S 27-404[D]8.f.(ix)(c)$

Motions in limine, § 27-404[D]8.e

Motive, §§ 27-404[D]8.f.(i), 27-404[D]10.d

CHARACTER EVIDENCE—Cont'd Narrow purpose, specific evidence character evidence admitted for, generally, § 27-401[D]10.g Opinion evidence, §§ 27-405[C]2, 27-405[D]3 Opportunity, § 27-404[D]8.f.(ii) Other crimes evidence, foundation, § 27-404[C]2 Plan or scheme, §§ 27-404[D]8.f.(v), 27-404[D]10.c Preparation, § 27-404[D]8.f.(iv) Prior similar sexual bad acts, § 27-401[D]10.h.(ii) Prior threats, § 27-404[D]8.f.(ix)(a) Procedural context of Rule 403(3) hearing, § 27-404[D]12 Proof of character Generally, § 27-405 Civil cases, § 27-405[D]8 Collateral evidence, § 27-405[D]5 Criminal cases, § 27-405[D]9 Cross-examination, § 27-405[C]3 Direct examination, §§ 27-405[C]4, 27-405[D]4 Exclusion of evidence, relationship to Rule 402, § 27-405[D]6 Federal variations, § 27-405[E] Foundation, § 27-405[C] Impeachment, relationship to Rules 607 to 609, § 27-405[D]7 Interpretive analysis, § 27-405[D] Legislative history, § 27-405[B] Methods of proof. § 27-405[D]1 Opinion evidence, §§ 27-405[C]2, 27-405[D]3 Reputation evidence, §§ 27-405[C]1, 27-405[D]2 Self-defense, § 27-405[D]9 Statement of rule, § 27-405[A] Protection against overriding of concern for unfair prejudice, § 27-404[D]9 Relevancy, generally, § 27-401[D]10.f Remoteness, § 27-404[D]8.b Reputation evidence, §§ 27-405[C]1, 27-405[D]2 Scheme or plan, § 27-404[D]8.f.(v) Self-defense, §§ 27-404[D]3, 27-405[D]9

Sexual assaults, §§ 27-401[D]10.h, 27-403[D]5.a.(ii), 27-403[D]5.a.(iii),

Statement of rule, § 27-404[A]

27-404[D]6

Sufficient similarity, § 27-404[D]8.c

Third party culpability evidence, § 27-404[D]11

Uncharged misconduct evidence, § 27-404[C]2

Victim, character of, § 27-404[D]4 to 27-404[D]6

Witness, character of, § 27-404[D]7

CHARGE TO JURY

Instructions to Jury, this index

CHILD ABUSE

Character evidence, § 27-404[D]8.d

CHILD ABUSE—Cont'd

Hearsay, medical diagnosis or treatment, § 27-803[D]4.b.(i)

CHILDREN AND MINORS

Abuse. Child Abuse, this index

Competence of witnesses, § 27-601[D]1

Custody issues

Expert and opinion testimony, § 27-702[D]8.d.(iv)

Parens patriae doctrine, presumptions, § 27-301[D]4.cc

Husband-wife privilege, crimes involving children, § 27-505[D]3.a

Molestation, § 27-415

Paternity, presumptions, § 27-301[D]4.m

Physician-patient privilege, § 27-504[D]6.d

Presumptions

Parens patriae doctrine, § 27-301[D]4.cc

Paternity, § 27-301[D]4.m

Support of children, § 27-301[D]4.s

Termination of parental relationship, § 27-301[D]4.s

Termination of parental rights

Expert and opinion testimony, § 27-702[D]8.d.(iv)(a)

Presumptions, § 27-301[D]4.s

Witnesses, accommodations to child witnesses, § 27-403[D]4.p

CIRCUMSTANTIAL EVIDENCE

Hearsay

Nature of establishment, § 27-801[D]4.c.(iv)

Nonhappening, § 27-801[D]4.c.(v)

Ownership, § 27-801[D]4.c.(ii)

State of mind, § 27-801[D]4.c.(i)

Relevance, § 27-401[D]8

CIRCUMSTANTIAL GUARANTEES OF TRUSTWORTHINESS

Hearsay, residual exceptions, §§ 27-803[D]24.a, 27-804[D]6.b, 27-804[D]6.g

CITATION OF ACT

Generally, § 27-1103

Federal variations, § 27-1103[E]

Foundation, § 27-1103[C]

Interpretation, § 27-1103[D]

Legislative history, § 27-1103[B]

Statement of rule, § 27-1103[A]

CLERGYPERSONS

Generally, § 27-506

Foundation, § 27-506[C]

Interpretive analysis, § 27-506[D]

Legislative history, § 27-506[B]

Statement of rule, § 27-506[A]

CLOSING ARGUMENTS

Rulings on evidence, § 27-103[D]2.a.(vii)

Index-12

CLOSING ARGUMENTS—Cont'd

Self-incrimination, privilege against, § 27-501[D]1.a.(iv)

COCONSPIRATORS, ADMISSIONS BY

Hearsay, this index

COLLATERAL EVIDENCE

Character evidence, § 27-405[D]5 Impeachment of witnesses, § 27-613[D]4

COLLATERAL MATTERS

Best and Secondary Evidence, this index

COMMERCIAL PAPER AND RELATED DOCUMENTS

Self-Authentication, this index

COMMERCIAL PUBLICATIONS

Hearsay, this index

COMMON LAW

Expert and opinion testimony, § 27-702[D]2

COMMON SENSE

Expert and opinion testimony, § 27-702[D]8.e.(ii)(d)

COMPETENCE OF ATTORNEY

Presumptions, § 27-301[D]4.r

COMPETENCE OF JURORS

Generally, § 27-606[D]1

Presumptions, § 27-301[D]4.n

COMPETENCE OF WITNESSES

Generally, § 27-601

Drug influenced witnesses, § 27-601[D]5

Expert and opinion testimony, §§ 27-702[C]1.a, 27-702[D]6.a

Federal variations, § 27-601[E]

Foundation, § 27-601[C]

Hypnotized witnesses, § 27-601[D]4

Impeachment of witnesses, § 27-607[C]1

Infancy, § 27-601[D]1

Interpretive analysis, § 27-601[D]

Intoxicated witnesses, § 27-601[D]5

Legislative history, § 27-601[B]

Mental incompetence, § 27-601[D]2

Professional relationships, § 27-601[D]6

Relationship to other incompetency rules, § 27-601[D]7

Spousal disqualification, § 27-601[D]3

Statement of rule, § 27-601[A]

COMPLETENESS RULE

Remainder of or Related Writings or Recorded Statements, this index

COMPROMISE AND OFFERS TO COMPROMISE

Generally, § 27-408

Admission, §§ 27-408[C]2, 27-408[D]2

Affirmative defenses, establishing, § 27-408[D]2.f

Attorney-client privilege, partial waivers and exceptions, § 27-511[D]1.e.(iii)

Bias, § 27-408[D]2.c

Contradiction, § 27-408[D]2.a

Control, § 27-408[D]2.b

Exceptions to general rule, § 27-408[D]2

Exclusion, §§ 27-408[C]1, 27-408[D]1

Federal variations, § 27-408[E]

Foundation, § 27-408[C]

Interpretive analysis, § 27-408[D]

Jurisdictional requirements, § 27-408[D]2.e

Legislative history, § 27-408[B]

Mitigation, § 27-408[D]2.d

Relevance, offers, § 27-403[D]5.b

Statement of rule, § 27-408[A]

COMPUTER HARD DRIVE

Exclusion of relevant evidence, § 27-403[D]4.1

CONDITIONAL RELEVANCY

Preliminary Questions, this index

Rulings on evidence, motion to strike, § 27-103[D]3.e

CONFESSIONS

Preliminary questions, hearings outside presence of jury, § 27-104[D]3.b

CONFLICTS OF LAW

Presumptions, § 27-301[D]1.d

CONFORMING BEHAVIOR

Character Evidence, this index

CONFRONTATION CLAUSE

Hearsay, this index

Impeachment of witnesses, § 27-607[D]8

Self-authentication, § 27-902[D]12

CONSCIOUSNESS OF GUILT

Character evidence, § 27-404[D]8.f.(ix)(a)

CONSISTENT STATEMENTS

Hearsay, this index

CONSPIRACY

Admissions by coconspirators. Hearsay, this index

Presumed continuation, § 27-301[D]4.ww

CONSTITUTIONAL LAW

Batson challenge to unconstitutional use of peremptory challenge of juror on basis of race or gender, necessity of timely objection, § 27-606[D]4.g

CONSTITUTIONAL LAW—Cont'd

Confrontation Clause, this index

Due process, § 27-101[D]3

Hearsay, pretrial identification, § 27-801[D]7.b

Impeachment of witnesses

Confrontation Clause, § 27-607[D]8

Evidence acquired in violation of constitutional rights, § 27-607[D]2.e

Scope of inquiry concerning crime, unconstitutional convictions, § 27-609[D]1.b.(v)

Judicial notice, legislative facts, § 27-201[F]1.c

Preliminary questions, § 27-104[D]1.e.(v)

Relevance, § 27-402[D]2

Rulings on evidence, plain error, § 27-103[D]7.a.(i)

Self-incrimination, privileged matter, § 27-501[D]1.a

Sexual assaults, exclusion of prior sexual experiences with third persons, § 27-412[D]3

Sexual offense victims, exclusion of prior sexual experiences with third persons, § 27-412[D]3

CONSTRUCTION

Purpose and Construction, this index

CONTEMPT PROCEEDINGS

Applicability of rules, § 27-1101[D]3

CONTINUING OBJECTION

Rulings on evidence, § 27-103[D]2.b.(ii)

CONTRACTS

Presumptions, this index

Statutory rights do not create contractual rights, § 27-301[D]4.rr

Subsequent remedial measures, breach of warranty (contractual) claims vs. tortious claims, § 27-407[D]7

CONTRADICTION

Compromise and offers to compromise, § 27-408[D]2.a

Impeachment of witnesses, §§ 27-607[C]5, 27-607[D]4, 27-608[D]1.b.(ii)

CONVICTIONS

Hearsay, §§ 27-803[C]22, 27-803[D]22

Impeachment of Witnesses, this index

Presumptions, prior conviction records, § 27-301[D]4.mm

COPYRIGHT REGISTRATIONS

Judicial notice, § 27-201[F]3.i

CORROBORATION OF CONFESSION

Hearsay, exculpation of another accused, § 27-804[D]5.c

COUNSEL

Attorneys, this index

COURT APPOINTED EXPERTS

Expert and Opinion Testimony, this index

COURT RECORDS

Judicial Notice, this index

CREDIBILITY

Expert and opinion testimony, § 27-702[D]8.e.(ii)(b)

Preliminary Questions, this index

Relevance, § 27-403[D]4.g

CROSS-EXAMINATION

Generally, § 27-611

Character evidence, § 27-405[C]3

Expert and opinion testimony, § 27-705[D]7

Federal variations, § 27-611[E]

Foundation, § 27-611[C]

Interpretive analysis, § 27-611[D]

Leading Questions, this index

Legislative history, § 27-611[B]

Rulings on evidence, harmless error, § 27-103[D]1.b.(iii)

Scope of cross-examination, § 27-611[D]2

Statement of rule, § 27-611[A]

CUMULATIVE EVIDENCE

Rulings on evidence, harmless error, §§ 27-103[D]1.b.(i), 27-103[D]1.b.(ii)

CURATIVE INSTRUCTIONS

Rulings on evidence, motion to strike, § 27-103[D]3.d

DAMAGES

Expert and opinion testimony, § 27-702[D]8.d.(iii)

Juror as witness, § 27-606[D]4.c

Prior bad acts, § 27-404[D]8.f.(ix)(f)

Relevancy of per diem evidence on, § 27-401[D]10.m

DATE

Time and Date, this index

DEATH

Attorney-client privilege, deceased client, § 27-503[D]7.b

Hearsay, unavailability of declarant, § 27-804[D]1.d

DECLARATIONS AGAINST INTEREST

Hearsay, this index

DEFENSES

Compromise and offers to compromise, establishing affirmative defenses, § 27-408[D]2.f

Physician-patient privilege, § 27-504[D]6.c

DEFINITIONS

Best and Secondary Evidence, this index

Index-16

DELIBERATIONS OF JURY

Relevance, use of demonstrative evidence, § 27-401[D]10.b

DEMONSTRATIVE EVIDENCE

Generally, §§ 27-401[D]10.b, 27-611[D]4

DEPOSITIONS

Hearsay, inconsistent statements, § 27-801[D]5.c Impeachment of witnesses, §§ 27-607[C]3.a, 27-613[C]1 Personal knowledge of witnesses, § 27-602[D]4

DESTROYED ORIGINALS

Best and Secondary Evidence, this index

DESTRUCTION OF WILL ANIMO REVOCANDI

Presumptions, § 27-301[D]4.x

DICTIONARY DEFINITIONS

Juror as witness, interpretation of instructions to jury, § 27-606[D]3.f

DIRECT EVIDENCE

Relevance, § 27-401[D]8

DISCOVERY

Authentication or identification, § 27-901[D]2.c

Depositions, this index

E-discovery, attorney-client privilege, § 27-511[D]1.e.(vi)

Inconsistent statements, § 27-801[D]5.c

Statement offered to prove truth of matter asserted, § 27-801[D]4.b.(vi)

Work product, § 27-503[F]

DISPOSITIONAL PLANS

Rulings on evidence, plain error, § 27-103[D]7.b

DIVORCE

Husband-wife privilege, § 27-505[D]3.c

DNA

Expert and opinion testimony, §§ 27-702[D]8.a.(iii), 27-702[D]8.d.(i)

DOCTORS

Physician-Patient Privilege, this index

DOCUMENTARY EVIDENCE

Relevance, § 27-403[D]4.c

DOGS

Drug detection dogs and probable cause for a search, § 27-702[D]8.d.(vi)a

DOMESTIC VIOLENCE CASES

Hearsay, § 27-803[D]4.b.(ii)

DRIVING UNDER THE INFLUENCE OF ALCOHOL

Expert and opinion testimony, § 27-702[D]8.a.(i)

DRUGS AND NARCOTICS

Competence of witnesses, § 27-601[D]5

Dogs, drug detection dogs and probable cause for a search, § 27-702[D]8.d.(vi)a

Expert and opinion testimony

Insanity by intoxication or use of drugs, § 27-702[D]8.e.(iii)

Law enforcement testimony based upon experience and training, § 27-702[D]8.d.(vi)

Physician-patient privilege, § 27-504[D]6.e

DUE PROCESS

Generally, § 27-101[D]3

DUPLICATES

Best and Secondary Evidence, this index

DYING DECLARATIONS

Hearsay, this index

EASEMENTS

Presumptions, § 27-301[D]4.i

EFFECTIVE DATE OF ACT

Generally, § 27-1102

Amendments

Federal Rules, § 27-1102[B]2

Nebraska Rules of Evidence, § 27-1102[B]1

Federal variations, § 27-1102[E]

Foundation, § 27-1102[C]

Interpretation, § 27-1102[D]

Legislative history, § 27-1102[B]

Statement of rule, § 27-1102[A]

E-MAIL

Attorney-client privilege, reasonable expectation of confidence, § 27-503[D]4.e Authentication or identification, § 27-901[D]5.a.(ii)

Husband-wife privilege, e-mail communications and confidentiality, § 27-505[D]1.a

EMPLOYMENT CONTRACTS

Presumptions, § 27-301[D]4.c

ENDORSED WITNESS REQUIREMENT

Expert and opinion testimony, criminal cases, § 27-705[D]3.b.(i)

EQUIVALENT CIRCUMSTANTIAL GUARANTEES OF TRUSTWORTHINESS

Hearsay, residual exceptions, § 27-804[D]6.g

ERRONEOUS RULINGS

Rulings on Evidence, this index

EX PARTE COMMUNICATIONS

Rulings on evidence, § 27-103[D]7.c

Index-18

EXCITED UTTERANCE

Hearsay, this index

EXCLUSION OF WITNESSES

Witnesses, this index

EXEMPLARS

Relevance, § 27-401[D]10.b

EXHIBITS

Hearsay, learned treatises, § 27-803[D]18.e

Remainder of or related writings or recorded statements, § 27-106[D]1.a.(iii)

EXPERIMENTS BY JURY

Generally, § 27-606[D]3.e

EXPERT AND OPINION EVIDENCE

Testimony. Expert and Opinion Testimony, this index

Work product, § 27-503[F]

EXPERT AND OPINION TESTIMONY

Generally, § 27-701 to 27-706

Abuse of discretion, §§ 27-702[D]4.a.(iii), 27-702[D]5.b.(v)(a)

Appellate review, §§ 27-702[D]4.a.(v), 27-702[D]5.b.(v)

Attorney, appointment of in custody dispute or termination proceedings, § 27-702[D]8.d.(iv)(a)

Authentication or Identification, this index

Balancing of probative value and non-probative effects, § 27-702[D]7

Basis of testimony

Generally, § 27-703

Admissibility of otherwise inadmissible bases, § 27-703[D]3

Federal variations, § 27-703[E]

Foundation, § 27-703[C]

Hypothetical questions, § 27-703[D]1

Inadmissible evidence, § 27-703[D]2

Interpretive analysis, § 27-703[D]

Legislative history, § 27-703[B]

Statement of rule, § 27-703[A]

Breath tests to determine intoxication, § 27-702[D]6.c.(ii)

Burden of challenging foundation, § 27-705[D]4

Case law, theory and methodology established by, § 27-702[D]8.b

Causation, § 27-702[D]8.d.(ii)

Character evidence, §§ 27-401[D]10.h.(iii), 27-405[C]2, 27-405[D]3

Child custody issues, § 27-702[D]8.d.(iv)

Common law, § 27-702[D]2

Common sense, testimony that challenges, § 27-702[D]8.e.(ii)(d)

Competence, §§ 27-702[C]1.a, 27-702[D]6.a

Court appointed experts

Generally, § 27-706

Federal variations, § 27-706[E]

Foundation, § 27-706[C]

EXPERT AND OPINION TESTIMONY—Cont'd

Court appointed experts—Cont'd

Interpretive analysis, § 27-706[D]

Legislative history, § 27-706[B]

Statement of rule, § 27-706[A]

Credibility testimony, § 27-702[D]8.e.(ii)(b)

Cross-examination pitfalls, § 27-705[D]7

Damages, § 27-702[D]8.d.(iii)

Daubert questions

Generally, § 27-702[D]6

Application of theory or methodology to facts of case, § 27-702[D]6.d

Archival research methodology, § 27-702[D]6.c.(v)

Breath tests to determine intoxication, § 27-702[D]6.c.(ii)

Caution over the malfunction theory, § 27-702[D]6.c.(vii)

Competence, § 27-702[D]6.a

Conclusions as foundational issue for court, § 27-702[D]6.d.(ii)

Conclusions as jury issue beyond foundational requirement, § 27-702[D]6.d.(i)

Critiquing the opinions of another expert or explaining the absence of forensic evidence, opinion testimony as, § 27-702[D]6.d.(iii)

Data transportation and extrapolation, § 27-702[D]6.c.(iv)

Deficiencies in supporting methodology or standard protocols in operation, § 27-702[D]6.c

Differential diagnosis methodology, § 27-702[D]6.c.(vi)

Forensic stylistics and handwriting testimony, § 27-702[D]6.c.(iii)

Helpful if not essential testimony, § 27-702[D]6.a.(iii)

Mining engineer's estimates, § 27-702[D]6.c.(i)

Preliminary questions, admissibility of expert testimony under Daubert review, § 27-104[D]1.e.(iv)

Professional malpractice, special competency issues in, § 27-702[D]6.a.(i)

Statute, expert testimony required by, § 27-702[D]6.a.(ii)

Theory, § 27-702[D]6.b

Unessential or inadmissible expert testimony, § 27-702[D]6.a.(iv)

Differential diagnosis and physicians, causation, § 27-702[D]8.d.(ii)(b)

Direct examination pitfalls, § 27-705[D]6

Disclosure of underlying facts or data

Generally, § 27-705

Burden of challenging foundation, § 27-705[D]4

Civil cases, § 27-705[D]3.a

Criminal cases, § 27-705[D]3.b

Cross-examination pitfalls, § 27-705[D]7

Direct examination pitfalls, § 27-705[D]6

Discovery rules, criminal cases, § 27-705[D]3.b.(ii)

Discretion exercised requiring prior in-court disclosure, § 27-705[D]2

Endorsed witness requirement, criminal cases, § 27-705[D]3.b.(i)

Federal variations, § 27-705[E]

Flexible provision for opinion in advance of bases, § 27-705[D]1

Foundation, § 27-705[C]

EXPERT AND OPINION TESTIMONY—Cont'd Disclosure of underlying facts or data—Cont'd Interpretive analysis, § 27-705[D] Legislative history, § 27-705[B] Rebuttal, pitfalls of saving expert testimony until, § 27-705[D]8 Statement of rule, § 27-705[A] Weight vs. admissibility, § 27-705[D]5 Discovery rules, criminal cases, § 27-705[D]3.b.(ii) Discretion exercised requiring prior in-court disclosure, § 27-705[D]2 DNA, §§ 27-702[D]8.a.(iii), 27-702[D]8.d.(i) Driving under the influence of alcohol, § 27-702[D]8.a.(i) Drugs and Narcotics, this index Endorsed witness requirement, criminal cases, § 27-705[D]3.b.(i) Exclusion of evidence, motion for, § 27-702[D]5.b.(i) Exclusion of witnesses, § 27-615[D]2 Eye-witness identification, § 27-702[D]8.e.(ii)(a) Federal variations, § 27-702[E] FELA proceedings, Daubert controlling, § 27-702[D]8.h Foundation, § 27-702[C] Future business earnings, § 27-702[D]8.d.(iii)(e) Future earnings, permanent impairment of, § 27-702[D]8.d.(iii)(c) General application of principle or theory to technique, § 27-702[C]1.c Guardian ad litem, appointment of, § 27-702[D]8.d.(iv)(a) Hedonic damages, § 27-702[D]8.d.(iii)(d) Helpful to trier of fact, lay witnesses, § 27-701[D]2 Hypothetical questions, § 27-703[D]1 Improper subjects Generally, § 27-702[D]8.e Common sense, testimony that challenges, § 27-702[D]8.e.(ii)(d) Credibility testimony, § 27-702[D]8.e.(ii)(b) Eye-witness identification, § 27-702[D]8.e.(ii)(a) Insanity by intoxication or use of drugs, § 27-702[D]8.e.(iii) Intent, § 27-702[D]8.e.(ii)(c) Ultimate issue rule, § 27-702[D]8.e.(ii) Inapplicability of strict rules of evidence, Daubert not controlling, § 27-702[D]8.g Industry standards, cases involving, § 27-702[D]8.d.(v) Intent, § 27-702[D]8.e.(ii)(c) Interpretive analysis, § 27-702[D] Judgment as matter of law, motion for, § 27-702[D]5.b.(iv) Judicial notice, theory and methodology established by, § 27-702[D]8.c Lay witnesses Generally, § 27-701 Federal variations, § 27-701[E] Foundation, § 27-701[C] Helpful to trier of fact, § 27-701[D]2 Interpretive analysis, § 27-701[D] Legislative history, § 27-701[B]

EXPERT AND OPINION TESTIMONY—Cont'd

Lay witnesses—Cont'd

Rationally based on perception of witness, § 27-701[D]1

Statement of rule, § 27-701[A]

Learned treatises. Testimony and learned treatises, theory and methodology established by, below

Legislative history, § 27-702[B]

In limine motions, § 27-702[D]5.b.(i)

Medical expenses, § 27-702[D]8.d.(iii)(b)

Post-verdict motions, § 27-702[D]5.b.(iv)

Pretrial hearings, § 27-702[D]5.b.(i)

Procedure for applying principle or theory, § 27-702[C]1.c

Property valuation, § 27-702[D]8.d.(iii)(a)

Radar, speed detection, § 27-702[D]8.a.(ii)

Rationally based on perception of witness, lay witnesses, § 27-701[D]1

Reasonable degree of expert certainty, § 27-702[D]3

Rebuttal, pitfalls of saving expert testimony until, § 27-705[D]8

Re-enactments, §§ 27-702[C]2, 27-702[D]8.f

Relevance, § 27-401[D]10.c

Reversal and remand on appellate review, § 27-702[D]5.b.(v)(b)

Rulings on evidence, §§ 27-103[D]2.a.(x), 27-103[D]3.b

Specific application or technique or procedure, § 27-702[C]1.d

Speed detection by radar, § 27-702[D]8.a.(ii)

Stages of proceedings where foundation issues can be raised

Generally, § 27-702[D]5

Abuse of discretion, appellate review, § 27-702[D]5.b.(v)(a)

Appellate review, § 27-702[D]5.b.(v)

Determination on appellate review without remand, § 27-702[D]5.b.(v)(c)

Exclusion of evidence, motion for, § 27-702[D]5.b.(i)

Federal courts, § 27-702[D]5.b

Judgment as matter of law, motion for, § 27-702[D]5.b.(iv)

In limine motions, § 27-702[D]5.b.(i)

Post-verdict motions, § 27-702[D]5.b.(iv)

Pretrial hearings, § 27-702[D]5.b.(i)

Rebuttal testimony, § 27-702[D]5.b.(vi)

Reversal and remand on appellate review, § 27-702[D]5.b.(v)(b)

State courts, § 27-702[D]5.a

Summary judgment, § 27-702[D]5.b.(ii)

Trial, course of, § 27-702[D]5.b.(iii)

Standard of admissibility - federal courts

Generally, § 27-702[D]4.a

Abuse of discretion, § 27-702[D]4.a.(iii)

Adoption of Daubert standard, § 27-702[D]4.a.(ii)

Appellate determination without remand, § 27-702[D]4.a.(v)

Evolution of Frye standard, § 27-702[D]4.a.(i)

Non-scientific evidence, § 27-702[D]4.a.(iv)

Standard of admissibility - state courts

Generally, §§ 27-702[D]4.b, 27-702[D]4.c

EXPERT AND OPINION TESTIMONY—Cont'd Standard of admissibility - state courts-Cont'd Adoption of Daubert standard, §§ 27-702[D]4.b.(iii), 27-702[D]4.b.(iv) Adoption of Frye standard, § 27-702[D]4.b.(i) Civil discovery, § 27-702[D]4.c.(ii) Criminal discovery, § 27-702[D]4.c.(iii) Increased availability of judicial authority, § 27-702[D]4.c.(i) Rejection of Daubert standard, § 27-702[D]4.b.(ii) Standard of review, § 27-702[D]1 Statement of rule, § 27-702[A] Statute, theory and methodology established by Generally, § 27-702[D]8.a DNA testing, § 27-702[D]8.a.(iii) Driving under the influence of alcohol, § 27-702[D]8.a.(i) Speed detection by radar, § 27-702[D]8.a.(ii) Summary judgment, § 27-702[D]5.b.(ii) Termination of parental rights, § 27-702[D]8.d.(iv)(a) Testimony and learned treatises, theory and methodology established by Generally, § 27-702[D]8.d Attorney, appointment of in custody dispute or termination proceedings, § 27-702[D]8.d.(iv)(a) Causation, § 27-702[D]8.d.(ii) Child custody issues, § 27-702[D]8.d.(iv) Damages, § 27-702[D]8.d.(iii) Differential diagnosis and physicians, causation, § 27-702[D]8.d.(ii)(b) DNA, § 27-702[D]8.d.(i) Drugs and tools of the drug trade, law enforcement testimony based upon experience and training, § 27-702[D]8.d.(vi) Future business earnings, § 27-702[D]8.d.(iii)(e) Future earnings, permanent impairment of, § 27-702[D]8.d.(iii)(c) Guardian ad litem, appointment of, § 27-702[D]8.d.(iv)(a) Hedonic damages, § 27-702[D]8.d.(iii)(d) Industry standards, cases involving, § 27-702[D]8.d.(v) Medical expenses, § 27-702[D]8.d.(iii)(b) Property valuation, § 27-702[D]8.d.(iii)(a) Termination of parental rights, § 27-702[D]8.d.(iv)(a) Toxic tort cases, causation, § 27-702[D]8.d.(ii)(a) Theory, § 27-702[C]1.b Toxic tort cases, causation, § 27-702[D]8.d.(ii)(a) Trial, course of, § 27-702[D]5.b.(iii) Ultimate issue Generally, § 27-704 Federal variations, § 27-704[E] Foundation, § 27-704[C] Improper subjects, § 27-702[D]8.e.(ii) Interpretive analysis, § 27-704[D] Legislative history, § 27-704[B] Statement of rule, § 27-704[A]

EXTRADITION

Applicability of rules, § 27-1101[D]5.b.(i)

EXTRINSIC EVIDENCE

Impeachment of Witnesses, this index

EYE-WITNESS IDENTIFICATION

Expert and opinion testimony, § 27-702[D]8.e.(ii)(a)

FAMILY HISTORY

Hearsay, this index

FAMILY RECORDS

Hearsay, §§ 27-803[C]13, 27-803[D]13

FEAR OF COMING FORWARD

Character evidence, § 27-404[D]8.f.(ix)(b)

FIRST HAND KNOWLEDGE

Hearsay, this index

Preliminary questions, § 27-104[D]2.a

FLIGHT

Relevance, § 27-401[D]10.i

FOREIGN PUBLIC DOCUMENTS

Self-Authentication, this index

FORMER TESTIMONY

Hearsay, this index

FRAUD

Attorney-client privilege, § 27-503[D]7.a Husband-wife privilege, § 27-505[D]3.d

FREE FLOW OF INFORMATION ACT

Privileged matter, § 27-501[D]1.j

FRUITLESS INQUIRIES

Hearsay, circumstantial evidence of nonhappening, § 27-801[D]4.c.(v)

FUTURE EARNINGS

Expert and opinion testimony, §§ 27-702[D]8.d.(iii)(c), 27-702[D]8.d.(iii)(e)

GANG MEMBERSHIP

Relevance, § 27-403[D]5.a.(vii)

GOVERNMENTAL INVESTIGATIVE AGENCIES

Attorney-client privilege, partial waivers and exceptions, § 27-511[D]1.e.(ii)

GRAND JURY PROCEEDINGS

Applicability of rules, § 27-1101[D]5.a

GRATUITOUS TRANSFERS

Presumptions, § 27-301[D]4.b

Index-24

GRUESOME PHOTOGRAPHS AND VIDEOTAPES

Relevance, § 27-403[D]4.a

GUARDIAN AD LITEM

Expert and opinion testimony, § 27-702[D]8.d.(iv)(a)

GUILTY PLEAS

Generally, § 27-410

Admission, §§ 27-410[C]2, 27-410[D]2, 27-410[D]3

Effective assistance of counsel, § 27-410[D]4

Exclusion, §§ 27-410[C]1, 27-410[D]1

Federal variations, § 27-410[E]

Foundation, § 27-410[C]

Interpretive analysis, § 27-410[D]

Legislative history, § 27-410[B]

Plea offers, § 27-410[D]4

Sentencing proceedings, § 27-410[D]3

Statement of rule, § 27-410[A]

Withdrawn, convictions and guilty pleas that are not, § 27-410[D]2

HABIT OR ROUTINE PRACTICE

Generally, § 27-406

Business routine, § 27-406[C]2

Federal variations, § 27-406[E]

Foundation, § 27-406[C]

Interpretive analysis, § 27-406[D]

Legislative history, § 27-406[B]

Person, habit of, § 27-406[C]1

Statement of rule, § 27-406[A]

HANDWRITING

Authentication or Identification, this index

HARMLESS ERROR

Rulings on evidence, § 27-103[D]1.b

HEALTH PRACTITIONERS

Hearsay, statements of comparison (but not fault), § 27-801[D]8.c

Medical Diagnosis or Treatment, this index

Peer evaluations, privileged matter, § 27-501[D]1.c

Physician-Patient Privilege, this index

HEARSAY

Generally, § 27-801 to 27-806

Absence of business record

Generally, § 27-803

Foundation, § 27-803[C]7

Interpretive analysis, § 27-803[D]7

Legislative history, § 27-803[B]7

Statement of rule, § 27-803[A]

HEARSAY-Cont'd

Absence of complaints, circumstantial evidence of nonhappening, § 27-801[D]4.c.(v)

Absence of public record, §§ 27-803[C]10, 27-803[D]10

Admissions

Adoptive admissions, below

Agents, admissions by, below

Authorized admissions, below

Coconspirators, admissions by, below

Learned treatise, reliability of, § 27-803[D]18.d.(ii)

Personal admissions, below

Adoptive admissions

Foundation, § 27-801[C]6

Interpretive analysis, § 27-801[D]9

Legislative history, § 27-801[B]6

Agents, admissions by

Generally, § 27-801[D]11

Foundation, § 27-801[C]8

Legislative history, § 27-801[B]8

Ancient documents, §§ # 27-803[C]16, 27-803[D]16

Appeal, § 27-802[D]1

Attendance of declarant, inability to procure, § 27-804[D]1.e

Authorized admissions

Foundation, § 27-801[C]7

Interpretive analysis, § 27-801[D]10

Legislative history, § 27-801[B]7

Balancing of probative value against non-probative effects, unavailability of declarant, § 27-804[D]2

Baptismal certificates, §§ 27-803[C]12, 27-803[D]12

Boundaries, §§ 27-803[C]20, 27-803[C]23, 27-803[D]20, 27-803[D]23

Business records

Generally, § 27-803

Absence of business record, above

Duty to make report, § 27-803[D]6.b

Factual nature of record, § 27-803[D]6.f

First hand knowledge of informant, § 27-803[D]6.c

Foundation, § 27-803[C]6

Interpretive analysis, § 27-803[D]6

Legislative history, § 27-803[B]6

Privilege statutes, records excluded by, § 27-803[D]6.i

Purpose of record, § 27-803[D]6.h

Regular course of business, § 27-803[D]6.e

Regular maintenance of records, § 27-803[D]6.d

Statement of rule, § 27-803[A]

Time of preparation of record, § 27-803[D]6.a

Trustworthiness, § 27-803[D]6.g

Certification of testing equipment, § 27-801[D]1.c

Certification public or business records, § 27-801[D]1.b

HEARSAY—Cont'd Character, reputation concerning, §§ 27-803[C]21, 27-803[D]21 Child abuse cases, § 27-803[D]4.b.(i) Circumstantial guarantees of trustworthiness, residual exceptions, §§ 27-803[D]24.a, 27-804[D]6.b, 27-804[D]6.g Coconspirators, admissions by Declarant was involved in conspiracy with defendant, § 27-801[D]12.a Foundation, § 27-801[C]9 Interpretive analysis, § 27-801[D]12 Legislative history, § 27-801[B]9 Statement made in furtherance of conspiracy, § 27-801[D]12.c Statement made while conspiracy in progress, § 27-801[D]12.b Commercial publications. Market reports and commercial publications, below Concept of hearsay Foundation, § 27-801[C]1 Legislative history, § 27-801[B]1 Confrontation of witnesses, § 27-801[D]1 Consistent statements Foundation, § 27-801[C]3 Interpretive analysis, § 27-801[D]6 Legislative history, § 27-801[B]3 Motive or undue influence, impeachment for purposes other than, § 27-801[D]6.c Opening of door by opponent, § 27-801[D]6.b Sexual assault cases, corroboration in, § 27-801[D]6.d Timing, § 27-801[D]6.a Constitutional limitations, pretrial identification, § 27-801[D]7.b Convictions, previous, §§ 27-803[C]22, 27-803[D]22 Corroboration of confession exculpating another accused, § 27-804[D]5.c Coverup, circumstantial evidence of consciousness of guilt by evidence of lies, § 27-801[D]4.c.(viii) Death, unavailability of declarant, § 27-804[D]1.d Declarations against interest Corroboration of confession exculpating another accused, § 27-804[D]5.c First hand knowledge of content of statement, § 27-804[D]5.d Foundation, § 27-804[C]4 Interpretive analysis, § 27-804[D]5 Legislative history, § 27-804[B]4 Related statements, § 27-804[D]5.b Residual exceptions, § 27-804[D]6 Statement of rule, § 27-804[A] Subjective belief that statement is contrary to interest, § 27-804[D]5.a Deposition testimony in criminal cases, inconsistent statements, § 27-801[D]5.c Domestic violence cases, § 27-803[D]4.b.(ii) Dying declarations Event causing dying condition, relationship to, § 27-804[D]4.c First hand knowledge of event, § 27-804[D]4.d

Foundation, § 27-804[C13

HEARSAY-Cont'd

Dying declarations—Cont'd

Interpretive analysis, § 27-804[D]4

Legislative history, § 27-804[B]3

Sense of impending death, § 27-804[D]4.b

Subject matter limitation, § 27-804[D]4.a

Equivalent circumstantial guarantees of trustworthiness, residual exceptions,

§ 27-804[D]6.g

Exceptions

Generally, § 27-803

Absence of business record, above

Ancient documents, § 27-803[C]16

Baptismal certificates, § 27-803[C]12

Boundaries, §§ 27-803[C]20, 27-803[C]23

Business records, above

Character, reputation concerning, § 27-803[C]21

Commercial publications. Market reports and commercial publications, below

Convictions, previous, §§ 27-803[C]22, 27-803[D]22

Excited utterance, below

Family history, §§ 27-803[C]19, 27-803[C]23

Family records, § 27-803[C]13

Federal variations, § 27-803[E]

Foundation, §§ 27-803[C], 27-804[C]

General history, §§ 27-803[C]20, 27-803[C]23

Interpretive analysis, §§ 27-803[D], 27-804[D]

Learned treatises, below

Legislative history, §§ 27-803[B], 27-804[B]

Market reports and commercial publications, below

Marriage certificates, § 27-803[C]12

Medical diagnosis or treatment, below

Past recollection recorded, below

Personal history, §§ 27-803[C]19, 27-803[C]23

Present sense impression, below

Property interest, documents affecting, §§ 27-803[C]14, 27-803[C]15, 27-803[D]14, 27-803[D]15

Public records, below

Religious organizations, records of, § 27-803[C]11

Residual exceptions, below

State of mind, below

Statement of rule, § 27-803[A]

Unavailability of declarant, below

Vital statistics, below

Excited utterance

Generally, § 27-803

Foundation, § 27-803[C]2

Interpretive analysis, § 27-803[D]2

Legislative history, § 27-803[B]2

Occurrence of event, § 27-803[D]2.a

HEARSAY—Cont'd Excited utterance—Cont'd Personal knowledge of declarant, § 27-803[D]2.c Spontaneity of statement, § 27-803[D]2.d Startling or stressful nature of event, § 27-803[D]2.b Statement of rule, § 27-803[A] Stress of excitement, statement made while under, § 27-803[D]2.e Exhibit, learned treatises not, § 27-803[D]18.e Falsity, statements relevant for, § 27-801[D]4.b.(vii) Family history. Personal or family history, below Family records, §§ 27-803[C]13, 27-803[D]13 Family relationships, § 27-804[B]5 Federal variations, §§ 27-801[E], 27-802[E] First hand knowledge. Personal or first hand knowledge, below Former testimony Fair adversary proceeding, § 27-804[D]3.b Foundation, § 27-804[C]2 Interpretive analysis, § 27-804[D]3 Legislative history, § 27-804[B]2 Motive to examine, §§ 27-804[D]3.b.(i), 27-804[D]3.d Opportunity to examine, § 27-804[D]3.b.(i) Overlap with former testimony and Rules of Civil Procedure, § 27-804[D]3.b.(iii) Overlap with former testimony and Rules of Criminal Procedure 0167 29-1917(4), § **27-804[D]3.b.(ii**) Parties, substantial identity, § 27-804[D]3.c Unavailability of declarant, § 27-804[D]3.a Foundation, §§ 27-801[C], 27-802[C] Friends, relatives, accomplices and others outside of the justice system, statements to, § 27-801[D]1.a Fruitless inquiries, circumstantial evidence of nonhappening, § 27-801[D]4.c.(v) General history, §§ 27-803[C]20, 27-803[C]23, 27-803[D]20, 27-803[D]23 Hearsay within hearsay Generally, § 27-805 Federal variations, § 27-805[E] Interpretive analysis, § 27-805[D] Legislative history, § 27-805[B] Multiple hearsay, § 27-805[C] Statement of rule, § 27-805[A] History, learned treatises, § 27-803[D]18.b Identification through verbal markers, circumstantial evidence of, § 27-801[D]4.c.(vi) Illness, unavailability of declarant, § 27-804[D]1.d Impact on hearer, relevance for, § 27-801[D]4.b.(iii) Impeachment Generally, § 27-806 Federal variations, § 27-806[E] Impeachment of hearsay declarant, § 27-806[C]

```
HEARSAY—Cont'd
  Impeachment—Cont'd
    Interpretive analysis, § 27-806[D]
    Legislative history, § 27-806[B]
    Relevance for, § 27-801[D]4.b.(iv)
    Statement of rule, § 27-806[A]
  Inconsistent statements
    Deposition testimony in criminal cases, § 27-801[D]5.c
    Foundation, § 27-801[C]2
    Inconsistency of statement, § 27-801[D]5.a
    Interpretive analysis, § 27-801[D]5
    Legislative history, § 27-801[B]2
    Under oath in prior proceeding, § 27-801[D]5.b
  Independent rational significance, statement relevant due to, § 27-801[D]4.b.(v)
  Insider knowledge, circumstantial evidence of, § 27-801[D]4.c.(vii)
  Intent of declarant, state of mind, § 27-803[D]3.b
  Interests of justice, residual exceptions, §§ 27-803[D]24.d, 27-804[D]6.e
  Interpretive analysis, §§ 27-801[D], 27-802[D]
  Judicial notice of reliability, learned treatises, § 27-803[D]18.d.(i)
  Learned treatises
    Generally, § 27-803
     Admission of reliability, § 27-803[D]18.d.(ii)
    Examining counsel calls attention of expert witness to published statement,
         § 27-803[D]18.a
    Exhibit, statement not, § 27-803[D]18.e
    Foundation, § 27-803[C]18
    History, medicine, or other science or art, § 27-803[D]18.b
    Interpretive analysis, § 27-803[D]18
    Judicial notice of reliability, § 27-803[D]18.d.(i)
    Legislative history, § 27-803[B]9
    Publication in treatise, periodical, or pamphlet, § 27-803[D]18.c
    Reading of statement into evidence, § 27-803[D]18.e
    Reliability of published statement, § 27-803[D]18.d
    Statement of rule, § 27-803[A]
    Testimony as to reliability, § 27-803[D]18.d.(iii)
  Legal significance, words of, § 27-801[D]4.b.(i)
  Legislative history, §§ 27-801[B], 27-802[B]
  Market reports and commercial publications
    Generally, § 27-803
    Foundation, § 27-803[C]17
    Interpretive analysis, § 27-803[D]17
    Statement of rule, § 27-803[A]
  Marriage certificates, §§ 27-803[C]12, 27-803[D]12
  Materiality of statement, residual exceptions, §§ 27-803[D]24.b, 27-804[D]6.c
  Medical diagnosis or treatment
    Generally, § 27-803
    Child abuse cases, § 27-803[D]4.b.(i)
    Domestic violence cases, § 27-803[D]4.b.(ii)
```

HEARSAY—Cont'd Medical diagnosis or treatment—Cont'd Foundation, § 27-803[C]4 Health care provider, statement made to, § 27-803[D]4.a Interest, statements against, § 27-803[D]4.b.(v) Interpretive analysis, § 27-803[D]4 Legislative history, § 27-803[B]4 Medical condition, statements related to cause of, § 27-803[D]4.b.(iv) Psychological condition, statements related to cause of, § 27-803[D]4.b.(iii) Purposes of statement, § 27-803[D]4.b Statement of rule, § 27-803[A] Memory, unavailability of declarant, § 27-804[D]1.c Consistent statements, § 27-801[D]6.c Former testimony, motive to examine, §§ 27-804[D]3.b.(i), 27-804[D]3.d Multiple hearsay. Hearsay within hearsay, above Nature of establishment, circumstantial evidence of, § 27-801[D]4.c.(iv) Nonassertive conduct, § 27-801[D]4.b.(viii) Nonhappening, circumstantial evidence of, § 27-801[D]4.c.(v) Notice. Pretrial notice, below Opening door, consistent statements, § 27-801[D]6.b Opportunity to examine, former testimony, § 27-804[D]3.b.(i) Ownership, mechanical traces as circumstantial evidence of, § 27-801[D]4.c.(ii) Past recollection recorded Generally, § 27-803 Foundation, § 27-803[C]5 Interpretive analysis, § 27-803[D]5 Legislative history, § 27-803[B]5 Statement of rule, § 27-803[A] Person, declarant as, § 27-801[D]3 Personal admissions Adoptive admissions, above Authorized admissions, above Conduct, admission by, § 27-801[D]8.d Discovery response or failure to respond to discovery, § 27-801[D]8.b Foundation, § 27-801[C]5 Health care professionals, statements of comparison (but not fault) by, § 27-801[D]8.c Interpretive analysis, § 27-801[D]8 Judicial admissions, § 27-801[D]8.a Legislative history, § 27-801[B]5 Third parties, admissions and contextual statements by, § 27-801[D]8.e Personal knowledge of witnesses, § 27-602[D]1 Personal or family history Foundation, § 27-804[C]5 Judgment, §§ 27-803[C]23, 27-803[D]23 Reputation, §§ 27-803[C]19, 27-803[D]19 Residual exceptions, § 27-804[C]6

HEARSAY—Cont'd

Personal or first hand knowledge

Business records, § 27-803[D]6.c

Declarations against interest, § 27-804[D]5.d

Dying declarations, § 27-804[D]4.d

Excited utterance, § 27-803[D]2.c

Independently established facts, § 27-801[D]4.c.(iii)

Public records, § 27-803[D]8.f

Preliminary questions, § 27-104[D]1.e.(i)

Present sense impression

Generally, § 27-803

Foundation, § 27-803[C]1

Interpretive analysis, § 27-803[D]1

Legislative history, § 27-803[B]1

Pretrial identification

Constitutional limitations, § 27-801[D]7.b

Criminal defendant, identification of, § 27-801[D]7.a

Due process, § 27-801[D]7.a.(i)

Foundation, § 27-801[C]4

Interpretive analysis, § 27-801[D]7

Legislative history, § 27-801[B]4

Pretrial notice

Public records, § 27-803[D]8.h

Residual exceptions, §§ 27-803[D]24.e, 27-804[D]6.f

Privilege, exemption by, § 27-804[D]1.a

Property interest, documents affecting, §§ 27-803[C]14, 27-803[C]15, 27-803[D]14, 27-803[D]15

Public records

Generally, §§ 27-803, 27-803[D]8

Absence of public record, §§ 27-803[C]10, 27-803[D]10

Duty to record facts, § 27-803[D]8.e

Factual nature of entry, § 27-803[D]8.g

Foundation, §§ 27-803[C]8, 27-803[C]10

Interpretive analysis, § 27-803[D]10

Legislative history, § 27-803[B]8

Official custody, § 27-803[D]8.b

Personal knowledge of official, § 27-803[D]8.f

Pretrial notice, § 27-803[D]8.h

Privilege, records made inadmissible by separate privilege statutes, § 27-803[D]8.i

Proper preparation, § 27-803[D]8.c

Public official, preparer as, § 27-803[D]8.d

Statement of rule, § 27-803[A]

Time of preparation of record, § 27-803[D]8.a

Trustworthiness of source of information or method or circumstance of investigation, § 27-803[D]8.i

Reading of learned treatise into evidence, § 27-803[D]18.e

Refusal despite court order, unavailability of declarant, § 27-804[D]1.b

HEARSAY—Cont'd Regular course of business, business records, § 27-803[D]6.e Regular maintenance of records, business records, § 27-803[D]6.d Rehabilitation, relevance for, § 27-801[D]4.b.(iv) Religious organizations, records of, §§ 27-803[C]11, 27-803[D]11 Residual exceptions Generally, § 27-803 Abuse of discretion review, § 27-804[D]6.h Circumstantial guarantees of trustworthiness, §§ 27-803[D]24.a, 27-804[D]6.b, 27-804[D]6.g Equivalent circumstantial guarantees of trustworthiness, § 27-804[D]6.g Foundation, § 27-803[C]24 Interests of justice, §§ 27-803[D]24.d, 27-804[D]6.e Interpretive analysis, § 27-803[D]24 Legislative history, §§ 27-803[B]10, 27-804[B]6 Materiality of statement, §§ 27-803[D]24.b, 27-804[D]6.c More probative than other available evidence, §§ 27-803[D]24.c, 27-804[D]6.d Pretrial notice, §§ 27-803[D]24.e, 27-804[D]6.f Rules of Civil Procedure, unavailability of declarant, § 27-804[D]1.f Science, learned treatises, § 27-803[D]18.b Sexual assault cases, consistent statements, § 27-801[D]6.d Spontaneity of statement, excited utterance, § 27-803[D]2.d Standard of review, § 27-802[D]1 Startling nature of event, excited utterance, § 27-803[D]2.b State of mind Generally, § 27-803 Circumstantial evidence, § 27-801[D]4.c.(i) Expressly assertive of present state of mind or bodily condition, § 27-803[D]3.a Foundation, § 27-803[C]3 Intent of declarant, § 27-803[D]3.b Interpretive analysis, § 27-803[D]3 Legislative history, § 27-803[B]3 Statement of rule, § 27-803[A] Statement, evidence must constitute, § 27-801[D]2 Statement of rule, §§ 27-801[A], 27-802[A] Stressful nature of event, excited utterance, § 27-803[D]2.b Subjective belief that statement is contrary to interest, declarations against interest, § 27-804[D]5.a Time and date Business records, preparation of, § 27-803[D]6.a Consistent statements, § 27-801[D]6.a Public records, preparation of, § 27-803[D]8.a Truth of matter asserted, statement offered to prove Generally, § 27-801[D]4 Absence of complaints, circumstantial evidence of nonhappening, § 27-801[D]4.c.(v)

HEARSAY—Cont'd

Truth of matter asserted, statement offered to prove—Cont'd

Coverup, circumstantial evidence of consciousness of guilt by evidence of lies, § 27-801[D]4.c.(viii)

Exclamations (nondeclaratory statements), § 27-801[D]4.b.(vi)

Falsity, statements relevant for, § 27-801[D]4.b.(vii)

Fruitless inquiries, circumstantial evidence of nonhappening, § 27-801[D]4.c.(v)

Identification through verbal markers, circumstantial evidence of, § 27-801[D]4.c.(vi)

Impact on hearer, relevance for, § 27-801[D]4.b.(iii)

Impeachment or rehabilitation, relevance for, § 27-801[D]4.b.(iv)

Independent rational significance, statement relevant due to, § 27-801[D]4.b.(v)

Insider knowledge, circumstantial evidence of, § 27-801[D]4.c.(vii)

Interrogatories (nondeclaratory statements), § 27-801[D]4.b.(vi)

Legal significance, words of, § 27-801[D]4.b.(i)

Nature of establishment, circumstantial evidence of, § 27-801[D]4.c.(iv)

Nonassertive conduct, § 27-801[D]4.b.(viii)

Nondeclaratory statements, § 27-801[D]4.b.(vi)

Nonhappening, circumstantial evidence of, § 27-801[D]4.c.(v)

Orders (nondeclaratory statements), § 27-801[D]4.b.(vi)

Ownership, mechanical traces as circumstantial evidence of, § 27-801[D]4.c.(ii)

Personal knowledge of independently established facts, § 27-801[D]4.c.(iii)

State of mind, circumstantial evidence of, § 27-801[D]4.c.(i)

Verbal acts, §§ 27-801[D]4.b.(i), 27-801[D]4.b.(ii)

Unavailability of declarant

Generally, § 27-804

Attendance, inability to procure, § 27-804[D]1.e

Balancing of probative value against non-probative effects, § 27-804[D]2

Death, § 27-804[D]1.d

Declarations against interest, above

Dying declarations, above

Family history. Personal or family history, above

Federal variations, § 27-804[E]

Former testimony, above

Foundation, § 27-804[C]

Illness, § 27-804[D]1.d

Interpretive analysis, § 27-804[D]

Legislative history, § 27-804[B]

Memory, lack of, § 27-804[D]1.c

Personal or family history, above

Privilege, exemption by, § 27-804[D]1.a

Refusal despite court order, § 27-804[D]1.b

Residual exceptions, above

Rules of Civil Procedure, § 27-804[D]1.f

Statement of rule, § 27-804[A]

HEARSAY—Cont'd

Undue influence, consistent statements, § 27-801[D]6.c Verbal acts, §§ 27-801[D]4.b.(i), 27-801[D]4.b.(ii)

Vital statistics

Generally, § 27-803

Foundation, § 27-803[C]9

Interpretive analysis, § 27-803[D]9

Statement of rule, § 27-803[A]

HEDONIC DAMAGES

Expert and opinion testimony, § 27-702[D]8.d.(iii)(d)

HISTORY

Hearsay, learned treatises, § 27-803[D]18.b

HOMOSEXUALITY

Character evidence, § 27-401[D]10.h.(iv)

HOSPITALIZATION

Physician-patient privilege, § 27-504[D]6.a

HOSTILE WITNESSES

Leading questions, § 27-611[D]3.a

HUSBAND AND WIFE

Generally, see Spouses, this index

HUSBAND-WIFE PRIVILEGE

Generally, § 27-505

Alienation of affections, § 27-505[D]3.b

Children of husband or wife, crimes involving, § 27-505[D]3.a

Confidential communications, §§ 27-505[C]1, 27-505[D]1

Crimes, §§ 27-505[D]3.a, 27-505[D]3.d

Divorce, § 27-505[D]3.c

Email communications and confidentiality, § 27-505[D]1.a

Exceptions, § 27-505[D]3

Federal variations, § 27-505[E]

Foundation, § 27-505[C]

Fraud, exception for communications in furtherance of, § 27-505[D]3.d

Interpretive analysis, § 27-505[D]

Legislative history, § 27-505[B]

Marriage, crimes against, § 27-505[D]3.a

Prior statements of the disqualified spouse, § 27-505[D]2.a

Spousal disqualification, §§ 27-505[C]2, 27-505[D]2

Statement of rule, § 27-505[A]

Violence, crimes of, § 27-505[D]3.a

HYPNOSIS

Competence of witnesses, § 27-601[D]4

HYPOTHETICAL QUESTIONS

Expert and opinion testimony, § 27-703[D]1

IDENTITY AND IDENTIFICATION

Authentication or Identification, this index Character evidence, §§ 27-404[D]8.f.(vii), 27-404[D]10.e Informants, this index

ILLNESS

Hearsay, unavailability of declarant, § 27-804[D]1.d

IMMATURE WITNESSES

Leading questions, § 27-611[D]3.b

IMMUNITY

Self-incrimination, privilege against, § 27-501[D]1.a.(iv)

IMPEACHMENT OF VERDICT

Juror as Witness, this index

IMPEACHMENT OF WITNESSES

Generally, §§ 27-607 to 27-610, 27-613

Admission by witness of prior conviction, § 27-609[C]1

Appeal, effect on conviction of crime, § 27-609[D]5

Bias or partiality grounds, § 27-607[D]6

Character or conduct

Generally, §§ 27-405[D]7, 27-607[C]4, 27-608

Collateral direct testimony, prior bad acts, § 27-608[D]2.b

Contradiction, corroborative testimony in response to, § 27-608[D]1.b.(ii)

Corroborative testimony in response to impeachment, § 27-608[D]1.b

Cross-examination, prior bad acts relevant to truthfulness, § 27-608[D]2

Extrinsic evidence rebutting denial of prior bad acts, § 27-608[D]2.a

Federal variations, § 27-608[E]

Foundation, § **27-608**[C]

Inconsistent statements, corroborative testimony in response to, § 27-608[D]1.b.(i)

Interpretive analysis, § 27-608[D]

Legislative history, § 27-608[B]

Opinion or reputational evidence of truthfulness, § 27-608[D]1.b

Opinion or reputational evidence of untruthfulness, §§ 27-608[C]1, 27-608[D]1

Prior bad acts relevant to truthfulness, \$\\$ 27-404[D]8.f.(ix)(g), 27-608[C]2, 27-608[D]2

Prior convictions, §§ 27-607[C]4.c, 27-607[D]3.b

Religious beliefs or opinions, §§ 27-607[C]4.d, 27-607[D]3.c

Statement of rule, § 27-608[A]

Untruthfulness, §§ 27-607[C]4.a, 27-607[C]4.b, 27-607[D]3.a

Collateral direct testimony, prior bad acts, § 27-608[D]2.b

Collateral evidence rule, §§ 27-607[D]2.d, 27-613[D]4

Competence of witness, § 27-607[C]1

Competency grounds, § 27-607[D]5

Conduct. Character or conduct, above

Confrontation Clause, § 27-607[D]8

IMPEACHMENT OF WITNESSES—Cont'd Constitutional Law, this index Contradiction, §§ 27-607[C]5, 27-607[D]4, 27-608[D]1.b.(ii) Conviction of crime Generally, § 27-609 Admission by witness of prior conviction, § 27-609[C]1 Appeal, effect of, § 27-609[D]5 Denial by witness of prior conviction, § 27-609[C]2 Federal variations, § 27-609[E] Felonies, scope of inquiry concerning, § 27-609[D]1.b.(i) Foundation, § 27-609[C] Interpretive analysis, § 27-609[D] Juvenile adjudications, § 27-609[D]4 Legislative history, § 27-609[B] Misdemeanors, scope of inquiry concerning, § 27-609[D]1.b.(ii) Number of convictions, § 27-609[D]1.c Opening the door, scope of inquiry concerning crime, § 27-609[D]1.b.(iii) Pardon, effect of, § 27-609[D]3 Preliminary hearing on admissibility, scope of inquiry concerning crime, § 27-609[D]1.b.(iv) Preservation of record, § 27-609[D]1.e Removing the sting, scope of inquiry concerning crime, § 27-609[D]1.b.(iii) Scope of crimes available for impeachment, § 27-609[D]1.a Scope of inquiry concerning crime, § 27-609[D]1.b Statement of rule, § 27-609[A] Status of criminal accused, § 27-609[D]1.d Time limit, § 27-609[D]2 Unconstitutional convictions, scope of inquiry concerning crime, § 27-609[D]1.b.(v)Corroborative testimony in response to impeachment, § 27-608[D]1.b Deposition testimony, §§ 27-607[C]3.a, 27-613[C]1 Extrinsic evidence Limitations on use of, §§ 27-607[D]2.c, 27-607[D]2.d Prior statements of witnesses, § 27-613[D]2 Rebutting denial of prior bad acts, § 27-608[D]2.a Federal variations, § 27-607[E] Felonies, scope of inquiry concerning, § 27-609[D]1.b.(i) Forms of impeachment, generally, § 27-607[D]1 Foundation, § 27-607[C] Hearsay, this index Inconsistent statements Generally, § 27-607[C]3 Corroborative testimony in response, § 27-608[D]1.b.(i) Deposition testimony, § 27-607[C]3.a Oral prior statements, § 27-607[C]3.c Rehabilitation of witness, § 27-607[C]3.d Written prior statements, § 27-607[C]3.b Interpretive analysis, § 27-607[D]

IMPEACHMENT OF WITNESSES—Cont'd

Jailhouse informants, § 27-607[D]6.a

Juvenile adjudications, § 27-609[D]4

Legislative history, § 27-607[B]

Misdemeanors, scope of inquiry concerning, § 27-609[D]1.b.(ii)

Number of convictions of crime, § 27-609[D]1.c

Opening the door, §§ 27-609[D]1.b.(iii), 27-613[D]5

Opinion or reputational evidence of truthfulness, § 27-608[D]1.b

Opinion or reputational evidence of untruthfulness, §§ 27-608[C]1, 27-608[D]1

Oral prior statements, §§ 27-607[C]3.c, 27-613[C]3

Pardon, effect on conviction of crime, § 27-609[D]3

Partiality of witness, § 27-607[C]2

Party calling witness, impeachment by, § 27-607[D]2.a

Party-opponent exception, prior statements of witnesses, § 27-613[D]3

Preliminary hearing on admissibility, scope of inquiry concerning crime, § 27-609[D]1.b.(iv)

Preservation of record, conviction of crime, § 27-609[D]1.e

Prior bad acts relevant to truthfulness, §§ 27-608[C]2, 27-608[D]2

Prior convictions, §§ 27-607[C]4.c, 27-607[D]3.b

Prior statements of witnesses

Generally, § 27-613

Collateral evidence rule, § 27-613[D]4

Constitutional rights, evidence acquired in violation of, § 27-613[D]8

Cross-examination, § 27-613[D]1

Deposition testimony, § 27-613[C]1

Disregarding testimony as matter of law where inconsistencies cannot be explained, § 27-613[D]7

Evasive answers, inability to recall, silence and change of position, § 27-613[D]6

Extrinsic evidence, § 27-613[D]2

Federal variations, § 27-613[E]

Foundation, § 27-613[C]

Interpretive analysis, § 27-613[D]

Legislative history, § 27-613[B]

Opening door to prior statements, § 27-613[D]5

Oral prior statements, §§ 27-607[C]3.c, 27-613[C]3

Party-opponent exception, § 27-613[D]3

Rehabilitation after impeachment, § 27-613[C]4

Statement of rule, § 27-613[A]

Written prior statements, §§ 27-607[C]3.b, 27-613[C]2

Rehabilitation of witness, §§ 27-607[C]3.d, 27-613[C]4

Religious beliefs or opinions

Generally, §§ 27-607[C]4.d, 27-607[D]3.c, 27-610

Federal variations, § 27-610[E]

Foundation, § 27-610[C]

Interpretive analysis, § 27-610[D]

Legislative history, § 27-610[B]

Statement of rule, § 27-610[A]

IMPEACHMENT OF WITNESSES—Cont'd

Remainder of or related writings or recorded statements, § 27-106[D]1.a.(iv)

Removing the sting, § 27-609[D]1.b.(iii)

Self-incrimination, privilege against, § 27-501[D]1.a.(iii)

Statement of rule, § 27-607[A]

Time limit, conviction of crime, § 27-609[D]2

Unconstitutional convictions, scope of inquiry concerning crime, § 27-609[D]1.b.(v)

Voucher rule, abandonment of, § 27-607[D]2

Written prior statements, §§ 27-607[C]3.b, 27-613[C]2

IN LIMINE MOTIONS

Character evidence, § 27-404[D]8.e

Expert and opinion testimony, § 27-702[D]5.b.(i)

Preliminary questions, § 27-104[D]1.b

Rulings on evidence, § 27-103[D]2.a.(ii)

INADVERTENT DISCLOSURE

Liability insurance, § 27-411[D]2

INCOMPETENT, IRRELEVANT, AND IMMATERIAL EVIDENCE

Rulings on evidence, specific objection, § 27-103[D]2.b.(i)

INCONSISTENT STATEMENTS

Hearsay, this index

Impeachment of Witnesses, this index

INDEMNIFICATION

Presumptions, indemnitee will not be indemnified against own negligence, § 27-301[D]4.jj

INDUSTRIAL SAFETY CODES

Judicial notice, § 27-201[F]3.h

INFANTS

Children and Minors, this index

INFORMANTS

Generally, § 27-510

Federal variation, § 27-510[F]

Foundation, § 27-510[C]

Hearsay, first hand knowledge of informant, § 27-803[D]6.c

Impeachment of witnesses, § 27-607[D]6.a

Interpretive analysis, § 27-510[D]

Legislative history, § 27-510[B]

Presumptions, §§ 27-301[D]4.e, 27-301[D]4.ee, 27-301[D]4.ll

Statement of rule, § 27-510[A]

Waiver, identity of informer, § 27-511[D]3

INNOCENCE

Presumptions, § 27-301[D]1.a

INSTRUCTIONS TO JURY

Juror as witness, misunderstandings, § 27-606[D]4.a Privilege, comment on or inference from claim of privilege, § 27-513 Rulings on evidence, §§ 27-103[D]2.a.(viii), 27-103[D]7.a.(ii)

INSURANCE

Liability Insurance, this index Privileged matter, § 27-501[D]1.n

INTENT

Character evidence, §§ 27-404[D]8.f.(iii), 27-404[D]10.b Expert and opinion testimony, § 27-702[D]8.e.(ii)(c) Hearsay, state of mind, § 27-803[D]3.b Relevance, § 27-401[D]10.a

INTERESTS OF JUSTICE

Hearsay, residual exceptions, §§ 27-803[D]24.d, 27-804[D]6.e

INTERLOCUTORY APPEALS

Privileged matter, § 27-501[D]3

INTERPRETERS

Generally, § 27-604
Appointment, § 27-604[D]1
Certification, § 27-604[D]1
Federal variations, § 27-604[E]
Foundation, § 27-604[C]
Interpretive analysis, § 27-604[D]
Legislative history, § 27-604[B]
Statement of rule, § 27-604[A]

INTERROGATORIES

Hearsay, statement offered to prove truth of matter asserted, § 27-801[D]4.b.(vi)

INTIMIDATION OF WITNESS

Relevance, § 27-401[D]10.i

INTOXICATION

Competence of witnesses, § 27-601[D]5

Expert and opinion testimony, §§ 27-702[D]6.c.(ii), 27-702[D]8.a.(i), 27-702[D]8.e.(iii)

Presumptions, administrative license revocation, § 27-301[D]4.y

Relevance, § 27-401[D]10.0

INVITED ERROR

Rulings on evidence, § 27-103[D]2.a.(i)

INVOLUNTARY COMMITMENT

Rulings on evidence, plain error, § 27-103[D]7.b

INVOLUNTARY DISCLOSURE

Privileged Matter, this index

IRREBUTTABLE PRESUMPTIONS

Generally, § 27-301[D]1.c

JOINT CLIENTS

Attorney-client privilege, subsequent actions between themselves, § 27-503[D]7.e

JUDGE AS WITNESS

Generally, § 27-605

Barker recusal rule, § 27-605[D]1

Ex parte communications with jury during deliberations, § 27-605[D]3

Federal variations, § 27-605[E]

Foundation, § 27-605[C]

Interpretive analysis, § 27-605[D]

Legislative history, § 27-605[B]

Postconviction hearings, § 27-605[D]4

Resting the case, presentation of additional evidence after, § 27-605[D]2

Statement of rule, § 27-605[A]

JUDGMENT AS MATTER OF LAW

Expert and opinion testimony, § 27-702[D]5.b.(iv)

JUDICIAL NOTICE

Generally, § 27-201

Adjudicative facts

Generally, § 27-201

Administrative agency, specialized knowledge of, § 27-201[F]3.e.(ii)

Civil cases, § 27-201[C]1

Court records, § 27-201[C]5

Criminal cases, § 27-201[C]1

Discretion of court, § 27-201[D]2.c

Effect, § 27-201[D]2.g

Federal variations, § 27-201[E]

Foundation, § 27-201[C]

Generally known facts, §§ 27-201[C]1.a, 27-201[D]2.a

Indisputable facts, § 27-201[D]2

Interpretive analysis, § 27-201[D]

Law, rules of court or officers, § 27-201[C]4

Legislative facts, § 27-201[C]2

Legislative history, § 27-201[B]

Mandatory nature, § 27-201[D]2.d

Opportunity to be heard, § 27-201[D]2.e

Prosecutors requests in criminal cases, § 27-201[C]1.c

Readily determinable facts, § 27-201[D]2.b

Reasoning facts, § 27-201[C]3

Scope of adjudicative facts, § 27-201[D]1

Stages of the proceeding, § 27-201[D]2.f

Statement of rule, § 27-201[A]

Verifiable certainty, facts of, § 27-201[C]1.b

Administrative proceedings, § 27-201[F]3.e

JUDICIAL NOTICE—Cont'd

Administrative rules, § 27-201[F]3.e.(i)

Constitutionality of legislation, legislative facts, § 27-201[F]1.c

Copyright registrations, § 27-201[F]3.i

Court records

Generally, § 27-201[C]5

Case under consideration, § 27-201[F]4.a

Interwoven and interrelated cases, § 27-201[F]4.b

Unrelated cases, § 27-201[F]4.c

Discretion of court, § 27-201[D]2.c

Domestic law, § 27-201[F]3.a

Expert and opinion testimony, theory and methodology established, § 27-702[D]8.c

Federal variations, § 27-201[E]

Foreign countries, laws of, § 27-201[F]3.b.(ii)

Foreign law, § 27-201[F]3.b

Generally known facts, §§ 27-201[C]1.a, 27-201[D]2.a

Hearsay, learned treatises, § 27-803[D]18.d.(i)

Indisputable facts, § 27-201[D]2

Laws, rules, and officers

Generally, § 27-201[C]4

Adjudicative facts within specialized knowledge of administrative agency, § 27-201[F]3.e.(ii)

Administrative proceedings, § 27-201[F]3.e

Administrative rules, § 27-201[F]3.e.(i)

Domestic law, § 27-201[F]3.a

Foreign countries, § 27-201[F]3.b.(ii)

Foreign law, § 27-201[F]3.b

Industrial safety codes, § 27-201[F]3.h

Local court rules, § 27-201[F]3.d

Local officers, § 27-201[F]3.f

Municipal ordinances, § 27-201[F]3.c

Sister states, § 27-201[F]3.b.(i)

State agencies, rules and regulations published by, § 27-201[F]3.g

Trademark registrations, §§ 27-201[F]3.i, 27-201[F]3.ii

Legislative facts

Generally, § 27-201[C]2

Constitutionality of legislation, § 27-201[F]1.c

Local court rules, $\S 27-201[F]3.d$

Local officers, § 27-201[F]3.f

Municipal ordinances, § 27-201[F]3.c

Officers. Laws, rules, and officers, above

Opportunity to be heard, § 27-201[D]2.e

Prosecutors requests in criminal cases, § 27-201[C]1.c

Readily determinable facts, § 27-201[D]2.b

Reasoning facts, §§ 27-201[C]3, 27-201[F]2

Rules. Laws, rules, and officers, above

Sister states, laws of, § 27-201[F]3.b.(i)

JUDICIAL NOTICE—Cont'd

Stages of the proceeding, § 27-201[D]2.f

State agencies, rules and regulations published by, § 27-201[F]3.g

Trademark registrations, § 27-201[F]3.i

Verifiable certainty, facts of, § 27-201[C]1.b

JURISDICTION

Compromise and offers to compromise, § 27-408[D]2.e

JUROR AS WITNESS

Generally, § 27-606

Batson challenge to unconstitutional use of peremptory challenge of juror on basis of race or gender, necessity of timely objection, § 27-606[D]4.g

Burden of proof, impeachment of verdict, § 27-606[D]2.b

Case specific facts previously known by juror, § 27-606[D]4.e

Court personnel, information improperly brought to attention of jury by, § 27-606[D]3.d

Damage calculations, § 27-606[D]4.c

Dictionary definitions, interpretation of instructions to jury, § 27-606[D]3.f

Excluded evidence, reliance on, § 27-606[D]4.b

Experiments by jury, § 27-606[D]3.e

Extraneous prejudicial information

Generally, § 27-606[D]3

Court personnel, information improperly brought to attention of jury by, § 27-606[D]3.d

Dictionary definitions, interpretation of instructions to jury, § 27-606[D]3.f

Experiments by jury, § 27-606[D]3.e

Information informally brought to attention of jury, § 27-606[D]3.a

Presubmission discussion of evidence by jurors, § 27-606[D]3.g

Re-enactments by jurors, § 27-606[D]3.h

Visits, unauthorized, § 27-606[D]3.b

Witnesses, unauthorized contacts with, § 27-606[D]3.c

Federal variations, § 27-606[E]

Foundation, § 27-606[C]

Impeachment of verdict

Generally, § 27-606[D]2

Burden of proof, § 27-606[D]2.b

Extraneous prejudicial information vs. thought processes, § 27-606[D]2.c

Lies during voir dire, § 27-606[D]2.e

Sua sponte invocation of rule, § 27-606[D]2.d

Incompetence of juror, § 27-606[D]1

Instructions to jury, misunderstanding of, § 27-606[D]4.a

Interpretive analysis, § 27-606[D]

Legislative history, § 27-606[B]

Lies during voir dire, § 27-606[D]2.e

Personal, specialized knowledge previously known by juror, § 27-606[D]4.f

Pre-deliberation inquiry into impartiality, § 27-606[D]5

Preliminary votes by jury, § 27-606[D]4.d

Presubmission discussion of evidence by jurors, § 27-606[D]3.g

JUROR AS WITNESS-Cont'd

Racial animus, statements of, § 27-606[D]2.a

Re-enactments by jurors, § 27-606[D]3.h

Statement of rule, § 27-606[A]

Sua sponte invocation of rule, § 27-606[D]2.d

Thought processes

Generally, § 27-606[D]4

Batson challenge to unconstitutional use of peremptory challenge of juror on basis of race or gender, necessity of timely objection, § 27-606[D]4.g

Case specific facts previously known by juror, § 27-606[D]4.e

Damage calculations, § 27-606[D]4.c

Excluded evidence, reliance on, § 27-606[D]4.b

Instructions to jury, misunderstanding of, § 27-606[D]4.a

Personal, specialized knowledge previously known by juror, § 27-606[D]4.f

Preliminary votes by jury, § 27-606[D]4.d

Visits, unauthorized, § 27-606[D]3.b

Witnesses, unauthorized contacts with, § 27-606[D]3.c

JURORS

Instructions to Jury, this index

Presumptions, this index

Rulings on evidence, timely objection, the anonymous jury, § 27-103[D]2.a.(xii)

Witness, juror as. Juror as Witness, this index

JURY DELIBERATIONS

Demonstrative evidence, §§ 27-611[D]4.b, 27-611[D]4.c

JUVENILE PROCEEDINGS

Applicability of rules, § 27-1101[D]2

Impeachment of witnesses, § 27-609[D]4

Physician-patient privilege, § 27-504[D]6.d

Rulings on evidence, harmless error, § 27-103[D]1.b.(iv)

KNOWLEDGE

Character evidence, §§ 27-404[D]8.f.(vi), 27-404[D]10.a

Presumption of general knowledge, § 27-301[D]4.ss

LAND-LINE TELEPHONE CONVERSATIONS

Attorney-client privilege, reasonable expectation of confidence, § 27-503[D]4.c

LANDLORD AND TENANT

Presumptions, insurance, § 27-301[D]4.pp

LAWYERS

Attorneys, this index

LAY WITNESSES

Expert and Opinion Testimony, this index

LEADING QUESTIONS

Generally, § 27-611

Development of testimony, leading questions necessary for, § 27-611[D]3.d

LEADING QUESTIONS—Cont'd

Foundation, § 27-611[C]

Hostile witnesses, § 27-611[D]3

Immature witnesses, § 27-611[D]3.b

Interpretive analysis, § 27-611[D]

Legislative history, § 27-611[B]

Mentally impaired witnesses, § 27-611[D]3.c

Statement of rule, § 27-611[A]

LEARNED TREATISES

Expert and Opinion Testimony, this index

Hearsay, this index

Theory and methodology established by, § 27-702[D]8.d

LEGISLATIVE FACTS

Judicial Notice, this index

LEGISLATIVE PRIVILEGE

Debate in legislature, § 27-501[D]1.j

LETTERS

Authentication or identification, § 27-901[D]5.a.(i)

LIABILITY INSURANCE

Generally, § 27-411

Admission, §§ 27-411[C]2, 27-411[D]3

Exclusion, §§ 27-411[C]1, 27-411[D]1. et seq, 27-411[D]4

Federal variations, § 27-411[E]

Foundation, § 27-411[C]

Inadvertent disclosure, § 27-411[D]2

Interpretive analysis, § 27-411[D]

Legislative history, § 27-411[B]

Other types of insurance, § 27-411[D]5

Statement of rule, § 27-411[A]

LICENSE REVOCATION

Presumptions, intoxication, § 27-301[D]4.y

LIE DETECTOR EVIDENCE

Relevance, § 27-403[D]4.d

LIMITED ADMISSIBILITY

Generally, § 27-105

Federal variations, § 27-105[E]

Foundation, § 27-105[C]

Interpretive analysis, § 27-105[D]

Legislative history, § 27-105[B]

Statement of rule, § 27-105[A]

LOST ORIGINALS

Best and Secondary Evidence, this index

MAIL

E-Mail, this index

Presumptions, receipt of mail, § 27-301[D]4.a

MALPRACTICE

Expert testimony, competency issues, § 27-702[D]6.a.(i)

Relevance, evidence of prior disciplinary actions in medical malpractice informed consent case, § 27-401[D]10.k

MARITAL PROPERTY

Presumptions, personal injury and workers' compensation proceeds, § 27-301[D]4.u

MARKET REPORTS

Hearsay, this index

MARRIAGE CERTIFICATES

Hearsay, §§ 27-803[C]12, 27-803[D]12

MATERIALITY

Hearsay, residual exceptions, §§ 27-803[D]24.b, 27-804[D]6.c

Relevance, § 27-401[D]4

MEDIATION

Privileged matter, § 27-501[D]1.m

MEDICAL DIAGNOSIS OR TREATMENT

Causation, theory and methodology established by expert testimony and learned treatises, § 27-702[D]8.d.(ii)(b)

Hearsay, this index

Malpractice, this index

Physician-patient privilege, communication or observation made for purposes of, § 27-504[D]4

Unanticipated outcome of medical care, § 27-1201

MEDICAL DISCIPLINARY PROCEEDINGS

Privileged matter, § 27-501[D]1.e

MEDICAL EXPENSES

Generally, § 27-409

Admission, § 27-409[C]2

Exclusion, § 27-409[C]1

Expert and opinion testimony, § 27-702[D]8.d.(iii)(b)

Federal variations, § 27-409[E]

Foundation, § 27-409[C]

Interpretive analysis, § 27-409[D]

Legislative history, § 27-409[B]

Statement of rule, § 27-409[A]

MEDICAL REVIEW COMMITTEES

Privileged matter, § 27-501[D]1.d

MENTALLY IMPAIRED WITNESSES

Leading questions, § 27-611[D]3.c

MINORS

Children and Minors, this index

MISREPRESENTATION

Fraud, this index

MISTAKE

Character evidence, § 27-404[D]8.f.(viii)

MITIGATION

Compromise and offers to compromise, § 27-408[D]2.d

MOBILE PHONES

Cell Phones, this index

MODUS OPERANDI

Character evidence, § 27-404[D]8.f.(ix)(c)

MORTGAGES

Presumptions, § 27-301[D]4.h

MOTION TO STRIKE

Rulings on Evidence, this index

MOTIVE

Character evidence, §§ 27-404[D]8.f.(i), 27-404[D]10.d

Hearsay, this index

Poverty alone irrelevant as motive to commit an act, § 27-401[D]10.n

MOTOR VEHICLES

Driving under the influence of alcohol, expert and opinion testimony, § 27-702[D]8.a.(i)

Privileged matter, Motor Vehicle Safety Responsibility Act, § 27-501[D]1.h Relevance, evidence of nonuse of seatbelts in motor vehicle accident, § 27-401[D]10.j

MULTIPLE HEARSAY

Hearsay, this index

MUNICIPAL ORDINANCES

Judicial notice, § 27-201[F]3.c

NARCOTICS

Drugs and Narcotics, this index

NATURE OF ESTABLISHMENT

Hearsay, circumstantial evidence, § 27-801[D]4.c.(iv)

NEGLIGENCE

Presumptions, § 27-301[D]4.aa

Relevance, prior similar conduct, § 27-401[D]10.d

NEWSPAPERS

Self-Authentication, this index

NOLO CONTENDERE PLEAS

Generally, § 27-410

Admission, §§ 27-410[C]2, 27-410[D]2, 27-410[D]3

Effective assistance of counsel, § 27-410[D]4

Exclusion, §§ 27-410[C]1, 27-410[D]1

Federal variations, § 27-410[E]

Foundation, § 27-410[C]

Interpretive analysis, § 27-410[D]

Legislative history, § 27-410[B]

Plea offers, § 27-410[D]4

Sentencing proceedings, § 27-410[D]3

Statement of rule, § 27-410[A]

Withdrawn, convictions and guilty pleas that are not, § 27-410[D]2

NONASSERTIVE CONDUCT

Hearsay, § 27-801[D]4.b.(viii)

NONRESPONSIVE WITNESS

Rulings on evidence, motion to strike, § 27-103[D]3.c

NOTARY PUBLICS

Presumptions of certification, § 27-301[D]4.hh

NOTICE

Hearsay, this index

Judicial Notice, this index

Sexual assaults, § 27-412[D]1

OATHS AND AFFIRMATIONS

Generally, § 27-603

Federal variations, § 27-603[E]

Foundation, § 27-603[C]

Interpretive analysis, § 27-603[D]

Legislative history, § 27-603[B]

Statement of rule, § 27-603[A]

OBJECTIONS

Batson challenge to unconstitutional use of peremptory challenge of juror on basis of race or gender, necessity of timely objection, § 27-606[D]4.g

Rulings on Evidence, this index

Witnesses, §§ 27-611[D]1.b, 27-614[D]3

OFFER OF PROOF

Rulings on Evidence, this index

OFFER TO COMPROMISE

Compromise and Offers to Compromise, this index

OFFICIAL PUBLICATIONS

Self-Authentication, this index

OPENING STATEMENTS

Rulings on evidence, § 27-103[D]2.a.(vi)

OPENING THE DOOR

Hearsay, consistent statements, § 27-801[D]6.b Impeachment of witnesses, §§ 27-609[D]1.b.(iii), 27-613[D]5

OPINION TESTIMONY

Expert and Opinion Testimony, this index

OPPORTUNITY

Character evidence, § 27-404[D]8.f.(ii)

ORIGINAL WRITINGS

Best and Secondary Evidence, this index

OTHER CRIMES

Character Evidence, this index

OVERHEARD CONVERSATIONS

Attorney-client privilege, reasonable expectation of confidence, § 27-503[D]4.a

OWNERSHIP

Hearsay, mechanical traces as circumstantial evidence, § 27-801[D]4.c.(ii)

PARDON

Impeachment of witnesses, effect on conviction of crime, § 27-609[D]3

PARENS PATRIAE DOCTRINE

Presumptions, § 27-301[D]4.cc

PAROL EVIDENCE

Best evidence, § 27-1002[D]2

PARTIAL WAIVERS

Attorney-Client Privilege, this index

PARTIALITY

Bias or Prejudice, this index

PARTIES

Standing, this index

PARTNERSHIPS

Presumptions, partnership property, § 27-301[D]4.ff

PAST RECOLLECTION RECORDED

Hearsay, this index

PATERNITY

Presumptions, § 27-301[D]4.m

PERIODICALS

Self-Authentication, this index

PERSONAL ADMISSIONS

Hearsay, this index

PERSONAL HISTORY

Hearsay, this index

PERSONAL KNOWLEDGE OF WITNESSES

Generally, § 27-602

Chain of custody, § 27-602[D]5

Deposition read into record by attorney, § 27-602[D]4

Federal variations, § 27-602[E]

Foundation, § 27-602[C]

Hearsay, this index

Interpretive analysis, § 27-602[D]

Legislative history, § 27-602[B]

Memory as foundational requirement, § 27-602[D]2

Sanity, § 27-602[D]3

Statement of rule, § 27-602[A]

PHOTOGRAPHS

Authentication or identification, § 27-901[C]3.b

Relevance, §§ 27-401[D]10.b, 27-403[D]4.a, 27-403[D]4.b

Voluminous writings, recordings, or photographs. Best and Secondary Evidence, this index

PHYSICIAN-PATIENT PRIVILEGE

Generally, § 27-504

Children, injuries to, § 27-504[D]6.d

Claim or defense, § 27-504[D]6.c

Confidence, communication or observation given in, § 27-504[D]3

Court order, examination by, § 27-504[D]6.b

Drug proceedings, § 27-504[D]6.e

Exceptions, § 27-504[D]6

Federal variations, § 27-504[E]

Foundation, § 27-504[C]

Hospitalization, proceedings for, § 27-504[D]6.a

Interpretive analysis, § 27-504[D]

Juvenile proceedings, § 27-504[D]6.d

Legislative history, § 27-504[B]

Medical diagnosis or treatment, communication or observation made for purposes of, \S 27-504[D]4

Patient, declarant as, § 27-504[D]1

Physician, communication made to, § 27-504[D]2

Standing to make claim, § 27-504[D]5

Statement of rule, § 27-504[A]

Waiver, § 27-511[D]2

PLAIN ERROR

Rulings on Evidence, this index

PLAN OR SCHEME

Character evidence, §§ 27-404[D]8.f.(v), 27-404[D]10.c

PLEADINGS

Attorney-client privilege, waiver, §§ 27-511[D]1.a, 27-511[D]1.b

POLITICAL VOTES

Generally, § 27-507

Foundation, § 27-507[C]

Interpretive analysis, § 27-507[D]

Legislative history, § 27-507[B]

Statement of rule, § 27-507[A]

POLYGRAPH EVIDENCE

Relevance, § 27-403[D]4.d

POST-VERDICT MOTIONS

Expert and opinion testimony, § 27-702[D]5.b.(iv)

POVERTY

Relevance, poverty alone irrelevant as motive to commit an act, § 27-401[D]10.n

POWERS OF APPOINTMENT

Presumptions, § 27-301[D]4.k

PREJUDICE

Bias or Prejudice, this index

PRELIMINARY QUESTIONS

Generally, § 27-104

Admissibility

Generally, § 27-104[D]1

Constitutional issues, § 27-104[D]1.e.(v)

Expert testimony, admissibility under Daubert review, § 27-104[D]1.e.(iv)

Hearsay, § 27-104[D]1.e.(i)

Judge's role, § 27-104[D]1.a

In limine motions, § 27-104[D]1.b

Privilege, § 27-104[D]1.e.(ii)

Qualification of witness, § 27-104[D]1.e.(iii)

Standard of proof, § 27-104[D]1.c

Standard of review, § 27-104[D]1.d

Authentication, § 27-104[D]2.c

Conditional relevancy

Generally, § 27-104[D]2

Authentication, § 27-104[D]2.c

First-hand knowledge foundational requirement, § 27-104[D]2.a

Hearings outside presence of jury, below

Prior bad acts for narrow purpose, § 27-104[D]2.b

Confessions, hearings outside presence of jury, § 27-104[D]3.b

Constitutional issues, § 27-104[D]1.e.(v)

Credibility, § 27-104[D]5

Criminal defendant, testimony on preliminary matter, § 27-104[D]4

Expert testimony, admissibility under Daubert review, § 27-104[D]1.e.(iv)

Federal variations, § 27-104[E]

PRELIMINARY QUESTIONS—Cont'd

First-hand knowledge foundational requirement, § 27-104[D]2.a

Foundation, § 27-104[C]

Hearings outside presence of jury

Generally, § 27-104[D]3

Confessions, § 27-104[D]3.b

Prior bad acts, § 27-104[D]3.a

Hearsay, § 27-104[D]1.e.(i)

Interpretive analysis, § 27-104[D]

Judge's role, § 27-104[D]1.a

Legislative history, § 27-104[B]

In limine motions, § 27-104[D]1.b

Prior bad acts, §§ 27-104[D]2.b, 27-104[D]3.a

Privilege, § 27-104[D]1.e.(ii)

Qualification of witness, § 27-104[D]1.e.(iii)

Standard of proof, § 27-104[D]1.c

Standard of review, § 27-104[D]1.d

Statement of rule, § 27-104[A]

Suppress, motion to, § 27-104[D]1.b

Suppression hearings, § 27-104[D]1.e.(vi)

Weight, § 27-104[D]5

PREPARATION

Character evidence, § 27-404[D]8.f.(iv)

PRESCRIPTIVE EASEMENTS

Presumptions, § 27-301[D]4.i

PRESENT SENSE IMPRESSION

Hearsay, this index

PRESERVATION OF RECORD FOR APPEAL

Rulings on evidence, offer of proof, § 27-103[D]4.a

PRESUMPTIONS

Generally, § 27-301

Accident, negligence presumptions, § 27-301[D]4.aa

Adverse possession, § 27-301[D]4.i

Alteration of intent, wills, § 27-301[D]4.v

Appearance of counsel, presumption of authority to represent based on, § 27-301[D]4.bb

Appellate rules and legal presumptions, § 27-301[D]1.b

Attorneys

Appearance of counsel, presumption of authority to represent based on, § 27-301[D]4.bb

Attorney-client confidences, § 27-301[D]4.j

Chosen counsel, presumption in favor of accused's chosen counsel, § 27- 301[D]4.dd

Competence, § 27-301[D]4.r

Disbarment in misappropriation and commingling cases, § 27-301[D]4.uu

PRESUMPTIONS—Cont'd Attorneys—Cont'd Fees, § 27-301[D]4.*l* Ineffective assistance of counsel for failure to file an appeal, § 27-301[D]4.v v Auctions, § 27-301[D]4.f Burden-allocating theory of presumptions, § 27-301[C] Bursting bubble theory Generally, § 27-301[D]2.b Federal variations, § 27-302[E] Foundation, § 27-302[C] Interpretive analysis, § 27-302[D] Children and Minors, this index Citizen informants, §§ 27-301[D]4.e, 27-301[D]4.ll Competence of attorney, § 27-301[D]4.r Competence of jurors, § 27-301[D]4.n Conflicts of law, § 27-301[D]1.d Conspiracy, presumed continuation, § 27-301[D]4.ww Contracts Employment contracts, § 27-301[D]4.c Expression of intent of parties, § 27-301[D]4.00 Conviction records, prior, § 27-301[D]4.mm Criminal cases Generally, § 27-303 Federal variations, § 27-303[E] Foundation, § 27-303[C] Interpretive analysis, § 27-303[D] Legislative history, § 27-303[B] Statement of rule, § 27-303[A] Destruction of will animo revocandi, § 27-301[D]4.x Disbarment in misappropriation and commingling cases, § 27-301[D]4.uu Easements, prescriptive, § 27-301[D]4.i Employment contracts, § 27-301[D]4.c Evidentiary presumptions, § 27-301[D]2 Federal law, applicability in civil cases, generally, § 27-302 Federal law, applicability of. Bursting bubble theory, above Federal variations, § 27-301[E] Fees, attorneys, § 27-301[D]4.l Gratuitous transfers, § 27-301[D]4.b Improper influence of jurors, extraneous prejudicial information, § 27-301[D]4.0 Indemnitee will not be indemnified against own negligence, § 27-301[D]4.jj Informants, §§ 27-301[D]4.e, 27-301[D]4.ee, 27-301[D]4.ll Innocence, § 27-301[D]1.a Interpretive analysis, § 27-301[D] Intoxication, administrative license revocation, § 27-301[D]4.y Irrebuttable presumptions, § 27-301[D]1.c Jailhouse informants, reliability of, § 27-301[D]4.ee Judiciary and administrative adjudicators, lack of bias, § 27-301[D]4.q

PRESUMPTIONS—Cont'd

Jurors

Competence, § 27-301[D]4.n

Improper influence, extraneous prejudicial information, § 27-301[D]4.0

Separation after submission, § 27-301[D]4.p

Knowledge, presumption of general knowledge, § 27-301[D]4.ss

Landlord and tenant, insurance, § 27-301[D]4.pp

Legislative history, § 27-301[B]

License revocation, intoxication, § 27-301[D]4.y

Mail, receipt of, § 27-301[D]4.a

Marital property, personal injury and workers' compensation proceeds, 27-301[D]4.u

Mortgages, § 27-301[D]4.h

Negligence, § 27-301[D]4.aa

Non-evidentiary presumptions, § 27-301[D]1

Notary public's certification, § 27-301[D]4.hh

Official acts, § 27-301[D]4.t

Parens patriae doctrine, § 27-301[D]4.cc

Parent company not employer of subsidiary's employees, § 27-301[D]4.qq

Partnership property, § 27-301[D]4.ff

Paternity, § 27-301[D]4.m

Powers of appointment, § 27-301[D]4.k

Prejudice, competence of attorney, § 27-301[D]4.r.(2)

Prescriptive easements, § 27-301[D]4.i

Prima facie evidence, § 27-301[D]5

Renter's insurance, § 27-301[D]4.pp

Sanity, § 27-301[D]4.ii

Searches and seizures inside home without warrant, § 27-301[D]4.nn

Seized property, returned at end of proceedings, § 27-301[D]4.gg

Self-Authentication, this index

Separation of jurors after submission, § 27-301[D]4.p

Special assessments, § 27-301[D]4.g

Statement of rule, § 27-301[A]

Statutory rights do not create contractual rights, § 27-301[D]4.rr

Support of children, § 27-301[D]4.s

Tax exemption for custodial parent, § 27-301[D]4.s

Taxes, § 27-301[D]4.g

Termination of parental relationship, § 27-301[D]4.s

Theories of presumptions, § 27-301[D]2.b

Undue influence, §§ 27-301[D]3, 27-301[D]4.kk

Verdict, general verdict presumption, § 27-301[D]4.tt

Vindictive prosecution, § 27-301[D]4.z

Wills

Alteration of intent, § 27-301[D]4.v

Destruction of will animo revocandi, § 27-301[D]4.x

Entire estate, intent to dispose of, § 27-301[D]4.w

Workers' compensation, §§ 27-301[D]4.d, 27-301[D]4.u

PRETRIAL HEARINGS

Expert and opinion testimony, § 27-702[D]5.b.(i)

PRETRIAL IDENTIFICATION

Hearsay, this index

PRETRIAL NOTICE

Hearsay, this index

PRIMA FACIE EVIDENCE

Presumptions, § 27-301[D]5

PRIOR STATEMENTS

Husband-wife privilege, prior statements of the disqualified spouse, § 27-505[D]2.a

Impeachment of Witnesses, this index

PRISONERS

Attorney-client privilege, reasonable expectation of confidence, § 27-503[D]4.f

PRIVILEGED MATTER

Generally, § 27-501 to 27-513

Accident reports, use of, § 27-501[D]1.i

Applicability of rules, § 27-1101[D]4

Attorney-Client Privilege, this index

Clergypersons, this index

Comment on or inference from claim of privilege

Generally, § 27-513

Foundation, § 27-513[C]

Interpretive analysis, § 27-513[D]

Legislative history, § 27-513[B]

Statement of rule, § 27-513[A]

Compulsion, matters disclosed under or without opportunity to claim privilege

Generally, § 27-512

Foundation, § 27-512[C]

Interpretive analysis, § 27-512[D]

Legislative history, § 27-512[B]

Statement of rule, § 27-512[A]

Federal variations, § 27-501[E]

Foundation, § 27-501[C]

Free Flow of Information Act, § 27-501[D]1.j

Health practitioners, peer evaluations of, § 27-501[D]1.c

Hearsay, § 27-804[D]1.a

Husband-Wife Privilege, this index

Informants, this index

Insurance, § 27-501[D]1.n

Interlocutory appeals, § 27-501[D]3

Interpretive analysis, § 27-501[D]

Legislative history, § 27-501[B]

Legislative privilege, debate in legislature, § 27-501[D]1.k

Mediation, § 27-501[D]1.m

PRIVILEGED MATTER—Cont'd

Medical disciplinary proceedings, § 27-501[D]1.e

Medical review committees, § 27-501[D]1.d

Motor Vehicle Safety Responsibility Act, reports or actions taken under, § 27-501[D]1.h

Peer review committees, § 27-501[D]1.1

Physician-Patient Privilege, this index

Political Votes, this index

Preliminary questions, § 27-104[D]1.e.(ii)

Presentence reports, § 27-501[D]1.p

Procedural steps in raising a claim of privilege, § 27-501[D]2

Public ignominy, § 27-501[D]1.b

Records, personal, § 27-501[D]1.0

Required reports privileged by statute

Generally, § 27-502

Legislative history, § 27-502[B]

Statement of rule, § 27-502[A]

Sales and use tax information, release of, § 27-501[D]1.g

Self-incrimination, § 27-501[D]1.a

Speech, legislative privilege, § 27-501[D]1.k

State Secrets, this index

Statement of rule, § 27-501[A]

Tax information, release of, §§ 27-501[D]1.f, 27-501[D]1.g

Trade Secrets, this index

Waiver

Generally, § 27-511

Attorney-Client Privilege, this index

Foundation, § 27-511[C]

Informer, identity of, § 27-511[D]3

Interpretive analysis, § 27-511[D]

Legislative history, § 27-511[B]

Physician-patient privilege, § 27-511[D]2

Statement of rule, § 27-511[A]

PROBATION

Applicability of rules, § 27-1101[D]5.b.(v)

PROCESS OR SYSTEM

Authentication or Identification, this index

PRODUCTS LIABILITY

Subsequent Remedial Measures, this index

PROFESSIONAL MALPRACTICE

Expert testimony, competency issues, § 27-702[D]6.a.(i)

PROFESSIONAL RELATIONSHIPS

Competence of witnesses, § 27-601[D]6

PROPERTY INTERESTS

Hearsay, §§ 27-803[C]14, 27-803[C]15, 27-803[D]14, 27-803[D]15

PROPERTY VALUATION

Expert and opinion testimony, § 27-702[D]8.d.(iii)(a)

PUBLIC DOCUMENTS

Self-Authentication, this index

PUBLIC IGNOMINY

Privileged matter, § 27-501[D]1.b

PUBLIC RECORDS

Authentication or Identification, this index Best and Secondary Evidence, this index Hearsay, this index

PURPOSE AND CONSTRUCTION

Generally, § 27-102

Federal variations, § 27-102[E]

Foundation, § 27-102[C]

Interpretive analysis, § 27-102[D]

Legislative history, § 27-102[B]

Statement of rule, § 27-102[A]

QUALIFICATION OF WITNESS

Preliminary questions, § 27-104[D]1.e.(iii)

RADAR

Expert and opinion testimony, speed detection, § 27-702[D]8.a.(ii)

READILY IDENTIFIABLE ITEMS

Authentication or Identification, this index

REASONABLE EXPECTATION OF CONFIDENCE

Attorney-Client Privilege, this index

REBUTTAL TESTIMONY

Expert and opinion testimony, § 27-702[D]5.b.(vi)

Impeachment of witnesses, rebutting denial of prior bad acts, § 27-608[D]2.a Scope of, § 27-611[D]5

RECORD OFFER OF PROOF

Rulings on Evidence, this index

RECORDED STATEMENTS

Remainder of or Related Writings or Recorded Statements, this index

RECUSAL

Judge as witness, Barker recusal rule, § 27-605[D]1

RE-ENACTMENTS

Expert and opinion testimony, **§§ 27-702[C]2, 27-702[D]8.f** Relevance, **§ 27-403[D]4.h**

REFRESHING RECOLLECTION

Generally, § 27-612

Access afforded only to documents used to refresh memory, § 27-612[D]2

REFRESHING RECOLLECTION—Cont'd

Admission of writing used to refresh by non-examiner, § 27-612[D]3

Federal variations, § 27-612[E]

Foundation, § 27-612[C]

Interpretive analysis, § 27-612[D]

Legislative history, § 27-612[B]

Statement of rule, § 27-612[A]

Time of refreshing, § 27-612[D]1

REHABILITATION OF WITNESS

Hearsay, § 27-801[D]4.b.(iv)

Impeachment of witnesses, §§ 27-607[C]3.d, 27-613[C]4

RELATED WRITINGS

Remainder of or Related Writings or Recorded Statements, this index

RELEVANCE

Generally, § 27-401 to 27-415

Admissibility

Generally, § 27-402

Constitutional principles, § 27-402[D]2

Federal variations, § 27-402[E]

Foundation, § 27-402[C]

Interpretive analysis, § 27-402[D]

Legislative history, § 27-402[B]

Rationale for admission of evidence not specifically excluded under other rules, § 27-402[D]5

Statement of rule, § 27-402[A]

Statutory exclusionary rules, §§ 27-402[D]3, 27-402[D]4

Supreme Court rules, § 27-402[D]4

"Any tendency," § 27-401[D]5

Assault, character evidence, § 27-403[D]5.a.(i)

Assessment of probative value, § 27-403[D]2

Balancing probative value against nonprobative effects, §§ 27-401[D]6, 27-403[D]3

Case theory, consistency with, § 27-401[D]9

Character Evidence, this index

Child witnesses, accommodations to, § 27-403[D]4.p

Circumstantial evidence, § 27-401[D]8

Collateral source rule, § 27-403[D]4.m

Compromise and Offers to Compromise, this index

Computer hard drive, evidence secured from, § 27-403[D]4.1

Constitutional principles, § 27-402[D]2

Courtroom practices that are prejudicial, § 27-403[D]4.n

Credibility testimony, § 27-403[D]4.g

Damages, per diem evidence on, § 27-401[D]10.m

Defined, § 27-401

Deliberations of jury, use of demonstrative evidence during, § 27-401[D]10.b

Demonstrative chart or exhibit, § 27-401[D]10.1

RELEVANCE—Cont'd Direct evidence, § 27-401[D]8 Documentary evidence, § 27-403[D]4.c Exclusion Generally, § 27-403 Assault, character evidence, § 27-403[D]5.a.(i) Assessment of probative value, § 27-403[D]2 Balancing probative value against nonprobative effects, § 27-403[D]3 Celebratory photographs, § 27-403[D]4.b Character evidence under Rule 404, relationship to. § 27-403[D]5.a Child witnesses, accommodations to, § 27-403[D]4.p Collateral source rule, § 27-403[D]4.m Computer hard drive, evidence secured from, § 27-403[D]4.1 Courtroom practices that are prejudicial, § 27-403[D]4.n Credibility testimony, § 27-403[D]4.g Documentary evidence, § 27-403[D]4.c Expert and opinion testimony, balancing of probative value and nonprobative effects, § 27-702[D]7 Federal variations, § 27-403[E] Foundation, § 27-403[C] Gang membership, § 27-403[D]5.a.(vii) Gruesome photographs and videotapes, § 27-403[D]4.a Hearsay, balancing of probative value against nonprobative effects, § 27-804[D]2 Insurance evidence under Rule 411, relationship to, § 27-403[D]5.c Interpretive analysis, § 27-403[D] Legislative history, § 27-403[B] Plan or scheme to engage in sexual misconduct, character evidence, § 27-403[D]5.a.(iii) Polygraph evidence, § 27-403[D]4.d Re-enactment testimony, § 27-403[D]4.h Relationship of prior bad acts to charged crime, character evidence, § 27-403[D]5.a.(v) Relationship to other rules, § 27-403[D]5 Remoteness of prior bad acts, character evidence, § 27-403[D]5.a.(iv) Scientific evidence, § 27-403[D]4.e Self-serving statements, § 27-403[D]4.i Settlement offers, relationship of Rule 403 to Rule 408, § 27-403[D]5.b Sexual assault, character evidence, §§ 27-403[D]5.a.(ii), 27-403[D]5.a.(iii) Sexual scenes, explicit, § 27-403[D]4.j Standard of review, § 27-403[D]1 Statement of rule, § 27-403[A] Stipulations, standard of review, § 27-403[D]1.a Suppression of evidence, efforts of party, § 27-403[D]4.k Tools of the trade, § 27-403[D]4.0 Vague references, prior bad acts, § 27-403[D]5.a.(vi) Victim and victim's family, testimony of, § 27-403[D]4.f

Exemplars, § 27-401[D]10.b

RELEVANCE—Cont'd

Expert testimony, § 27-401[D]10.c

Facts of consequence, § 27-401[D]3

Federal variations, § 27-401[E]

Flight, § 27-401[D]10.i

Foundation, § 27-401[C]

Gang membership, § 27-403[D]5.a.(vii)

Gruesome photographs and videotapes, § 27-403[D]4.a

Guilty Pleas, this index

Habit or Routine Practice, this index

Insurance. Liability Insurance, this index

Insurance evidence under Rule 411, relationship of Rule 403 to, § 27-403[D]5.c

Intent, § 27-401[D]10.a

Interpretation error by reintroducing materiality, § 27-401[D]4

Interpretive analysis, § 27-401[D]

Intimidation of witness, § 27-401[D]10.i

Intoxication, § 27-401[D]10.0

Legislative history, § 27-401[B]

Liability Insurance, this index

Malpractice, evidence of prior disciplinary actions in medical malpractice informed consent case, § 27-401[D]10.k

Materiality, error in interpretation by reintroducing materiality, § 27-401[D]4

Medical Expenses, this index

Negligence, prior similar conduct, § 27-401[D]10.d

Offers to compromise. Compromise and Offers to Compromise, this index

Photographs, §§ 27-401[D]10.b, 27-403[D]4.a, 27-403[D]4.b

Plan or scheme to engage in sexual misconduct, character evidence, § 27-403[D]5.a.(iii)

Polygraph evidence, § 27-403[D]4.d

Poverty alone irrelevant as motive to commit an act, § 27-401[D]10.n

Preliminary Questions, this index

Prior similar conduct, § 27-401[D]10.d

Prior similar facts, conditions, or events, § 27-401[D]10.e

Rationale for admission of evidence not specifically excluded under other rules, § 27-402[D]5

Re-enactment testimony, § 27-403[D]4.h

Remedial measures. Subsequent Remedial Measures, this index

Remorse, § 27-401[D]10.i

Remoteness of prior bad acts, character evidence, § 27-403[D]5.a.(iv)

Routine practice. Habit or Routine Practice, this index

Scientific evidence, § 27-403[D]4.e

Seatbelts, evidence of nonuse in motor vehicle accident, § 27-401[D]10.j

Self-serving statements, § 27-403[D]4.i

Settlement offers, relationship of Rule 403 to Rule 408, § 27-403[D]5.b

Sexual Assaults, this index

Sexual scenes, explicit, § 27-403[D]4.j

Spoliation of evidence, efforts of party, § 27-403[D]4.k

Standard of relevance, § 27-401[D]5

RELEVANCE—Cont'd

Standard of review, § 27-401[D]2

Statement of rule, § 27-401[A]

Statutory exclusionary rules, §§ 27-402[D]3, 27-402[D]4

Stipulations, standard of review, § 27-403[D]1.a

Subsequent Remedial Measures, this index

Sufficiency, § 27-401[D]7

Tools of the trade, § 27-403[D]4.0

Vague references, prior bad acts, § 27-403[D]5.a.(vi)

Victim and victim's family, testimony of, § 27-403[D]4.f

Videotapes, §§ 27-401[D]10.b, 27-403[D]4.a

Weight, § 27-401[D]7

RELIGIOUS BELIEFS OR OPINIONS

Impeachment of Witnesses, this index

RELIGIOUS ORGANIZATIONS

Hearsay, §§ 27-803[C]11, 27-803[D]11

REMAINDER OF OR RELATED WRITINGS OR RECORDED STATEMENTS

Generally, § 27-106

Acts, §§ 27-106[D]1.a.(ii), 27-106[D]1.b.(ii)

Complete conversation or statement, § 27-106[D]1.a.(i)

Contemporaneously recorded statements, § 27-106[D]1.b.(iv)

Discretionary standard, § 27-106[D]2

Exhibits, § 27-106[D]1.a.(iii)

Federal variations, § 27-106[E]

Foundation, § 27-106[C]

Impeachment, opening door through, § 27-106[D]1.a.(iv)

Inadmissible evidence, § 27-106[D]1.b.(iii)

Interpretive analysis, § 27-106[D]

Legislative history, § 27-106[B]

Out of context statements, § 27-106[D]1.b.(i)

Rule of competeness, § 27-106[D]1.b.(ii)

Same subject, §§ 27-106[D]1.a, 27-106[D]1.b

Scope of rule, § 27-106[D]1

Statement of rule, § 27-106[A]

REMORSE

Relevance, § 27-401[D]10.i

REMOTENESS

Character evidence, § 27-404[D]8.b

Relevance, prior bad acts, § 27-403[D]5.a.(iv)

REPUTATION EVIDENCE

Character evidence, §§ 27-405[C]1, 27-405[D]2

RESIDUAL EXCEPTIONS

Hearsay, this index

REVERSIBLE ERROR

Rulings on evidence, § 27-103[D]1.a

REVIEW

Appeal and Review, this index

ROUTINE PRACTICE

Habit or Routine Practice, this index

RULINGS ON EVIDENCE

Generally, § 27-103

Advisement, objection taken under, § 27-103[D]2.a.(v)

Anonymous jury, timely objection, § 27-103[D]2.a.(xii)

Closing arguments, comments during, § 27-103[D]2.a.(vii)

Conditional relevancy, motion to strike, § 27-103[D]3.e

Constitutional rights, plain error, § 27-103[D]7.a.(i)

Continuing objection, § 27-103[D]2.b.(ii)

Cross-examination, harmless error, § 27-103[D]1.b.(iii)

Cumulative evidence, harmless error, §§ 27-103[D]1.b.(i), 27-103[D]1.b.(ii)

Curative instruction, motion to strike, § 27-103[D]3.d

Dispositional plans, plain error, § 27-103[D]7.b

Ex parte communications, judicial, § 27-103[D]7.c

Expert testimony, §§ 27-103[D]2.a.(x), 27-103[D]3.b

Federal variations, § 27-103[E]

Foundation, § 27-103[C]

Harmless error, § 27-103[D]1.b

Improperly excluded evidence, specific objection, § 27-103[D]2.b.(v)

Incompetent, irrelevant, and immaterial evidence, specific objection, § 27-103[D]2.b.(i)

Instructions to jury, §§ 27-103[D]2.a.(viii), 27-103[D]7.a.(ii)

Interpretive analysis, § 27-103[D]

Invited error, § 27-103[D]2.a.(i)

Involuntary commitment, plain error, § 27-103[D]7.b

Jury exclusion from hearing inadmissible evidence, § 27-103[D]6

Juvenile proceedings, harmless error, § 27-103[D]1.b.(iv)

Legislative history, § 27-103[B]

Motion to strike

Generally, § 27-103[D]3

Conditional relevancy, § 27-103[D]3.e

Curative instruction, § 27-103[D]3.d

Expert witnesses, § 27-103[D]3.b

Nonresponsive witness, § 27-103[D]3.c

Timely objection, alternative to, § 27-103[D]3.a

Nonresponsive witness, motion to strike, § 27-103[D]3.c

Offer of proof

Generally, § 27-103[D]4

General substance vs. specific detail, § 27-103[D]4.c

Judicial admissions, § 27-103[D]4.g

Judicially noticed facts, § 27-103[D]4.h

RULINGS ON EVIDENCE—Cont'd Offer of proof-Cont'd Motions, generally, § 27-103[D]4.e Preservation of record for appeal, § 27-103[D]4.a Stipulations, § 27-103[D]4.f Substance apparent from context, § 27-103[D]4.b Summary judgments, § 27-103[D]4.d Opening statements, comments during, § 27-103[D]2.a.(vi) Per se rules requiring automatic reversal, § 27-103[D]1.a.(i) Plain error Generally, § 27-103[D]7 Constitutional rights, § 27-103[D]7.a.(i) Ex parte communications, judicial, § 27-103[D]7.c Instructions to jury, misstatements of law, § 27-103[D]7.a.(ii) Sentencing, dispositional plans, and involuntary commitment, § 27-103[D]7.b Preservation of record for appeal, offer of proof, § 27-103[D]4.a Pretrial motions in limine or to suppress, § 27-103[D]2.a.(ii) Record of offer and ruling, § 27-103[D]5 Reversible error, § 27-103[D]1.a Sentencing, plain error, § 27-103[D]7.b Side-bar conferences, record of, § 27-103[D]2.a.(ix) Specific objection Generally, § 27-103[D]2.b Continuing objection, § 27-103[D]2.b.(ii) Foundation, § 27-103[D]2.b.(iii) Improper ground, § 27-103[D]2.b.(iv) Improperly excluded evidence, § 27-103[D]2.b.(v) Inadmissible evidence offered during trial, § 27-103[D]2.a.(iv) Incompetent, irrelevant, and immaterial evidence, § 27-103[D]2.b.(i) Standard of review of evidentiary error Generally, § 27-103[D]1 Civil cases, reversible error, § 27-103[D]1.a.(iii) Criminal cases, reversible error, § 27-103[D]1.a.(ii) Cross-examination, harmless error, § 27-103[D]1.b.(iii) Cumulative evidence, harmless error, §§ 27-103[D]1.b.(ii), 27-103[D]1.b.(ii) Effect of erroneous ruling, § 27-103[D]1.a Facts, reversible error under, § 27-103[D]1.a.(iv) Harmless error, § 27-103[D]1.b Juvenile proceedings, harmless error, § 27-103[D]1.b.(iv) Per se rules requiring automatic reversal, § 27-103[D]1.a.(i) Reversible error, § 27-103[D]1.a Substantial rights, effect of erroneous ruling, § 27-103[D]1.a Statement of rule, § 27-103[A] Substantial rights, effect of erroneous ruling, § 27-103[D]1.a Summary judgment Objecting to evidence in a motion for, § 27-103[D]2.a.(xi) Offer of proof, § 27-103[D]4.d

RULINGS ON EVIDENCE—Cont'd

Timely objection

Generally, § 27-103[D]2.a

Advisement, objection taken under, § 27-103[D]2.a.(v)

Anonymous jury, § 27-103[D]2.a.(xii)

Closing arguments, comments during, § 27-103[D]2.a.(vii)

Expert testimony, § 27-103[D]2.a.(x)

Inadmissible evidence offered during trial, § 27-103[D]2.a.(iv)

Instructions to jury, § 27-103[D]2.a.(viii)

Invited error, § 27-103[D]2.a.(i)

Motion to strike, alternative to, § 27-103[D]3.a

Opening statements, comments during, § 27-103[D]2.a.(vi)

Pretrial motions in limine or to suppress, § 27-103[D]2.a.(ii)

Side-bar conferences, record of, § 27-103[D]2.a.(ix)

Summary judgment, objecting to evidence in a motion for, § 27-103[D]2.a.(xi)

Undisclosed witness, § 27-103[D]2.a.(iii)

Undisclosed witness, timely objection, § 27-103[D]2.a.(iii)

SALES TAX

Privileged matter, release of information, § 27-501[D]1.g

SANITY

Expert and opinion testimony, insanity by intoxication or use of drugs, § 27-702[D]8.e.(iii)

Personal knowledge of witnesses, § 27-602[D]3

Presumptions, § 27-301[D]4.ii

SCHEME OR PLAN

Character evidence, §§ 27-404[D]8.f.(v), 27-404[D]10.c

SCIENCE

Hearsay, learned treatises, § 27-803[D]18.b

SCIENTIFIC EVIDENCE

Relevance, § 27-403[D]4.e

SCOPE

Generally, § 27-101

Due process, § 27-101[D]3

Effect of rules of evidence from other sources, § 27-101[D]2

Federal variations, § 27-101[E]

Foundation, § 27-101[C]

Interpretive analysis, § 27-101[D]

Legislative history, § 27-101[B]

Statement of rule, § 27-101[A]

SEARCH WARRANTS

Applicability of rules, § 27-1101[D]5.b.(iii)

SEARCHES AND SEIZURES

Drug detection dogs and probable cause for a search, § 27-702[D]8.d.(vi)a

Presumptions, inside home without warrant, § 27-301[D]4.nn

SEATBELTS

Relevance of evidence of nonuse in motor vehicle accident, § 27-401[D]10.j

SECONDARY EVIDENCE

Best and Secondary Evidence, this index

SELF-AUTHENTICATION

Generally, § 27-902

Acknowledged documents

Foundation, § 27-902[C]8

Interpretive analysis, § 27-902[D]9

Certified copies of public documents

Foundation, § 27-902[C]4

Interpretive analysis, § 27-902[D]5

Commercial paper and related documents

Foundation, § 27-902[C]9

Interpretive analysis, § 27-902[D]10

Confrontation Clause, § 27-902[D]12

Federal variations, § 27-902[E]

Foreign public documents

Foundation, § 27-902[C]3

Interpretive analysis, § 27-902[D]4

Foundation, § 27-902[C]

Interpretive analysis, § 27-902[D]

Legislative history, § 27-902[B]

Newspapers and periodicals

Foundation, § 27-902[C]6

Interpretive analysis, § 27-902[D]7

Official publications

Foundation, § 27-902[C]5

Interpretive analysis, § 27-902[D]6

Periodicals. Newspapers and periodicals, above

Presumptively authentic acts

Foundation, § 27-902[C]10

Interpretive analysis, § 27-902[D]11

Public documents not under seal

Foundation, § 27-902[C]2

Interpretive analysis, § 27-902[D]3

Public documents under seal

Foundation, § 27-902[C]1

Interpretive analysis, § 27-902[D]2

Statement of rule, § 27-902[A]

Trade inscriptions and the like

Foundation, § 27-902[C]7

Interpretive analysis, § 27-902[D]8

SELF-DEFENSE

Character evidence, §§ 27-404[D]3, 27-405[D]9

SELF-INCRIMINATION

Privileged matter, § 27-501[D]1.a

SELF-SERVING STATEMENTS

Relevance, § 27-403[D]4.i

SENTENCE

Applicability of rules, § 27-1101[D]5.b.(iv)

Guilty pleas, § 27-410[D]3

Nolo contendere pleas, § 27-410[D]3

Privileged matter, presentence reports, § 27-501[D]1.p

Rulings on evidence, plain error, § 27-103[D]7.b

SEPARATION OF JURORS

Presumptions, § 27-301[D]4.p

SETTLEMENT

Compromise and Offers to Compromise, this index

SEX OFFENSE CASES

Assault. Sexual Assault, this index

Child molestation, § 27-415

Constitutional law, exclusion of victim's prior sexual experiences with third persons, § 27-412[D]3

Relevancy rules, § 27-412 to 27-415

SEXUAL ASSAULTS

Generally, §§ 27-401[D]10.h, 27-404[D]8.f.(ix)(d), 27-412 to 27-415

Character evidence, §§ 27-401[D]10.h, 27-403[D]5.a.(ii), 27-403[D]5.a.(iii), 27-404[D]6

Child molestation, § 27-415

Consent, prior sexual experiences with accused, § 27-412[D]4a

Constitutional law, exclusion of prior sexual experiences with third persons, § 27-412[D]3

Definition of sexual assault, § 27-413

Federal variations, §§ 27-412[E], 27-414[E]

Foundation, § 27-412[C]

Hearsay, consistent statements, § 27-801[D]6.d

Interpretive analysis, § 27-412[D]

Legislative history, § 27-412[B]

Notice requirement, § 27-412[D]1

Past sexual behavior or alleged sexual predisposition of victim, § 27-412

Plan or scheme to engage in sexual misconduct, § 27-403[D]5.a.(iii)

Prior sexual experiences with accused, § 27-412[D]4

Prosecutorial abuse of rape shield law, § 27-412[D]5

Relevancy rules, § 27-412 to 27-415

Similar crimes, evidence of

Balancing requirement, court to apply, § 27-414[D]5

Civil cases, § 27-415

Clear and convincing standard of proof, § 27-414[D]4

Criminal cases, § 27-414

SEXUAL ASSAULTS—Cont'd

Similar crimes, evidence of—Cont'd

Ex post facto application, § 27-414[D]1

413 sexual crimes within the scope of Rules 414 and 415, § 27-414[D]2

Inextricably intertwined sexual evidence, § 27-414[D]11

Jury instructions, § 27-414[D]8

Narrower purpose, admission for, § 27-414[D]6

Pretrial hearings, § 27-414[D]9

Pretrial notice and evidentiary hearing, § 27-414[D]10

Remote acts, § 27-414[D]7

Sexual misconduct admitted to prove sexual propensity, § 27-414[D]3

Source of semen or injury, § 27-412[D]2

Statement of rule, § 27-412[A]

Victim, character of, § 27-404[D]6

SEXUAL SCENES

Relevance, § 27-403[D]4.j

SHOT-SPOTTER TECHNOLOGY

Expert and opinion testimony, § 27-702[D]8

SICKNESS

Hearsay, unavailability of declarant, § 27-804[D]1.d

SIDE-BAR CONFERENCES

Rulings on evidence, § 27-103[D]2.a.(ix)

SISTER STATES

Judicial notice of laws, § 27-201[F]3.b.(i)

SMALL CLAIMS COURTS

Applicability of rules, § 27-1101[D]5.d.(ii)

SOCIAL MEDIA PAGES

Authentication or identification, § 27-901[D]5.a.(vi)

SPECIAL ASSESSMENTS

Presumptions, § 27-301[D]4.g

SPEED DETECTION

Expert and opinion testimony, radar, § 27-702[D]8.a.(ii)

SPOLIATION OF EVIDENCE

Relevance, efforts of party, § 27-403[D]4.k

SPONTANEITY OF STATEMENT

Hearsay, excited utterance, § 27-803[D]2.d

SPOUSES

Competence of witnesses, § 27-601[D]3

Husband-Wife Privilege, this index

Marital property, personal injury and workers' compensation proceeds, 27-301[D]4.u

Marriage certificates, hearsay, §§ 27-803[C]12, 27-803[D]12

STANDARD OF REVIEW

Expert and opinion testimony, § 27-702[D]1 Relevance, § 27-401[D]2 Rulings on Evidence, this index

STANDING

Attorney-client privilege, § 27-503[D]6 Physician-patient privilege, § 27-504[D]5

STATE OF MIND

Hearsay, this index

STATE SECRETS

Generally, § 27-509
Foundation, § 27-509[C]
Interpretive analysis, § 27-509[D]
Legislative history, § 27-509[B]
Statement of the rule, § 27-509[A]

STIPULATIONS

Relevance, standard of review, § 27-403[D]1.a

SUA SPONTE

Juror as witness, § 27-606[D]2.d

SUBSCRIBING WITNESS TESTIMONY

Authentication or Identification, this index

SUBSEQUENT REMEDIAL MEASURES

Generally, § 27-407

Admission, §§ 27-407[C]2, 27-407[D]2

Alternative designs in products liability cases, feasibility of, § 27-407[D]3.b

Breach of warranty (contractual) claims vs. tortious claims, § 27-407[D]7

Employment decisions that are remedial, § 27-407[D]5

Exception to general rule, § 27-407[D]2

Exclusion, §§ 27-407[C]1, 27-407[D]1

Feasibility of alternative measures, § 27-407[D]3

Federal variations, § 27-407[E]

Foundation, § 27-407[C]

Interpretive analysis, § 27-407[D]

Investigations, plans and testing, post-accident, § 27-407[D]8

Legislative history, § 27-407[B]

Nonparties, evidence of subsequent remedial measures taken by, § 27-407[D]6

Statement of rule, § 27-407[A]

SUMMARIES

Best and Secondary Evidence, this index

SUMMARY JUDGMENT

Expert and opinion testimony, § 27-702[D]5.b.(ii)

Rulings on Evidence, this index

SUPPORT OF CHILDREN

Presumptions, § 27-301[D]4.s

SUPPRESSION OF EVIDENCE

Relevance, efforts of party, § 27-403[D]4.k

SYSTEM OR PROCESS

Authentication or Identification, this index

TAXES

Presumptions, § 27-301[D]4.g

Privileged matter, release of information, §§ 27-501[D]1.f, 27-501[D]1.g

TELE-FACSIMILE

Attorney-client privilege, reasonable expectation of confidence, § 27-503[D]4.d

TELEPHONES

Attorney-client privilege, reasonable expectation of confidence, § 27-503[D]4.c Authentication or Identification, this index

Cell Phones, this index

TERMINATION OF PARENTAL RIGHTS

Expert and opinion testimony, § 27-702[D]8.d.(iv)(a)

Presumptions, § 27-301[D]4.s

TEXT MESSAGING

Authentication or identification, § 27-901[D]5.a.(iv)

TIME AND DATE

Effective Date of Act, this index

Hearsay, this index

Impeachment of witnesses, conviction of crime, § 27-609[D]2

Limitations, time limits on presentation of evidence, § 27-611[D]6

Refreshing recollection, § 27-612[D]1

Rulings on Evidence, this index

TOOLS OF THE TRADE

Relevance, § 27-403[D]4.0

TOXIC TORTS

Expert and opinion testimony, causation, § 27-702[D]8.d.(ii)(a)

TRADE INSCRIPTIONS AND THE LIKE

Self-Authentication, this index

TRADE SECRETS

Generally, § 27-508

Foundation, § 27-508[C]

Interpretive analysis, § 27-508[D]

Legislative history, § 27-508[B]

Statement of rule, § 27-508[A]

TRADEMARK REGISTRATIONS

Judicial notice, § 27-201[F]3.i

TRUTH OF MATTER ASSERTED

Hearsay, this index

ULTIMATE ISSUE

Expert and Opinion Testimony, this index

UNAVAILABILITY OF DECLARANT

Hearsay, this index

UNDUE INFLUENCE

Hearsay, consistent statements, § 27-801[D]6.c Presumptions, §§ 27-301[D]3, 27-301[D]4.kk

USE TAX

Privileged matter, release of information, § 27-501[D]1.g

VAGUE REFERENCES

Relevance, prior bad acts, § 27-403[D]5.a.(vi)

VERBALACTS

Hearsay, §§ 27-801[D]4.b.(i), 27-801[D]4.b.(ii)

VERDICT

Presumptions, general verdict presumption, § 27-301[D]4.tt

VICTIMS

Character evidence, § 27-404[D]4 to 27-404[D]6

Exclusion of witnesses, § 27-615[D]3

Relevancy rules, §§ 27-403[D]4.f, 27-412

Sexual assaults

Character evidence, § 27-404[D]6

Past sexual behavior or alleged sexual predisposition of victim, § 27-412

VIDEOTAPES

Authentication or identification, § 27-901[D]6.c

Relevance, §§ 27-401[D]10.b, 27-403[D]4.a

VINDICTIVE PROSECUTION

Presumptions, § 27-301[D]4.z

VITAL STATISTICS

Hearsay, this index

VOICE IDENTIFICATION

Authentication or Identification, this index

VOLUMINOUS WRITINGS, RECORDINGS, OR PHOTOGRAPHS

Best and Secondary Evidence, this index

VOTES

Political Votes, this index

VOUCHER RULE

Impeachment of Witnesses, this index

INDEX

WAIVER

Attorney-Client Privilege, this index Informers, identity of, § 27-511[D]3 Physician-patient privilege, § 27-511[D]2 Privileged Matter, this index

WARRANTS

Applicability of rules, § 27-1101[D]5.b.(iii)

WEBSITE POSTINGS

Authentication or identification, § 27-901[D]5.a.(iii)

WEIGHT OF EVIDENCE

Preliminary Questions, this index

WIFE AND HUSBAND

Generally, see Spouses, this index

WILLS

Presumptions, this index

WIRETAP LAWS

Authentication or identification, § 27-901[D]6.b

WITNESSES

Generally, § 27-601 to 27-615

Affirmations. Oaths and Affirmations, this index

Competence of Witnesses, this index

Complaining witnesses, exclusion of, § 27-615[D]4

Confrontation of Witnesses, this index

Control of interrogation by judge, § 27-611[D]1

Counsel speaking with witness during an examination, § 27-615[D]5

Cross-Examination, this index

Examination. Mode and order of interrogation, below

Exclusion of witnesses

Generally, § 27-615

Complaining witnesses, § 27-615[D]4

Exceptions, § 27-615[D]1

Expert witnesses, § 27-615[D]2

Federal variations, § 27-615[E]

Foundation, § 27-615[C]

Interpretive analysis, § 27-615[D]

Legislative history, § 27-615[B]

Statement of rule, § 27-615[A]

Victims, § 27-615[D]3

Expert and Opinion Testimony, this index

Impeachment of Witnesses, this index

Interpreters, this index

Judge as Witness, this index

Judicial interrogation

Generally, § 27-614

WITNESSES—Cont'd

Judicial interrogation—Cont'd

Calling of witness by judge, § 27-614[D]1

Federal variations, § 27-614[E]

Foundation, § 27-614[C]

Interpretive analysis, § 27-614[D]

Interrogation of witness by judge, § 27-614[D]2

Legislative history, § 27-614[B]

Objections, § 27-614[D]3

Statement of rule, § 27-614[A]

Juror as Witness, this index

Leading Questions, this index

Mode and order of interrogation

Generally, § 27-611

Conduct in the courtroom, § 27-611[D]7

Control by judge, § 27-611[D]1

Cross-Examination, this index

Federal variations, § 27-611[E]

Foundation, § 27-611[C]

Interpretive analysis, § 27-611[D]

Legislative history, § 27-611[B]

Objection to form of question, § 27-611[D]1.b

Statement of rule, § 27-611[A]

Oaths and Affirmations, this index

Objections, §§ 27-611[D]1.b, 27-614[D]3

Opinion testimony. Expert and Opinion Testimony, this index

Order of interrogation. Mode and order of interrogation, above

Personal Knowledge of Witnesses, this index

Physical non-testimonial evidence, § 27-611[D]4

Preliminary Questions, this index

Rebuttal testimony, scope of, § 27-611[D]5

Refreshing Recollection, this index

Rehabilitation of Witness, this index

Time limits on presentation of evidence, § 27-611[D]6

Victims, exclusion of, § 27-615[D]3

WORK PRODUCT DOCTRINE

Generally, §§ 27-503[C]1, 27-503[F]

WORKERS' COMPENSATION

Applicability of rules, § 27-1101[D]5.d.(i)

Presumptions, §§ 27-301[D]4.d, 27-301[D]4.u