

Index

ACCOMPLICE TESTIMONY

Examination of Witnesses (this index)

ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) TEST

Demonstrative evidence, **65:19**

ACQUISITION OF DEMONSTRATIVE EVIDENCE

Demonstrative Evidence (this index)

ADMISSIBILITY OF EVIDENCE

Fundamentals of Criminal Evidence (this index)

ADMISSIONS OR CONFESSIONS

Hearsay (this index)

AFFIRMATIVE DEFENSES

Defenses (this index)

AGE, EVIDENCE TO DETERMINE

Demonstrative Evidence (this index)

ATTORNEY-CLIENT PRIVILEGE

Privileges (this index)

BATTERED SPOUSES

Opinion testimony, **73:15**

BEST EVIDENCE RULE

Absence of original, **70:3**

Definition of rule, **70:1**

Duplicates, **70:2**

Proposed New York Code of Evidence, **70:5**

Secondary evidence, use of, **70:4**

BREATHALYZER EVIDENCE

Acquisition of demonstrative evidence, **65:9**

CIRCUMSTANTIAL EVIDENCE

Generally, **58:1**

Admissibility, **58:2**

Admissibility if unfair or prejudicial, **58:6**

Inference based on an inference, **58:5**

Jury instructions, **58:4**

Probative value, **58:3**

Proof of specific elements by circumstantial evidence, **58:7**

flight, evidence of, **58:8**

CLERGYMAN-PENITENT PRIVILEGE

Privileges (this index)

CODE OF EVIDENCE

(PROPOSED)

Best evidence rule, **70:5**

Cross-examination. Examination of witnesses, below

Demonstrative evidence

age, evidence to determine, **64:8**

photographs, **64:14**

sound recordings, **64:17**

Direct. Examination of witnesses, below

Examination of witnesses

accomplice testimony

corroboration, **75:5**

cross-examination

collateral matters, **68:6**

impeachment

methods, **68:12**

prior statements, **68:14**

own witness, impeachment of, **68:16**

scope of cross-examination, **68:4**

sex offense cases, cross-examination in, **68:8**

CODE OF EVIDENCE

(PROPOSED)—Cont'd

Examination of witnesses—Cont'd
 direct
 leading questions, **67:5**
 court's discretion, **67:9**
 hostile witness, **67:7**
 witness' recollection refreshed
 hypnotically produced recall,
 67:12
 memoranda by opposing
 counsel, use of, **67:14**
 opinion testimony
 admissibility of expert opinion,
 73:2; 73:5
 bases of opinions, **73:8**
 nonexpert witnesses, **73:30**
 Hearsay
 admissions or confessions, excep-
 tions to rule, **78:30**
 dying declaration, exceptions to
 rule, **78:23**
 exceptions to rule
 business entries, **78:40**
 former testimony, **78:35**
 pedigree, **78:37**
 public records, **78:42**
 inadmissibility of hearsay evi-
 dence, **78:3**
 res gestae (excited utterance,
 spontaneous declaration, pre-
 sent sense impression)
 exceptions to rule, **78:15**
 Identification of defendant, **74:14**
 Judicial notice
 discretionary judicial notice, **69:5**
 mandatory judicial notice, **69:3**
 Objections
 testimony, objections to
 offers of proof, **71:10**
 rulings, **71:8**
 Opinion testimony. Examination of
 witnesses, above
 Prior behavior of defendant, proof of
 evidence in chief, proof of other
 crimes as
 statutory rule, **76:13**

CODE OF EVIDENCE

(PROPOSED)—Cont'd

Prior behavior of defendant, proof of
 —Cont'd
 prosecution's rebuttal of character
 evidence
 Sandoval-Duffy hearing, **76:10**
 Privileges, **72:2**
 attorney-client privilege, **72:20**
 clergyman-penitent privilege,
 72:36
 eavesdropping, information
 obtained, **72:44**
 marital privilege, **72:13**
 physician-patient privilege, **72:31**
 psychologist, communications
 made to, **72:38**
 social worker, communications
 made to, **72:40**
 Wrongfully obtained evidence, **66:8**

COMPETENCY OF WITNESSES

Witnesses (this index)

CORPUS DELICTI

Generally, **59:1**
 Elements of corpus delicti, **59:1**
 Rationale of corpus delicti doctrine
 generally, **59:2**
 confession without corpus delicti,
 59:5
 exception to rule, **59:4**
 order and sufficiency of proof of
 corpus delicti, **59:6**
 proof of corpus delicti, **59:3**
 sufficiency of proof of corpus
 delicti, **59:6**

CORROBORATION

Examination of Witnesses (this
 index)

CROSS-EXAMINATION

Code of Evidence (Proposed) (this
 index)
Examination of Witnesses (this
 index)

DECLARATIONS

Hearsay (this index)

INDEX

DECLARATIONS—Cont'd

Self-Serving Declarations (this index)

DEFENSES

Ordinary and affirmative defenses
generally, **62:1**
burden of proof, disproving
ordinary defense, **62:2**
proof of affirmative defense, **62:3**

DEFINITIONS

Accomplice, **75:1; 75:2**
Best evidence rule, **70:1**
Demonstrative evidence, **64:1**
Nonexpert witnesses, **73:27**
Presumptions, **60:1**

DEMONSTRATIVE EVIDENCE

Generally, **64:1**
Acquired Immune Deficiency
syndrome (AIDS) test, **65:19**
Acquisition of demonstrative evi-
dence
generally, **65:1**
Acquired Immune Deficiency
syndrome (AIDS) test, **65:19**
admissibility of results of intoxica-
tion tests, **65:8**
breathalyzer evidence, foundation
for, **65:9**
compulsory chemical tests,
intoxication tests, **65:4**
constitutional limitations, taking
evidence from defendant,
65:2
DNA, mitochondrial DNA
(mtDNA) analysis, **65:16**
DNA, Short Tandem Repeat (SRT)
DNA profiling, **65:18**
DNA fingerprinting tests, **65:15pp**
fingerprinting, DNA fingerprinting
tests, **65:15**
foundation for breathalyzer evi-
dence, **65:9**
horizontal gaze nystagmus test,
65:17
infrared analysis, intoxication tests,
65:7

DEMONSTRATIVE EVIDENCE —Cont'd

Acquisition of demonstrative evi-
dence—Cont'd
intoxication tests, taking evidence
from defendant, **65:3-65:9**
medical personnel administering
intoxication tests, **65:6**
mitochondrial DNA (mtDNA)
analysis, **65:16**
polygraphs, **65:12**
preservation of evidence
generally, **65:13**
chain of custody, **65:14**
radar tests
generally, **65:10**
moving radar, **65:11**
refusal to submit to intoxication
tests, **65:5**
Short Tandem Repeat (SRT) DNA
profiling, **65:18**
taking evidence from defendant,
65:1-65:9
Admissibility, **64:2**
Age, evidence to determine
generally, **64:7**
identity, inspection to determine,
64:9
inspection to determine identity,
64:9
proposed New York Code of Evi-
dence, **64:8**
Audibility of sound recordings, **64:16**
Code of Evidence (Proposed) (this
index)
Definitions, **64:1**
Demonstrations, **64:23**
Introduction of explicit material, **64:6**
Laying foundation
generally, **64:4**
chain of custody, **64:5**
Maps, diagrams, models or other
portrayals
generally, **64:10**
anatomically correct dolls, **64:11**
Photographs
generally, **64:12**
proposed New York Code of Evi-
dence, **64:14**

DEMONSTRATIVE EVIDENCE

—Cont'd

Photographs—Cont'd
videotapes, **64:13**
Polygraphs, **65:12**
Radar tests
acquisition of demonstrative evidence, above
Relevancy, **64:3**
Scientific evidence
generally, **64:19**
blood tests and samples, **64:20**
drug detection tests, **64:21**
hypnosis, **64:22**
Sound recordings
generally, **64:15**
audibility, **64:16**
proposed New York Code of Evidence, **64:17**
View of premises, **64:18**

DESTRUCTION OF EVIDENCE

Presumptions, **60:12**

DIRECT

Examination of Witnesses (this index)

DIRECT EVIDENCE

Circumstantial Evidence (this index)

Code of Evidence (Proposed) (this index)

DISCRETIONARY JUDICIAL NOTICE

Judicial Notice (this index)

DNA

Acquisition of demonstrative evidence **Demonstrative Evidence** (this Index)

DRAWINGS

Identification testimony, **74:7**

DYING DECLARATION

Hearsay (this index)

EAVESDROPPING

Privileges (this Index)

EVIDENCE IN CHIEF

Prior Behavior of Defendant, Proof of (this index)

EXAMINATION OF WITNESSES

Accomplice testimony
confession of accomplice, use of, **75:7**
corroboration
proposed New York Code of Evidence, **75:5**
statutory requirements
generally, **75:3**
federal cases, **75:4**
weight and quality required, **75:6**
definition of accomplice
generally, **75:1**
shared intent or purpose, **75:2**
Admissibility of expert opinion.
Opinion testimony, below
Code of Evidence (Proposed) (this index)
Corroboration. Accomplice testimony, above
Cross-examination
generally, **68:1**
collateral matters, **68:5**
proposed New York Code of Evidence, **68:6**
credibility, use of prior consistent statements, **68:17**
impeachment
methods, **68:11**
prior statements, **68:13**
proposed New York Code of Evidence, **68:14**
proposed New York Code of Evidence, **68:12**
own witness, impeachment of, **68:15**
proposed New York Code of Evidence, **68:16**
nature and purpose, **68:1 et seq.**
nonsex offense cases, cross-examination in, **68:9**
purpose, **68:1 et seq.**
redirect examination, **68:10**

INDEX

EXAMINATION OF WITNESSES

—Cont'd

- Cross-examination—Cont'd
 - satisfying right of cross-examination, **68:2**
 - scope of cross-examination, **68:3**
 - proposed New York Code of Evidence, **68:4**
 - sex offense cases, cross-examination in, **68:7**
 - proposed New York Code of Evidence, **68:8**
- Direct
 - direct testimony, **67:3**
 - exclusion of witnesses, **67:2**
 - leading questions
 - generally, **67:4**
 - court's discretion, **67:8**
 - proposed New York Code of Evidence, **67:9**
 - hostile witness, **67:6**
 - proposed New York Code of Evidence, **67:7**
 - proposed New York Code of Evidence, **67:5**
 - order of trial, **67:1**
 - testimonial aids, **67:15**
 - witness' recollection refreshed
 - hypnotically produced recall, **67:11**
 - proposed New York Code of Evidence, **67:12**
 - memoranda by opposing counsel, use of, **67:13**
 - proposed New York Code of Evidence, **67:14**
- Impeachment. Cross-examination, above
- Leading questions. Direct, above
- Nonexpert witnesses. Opinion testimony, below
- Opinion testimony
 - generally, **73:1**
 - admissibility of expert opinion
 - generally, **73:1**
 - hypothetical questions, **73:4**
 - proposed New York Code of Evidence, **73:2; 73:5**
 - qualification of experts, **73:3**

EXAMINATION OF WITNESSES

—Cont'd

- Opinion testimony—Cont'd
 - appointment of expert for indigent defendant, **73:31**
 - bases of opinions
 - generally, **73:7**
 - proposed New York Code of Evidence, **73:8**
 - cross-examination of experts, **73:9**
 - effect of expert testimony
 - generally, **73:10**
 - specific expert testimony, **73:11**
 - indigent defendant, appointment of expert for, **73:31**
 - nonexpert witnesses
 - generally, **73:22**
 - distance, **73:26**
 - identity of persons
 - generally, **73:23**
 - noneyewitness photographic identification of defendant, **73:24**
 - physical and mental state
 - generally, **73:28**
 - intoxication, **73:29**
 - physical properties of objects, **73:25**
 - place, **73:26**
 - proposed New York Code of Evidence, **73:30**
 - speed, **73:26**
 - words and their meanings, **73:27**
 - notice requirement, **73:6**
 - specific expert testimony
 - generally, **73:11**
 - background information about how specific crimes are carried out
 - generally, **73:17**
 - drug offenses, **73:18**
 - handwriting analysis, **73:19**
 - memory and perception, **73:20**
 - psychological processes
 - generally, **73:12**
 - battered spouses, syndrome related to, **73:15**

EXAMINATION OF WITNESSES

—Cont'd

- Opinion testimony—Cont'd
 - specific expert testimony—Cont'd
 - psychological processes—Cont'd
 - child sexual abuse, syndromes related to, **73:13**
 - parental alienation syndrome, **73:16**
 - rape trauma syndrome, **73:14**
 - reliability of eyewitness identification, **73:21**
- Psychological processes. Opinion testimony, above
- Witness' recollection refreshed. Direct, above

EXCEPTIONS

- Hearsay (this index)
- Prior Behavior of Defendant, Proof of (this index)

EXPERT TESTIMONY

- Opinion Testimony (this index)

FINGERPRINTING

- DNA fingerprinting tests, **65:15**

FORMER TESTIMONY

- Hearsay (this Index)

FUNDAMENTALS OF CRIMINAL EVIDENCE

- Admissibility of evidence
 - generally, **57:2**
 - limited admissibility, **57:3**
- Applicability of civil evidentiary rules to criminal cases, **57:1**
- Burden of proof, **57:13**
- Competency of evidence, **57:10**
- Discovery, right to discover prosecution's evidence, **57:12**
- Grand jury proceedings, **57:15**
- Harmless evidence, **57:11**
- Materiality of evidence, **57:9**
- Proof beyond reasonable doubt, **57:14**
- Relevancy of evidence
 - generally, **57:4**
 - contemporaneous drug sales, **57:8**

FUNDAMENTALS OF CRIMINAL EVIDENCE—Cont'd

- Relevancy of evidence—Cont'd
 - habit, **57:7**
 - homicide, **57:5**
 - third-party culpability evidence, **57:6**
- Right to discover prosecution's evidence, **57:12**

HEARSAY

- Admissions or confessions
 - exceptions to rule
 - generally, **78:24**
 - actions as admission, **78:27**
 - coconspirator, admissions of, **78:29**
 - corroboration, **78:25**
 - proposed New York Code of Evidence, **78:30**
 - silence as admission, **78:28**
 - withdrawn guilty plea, **78:26**
- Code of Evidence (Proposed) (this index)

- Dying declaration
 - exceptions to rule
 - generally, **78:16**
 - admissibility, factors which determine, **78:19**
 - declarant's belief in impending death, **78:17**
 - printed form, use of, **78:18**
 - evidentiary weight, **78:21**
 - homicide requirements, **78:20**
 - impeachment of declarant, **78:22**
 - proposed New York Code of Evidence, **78:23**

- Exceptions to rule
 - generally, **78:6**
 - admissions or confessions, above
 - business entries
 - government records, **78:39**
 - hospital records, **78:39**
 - proposed New York Code of Evidence, **78:40**
 - statutory rule, **78:38**
 - confessions. Admissions or confessions, above

INDEX

HEARSAY—Cont'd

- Exceptions to rule—Cont'd
 - declarations against penal interest, **78:7**
 - dying declaration, above
 - former testimony
 - generally, **78:33**
 - due diligence, **78:34**
 - proposed New York Code of Evidence, **78:35**
 - past recollection recorded, **78:32**
 - pedigree, **78:36**
 - proposed New York Code of Evidence, **78:37**
 - public records, **78:41**
 - proposed New York Code of Evidence, **78:42**
 - res gestae (excited utterance, spontaneous declaration, present sense impression), below
 - witness unavailable due to defendant's misconduct, **78:31**
- Former testimony
 - exceptions to rule, above
- Inadmissibility of hearsay evidence
 - generally, **78:1**
 - proposed New York Code of Evidence, **78:3**
- Interpreter, statements made to, **78:4**
- Out-of-court statements, inadmissibility of hearsay evidence, **78:2**
- Res gestae (excited utterance, spontaneous declaration, present sense impression)
 - exceptions to rule
 - generally, **78:8**
 - agents, statements of, **78:12**
 - bystanders, statements by, **78:10**
 - defendant, statements of, **78:11**
 - foundation for admission, **78:9**
 - preexisting state of mind, statements of, **78:13**
 - proposed New York Code of Evidence, **78:15**
 - rape victim, complaint of, **78:14**
- Self-serving declarations
 - generally, **77:1**

HEARSAY—Cont'd

- Self-serving declarations—Cont'd
 - admissibility
 - business records, **77:2**
 - recent fabrications, **77:4**
 - spontaneous declarations, **77:3**
- Statements not subject to hearsay rule, **78:5**

IDENTIFICATION OF DEFENDANT

- Generally, **74:1**
- Aural identification, **74:9**
- Demonstrative Evidence** (this Index)
- Drawings, **74:7**
- In-court identification, **74:10**
- Lineups, **74:5**
- Negative identification testimony, **74:11**
- Photographs
 - generally, **74:7**
 - failure to preserve, **74:8**
- Pretrial identification procedures in general, **74:3**
- Previous recognition, identification by means of, **74:13**
- Proposed New York Code of Evidence, **74:14**
- Reliability of identification, factors determining, **74:4**
- Showups, **74:6**
- Statutory requirements, **74:12**
- United States v. Wade and its significance
 - Generally, **74:2**

IDENTIFICATION TESTIMONY

- Drawings, **74:7**
- Lineups, **74:5**
- Photographs, **74:7**
- Showups, **74:6**
- Statutory requirements, **74:12**

IMPEACHMENT

- Examination of Witnesses** (this index)

INFERENCES

- See also **Presumptions** (this index)
- Generally, **61:1**

INFERENCES—Cont'd

Guilt, inference of, **61:2**

Improper inferences at trial, **61:3**

JUDICIAL NOTICE

Generally, **69:1**

Code of Evidence (Proposed) (this index)

Discretionary judicial notice generally, **69:4**

proposed New York Code of Evidence, **69:5**

Mandatory judicial notice generally, **69:2**

proposed New York Code of Evidence, **69:3**

LAYING FOUNDATION

Demonstrative Evidence (this index)

LEADING QUESTIONS

Examination of Witnesses (this index)

LINEUPS

Identification of defendant, **74:5**

MANDATORY JUDICIAL NOTICE

Judicial Notice (this index)

MAPS, DIAGRAMS, MODELS OR OTHER PORTRAYALS

Demonstrative Evidence (this index)

MARITAL PRIVILEGE

Privileges (this index)

MEDIA

Privileged communications, **72:42**

NONEXPERT WITNESSES

Examination of Witnesses (this index)

OBJECTIONS

Code of Evidence (Proposed) (this index)

Testimony, objections to generally, **71:1, 71:2**

admission, offering evidence for, **71:1**

OBJECTIONS—Cont'd

Testimony, objections to—Cont'd
form of objection, **71:4**
jury instructions, objections to, **71:11**

offers of proof, **71:9**

proposed New York Code of Evidence, **71:10**

rulings

generally, **71:6**

exceptions, **71:7**

proposed New York Code of Evidence, **71:8**

timeliness, **71:3**

waiver of objection by offering party, **71:5**

OPINION TESTIMONY

Admissibility of expert opinion, **73:1pp**

Code of Evidence (Proposed) (this index)

Examination of Witnesses (this index)

Nonexpert witnesses, words and their meaning, **73:27**

Notice requirement, **73:6**

Specific expert testimony effect of, **73:11**

psychological processes, rape trauma syndrome, **73:14**

ORDINARY AND AFFIRMATIVE DEFENSES

Defenses (this index)

OUT-OF-COURT STATEMENTS

Inadmissibility of hearsay evidence, **78:2**

PERMISSIBLE EXCEPTIONS

Prior Behavior of Defendant, Proof of (this index)

PHOTOGRAPHS

Demonstrative Evidence (this index)

Identification of Defendant (this index)

PHYSICAL-PATIENT PRIVILEGE

Privileges (this index)

INDEX

POLYGRAPHS

Acquisition of demonstrative evidence, **65:12**

PRESUMPTIONS

See also **Inferences** (this index)

Conclusive and rebuttable presumptions, **60:4**

Definition, **60:1**

Inferences distinguished, **60:3**

Law and fact, presumptions in, **60:2**

Marriage, **60:8**

Rebuttable presumptions, **60:4**

Specific presumptions

codefendant's confessions, **60:19**

common knowledge, **60:17**

confessions of codefendant, **60:19**

conflicting presumptions, **60:18**

destruction of evidence, **60:12**

failure of defendant to testify, **60:14**

failure to call witness, **60:11**

identity by name, **60:10**

innocence, **60:5**

intending the natural consequences of one's act, **60:16**

legitimacy, **60:9**

marriage, **60:8**

possession of property, **60:13**

regular performance of duties, **60:15pp**

sanity, **60:7**

suicide, **60:6**

suppression of evidence, **60:12**

PRIOR BEHAVIOR OF DEFENDANT, PROOF OF

Generally, **76:3**

Character of defendant, **76:1**

Code of Evidence (Proposed) (this index)

Evidence in chief, proof of other crimes as

generally, **76:11**

permissible exceptions

generally, **76:16**

absence of mistake, to show, **76:19**

PRIOR BEHAVIOR OF DEFENDANT, PROOF OF —Cont'd

Evidence in chief, proof of other crimes as—Cont'd

permissible exceptions—Cont'd
additional permissible exceptions, **76:22**

common scheme or plan, to show, **76:20**

identity, to show, **76:21**

impeachment of defendant, **76:23**

intent, to show, **76:18**

motive, to show, **76:17**

probative value of evidence, **76:15**

relevance of evidence, **76:14**

statutory rule

generally, **76:12**

proposed New York Code of Evidence, **76:13**

Introduction of evidence by defendant

good character, **76:3**

victim's bad character, **76:4**

Permissible exceptions. Evidence in chief, proof of other crimes as, above

Prosecution's rebuttal of character evidence

generally, **76:5**

Sandoval-Duffy hearing

generally, **76:6**

law of the case, **76:9**

modification of Sandoval ruling, **76:8**

notice of prior uncharged conduct, **76:7**

proposed New York Code of Evidence, **76:10**

Rebuttal. Prosecution's rebuttal of character evidence, above

Sandoval-Duffy hearing. Prosecution's rebuttal of character evidence, above

Weight given to character evidence, **76:2**

PRIVILEGES

Generally, **72:1**

PRIVILEGES—Cont'd

Attorney-client privilege
applicable statute, **72:14**
common interest privilege, **72:21**
intention to commit crime, **72:18**
prerequisites for confidentiality,
72:15
presence of third party
generally, **72:16**
communications overheard,
72:17
proposed New York Code of Evi-
dence, **72:20**
waiver of privilege, **72:19**
Clergyman-penitent privilege
applicable statute, **72:32**
confidential nature, **72:33**
presence of third party, **72:34**
proposed New York Code of Evi-
dence, **72:36**
waiver of privilege, **72:35**
Code of Evidence (Proposed) (this
index)
Eavesdropping, information obtained
generally, **72:43**
proposed New York Code of Evi-
dence, **72:44**
Expansion of privilege by Proposed
Code of Evidence, **72:45**
Family member, communications
made to, **72:41**
Marital privilege
applicable statute, **72:5**
communications which disrupt
marital relationship
generally, **72:9**
conspiratorial communications,
72:10
confidentiality requirement
generally, **72:6**
nonverbal communications, **72:7**
nonconfidential communications,
72:8
presence of third parties, **72:11**
proposed New York Code of Evi-
dence, **72:13**
waiver of privilege, **72:12**
Media, communications made to,
72:42

PRIVILEGES—Cont'd

Physician-patient privilege
applicable statute, **72:22**
exceptions, **72:30**
medical relationship, **72:24**
mental examination, **72:26**
patient's privilege, **72:23**
physician engaged by prosecution,
72:25
physician engaged by third party,
72:27
presence of third party, **72:28**
proposed New York Code of Evi-
dence, **72:31**
waiver of privilege, **72:29**
Proposed New York Code of Evi-
dence, **72:2**
Psychologist, communications made
to
generally, **72:37**
proposed New York Code of Evi-
dence, **72:38**
Rape counselors, communications
made to, **72:46**
Self-incrimination
generally, **72:3**
immunity from prosecution, **72:4**
Social worker, communications made
to
generally, **72:39**
proposed New York Code of Evi-
dence, **72:40**

PSYCHOLOGICAL PROCESSES

Examination of Witnesses (this
index)

PSYCHOLOGIST

Communications made to. **Privileges**
(this Index)

RADAR TESTS

Demonstrative Evidence (this
Index)

**RATIONALE OF CORPUS
DELICTI DOCTRINE**

Corpus Delicti (this index)

INDEX

REAL EVIDENCE

Demonstrative Evidence (this index)

REBUTTAL

Prior Behavior of Defendant, Proof of (this index)

REFRESHING RECOLLECTION

Examination of Witnesses (this index)

RELEVANCY OF EVIDENCE

Fundamentals of Criminal Evidence (this index)

REMOVING ILLEGAL TAIN

Wrongfully Obtained Evidence (this index)

RES GESTAE (EXCITED

UTTERANCE, SPONTANEOUS DECLARATION, PRESENT SENSE IMPRESSION)

Hearsay (this index)

SANDOVAL-DUFFY HEARING

Prior Behavior of Defendant, Proof of (this index)

SCIENTIFIC EVIDENCE

Demonstrative Evidence (this index)

SELF-INCRIMINATION

Privileges (this index)

SELF-SERVING DECLARATIONS

Hearsay (this index)

SHOWUPS

Identification of defendant, **74:6**

SOCIAL WORKER

Privileges (this index)

SOUND RECORDINGS

Demonstrative Evidence (this index)

SPECIFIC PRESUMPTIONS

Presumptions (this index)

SPOUSE

Battered spouses, opinion testimony, **73:15**

Marital privilege. **Privileges** (this Index)

SUICIDE

Presumptions, **60:6**

SUPPRESSION OF EVIDENCE

Wrongfully Obtained Evidence (this index)

WITNESSES

Competency

generally, **63:1**

deadman's statute, **63:8**

deaf and mute persons, testimony of, **63:5**

infants' testimony, **63:3**

insane or incompetent person, testimony of, **63:4**

judges as witnesses, **63:6**

lawyers as witnesses, **63:7**

oath or affirmation, **63:2**

persons convicted of crime, **63:9**

Examination of Witnesses (this index)

Expert testimony . **Opinion**

Testimony (this index)

Objections to testimony. **Objections** (this Index)

Opinion Testimony (this index)

WRONGFULLY OBTAINED

EVIDENCE

Generally, **66:1**

Exclusion, evidence subject to, **66:1**

Probable cause requirement, **66:2**

Proposed New York Code of Evidence, **66:8**

Removing illegal taint

generally, **66:5**

attenuation, **66:7**

independent source doctrine, **66:6**

Suppression of primary and secondary evidence

generally, **66:3**

admissibility for collateral purposes, **66:4**