Index

ABBREVIATIONS

Judicial notice, 2:17

ABSENCE

Character or Reputation, this index

Expert and opinion testimony, absence of defect in product liability cases, **7:28**

Records, absence of. Res Gestae and Spontaneous Declarations, this index

ACCIDENTS

Character or Reputation, this index

Expert and Opinion Testimony, this index

Relevance and admissibility, special problems of, **4:17**

ACCOMPLICE TESTIMONY

Proof and persuasion in criminal prosecutions, special problems of, **3:37**

ACCURACY

Judicial notice, facts capable of accurate and ready determination, 2:6

ACCUSED

Character or Reputation, this index

Dying declarations, use on behalf of accused, **8:95**

ACQUITTAL

Burdens of proof, production, and persuasion, sufficiency of evidence in criminal cases, 3:24

ADJUDICATIVE FACTS

Judicial Notice, this index

ADMINISTRATIVE RULES AND REGULATIONS OF STATE

Judicial notice, 2:38

ADMISSIBILITY

Best Evidence Rule, this index Expert and Opinion Testimony, this index

Hearsay, this index

Limited Admissibility, this index

Preliminary Questions of Admissibility, this index

Real and Demonstrative Evidence, this index

Relevancy, this index

ADMISSIONS AND DECLARATIONS

Best Evidence Rule, this index

Hearsay, this index

Pedigree, Declaration as to, this index

Spontaneous declarations. Res Gestae and Spontaneous Declarations, this index

Statements against interest, declaration against interest distinguished from admissions, 8:98

ADOPTION OR BELIEF OF TRUTH

Hearsay, this index

AFFIRMATION

Competence of Witnesses, this index

AGE

Relevance and admissibility, special problems of, **4:6**

AGENT OR SERVANT

Hearsay, this index

ALABAMA PRACTICE

Cross examination, 6:52

ALABAMA RULE OF EVIDENCE 701

Opinion testimony by lay witness, 7:2

ALLOCATION OF RISK

Burdens of Proof, Production, and Persuasion, this index

ALMANAC FACTS

Judicial notice, 2:12

ALTERNATES OR ALTERNATIVES

Burdens of proof, production, and persuasion, alternative motion for new trial. **3:18**

ANCIENT DOCUMENTS

Authentication and identification, **9:11**

Res Gestae and Spontaneous Declarations, this index

ANCIENT HISTORY OR DOCUMENTS

Hearsay, this index

Res Gestae and Spontaneous Declarations, this index

ANCILLARY MATTERS

Burdens of proof, production, and persuasion, special problems of proof and persuasion in criminal prosecutions, **3:39**

ANNULMENT

Conviction, this index

APPEAL

Burdens of proof, production, and persuasion, sufficiency of evidence in criminal cases on appeal, **3:25**

Conviction, this index

APPEARANCE

Real and demonstrative evidence scars, injuries, disabilities or other aspects of physical appearance, **12:6**

APPOINTMENTS

Expert and Opinion Testimony, this index

ARGUMENTS OF COUNSEL

Closing Argument, this index Objections, right to argument on, 1:23

ATTEMPTED ESCAPE OR FLIGHT

Relevancy, wealth and economic condition, **4:23**

ATTORNEY-CLIENT PRIVILEGE

Generally, 5:4 to 5:7

Alabama practice

generally, 5:4

work product, 5:6

Federal practice

generally, 5:5

work product, 5:7

Work Product, this index

ATTORNEYS

Competence of witnesses, connection with the case, **6:16**

Privilege. Attorney-Client Privilege, this index

Work Product, this index

AUTHENTICATION AND IDENTIFICATION

Generally, 9:1 to 9:24

Index-2

AUTHENTICATION AND	AUTHENTICATION AND
IDENTIFICATION—Cont'd	IDENTIFICATION—Cont'd
Alabama practice	Requirement of—Cont'd
intangibles, below	Alabama practice—Cont'd
photographs, records, and the like, below	writings and documents, below
requirement of, below	Federal practice, generally, 9:21
tangible objects and substances,	intangibles, above
below	photographs, records, and the
writings and documents, below	like, above
Intangibles	tangible objects and substances,
Alabama practice	below
generally, 9:18, 9:19	writings and documents, below
telephone calls, 9:19	Self-authenticating documents
voice identification, 9:18	generally, 9:22 , 9:23
electronic evidence, 9:20	Alabama practice, 9:22
telephone calls, 9:19	Federal practice, 9:23
voice identification, 9:18	Subscribing witness, testimony of
Photographs, records, and the like	generally, 9:24 , 9:25
Alabama practice	Alabama practice, 9:24
generally, 9:15 to 9:17	Federal practice, 9:25
motion pictures, 9:16	Tangible objects and substances
sound recordings, 9:17	Alabama practice
transcripts of conversations,	generally, 9:3 to 9:5
9:18	chain of custody, 9:5
videotapes, 9:16	distinctive characteristics, 9:4
motion pictures, 9:16	chain of custody, 9:5
sound recordings, 9:17	distinctive characteristics, 9:4
transcripts of conversations,	Writings and documents
9:18	Alabama practice
videotapes, 9:16	generally, 9:6 to 9:14
Public records, 9:7	ancient documents, 9:11
Records	business records, 9:12
photographs, records, and the	emails and texts, 9:10
like, above	handwriting, 9:14
public records, 9:7	letters, 9:9
Requirement of	motion to produce, docu-
generally, 9:1 to 9:20	ments produced in
Alabama practice	response to, 9:13
intangibles, above	public records, 9:7
photographs, records, and the	scientific treatises, 9:8
like, above	ancient documents, 9:11
tangible objects and sub-	business records, 9:12
stances, below	emails and texts, 9:10

requirement of original, 10:5

summaries, 10:18

BEST EVIDENCE RULE **AUTHENTICATION AND** IDENTIFICATION—Cont'd —Cont'd Writings and documents—Cont'd Alabama practice handwriting, 9:14 court and jury, functions of, 10:21 letters, 9:9 duplicates, admissibility of, motion to produce, documents 10:6 produced in response to, 9:13 public records, 10:15 requirement of original, 10:4 public records, 9:7 summaries, 10:17 scientific treatises, 9:8 testimony or written admission texts and emails, 9:10 of party, 10:19 **AUTHORIZED PERSON** Alabama Rule of Evidence 1001, Hearsay, this index, **8:18**, **:16** 10:2 Collateral matters, 10:12 **AVAILABILITY** Contents, admissibility of other Unavailability of Witnesses, this evidence of index generally, 10:8 to 10:14 collateral matters, 10:12 **BAPTISMAL CERTIFICATES** Federal practice, 10:14 Res Gestae and Spontaneous Declost or destroyed originals, 10:9 larations, this index objection failure, 10:13 **BELIEF OF TRUTH** opponent, original in possession Hearsay, this index of, 10:11 unobtainable original, 10:10 BEST EVIDENCE RULE Court and jury, functions of Generally, 10:1 to 10:22 generally, 10:21, 10:22 Admissibility Alabama practice, 10:21 contents, admissibility of other Federal practice, 10:22 evidence of, below Duplicates, admissibility of duplicates, admissibility of, generally, 10:6, 10:7 below Alabama practice, 10:6 lost or destroyed originals, Federal practice, 10:7 admissibility of other evi-Federal practice dence of contents. 10:9 generally, 10:3 objection failure, admissibility contents, admissibility of other of other evidence of evidence of, 10:14 contents, **10:13** court and jury, functions of, opponent, original in possession 10:22 of, 10:11 duplicates, admissibility of, unobtainable original, admis-10:7 sibility of other evidence public records, 10:16 of contents, 10:10

Admissions. Testimony or written admission of party, below

BEST EVIDENCE RULE —Cont'd

Federal practice—Cont'd testimony or written admission of party, **10:20**

Jury. Court and jury, functions of, above.

Lost or destroyed originals, admissibility of other evidence of contents, 10:9

Objection failure, admissibility of other evidence of contents, 10:13

Opponent, original in possession of, **10:11**

Public records

generally, **10:15**, **10:16**Alabama practice, **10:15**

Federal practice, 10:16

Requirement of original

generally, **10:4**, **10:5**Alabama practice, **10:4**

Federal practice, 10:5

Summaries

generally, 10:17, 10:18

Alabama practice, 10:17

Federal practice, 10:18

Testimony or written admission of party

generally, 10:19, 10:20

Alabama practice, 10:19

Federal practice, 10:20

Unobtainable original, admissibility of other evidence of contents, **10:10**

Written admission of party.

Testimony or written admission of party, above

BIAS OR PREJUDICE

Impeachment, this index

BOUNDARIES

Res Gestae and Spontaneous Declarations, this index

BURDENS OF PROOF, PRODUCTION, AND PERSUASION

Generally, 3:13 to 3:39

Accomplice testimony, special problems of proof and persuasion in criminal prosecutions, 3:37

Acquittal, sufficiency of evidence in criminal cases, **3:24**

Allocation of risk

nonpersuasion, allocating risk of, **3:27**

nonproduction, allocating risk of, **3:15**

Alternative motion for new trial, sufficiency of evidence in civil cases, **3:18**

Ancillary matters, special problems of proof and persuasion in criminal prosecutions, **3:39**

Appeal, sufficiency of evidence in criminal cases on, 3:25

Circumstantial evidence, special problems of proof and persuasion in criminal prosecutions, **3:36**

Civil cases. Sufficiency of evidence in civil cases, below

Conditional rulings on grant of motion for judgment as matter of law, sufficiency of evidence in civil cases, **3:19**

Criminal prosecutions

degree of persuasion required in criminal actions, below

special problems of proof and persuasion in criminal prosecutions, below

sufficiency of evidence in criminal cases, below

Defense elements, special problems of proof and persuasion in criminal prosecutions, **3:38**

dismissal, motion for involun-

involuntary dismissal in non-

case, 3:22

tary dismissal in non-jury

jury case, motion for, 3:22

BURDENS OF PROOF, BURDENS OF PROOF, PRODUCTION, AND PRODUCTION, AND PERSUASION—Cont'd PERSUASION—Cont'd Degree of persuasion, generally. Motions—Cont'd Persuasion, below summary judgment, motion for, Degree of persuasion required in 3:21 criminal actions New trial motion generally, 3:34, 3:35 alternative motion for new trial, 3:18 new trial motion, 3:35 civil cases, sufficiency of evireasonable doubt, proof beyond, 3:34 dence in, 3:18 Denial of motion for judgment as criminal actions, degree of persuasion required in, matter of law, sufficiency of 3:35 evidence in civil cases, 3:20 Nonpersuasion, risk of, 3:26, 3:27 Dismissal, motion for involuntary dismissal in non-jury case, Nonproduction, risk of, 3:14 to 3:22 3:16 Introduction, 3:13 Persuasion, generally, 3:26 to 3:28 Involuntary dismissal in non-jury Quantum of proof required to case, sufficiency of evidence survive risk of nonproducin civil cases, 3:22 tion, **3:16** Judgments Reasonable doubt, proof beyond, 3:34 conditional rulings on grant of motion for as matter of Risk. Allocation of risk, above law, 3:19 Special problems of proof and denial of motion for judgment persuasion in criminal prosecutions as matter of law, 3:20 sufficiency of evidence in civil generally, 3:36 to 3:39 cases, below accomplice testimony, 3:37 summary judgment, motion for, ancillary matters, 3:39 3:21 circumstantial evidence, 3:36 Matter of law. Sufficiency of evidefense, elements of, 3:38 dence in civil cases, below Sufficiency of evidence in civil Motions cases acquittal, motion for judgment alternative motion for new trial, of, 3:24 3:18 conditional rulings on grant of conditional rulings on grant of motion for judgment as motion for as matter of matter of law, 3:19 law, **3:19** denial of motion for judgment denial of motion for judgment as matter of law, 3:20 as matter of law, 3:20

involuntary dismissal in non-

sufficiency of evidence in civil

new trial motion, below

cases, below

jury case, motion for, 3:22

BURDENS OF PROOF, BURDENS OF PROOF, PRODUCTION, AND PRODUCTION, AND PERSUASION—Cont'd PERSUASION—Cont'd Sufficiency of evidence in civil Summary judgment motion, sufficiency of evidence in civil cases-Cont'd cases, 3:21 judgments **Testing** conditional rulings on grant of motion for as matter civil cases. Sufficiency of evidence in civil cases, above of law. 3:19 criminal cases, sufficiency of denial of motion for judgevidence in, 3:24, 3:25 ment as matter of law, 3:20 BUSINESS AND ECONOMIC matter of law, generally, 3:17 **CONDITIONS** summary judgment, motion Judicial notice, 2:15 for, **3:21 BUSINESS PRACTICES** matter of law, generally, 3:17 Judicial notice, 2:16 motions conditional rulings on grant **BUSINESS RECORDS** of motion for judgment Authentication, 9:12 as matter of law, 3:19 Res gestae, records of regularly denial of motion for judgconducted activity, 8:44 ment as matter of law, CALLING WITNESSES BY 3:20 **COURT** involuntary dismissal in non-Examination of Witnesses, this jury case, motion for, index 3:22 new trial, alternative motion **CAUSATION** for. **3:18** Expert testimony, specific areas of, summary judgment, motion 7:19 for, 3:21 **CELL PHONES** new trial, alternative motion for, Data, expert and opinion 3:18 testimony, 7:29 summary judgment, motion for, **CERTIFICATE OF** 3:21 REHABILITATION testing, generally, 3:17 to 3:23 Conviction, this index Sufficiency of evidence in criminal cases CHAIN OF CUSTODY generally, 3:24, 3:25 Authentication and identification acquittal, motion for judgment of tangible objects and subof, **3:24** stances, 9:5 appeal, sufficiency of evidence CHARACTER OR REPUTATION on, 3:25 Absence of mistake or accident. motion for judgment of acquitrelevance of evidence of tal, 3:24 other crimes, wrongs and acts

testing, 3:24, 3:25

Alabama practice, **4:53**

Absence of mistake or accident, relevance of evidence of other crimes, wrongs and acts
—Cont'd

Federal practice, 4:67

Accidents, relevance of evidence of other crimes, wrongs and acts

Alabama practice, **4:53** Federal practice, **4:67**

Accused, relevance of character of Alabama practice, **4:34**

Federal practice, **4:41**

Alabama practice

generally, 4:33 to 4:38

absence of mistake or accident, relevance of evidence of other crimes, wrongs and acts, **4:53**

accidents, relevance of evidence of other crimes, wrongs and acts, **4:53**

accused, relevance of character of, **4:34**

civil cases, generally, 4:38

common scheme, plan, or design, relevance of evidence of other crimes, wrongs and acts, **4:48**

consciousness of guilt, relevance of evidence of other crimes, wrongs and acts, **4:50**

Criminal Procedure Rule 13.3(c) of Alabama, relevance of evidence of other crimes, wrongs and acts, **4:60**

cross examination

evidence of other crimes, wrongs and acts, relevance of, **4:57**

methods of proving character, relevance of cross exam-

CHARACTER OR REPUTATION —Cont'd

Alabama practice—Cont'd cross examination—Cont'd ination of character witnesses, **4:81**

defendant's case-in-chief, relevance of evidence of other crimes, wrongs and acts, **4:56**

design, relevance of evidence of other crimes, wrongs and acts, **4:48**

guilt, relevance of evidence of other crimes, wrongs and acts, **4:50**

identity, relevance of evidence of other crimes, wrongs and acts, **4:47**

impeachment by, **6:27**, **6:29**

intent, relevance of evidence of other crimes, wrongs and acts, **4:52**

methods of proving character, relevance of, **4:79 to 4:81**

mistakes, relevance of evidence of other crimes, wrongs and acts, **4:53**

motive, relevance of evidence of other crimes, wrongs and acts, **4:51**

notice or knowledge

relevance of evidence of other crimes, wrongs and acts, **4:49**, **4:59**

required notice to accused, **4:59**

other crimes, wrongs and acts, relevance of evidence of, 4:45 to 4:62

plan, relevance of evidence of other crimes, wrongs and acts. **4:48**

prosecutor's case-in-chief, relevance of use of other crimes, wrongs and acts as part of, **4:45**

- Alabama practice—Cont'd reasonable notice to accused required, relevance of evidence of other crimes, wrongs and acts, **4:59**
 - rebuttal, relevance of evidence of other crimes, wrongs and acts, **4:57**
 - relevancy, generally, **4:33 to 4:38**
 - reminder of Rule 103, relevance of evidence of other crimes, wrongs and acts, 4:61, 4:62
 - res gestae, relevance of evidence of other crimes, wrongs and acts, **4:46**
 - Rule 103, relevance of evidence of other crimes, wrongs and acts, **4:61**, **4:62**
 - Rule 13.3(c) of Alabama Rules of Criminal Procedure, relevance of evidence of other crimes, wrongs and acts. **4:60**
 - scheme, plan, or design, relevance of evidence of other crimes, wrongs and acts, **4:48**
 - victim, relevance of character of, **4:35**
 - witnesses, relevance of character of, **4:36**
- Common scheme, plan, or design, relevance of evidence of other crimes, wrongs and acts
 - Alabama practice, 4:48
 - Federal practice, 4:70
- Consciousness of guilt, relevance of evidence of other crimes, wrongs and acts, **4:50**
- Conviction, impeachment by evidence of specific acts not resulting in, **6:29**, **6:30**

CHARACTER OR REPUTATION —Cont'd

- Criminal Procedure Rule 13.3(c) of Alabama, relevance of evidence of other crimes, wrongs and acts, **4:60**
- Cross examination
 - Alabama practice, above
 Federal practice, relevancy of
 methods of proving
 character. **4:84**
- Defendant's case-in-chief Alabama practice, relevance of evidence of other crimes,
 - Federal practice, relevancy of use of evidence of other crimes, wrongs and acts, 4:75

wrongs and acts, 4:56

- Design, relevance of evidence of other crimes, wrongs and acts
 - Alabama practice, 4:48
 - Federal practice, 4:70
- Direct examination, relevance of methods of proving character, 4:83
- Federal practice
 - generally, **4:39 to 4:44, 4:63 to 4:78**
 - absence of mistake or accident, relevance of evidence of other crimes, wrongs and acts, **4:67**
 - accidents, relevance of evidence of other crimes, wrongs and acts, **4:67**
 - accused, relevance of character of, **4:41**
 - civil cases, generally, 4:44
 - common scheme, plan, or design, relevance of evidence of other crimes, wrongs and acts, **4:70**
 - cross examination of character witnesses, relevancy of methods of proving

- Federal practice—Cont'd character, **4:84**
 - defendant's case in chief, relevancy of use of evidence of other crimes, wrongs and acts, **4:75**
 - design, relevance of evidence of other crimes, wrongs and acts, **4:70**
 - direct examination, relevance of methods of proving character, **4:83**
 - identity, relevance of evidence of other crimes, wrongs and acts, **4:69**
 - impeachment by, **6:28**, **6:30**
 - intent, relevance of evidence of other crimes, wrongs and acts, **4:65**
 - knowledge, relevance of evidence of other crimes, wrongs and acts, **4:68**
 - methods of proving character, relevancy of, **4:82 to 4:84**
 - mistakes, relevance of evidence of other crimes, wrongs and acts, **4:67**
 - motive, relevance of evidence of other crimes, wrongs and acts, **4:64**
 - notice to accused, relevance of use of evidence of other crimes, wrongs and acts, 4:78
 - opportunity, relevance of evidence of other crimes, wrongs and acts, **4:66**
 - other crimes, wrongs and acts, relevance of evidence of, 4:63 to 4:78
 - plan, relevance of evidence of other crimes, wrongs and acts, **4:70**
 - prosecution's rebuttal, relevance of use of evi-

CHARACTER OR REPUTATION —Cont'd

- Federal practice—Cont'd dence of other crimes, wrongs and acts, **4:76**
 - relevancy, generally, **4:39 to 4:44, 4:63 to 4:78**
 - scheme, plan, or design, relevance of evidence of other crimes, wrongs and acts, **4:70**
 - sex crimes, relevance of evidence of other crimes, wrongs and acts, **4:73**
 - specific permissible uses, relevancy of, **4:40 to 4:43**
 - victim, relevance of character of, **4:42**
 - witness, relevance of character of, **4:43**
- Guilt, relevance of evidence of other crimes, wrongs and acts, **4:50**
- Identity, relevance of evidence of other crimes, wrongs and acts

Alabama practice, **4:47** Federal practice, **4:69**

Impeachment by

generally, **6:27 to 6:30**

Alabama practice, 6:27, 6:29

- conviction, impeachment by evidence of specific acts not resulting in, **6:29**, **6:30**
- Federal practice, **6:28**, **6:30**
- Intent, relevance of evidence of other crimes, wrongs and acts generally, **4:52**
 - Federal practice, **4:65**
- Knowledge. Notice or knowledge, below
- Methods of proving character Alabama practice, relevancy, 4:79 to 4:81
 - Federal practice, relevancy, 4:82 to 4:84

Mistakes, relevance of evidence of other crimes, wrongs and acts Alabama practice, **4:53**

Federal practice, **4:67**

Motive, relevance of evidence of other crimes, wrongs and acts

Alabama practice, 4:51

Federal practice, **4:64**

Notice or knowledge

Alabama practice, above
Federal practice, relevance of
evidence of other crimes,
wrongs and acts, **4:68**, **4:78**

Opportunity, Federal practice, **4:66**

Other crimes, wrongs and acts, relevance of evidence of Alabama practice, **4:45 to 4:62** Federal practice, **4:63 to 4:78**

Plan, relevance of evidence of other crimes, wrongs and acts Alabama practice, **4:48**Federal practice, **4:70**

Prosecutors

Alabama practice, prosecutor's case-in-chief, relevance of use of other crimes, wrongs and acts as part of, 4:45

Federal practice, prosecution's rebuttal, relevance of use of evidence of other crimes, wrongs and acts, **4:76**

Reasonable notice to accused required, relevance of evidence of other crimes, wrongs and acts, **4:59**

Rebuttal, relevance of evidence of other crimes, wrongs and acts, **4:57**

Relevancy generally, **4:32 to 4:77**

CHARACTER OR REPUTATION —Cont'd

Relevancy—Cont'd
Alabama practice, above
Federal practice, above
methods of proving character,
above

Reminder of Rule 103, relevance of evidence of other crimes, wrongs and acts, **4:61**, **4:62**

Res gestae, relevance of evidence of other crimes, wrongs and acts, **4:46**

Res Gestae and Spontaneous Declarations, this index

Rule 13.3(c) of Alabama Rules of Criminal Procedure, relevance of evidence of other crimes, wrongs and acts, **4:60**

Rule 103, relevance of evidence of other crimes, wrongs and acts, **4:61**, **4:62**

Scheme, plan, or design, relevance of evidence of other crimes, wrongs and acts

Alabama practice, **4:48** Federal practice, **4:70**

Sex crimes, relevance of evidence of other crimes, wrongs and acts, **4:73**

Specific permissible uses, Federal practice, **4:40 to 4:43**

Victim, relevance of character of Alabama practice, **4:35** Federal practice, **4:42**

Witnesses, relevance of character of

Alabama practice, **4:36** Federal practice, **4:43**

CHARTS

Real and demonstrative evidence, oral testimony, **12:23**

CHILDREN

Hearsay, this index

CHILDREN—Cont'd

Molestation of child cases. Relevancy, this index

Real and demonstrative evidence

Real and demonstrative evidence, child admissible to show resemblance, 12:5

CIRCUMSTANTIAL EVIDENCE

Special problems of proof and persuasion in criminal prosecutions, **3:36**

CIVIL ACTIONS

Burdens of Proof, Production, and Persuasion, this index Presumptions, this index Subpoena duces tecum, **1:14** Subpoenas, this index

CLERGY

Privileged communications, **5:15**, **5:16**

CLOSING ARGUMENT

Alabama practice, **1:47** Federal practice, **1:48**

CLOTHING

Real and demonstrative evidence, clothing admissible for various purposes, 12:8

COLLATERAL MATTERS

Best evidence rule, 10:12
Parol evidence rule, collateral agreements, 10:26

COLLATERAL SOURCE RULE

Relevance and admissibility, special problems of, **4:7**

COLLECTIVE FACTS

Opinion testimony by lay witness, 7:4

COMMON LAW DISQUALIFICATIONS

Competence of Witnesses, this index

COMMON MODEL

Order of trial, 1:2

COMMON PHRASES

Judicial notice, 2:18

COMMON SCHEME, PLAN, OR DESIGN

Character or Reputation, this index

COMPARABLE SALES

Relevancy, comparable sales of property to prove value, **4:8**

COMPETENCE

Relevancy, exclusion of evidence, **4:29**

Witnesses. Competence of Witnesses, this index

COMPETENCE OF WITNESSES

Generally, **6:1 to 6:21**

Affirmation. Oath or affirmation, below

Alabama practice

generally, 6:1

interpreters, 6:13

oath or affirmation, 6:11

personal knowledge, 6:9

Attorneys, connection with the case, **6:16**

Common law disqualifications

generally, **6:3 to 6:8**

conviction of crime, 6:3

dead man's statute, 6:8

defendant in criminal case, 6:4

interest in case

civil case, 6:5

criminal case, 6:6

religious beliefs, 6:7

Connection with the case

generally, 6:15 to 6:18

attorneys, 6:16

Federal practice, 6:18

judges, 6:15

COMPETENCE OF WITNESSES —Cont'd	COMPETENCE OF WITNESSES —Cont'd
Conviction of crime, common law disqualifications, 6:3	Personal knowledge—Cont'd Federal practice, 6:10
Dead man's statute, common law disqualifications, 6:8	Religious beliefs, common law disqualifications, 6:7
Defendant in criminal case, com-	Trial, juror as witness at, 6:19
mon law disqualifications, 6:4	At trial, juror as witness, 6:19
Federal practice	Validity of verdict or indictment, juror as witness, 6:20
generally, 6:2	Verdict, juror as witness, 6:20
connection with the case, 6:18	
interpreters, 6:14	COMPLETENESS RULE
juror as witness, 6:21	Generally, 1:42 , 1:43
oath or affirmation, 6:12	Alabama practice, 1:42
personal knowledge, 6:10 Indictment, juror as witness, 6:20	Federal
Interest in case	practice, 1:43 rules, 1:44
civil case, common law	rules, 1:44
disqualifications, 6:5	COMPLETE OR
criminal case, common law	COMPLETENESS
disqualifications, 6:6	Completeness Rule, this index
Interpreters	Parole evidence when writings
generally, 6:13 , 6:14	incomplete, use of, 10:25
Alabama practice, 6:13 Federal practice, 6:14	COMPROMISE
Judges, connection with the case,	Relevancy, this index
6:15	·
Juror as witness	COMPULSORY PROCESS
generally, 6:19 to 6:21	Subpoenas, right to compulsory
Federal practice, 6:21	process, 1:12
indictment, inquiry into validity	CONDITIONS
of, 6:20 at trial, 6:19	Matter of law, conditional rulings
validity of verdict or indict-	on grant of motion for judg-
ment, inquiry into, 6:20	ment as, 3:19
verdict, inquiry into validity of,	Opinion testimony by lay witness,
6:20	condition of things, 7:7
Oath or affirmation	Relevancy, 1:34, 4:9
generally, 6:11 , 6:12	CONDUCT
Alabama practice, 6:11	Relevance and admissibility,
Federal practice, 6:12	special problems of, 4:9
Personal knowledge	CONFRONTATION CLAUSE
generally, 6:9, 6:10 Alabama practice, 6:9	
Arabama practice, 0:9	Hearsay, 8:1

CONNECTION WITH THE CASE

Competence of Witnesses, this index

CONSCIOUSNESS OF GUILT

Character evidence, relevance of evidence of other crimes, wrongs and acts, **4:50**

CONSISTENT STATEMENTS

Hearsay, prior statements of witnesses, **8:6**

CONSPIRATORS

Hearsay, this index

CONSTITUTIONAL LAW

Confrontation Clause and hearsay, **8:1**

Privileges, this index

CONSTRUCTION AND INTERPRETATION

Parol evidence in construction and interpretation of writing, use of, **10:27**

CONTENTS

Best Evidence Rule, this index

CONTINUANCES

Subpoenas, service of process, 1:12

CONTINUATION

Relevance and admissibility, continuing conditions or conduct, **4:9**

CONTRADICTION

Impeachment, this index

CONTROL BY THE COURT

Cross Examination, this index Examination of Witnesses, this index

Rebuttal Evidence, this index Redirect Examination, this index

CONTROLLED SUBSTANCES

Real and demonstrative evidence, controlled substances admissible to corroborate identity and possession, 12:9

CONVICTION

Alabama practice
annulment, effect of, **6:33**appeal, pendency of, **6:35**certificate of rehabilitation,
effect of, **6:33**impeachment, generally, **6:31 to 6:35**

juvenile adjudications, **6:34** pardon, effect of, **6:33** pendency of appeal, **6:35** rehabilitation certificate, effect of, **6:33**

time limit, 6:32

Annulment, effect of
Alabama practice, **6:33**Federal practice, **6:38**impeachment, generally, **6:33**, **6:38**

Appeal, pendency of
Alabama practice, **6:35**Federal practice, **6:40**impeachment, generally, **6:35**, **6:40**

Certificate of rehabilitation, effect of

Alabama practice, **6:33**Federal practice, **6:38**impeachment, generally, **6:33**, **6:38**

Character evidence, impeachment by evidence of specific acts not resulting in conviction, **6:29, 6:30**

Competence of witnesses, common law disqualifications for conviction of crime, **6:3**

Federal practice

annulment, effect of, **6:38** appeal, pendency of, **6:40**

CONVICTION—Cont'd CORROBORATION—Cont'd Federal practice—Cont'd Real and demonstrative evidence, certificate of rehabilitation, controlled substances admiseffect of, 6:38 sible for corroboration of identity and possession, 12:9 impeachment, generally, 6:36 to 6:41 **CREDIBILITY** juvenile adjudications, 6:39 Hearsay, this index pardon, effect of, 6:38 CRIMINAL PROCEDURE RULE pendency of appeal, 6:40 13.3(C) OF ALABAMA rehabilitation certificate, effect of, 6:38 Character evidence, relevance of time limit, 6:37 evidence of other crimes, wrongs and acts, 4:60 Impeachment, generally, 6:31 to 6:41 CRIMINAL PROCEEDINGS Juvenile adjudications Burdens of Proof, Production, and Alabama practice, impeach-Persuasion, this index ment, 6:34 Cross examination, 6:52 Federal practice, impeachment, Presumptions in, 3:12 6:39 Statements against interest, 8:101 Pardon, effect of Subpoena duces tecum, 1:15 Alabama practice, impeach-Subpoenas, this index ment, 6:33 Federal practice, impeachment, **CROSS EXAMINATION** 6:38 Generally, 6:50 to 6:53 Pendency of appeal Alabama practice, **6:51**, **6:52** Alabama practice, impeach-Character or Reputation, this ment. 6:35 index Federal practice, impeachment, Control by the court, generally, 6:40 6:50 to 6:53 Pending matters. Appeal, Criminal cases, Alabama practice, pendency of, above 6:52 Rehabilitation certificate, effect of Federal practice, 6:53 Alabama practice, impeach-Recross examination, 6:55 ment, 6:33 Federal practice, impeachment, **CUSTOM OR HABIT** 6:38 Judicial notice, 2:18 Res Gestae and Spontaneous Dec-Relevancy, this index larations, this index Time limit DAMAGES Alabama practice, impeach-Opinion testimony by lay witness, ment, **6:32** 7:8 Federal practice, impeachment, 6:37 **DEAD MAN'S STATUTE** CORROBORATION Competence of witnesses, com-

Examination of Witnesses, this

index

mon law disqualifications,

DECISIONS

Judicial notice, records and decisions, **2:22**, **2:23**

DECLARATIONS

Admissions and Declarations, this index

DEFECTS

Product liability cases, specific areas of expert testimony, 7:28

DEFENSES

Special problems of proof and persuasion in criminal prosecutions, 3:38

DEGREE OF PERSUASION

Burdens of Proof, Production, and Persuasion, this index

DEMONSTRATIONS

Real and Demonstrative Evidence, this index

DEMONSTRATIVE EVIDENCE

Real and Demonstrative Evidence, this index

DESIGN

Character or Reputation, this index

DIAGRAMS

Real and demonstrative evidence, oral testimony, **12:23**

DIRECT EXAMINATION

Character evidence, relevance of methods of proving character, 4:83

DISABILITIES

Real and Demonstrative Evidence, this index

DISCLOSURE

Expert and Opinion Testimony, this index

DISCRETION

Judicially noticing adjudicative facts, mechanics of, **2:7**Relevant evidence, nondiscretionary exclusion of, **4:30**

DISMISSAL

Motion for involuntary dismissal in non-jury case, **3:22**

DISTANCE

Opinion testimony by lay witness, 7:13

DUCES TECUM SUBPOENA

Subpoena Duces Tecum, this index

DUE CARE

Expert testimony, specific areas of, 7:19

DUPLICATES

Best Evidence Rule, this index

DURATION

Opinion testimony by lay witness, 7:13

DYING DECLARATIONS

Generally, 8:93 to 8:96
Accused, use on behalf of, 8:95
Alabama practice
generally, 8:93 to 8:95
accused, use on behalf of, 8:95
impending death, 8:94
Federal practice, generally, 8:96
Hearsay, generally, 8:93 to 8:96
Impending death, 8:94

ECONOMIC CONDITION

Relevancy, this index

EMAILS AND TEXTS

Authentication and identification, **9:10**

EMOTIONAL CONDITION

Res Gestae and Spontaneous Declarations, this index

Index-16

ENFORCEMENT

—Cont'd Subpoenas, service of process, Corroboration and rehabilitation 1:11 generally, **6:74 to 6:83 ERIE DOCTRINE** Alabama practice Presumptions, this index generally, **6:74 to 6:80** bias, evidence of lack of, **ERROR** 6:80 Mistake or Error, this index character evidence, truthful-**ESCAPE** ness, 6:79 Relevancy, wealth and economic fresh complaint, prior consiscondition, 4:23 tent statements, 6:76 identification statement, prior **EXAMINATION OF WITNESSES** consistent statements, Generally, 6:22 to 6:83 6:77 Alabama practice interest, evidence of lack of, control by the court, 6:44 6:80 exclusion of persons from trial, prior consistent statements, below 6:75 to 6:78 Calling and interrogation of wittruthful character, evidence nesses by court of, 6:79 generally, 6:65, 6:66 bias, evidence of lack of Alabama practice, 6:65 Alabama practice, 6:80 Federal practice, **6:66** Federal practice, **6:83** character evidence, truthfulness, Contradiction. Impeachment, this 6:79 index Control by the court Federal practice generally, **6:44 to 6:60** generally, **6:81** to **6:83** bias, evidence of lack of, Alabama practice, 6:44 6:83 Cross Examination, this index interest, evidence of lack of, Federal practice, below 6:83 form of examination, 6:46 to prior consistent statements, 6:49 6:82 Motion to Reopen Case, this fresh complaint, prior consistent index statements, 6:76 nonresponsive answers, form of identification statement, prior examination, 6:48 consistent statements, **6:77** objections, form of examinainterest, evidence of lack of tion. **6:47** Alabama practice, **6:80** Rebuttal Evidence, this index Federal practice, 6:83 recross examination, 6:55 prior consistent statements Redirect Examination, this Alabama practice, 6:75 to index 6:78 reopening case. Motion to Reopen Case, this index Federal practice, 6:82

EXAMINATION OF WITNESSES

EXAMINATION OF WITNESSES —Cont'd Corroboration and rehabilitation —Cont'd

truthful character, evidence of, **6:79**

Cross Examination, this index Exclusion of persons from trial generally, **6:67 to 6:69**

Alabama practice generally, **6:67**, **6:68** public, exclusion of, **6:68** sequestration of witnesses, **6:67**

Federal practice, generally, **6:69** public, exclusion of, **6:68** sequestration of witnesses, **6:67**

Expert and Opinion Testimony, this index

Federal practice

control by the court, generally, **6:45**

exclusion of persons from trial, above

form of examination, control by the court, **6:49**

Form of examination, control by the court, **6:46 to 6:49**

Hearsay, opportunity for examination, **8:89**

Impeachment, this index
Interrogation of witnesses by
court. Calling and interrogation of witnesses by court,
above

Motion to Reopen Case, this index Nonresponsive answers, form of examination, **6:48**

Objections, form of examination, **6:47**

Public, exclusion of from trial, **6:68**

Rebuttal Evidence, this index Recross examination, control by the court, **6:55**

EXAMINATION OF WITNESSES —Cont'd

Redirect Examination, this index Rehabilitation. Corroboration and rehabilitation, above Reopening case. Motion to

Reopen Case, this index
Sequestration of witnesses, **6:67**

EXCEPTIONS

Objecting to evidence, necessity of exceptions, **1:23**

EXCLUSION OF EVIDENCE

Relevancy, this index

EXPERIMENTS

Real and Demonstrative Evidence, this index

Relevancy, wealth and economic condition, **4:22**

EXPERT AND OPINION TESTIMONY

Generally, 7:1 to 7:43

Absence of defect in product liability cases, admissibility of expert testimony and qualifications of experts, **7:28**

Accidents

expert testimony and qualifications of experts, admissibility of, **7:27**

lay witness opinion testimony, Alabama practice, **7:13**, **7:15**

Admissibility of expert testimony and qualifications of experts

generally, 7:17 to 7:29

absence of defect in product liability cases, specific areas of expert testimony, 7:28

accident related facts, specific areas of expert testimony, 7:27

Alabama practice generally, 7:17 to 7:28

EXPERT AND OPINION TESTIMONY—Cont'd

- Admissibility of expert testimony and qualifications of experts —Cont'd
 - Alabama practice—Cont'd absence of defect in product liability cases, specific areas of expert testimony, 7:28
 - accident related facts, specific areas of expert testimony, 7:27
 - causation, specific areas of expert testimony, 7:19
 - defect or absence of defect in product liability cases, specific areas of expert testimony, **7:28**
 - due care, specific areas of expert testimony, **7:19**
 - identity, specific areas of expert testimony, **7:20**
 - location and actions of participants in shootings or similar acts, specific areas of expert testimony, 7:21
 - malpractice, specific areas of expert testimony, 7:23, 7:25
 - medical facts, specific areas of expert testimony, 7:22
 - medical malpractice, specific areas of expert testimony, **7:23**
 - modus operandi of criminals, specific areas of expert testimony, **7:24**
 - product liability cases, specific areas of expert testimony, **7:28**
 - professional malpractice, specific areas of expert testimony, **7:25**

EXPERT AND OPINION TESTIMONY—Cont'd

- Admissibility of expert testimony and qualifications of experts —Cont'd
 - Alabama practice—Cont'd shootings or similar acts, specific areas of expert testimony, 7:21
 - value, specific areas of expert testimony, **7:26**
 - vehicular accident related facts, specific areas of expert testimony, 7:27
 - causation, specific areas of expert testimony, **7:19**
 - defect or absence of defect in product liability cases, specific areas of expert testimony, 7:28
 - due care, specific areas of expert testimony, **7:19**
 - Federal practice, specific areas of expert testimony, generally, 7:30
 - identity, specific areas of expert testimony, 7:20
 - location and actions of participants in shootings or similar acts, specific areas of expert testimony, 7:21
 - malpractice, specific areas of expert testimony, **7:23**, **7:25**
 - medical facts, specific areas of expert testimony, **7:22**
 - medical malpractice, specific areas of expert testimony, 7:23
 - modus operandi of criminals, specific areas of expert testimony, **7:24**
 - product liability cases, specific areas of expert testimony, 7:28
 - professional malpractice, specific areas of expert

EXPERT AND OPINION TESTIMONY—Cont'd Admissibility of expert testimony and qualifications of experts -Cont'd testimony, 7:25 shootings or similar acts, specific areas of expert testimony, 7:21 value, specific areas of expert testimony, 7:26 vehicular accident related facts, specific areas of expert testimony, 7:27 Admissibility of testimony expert testimony. Admissibility of expert testimony and qualifications of experts, above lay witness, opinion testimony by, 7:5 Alabama practice admissibility of expert testimony and qualifications of experts, above appointment of experts, 7:43 disclosure of facts or data underlying expert opinion, examination of experts, 7:34 lay witness, opinion testimony by, below scientific evidence, 7:32 ultimate issue, opinion on, below Alabama Rule of Evidence 701, opinion testimony by lay witness, 7:1, 7:2 Alabama Rule of Evidence 704, opinion on ultimate issue, 7:36

EXPERT AND OPINION TESTIMONY—Cont'd Causation, specific areas of expert testimony, 7:19 Cell phone data, 7:29 Characteristics of things, opinion testimony by lay witness, 7:7 Collective facts, opinion testimony by lay witness, 7:4 Condition of things, opinion testimony by lay witness, 7:7 Damages, opinion testimony by lay witness, 7:8 Defect or absence of defect in product liability cases, specific areas of expert testimony, 7:28 Disclosure of facts or data underlying expert opinion generally, 7:40, 7:41 Alabama practice, 7:40 Federal practice, 7:41 Distance, opinion testimony by lay witness, 7:13 Due care, specific areas of expert testimony, 7:19 Duration, opinion testimony by lay witness, 7:13 Effect of expert opinion, generally, 7:42 Examination of experts generally, 7:34, 7:35 Alabama practice, 7:34 Federal practice, 7:35 Federal practice admissibility of expert testimony and qualifications of experts, above appointment of experts, 7:44 disclosure of facts or data underlying expert opinion, 7:41 examination of experts, 7:35

lay witness, opinion testimony

by, below

Appointment of experts

generally, 7:43, 7:44

Alabama practice, 7:43

Federal practice, 7:44

EXPERT AND OPINION TESTIMONY—Cont'd	EXPERT AND OPINION TESTIMONY—Cont'd
Federal practice—Cont'd	Lay witness, opinion testimony by
scientific evidence, 7:33	—Cont'd
ultimate issue, opinion on, 7:39	distance, Alabama practice,
Identity	7:13
expert testimony, specific areas of, 7:20	duration, Alabama practice, 7:13
lay witness, opinion testimony	Federal practice, generally, 7:16
by, 7:9	identity, Alabama practice, 7:9
Intoxication, opinion testimony by lay witness, 7:10	intoxication, Alabama practice, 7:10
Lay witness, opinion testimony by	mental condition, Alabama
generally, 7:1 to 7:16	practice, 7:11 , 7:12
accidental nature of occur-	physical condition, Alabama
rences, Alabama practice,	practice, 7:11, 7:12
7:15	shorthand rendition of facts, 7:4
accident related facts, Alabama	speed, Alabama practice, 7:13
practice, 7:13	value, Alabama practice, 7:14
admissibility, general principals	Legal definition, testimony involv-
of, 7:5	ing application of, 7:38 Location and actions of
Alabama practice	participants in shootings or
generally, 7:6 to 7:15	similar acts, specific areas of
accidental nature of occur-	expert testimony, 7:21
rences, 7:15	Malpractice, specific areas of
accident related facts, 7:13	expert testimony, 7:23, 7:25
characteristics of things, 7:7	Medical facts, specific areas of
condition of things, 7:7	expert testimony, 7:22
damages, 7:8	Medical malpractice, specific
distance, 7:13	areas of expert testimony,
duration, 7:13	7:23
identity, 7:9	Mental condition, opinion
intoxication, 7:10	testimony by lay witness,
mental condition, 7:11, 7:12	7:11, 7:12
physical condition, 7:11, 7:12	Modus operandi of criminals, specific areas of expert
speed, 7:13	testimony, 7:24
value, 7:14	Physical condition, opinion
Alabama Rule of Evidence 701, 7:1, 7:2	testimony by lay witness, 7:11, 7:12
characteristics of things, Ala-	Product liability cases, specific
bama practice, 7:7	areas of expert testimony,
collective facts, 7:4	7:28
condition of things, Alabama	Professional malpractice, specific
practice, 7:7	areas of expert testimony,
damages, Alabama practice, 7:8	7:25

EXPERT AND OPINION **FAMILY** TESTIMONY—Cont'd Res Gestae and Spontaneous Declarations, this index Scientific evidence generally, 7:31 to 7:33 FAMILY RECORDS Alabama practice, 7:32 Res Gestae and Spontaneous Dec-Federal practice, 7:33 larations, this index Shootings or similar acts, specific areas of expert testimony, FEDERAL ADMINISTRATIVE 7:21 AGENCIES Shorthand rendition of facts, Judicial notice of rules and regulaopinion testimony by lay wittions of, 2:40 ness, 7:4 FEDERAL PRACTICE Speed, opinion testimony by lay Attorney-Client Privilege, this witness, 7:13 index Ultimate issue, opinion on Best Evidence Rule, this index generally, 7:36 to 7:39 Character or Reputation, this Alabama practice index generally, 7:36 to 7:38 Closing argument, 1:48 Alabama Rule of Evidence Communication to clergy privi-704, **7:36** lege, **5:16** legal definition, testimony Competence of Witnesses, this involving application of, index 7:38 Completeness rule, 1:43 ultimate issue rule, 7:37 Conviction, this index Alabama Rule of Evidence 704. Cross examination, 6:53 7:36 Dying Declarations, this index Federal practice, 7:39 legal definition, testimony Examination of Witnesses, this involving application of, index 7:38 Expert and Opinion Testimony, ultimate issue rule, Alabama this index practice, 7:37 Hearsay, this index Ultimate issue rule, Alabama Husband-wife privilege, 5:14 practice, 7:37 Impeachment, this index Value Inconsistent statements or expert testimony, specific areas conduct, impeachment by, of, **7:26** 6:64 lay witness, opinion testimony Informer privilege, **5:25** by, **7:14** Judicial comment on evidence, Vehicular accident related facts, 1:46 specific areas of expert Judicial Notice, this index testimony, 7:27 In limine motions, 1:31 Limited admissibility, 1:41 **FACTUAL BASIS** Motions in limine, 1:31 Judicial notice of legislative facts,

Motion to reopen case, 6:60

2:30

FEDERAL PRACTICE—Cont'd

Objecting to evidence, 1:29

Order of trial, 1:5

Pedigree, declaration as to, 8:104

Political vote privilege, **5:18**

Preliminary questions of admissibility, **1:36**

Presumptions, this index

Psychiatrist-patient privilege, **5:9**

Real and Demonstrative Evidence, this index

Rebuttal evidence, 6:58

Redirect examination, 6:56

Refreshing recollection, 6:62

Relevancy, this index

Religious belief, 6:43

Res Gestae and Spontaneous Declarations, this index

Rule 1101, applicability or inapplicability, **11:6**

Spontaneous declarations, 8:34

State secrets and other official information, 5:22

Trade secrets, 5:20

Vital statistics records, 8:54

Work product, 5:7

FEDERAL PRIVILEGE

Newspersons privilege, 5:27

FEDERAL RULE OF EVIDENCE 201

Judicial notice, kinds of adjudicative facts judicially noticed, 2:25 to 2:27

FLIGHT OR ESCAPE

Relevancy, wealth and economic condition, **4:23**

FOREIGN STATES OR COUNTRIES

Judicial notice, knowledge of laws of foreign states or countries, 2:39, 2:41

FORFEITURE

Hearsay, forfeiture by wrongdoing, **8:107**, **8:108**

FORMER TESTIMONY

Hearsay, this index

FRAUD AND

MISREPRESENTATION

Relevance and admissibility, special problems of, **4:10**

GANG MEMBERSHIP

Relevance and admissibility, special problems of, **4:11**

GEOGRAPHIC FACTS

Judicial notice, 2:11

GOVERNMENTAL PRIVILEGE

State Secrets and Other Official Information, this index

GRAPHS

Real and demonstrative evidence, oral testimony, 12:23

GUILT

Character evidence, relevance of evidence of other crimes, wrongs and acts, **4:50**

GUILTY PLEAS AND RELATED MATTERS

Hearsay, own statements of parties, 8:13

HABIT

Custom or Habit, this index

HANDWRITING

Authentication and identification, **9:14**

Real and Demonstrative Evidence, this index

HARMLESS ERROR

Objecting to evidence, 1:25

HEARSAY—Cont'd

Adoption or belief of truth Preliminary Questions of Admissibility, this index generally, 8:15, 8:16 admissions, generally, 8:15, **HEARSAY** 8:16 Generally, 8:2 to 8:113 Alabama practice, 8:15 Admissibility of hearsay Federal practice, 8:16 generally, 8:27, 8:28 Agent or servant, statement by Alabama practice, 8:27 generally, **8:19**, **8:20** Federal practice, 8:28 Alabama practice, **8:19** Admissions Federal practice, 8:20 generally, 8:9 to 8:26 Alabama practice adoption or belief of truth, admissibility of hearsay, 8:27 below admissions, above agent or servant, statement by, adoption or belief of truth, 8:15 below agent or servant, statement by, Alabama practice 8:19 generally, 8:9 authorized person making statement concerning subject, guilty pleas and related mat-8:17 ters, own statements of conspirators, statements by, parties, **8:13** 8:21 own statements of parties, credibility of declarant, 8:111 generally, **8:11** to **8:13** definition and general rule, pretrial statements of below accused, own statements forfeiture by wrongdoing, 8:107 of parties, 8:12 guilty pleas and related matters, authorized person making stateown statements of parties ment concerning subject, admissions, 8:13 below hearsay within hearsay, 8:109 conspirators, statements by, below judicial admissions, 8:25 Federal practice prior statements of witnesses, below generally, **8:10**, **8:24** own statements of parties, unavailability of witnesses, 8:85 8:14 Ancient rights and boundaries, declarations by deceased guilty pleas and related matters, persons as to, generally, own statements of parties, 8:105 8:13 Authorized person making statejudicial admissions, below ment concerning subject own statements of parties, gengenerally, **8:17**, **8:18** erally, 8:11 to 8:14 admissions, generally, 8:17, parties and privies, generally, 8:18 8:23, 8:24 Alabama practice, 8:17 pretrial statements of accused, 8:12 Federal practice, 8:18

HEARING

HEARSAY—Cont'd Child hearsay exceptions, generally, 8:106 Confrontation Clause, 8:1	HEARSAY—Cont'd Former testimony—Cont'd Alabama practice generally, 8:87 to 8:91
Consistent statements, prior statements of witnesses, 8:6	examination, opportunity for, 8:89
Conspirators, statements by generally, 8:21, 8:22	identity of issues and parties, 8:90
Alabama practice, 8:21 Federal practice, 8:22	nature of former proceedings, 8:89
Credibility of declarant	proof of prior testimony, 8:91
generally, 8:111, 8:112 Alabama practice, 8:111	examination, opportunity for, 8:89
Federal practice, 8:112	Federal practice, generally, 8:92
residual exception, generally, 8:113	identity of issues and parties, 8:90
Definition and general rule, generally, 8:2 to 8:26	nature of former proceedings, 8:89
Dying Declarations, this index	proof of prior testimony, 8:91
Examination, opportunity for, 8:89	unavailability of witnesses, generally, 8:87 to 8:92
Federal practice	Guilty pleas and related matters,
admissibility of hearsay, 8:28	own statements of parties,
admissions, above adoption or belief of truth, 8:16	8:13
agent or servant, statement by,	Hearsay within hearsay
8:20	generally, 8:109, 8:110
authorized person making state-	Alabama practice, 8:109
ment concerning subject,	Federal practice, 8:110
8:18	Identification, prior statements of
conspirators, statements by,	witnesses, 8:7
8:22	Inconsistent statements, prior statements of witnesses, 8:5
credibility of declarant, 8:112 definition and general rule,	Judicial admissions
above	generally, 8:25 , 8:26
forfeiture by wrongdoing, 8:108	Alabama practice, 8:25
hearsay within hearsay, 8:110	Federal practice, 8:26
judicial admissions, 8:26	Own statements of parties, gener-
prior statements of witnesses,	ally, 8:11 to 8:14
below	Parties and privies, generally,
unavailability of witnesses, 8:86	8:23, 8:24
Forfeiture by wrongdoing, 8:107 , 8:108	Pedigree, Declaration as to, this index
Former testimony generally, 8:87 to 8:92	Pretrial statements of accused, 8:12

HEARSAY—Cont'd HISTORY—Cont'd Res Gestae and Spontaneous Dec-Prior statements of witnesses larations, this index generally, 8:4 to 8:8 Alabama practice HOSPITAL RECORDS generally, 8:5 to 8:7 Res gestae, hospital records of consistent statements, 8:6 regularly conducted activity, identification, prior 8:45 identification, 8:7 HUSBAND AND WIFE inconsistent statements. 8:5 Privilege. Husband-Wife Priviconsistent statements, 8:6 lege, this index Federal practice, generally, 8:8 identification, prior identifica-**HUSBAND-WIFE PRIVILEGE** tion. 8:7 Generally, **5:11 to 5:14** inconsistent statements, 8:5 Alabama practice Res Gestae and Spontaneous Decgenerally, **5:11 to 5:13** larations, this index marital communications privi-Residual exception. Credibility of lege, 5:12 declarant, above testimonial privilege, 5:13 Statements Against Interest, this Federal practice, 5:14 index Marital communications privilege, Unavailability of witnesses Alabama practice, 5:12 generally, 8:84 to 8:108 Testimonial privilege, Alabama Alabama practice, 8:85, 8:107 practice, 5:13 ancient rights and boundaries, **IDENTITY OR** declarations by deceased **IDENTIFICATION** persons as to, generally, 8:105 Authentication or Identification, child hearsay exceptions, generthis index Hearsay, prior statements of witally, **8:106** nesses. 8:7 Dying Declarations, this index Real and demonstrative evidence. Federal practice, **8:86, 8:108** controlled substances admisforfeiture by wrongdoing, sible to corroborate identity 8:107, 8:108 and possession, 12:9 former testimony, above Pedigree, Declaration as to, this IMPEACHMENT Generally, 6:22 to 6:26 Statements Against Interest, this Alabama practice index character evidence, impeach-Vital Statistics Records, this index ment by, **6:27**, **6:29** Conviction, this index HEARSAY WITHIN HEARSAY religious belief, 6:42 Hearsay, this index who may impeach, 6:25 HISTORY Bias, prejudice or interest, impeachment by evidence of Judicial notice of historic facts,

generally, 6:72, 6:73

2:11

IMPEACHMENT—Cont'd

Bias, prejudice or interest, impeachment by evidence of —Cont'd

Alabama practice, **6:72** Federal practice, **6:73**

Character or Reputation, this index

Contradiction, generally, **6:24** Conviction, this index

Examination of witnesses, generally, **6:22 to 6:26**

Federal practice

character evidence, impeachment by, **6:28**, **6:30**Conviction, this index

religious belief, **6:43**

who may impeach, **6:26** Inconsistent Statements or

Conduct, Impeachment by, this index

Interest in property or subject matter. Bias, prejudice or interest, impeachment by evidence of, above

Prejudice. Bias, prejudice or interest, impeachment by evidence of, above

Refreshing Recollection, this index

Religious Belief, this index Who may impeach Alabama practice, **6:25**

Federal practice, **6:26**

INCONSISTENT STATEMENTS

Hearsay, prior statements of witnesses, **8:5**

Impeachment. Inconsistent Statements or Conduct, Impeachment by, this index

INCONSISTENT STATEMENTS OR CONDUCT, IMPEACHMENT BY

Generally, **6:63**, **6:64**

INCONSISTENT STATEMENTS OR CONDUCT, IMPEACHMENT BY —Cont'd

Alabama practice, **6:63** Federal practice, **6:64**

INDICTMENT

Competence of juror as witness, **6:20**

INFERENCES

Privileges, this index

INFORMATION TABLES

Real and demonstrative evidence, oral testimony, **12:23**

INFORMER PRIVILEGE

Generally, **5:23 to 5:25** Alabama practice, **5:24** Federal practice, **5:25**

INJURIES

Real and Demonstrative Evidence, this index

Relevance and admissibility, special problems of, **4:17**

IN LIMINE MOTIONS

Generally, 1:30, 1:31 Alabama practice, 1:30 Federal practice, 1:31

INSURANCE

Relevancy, this index

INTANGIBLES

Authentication and Identification, this index

INTENT

Character or Reputation, this index

INTEREST IN CASE

Competence of Witnesses, this index

INTEREST IN PROPERTY OR SUBJECT MATTER

Impeachment, this index
Res Gestae and Spontaneous Declarations, this index
Statements Against Interest, this index

INTERNATIONAL LAW

Judicial notice, knowledge of international law, **2:41**

INTERPRETERS

Competence of Witnesses, this index

INTERROGATION

Examination of Witnesses, this index

INTOXICATION

Opinion testimony by lay witness, 7:10

Relevance and admissibility, special problems of, **4:12**

INVITED ERROR AND RELATED DOCTRINES

Objecting to evidence, 1:26

IRRELEVANT EVIDENCE INADMISSIBLE

Relevancy, this index

JUDGES

Competence of witnesses, connection with the case, **6:15**

JUDGMENTS

Burdens of Proof, Production, and Persuasion, this index

JUDICIAL ADMISSIONS

Hearsay, this index

JUDICIAL COMMENT ON EVIDENCE

Generally, **1:45**Alabama practice, **1:45**

JUDICIAL NOTICE

Generally, 2:1 to 2:42

Abbreviations, 2:17

Accurate and ready determination, facts capable of, **2:6**

Adjudicative facts

generally, 2:2 to 2:6

accurate and ready determination, facts capable of, **2:6**

jurisdiction, facts generally known within, **2:5**

kinds of adjudicative facts judicially noticed, below

mechanics of judicially noticing adjudicative facts, below scope, 2:2

Administrative rules and regulations of state, 2:38

Alabama practice

abbreviations, 2:17

almanac facts, 2:12

business and economic conditions, facts concerning, 2:15

business practices, facts concerning, 2:16

common phrases, 2:18

customs, 2:18

decisions, records and, 2:22, 2:23

geographic facts, 2:11

habits, 2:18

historic facts, 2:11

kinds of adjudicative facts judicially noticed, generally, **2:11 to 2:24**

language, 2:17

law related facts, 2:19

mechanical facts, 2:14

medical facts, 2:13

natural facts, 2:14

occupations, facts concerning, 2:16

official positions, facts concerning, **2:20**

Index-28

JUDICIAL NOTICE—Cont'd Alabama practice—Cont'd organization of Alabama courts,	JUDICIAL NOTICE—Cont'd Foreign states or countries, knowledge of laws of, 2:39, 2:41
2:21	Geographic facts, 2:11
procedures of Alabama courts,	Habits, 2:18
2:21	Historic facts, 2:11
professions, facts concerning,	International law, knowledge of,
2:16	2:41
public officers, facts concerning, 2:20	Jurisdiction, facts generally known within, 2:5
records and decisions, 2:22, 2:23	Jury instructions, mechanics of judicially noticing adjudica-
rules of Alabama courts, 2:21	tive facts, 2:10
same action or proceeding, records and decisions in,	Kinds of adjudicative facts judicially noticed
2:22	generally, 2:11 to 2:27
scientific facts, 2:14	Alabama practice, above
statistical facts, 2:12	Federal Rule of Evidence 201,
words and phrases	2:25 to 2:27
generally, 2:17	Knowledge of law
common phrases, 2:18	generally, 2:33 to 2:42
Almanac facts, 2:12	administrative rules and regula-
Business and economic conditions, facts concerning, 2:15	tions of state, 2:38
Business practices, facts concern-	federal administrative agencies,
ing, 2:16	rules and regulations of, 2:40
Common phrases, 2:18	federal practice, 2:42
Customs, 2:18	foreign states or countries, laws
Decisions, records and, 2:22, 2:23	of, 2:39 , 2:41
Discretion, mechanics of judicially	international law, 2:41
noticing adjudicative facts,	local laws of Alabama, 2:35
2:7	municipal ordinances, 2:36
Factual basis of legislation,	official state proclamations,
judicial notice of legislative facts, 2:30	orders, proceedings and acts, 2:37
Federal administrative agencies,	orders of state, 2:37
rules and regulations of, 2:40	private laws of Alabama, 2:35
Federal practice	proclamations of state, 2:37
knowledge of law, 2:42	public laws of Alabama, 2:34
legislative facts, judicial notice of, 2:32	United States, laws of, 2:40
Federal Rule of Evidence 201,	Language, 2:17
kinds of adjudicative facts	Law related facts, Alabama
judicially noticed, 2:25 to	practice, 2:19
2:27	Legal rules, factual basis of, 2:31

JUDICIAL NOTICE—Cont'd Legislative facts, judicial notice of generally, 2:28 to 2:32 factual basis of legislation, 2:30 federal practice, 2:32 legal rules, factual basis of, 2:31 mechanics of judicially noticing legislative facts, 2:29 Local laws of Alabama, knowledge of, 2:35 Mandatory matters, mechanics of judicially noticing adjudicative facts, 2:7 Mechanical facts, 2:14 Mechanics adjudicative facts. Mechanics of judicially noticing adjudicative facts, below legislative facts, mechanics of judicially noticing, 2:29 Mechanics of judicially noticing adjudicative facts generally, 2:7 to 2:10 discretionary, 2:7 jury instructions, 2:10 mandatory, 2:7 opportunity to be heard, 2:8 time of taking notice, 2:9 Medical facts, 2:13 Municipal ordinances, knowledge of, 2:36 Natural facts, Alabama practice, 2:14

Occupations, facts concerning,

Official positions, facts concern-

orders, proceedings and acts,

Official state proclamations,

knowledge of, 2:37

Opportunity to be heard, mechanics of judicially noticing

adjudicative facts, 2:8

2:16

ing, **2:20**

JUDICIAL NOTICE—Cont'd Orders of state, knowledge of law, 2:37 Organization of Alabama courts, 2:21 Private laws of Alabama, knowledge of, 2:35 Procedures of Alabama courts, 2:21 Proclamations of state, knowledge of, 2:37 Professions, facts concerning, 2:16 Public laws of Alabama, knowledge of, 2:34 Public officers, facts concerning, 2:20 Records and decisions, 2:22, 2:23 Rules of Alabama courts, 2:21 Same action or proceeding, records and decisions in, 2:22 Scientific facts, 2:14 Scope, adjudicative facts, 2:2 Statistical facts, 2:12 Time of taking notice, mechanics of judicially noticing adjudicative facts, 2:9 United States laws, knowledge of, 2:40 Words and phrases. Alabama practice, above

JURISDICTION

Judicial notice, facts generally known within jurisdiction, 2:5

JURY AND JURY TRIAL

Best Evidence Rule, this index Competence of Witnesses, this index

Judicially noticing adjudicative facts, jury instructions, **2:10**

Preliminary questions of admissibility, hearing of jury, **1:35**

JURY AND JURY TRIAL —Cont'd

Views. Real and Demonstrative Evidence, this index

JURY INSTRUCTIONS

Judicially noticing adjudicative facts, mechanics of, **2:10**

JUVENILE ADJUDICATIONS

Conviction, this index

KNOWLEDGE

Notice or Knowledge, this index

LANGUAGE

Judicial notice, 2:17

LAW RELATED FACTS

Judicial notice, 2:19

LAWSUITS

Relevance and admissibility, special problems of, **4:13**

LAY WITNESS

Expert and Opinion Testimony, this index

LEGAL DEFINITION

Expert and opinion testimony involving application of legal definition, **7:38**

LEGAL RULES

Judicial notice, factual basis of legal rules, **2:31**

LEGISLATIVE FACTS

Judicial Notice, this index

LIABILITY INSURANCE

Relevancy, this index

LIMITATIONS OR RESTRICTIONS

Admissibility. Limited Admissibility, this index
Relevancy, this index

LIMITED ADMISSIBILITY

Generally, **1:40**, **1:41**Alabama practice, **1:40**Federal practice, **1:41**Relevancy, this index

LISTS

Res Gestae and Spontaneous Declarations, this index

LOCAL LAWS OF ALABAMA

Judicial notice, 2:35

LOST OR DESTROYED ORIGINALS

Best evidence rule, admissibility of other evidence of contents, **10:9**

MALPRACTICE

Expert testimony, specific areas of, 7:23, 7:25

MANDATORY MATTERS

Judicially noticing adjudicative facts, mechanics of, 2:7

MAPS

Real and demonstrative evidence, oral testimony, **12:23**

MARITAL COMMUNICATIONS PRIVILEGE

Alabama practice, 5:12

MARKET REPORTS

Res Gestae and Spontaneous Declarations, this index

MARRIAGE CERTIFICATES

Res Gestae and Spontaneous Declarations, this index

MATERIALITY OF EVIDENCE

Relevancy, this index

MATTER OF LAW

Burdens of Proof, Production, and Persuasion, this index

MEDICAL CARE OR TREATMENT

Expert testimony, specific areas of, 7:22

Judicial notice of medical facts, 2:13

Psychiatrist-Patient Privilege, this index

Res Gestae and Spontaneous Declarations, this index

MEDICAL EXPENSES

Relevancy, this index

MEDICAL MALPRACTICE

Expert testimony, specific areas of, 7:23

MEMBERSHIP

Gang membership, special problems of relevance and admissibility, **4:11**

MEMORY

Refreshing Recollection, this index

MENTAL CONDITION

Opinion testimony by lay witness, 7:11, 7:12

Relevancy, mental operations of witness uncommunicated, **4:20**

Res Gestae and Spontaneous Declarations, this index

MERGER AND MERGER CLAUSES

Parol evidence rule, 10:24

MISCELLANEOUS RULES

Generally, 11:1 to 11:6

Rule 1101, applicability or inapplicability

generally, 11:2, 11:3

federal practice, 11:6

Rule 1102, title, 11:4

Rule 1103, effective date, 11:5

MISTAKE OR ERROR

Character or Reputation, this index

Harmless error, 1:25

Invited error and related doctrines, 1:26

Mistrial premised on evidentiary error, **1:27**

Motion for new trial because of evidentiary error, 1:28

New trial motion for evidentiary error, **1:28**

Objecting to Evidence, this index Plain error, **1:24**

Preservation of error, necessity of objection for, **1:24**

MISTRIAL

Objecting to evidence, mistrial premised on evidentiary error, **1:27**

MODELS

Order of trial, common model, 1:2

MODUS OPERANDI

Expert testimony, specific areas of, 7:24

MONEY

Parol evidence rule, evidence of and receipts for payment of money, 10:30

MORGAN EFFECT, RULE 301(B)(2)

Presumptions, 3:7

MOTIONS

Burdens of Proof, Production, and Persuasion, this index

In Limine Motions, this index

New trial motion for evidentiary error, 1:28

Objecting to evidence, new trial motion because of evidentiary error, 1:28

MOTIONS-Cont'd

Reopening case. Motion to Reopen Case, this index Summary judgment motion, sufficiency of evidence in civil cases, 3:21

MOTION TO REOPEN CASE

Generally, 6:59, 6:60

Alabama practice, examination of witnesses, **6:59**

Control by the court, generally, **6:59, 6:60**

Examination of witnesses, generally, **6:59**, **6:60**

Federal practice, examination of witnesses, **6:60**

MOTIVE

Character or Reputation, this index

Relevance and admissibility, special problems of, **4:14**

MUNICIPAL ORDINANCES

Judicial notice, 2:36

NATURAL FACTS

Judicial notice, 2:14

NEGOTIATIONS

Relevancy, this index

NEWSPERSONS PRIVILEGE

Generally, **5:26**, **5:27**Alabama privilege, **5:26**Federal privilege, **5:27**

NEW TRIAL

Burdens of Proof, Production, and Persuasion, this index

Objecting to evidence, new trial motion for evidentiary error, 1:28

NON-CONSTITUTIONAL PRIVILEGES

Privileges, this index

NON-PARTIES

Relevancy, 4:15

NONPERSUASION, RISK OF

Burdens of proof, production, and persuasion, **3:26**, **3:27**

NONPRODUCTION, RISK OF

Burdens of proof, production, and persuasion, **3:14 to 3:16**

NONRESPONSIVE ANSWERS

Examination of witnesses, form of, **6:48**

NOTICE OR KNOWLEDGE

Character or Reputation, this index

Competence of Witnesses, this index

Judicial Notice, this index

OATH OR AFFIRMATION

Competence of Witnesses, this index

OBJECTING TO EVIDENCE

Generally, **1:16**, **1:19** to **1:29**

Argument on objections, right to, 1:23

Best evidence rule, admissibility of other evidence of contents, **10:13**

Examination of witnesses, form of, **6:47**

Exceptions, necessity of, 1:23

Federal practice, 1:29

General objections, 1:22

Harmless error, 1:25

Invited error and related doctrines, 1:26

Mistrial premised on evidentiary error. **1:27**

Motion for new trial because of evidentiary error, **1:28**

New trial motion for evidentiary error, **1:28**

Plain error, 1:24

OBJECTING TO EVIDENCE —Cont'd

Preservation of error, necessity of objection for, **1:24**

Record on appeal, necessity of proper, 1:24

Rulings on objections, right to, 1:23

Specific objection, necessity of, 1:21

Timely objection, necessity of, 1:20

Withdrawal of objections, 1:23

OCCUPATION

Profession or Occupation, this index

OFFERING EVIDENCE

Generally, 1:16 to 1:18

Motions, this index
Oral testimony, 1:17

Tangible evidence, 1:18

OFFERS TO COMPROMISE

Relevancy, this index

OFFICIAL INFORMATION

Privileges. State Secrets and Other Official Information, this index

State Secrets and Other Official Information, this index

OFFICIAL POSITIONS

Judicial notice, facts concerning official positions, **2:20**

OFFICIAL STATE PROCLAMATIONS

Judicial notice, 2:37

OPINION TESTIMONY

Expert and Opinion Testimony, this index

OPPORTUNITY

Character evidence, 4:66

OPPORTUNITY—Cont'd

Judicially noticing adjudicative facts, opportunity to be heard, 2:8

ORDER OF TRIAL

Generally, 1:2 to 1:5

Alabama Rules of Evidence 101, 102, and 1101, **1:4**

Common model. 1:2

Federal Practice, 1:5

Variations, 1:3

ORDERS OF STATE

Judicial notice, 2:37

ORGANIZATION OF ALABAMA COURTS

Judicial notice, 2:21

ORIGINAL WRITING

Best Evidence Rule, this index

OTHER CRIMES, WRONGS AND ACTS

Character or Reputation, this index

OUT-OF-COURT EXPERIMENTS

Real and demonstrative evidence, 12:27

OWN CHARACTER

Res Gestae and Spontaneous Declarations, this index

OWN STATEMENTS OF PARTIES

Hearsay, this index

PAIN

Res gestae, statements of pain, physical condition, or bodily feelings, 8:37

PARDON

Conviction, this index

Index-34

PAROL EVIDENCE RULE

Generally, 10:23 to 10:30

Collateral agreements, 10:26

Construction and interpretation of writing, use of parol evidence in, 10:27

Incomplete writings, use of parole evidence when, 10:25

Invalidating documents through parol evidence, 10:28

Merger and merger clauses, 10:24

Money, evidence of and receipts for payment of, **10:30**

Receipts for payment of money, evidence of and, 10:30

Subsequent oral agreements, 10:29

PARTIES

Hearsay, this index

PATIENT-PSYCHIATRIST PRIVILEGE

Psychiatrist-Patient Privilege, this index

PAYMENTS

Relevancy, this index

PEDIGREE, DECLARATION AS TO

Generally, 8:103, 8:104 Alabama practice, 8:103 Federal practice, 8:104 Hearsay, generally, 8:103, 8:104

PENDING MATTERS

Conviction, this index
Dying declarations, impending
death, **8:94**

PERSONAL HISTORY

Res Gestae and Spontaneous Declarations, this index

PERSONAL KNOWLEDGE

Competence of Witnesses, this index

PERSUASION

Burdens of Proof, Production, and Persuasion, this index

PHOTOGRAPHS

Authentication and Identification, this index

Real and demonstrative evidence, 12:17

PHYSICAL CONDITION

Opinion testimony by lay witness, 7:11, 7:12

Res Gestae and Spontaneous Declarations, this index

PLACE OR LOCATION

Expert testimony, location and actions of participants in shootings or similar acts, 7:21

PLAIN ERROR

Objecting to evidence, 1:24

PLAN

Character or Reputation, this index

PLEAS

Relevancy, this index

POLICE REPORTS

Res gestae, public records and reports, **8:50**

POLITICAL VOTE PRIVILEGE

Generally, **5:17**, **5:18**Alabama practice, **5:17**Federal practice, **5:18**

POSSESSION

Real and demonstrative evidence, controlled substances admissible to corroborate identity and possession, 12:9

PRELIMINARY QUESTIONS OF ADMISSIBILITY

Generally, 1:32 to 1:39

PRELIMINARY QUESTIONS OF	PRESUMPTIONS—Cont'd
ADMISSIBILITY—Cont'd	Alabama practice—Cont'd
Conditional relevancy, 1:34	Thayer-Wigmore effect, Rule
Federal practice, 1:36	301(B)(1), 3:6
Hearing	Burdens of Proof, Production, and
jury, hearing of, 1:35	Persuasion, this index
preliminary matters, hearings	Civil cases covered by Erie Doc-
on, 1:39	trine
Jury, hearing of, 1:35	Alabama practice, 3:10
Relevancy	federal practice, 3:11
conditional relevancy, 1:34	Criminal cases, presumptions in,
fact, relevancy conditioned on,	3:12
1:38	Erie Doctrine. Civil cases covered
PRESENT SENSE IMPRESSION	by Erie Doctrine, above
	Federal practice
Res Gestae and Spontaneous Declarations, this index	generally, 3:9
farations, tills index	civil cases covered by Erie Doc
PRESERVATION OF ERROR	trine, 3:11
Objecting to evidence, necessity of, 1:24	criminal cases, presumptions in 3:12
,	Introduction, 3:2
PRESUMPTIONS	Morgan effect, Rule 301(B)(2),
Generally, 3:1 to 3:39	3:7
Alabama practice	Persuasion. Burdens of Proof, Pro
generally, 3:3 to 3:8	duction, and Persuasion, this
civil cases covered by Erie Doc-	index
trine, 3:10	Prior practice, effect of Rule 301
Morgan effect, Rule 301(B)(2),	on. Alabama practice, above
3:7	Production. Burdens of Proof,
prior practice, effect of Rule	Production, and Persuasion,
301 on	this index
generally, 3:4 to 3:8	Quantum of proof required, effect
Morgan effect, Rule	of Rule 301 on prior practice 3:8
301(B)(2), 3:7	Rebuttal, effect of Rule 301 on
quantum of proof required,	prior practice, 3:8
3:8	Rule of Evidence 301, Alabama
rebuttal, 3:8	practice, 3:3 to 3:8
Thayer-Wigmore effect, Rule	Thayer-Wigmore effect, Rule
301(B)(1), 3:6	301(B)(1), 3:6
quantum of proof required, effect of Rule 301 on prior	PRETRIAL STATEMENTS OF
practice, 3:8	ACCUSED
rebuttal, effect of Rule 301 on	Hearsay, 8:12
prior practice, 3:8	PREVIOUS CONVICTION
Rule of Evidence 301, 3:3 to	Res Gestae and Spontaneous Dec-
3:8	larations, this index

INDEX

PRIOR PRACTICE

Presumptions, this index

PRIOR STATEMENTS OF WITNESSES

Hearsay, this index

PRIVATE LAWS OF ALABAMA

Judicial notice, 2:35

PRIVILEGES

Attorney-Client Privilege, this index

Clergy, privileged communications, **5:15**, **5:16**

Comment on claim of privilege, generally, **5:30**

Constitutional privileges generally, **5:31**

non-constitutional privileges, below

Governmental privilege. State Secrets and Other Official Information, this index

Husband-Wife Privilege, this index

Inference to be drawn from claim of privilege, generally, **5:30**

Informer Privilege, this index Newspersons Privilege, this index

Non-constitutional privileges

generally, **5:1 to 5:3**

Alabama practice, 5:2

Federal practice, 5:3

Official information. State Secrets and Other Official Information, this index

Political Vote Privilege, this index Psychiatrist-Patient Privilege, this index

Trade Secrets, this index Voters and voting. Political Vote Privilege, this index

Waiver of privileges generally, **5:29**

Alabama privilege, 5:28

PRIVILEGES—Cont'd

Waiver of privileges—Cont'd Federal privilege, **5:29**

PROCLAMATIONS OF STATE

Judicial notice, 2:37

PRODUCTION OF WITNESSES AND EVIDENCE

Generally, 1:6 to 1:15

Burdens of Proof, Production, and Persuasion, this index

Duces tecum subpoena. Subpoena Duces Tecum, this index

Subpoena Duces Tecum, this index

Subpoenas, this index

PRODUCT LIABILITY CASES

Expert testimony, specific areas of, 7:28

PROFESSIONAL MALPRACTICE

Expert testimony, specific areas of, 7:25

PROFESSION OR OCCUPATION

Judicial notice, facts concerning occupations, **2:16**

Relevance and admissibility, special problems of, **4:6**

PROSECUTORS

Character or Reputation, this index

PSYCHIATRIST-PATIENT PRIVILEGE

Generally, **5:8 to 5:10**

Alabama practice, **5:8** Federal practice, **5:9**

PUBLIC

Examination of witnesses, exclusion of public from trial, **6:68**

PUBLIC LAWS OF ALABAMA

Judicial notice, 2:34

PUBLIC OFFICERS

Judicial notice, facts concerning public officers, **2:20**

PUBLIC RECORDS

Authentication and identification, **9:7**

Best Evidence Rule, this index Res Gestae and Spontaneous Declarations, this index

QUALIFICATION OR DISQUALIFICATION

Competence of Witnesses, this index

QUANTUM OF PROOF

Burdens of proof, production, and persuasion, quantum of proof required to survive risk of nonproduction, **3:16**

Presumptions, effect of Rule 301 on prior practice, **3:8**

RAPE SHIELD LAW

Relevancy, this index

REAL AND DEMONSTRATIVE EVIDENCE

Generally, 12:1 to 12:29

Admissibility

generally, 12:4 to 12:16

Alabama practice, below

child admissible to show

resemblance, 12:5

Federal practice, below

photographs, 12:17

silent witness doctrine, 12:20

sound recordings, 12:18, 12:20

videotapes, 12:19

weapons admissible for various

purposes, 12:7

x-rays, 12:20

Alabama practice

generally, 12:2

REAL AND DEMONSTRATIVE EVIDENCE—Cont'd

Alabama practice—Cont'd admissibility, generally, **12:4 to 12:12**

appearance, scars, injuries, disabilities or other aspects of physical appearance, **12:6**

child admissible to show resemblance, **12:5**

clothing admissible for various purposes, **12:8**

controlled substances admissible to corroborate identity and possession, 12:9

corroboration of identity and possession, controlled substances admissible for, 12:9

disabilities or other aspects of physical appearance, 12:6

experiments and demonstrations, 12:25

handwriting samples, 12:12

identity and possession, controlled substances admissible to corroborate identity and, 12:9

injuries or other aspects of physical appearance, **12:6**

possession, controlled substances admissible to corroborate identity and, **12:9**

scars or other aspects of physical appearance, 12:6

views. 12:28

weapons admissible for various purposes, **12:7**

Appearance, scars, injuries, disabilities or other aspects of physical appearance, **12:6**

Charts, oral testimony, **12:23**Child admissible to show resemblance, **12:5**

Index-38

REAL AND DEMONSTRATIVE EVIDENCE—Cont'd	REAL AND DEMONSTRATIVE EVIDENCE—Cont'd
Clothing admissible for various	Handwriting samples
purposes, 12:8	Alabama practice, 12:12
Controlled substances admissible	Federal practice, 12:15
to corroborate identity and	Identity and possession, controlled
possession, 12:9	substances admissible to cor-
Corroboration of identity and pos-	roborate identity and, 12:9
session, controlled substances admissible for, 12:9	In-court demonstrations and experiments, 12:26
Demonstrations. Experiments and demonstrations, below	Information tables, oral testimony, 12:23
Diagrams, oral testimony, 12:23	Injuries
Disabilities	Alabama practice, injuries or
Alabama practice, disabilities or	other aspects of physical
other aspects of physical	appearance, 12:6
appearance, 12:6	Federal practice, 12:14
Federal practice, 12:14	wounds, 12:14
Experiments and demonstrations	Introduction, 12:1 to 12:3
generally, 12:25 to 12:27	Maps, oral testimony, 12:23
Alabama practice, generally,	Oral testimony
12:25	generally, 12:22 to 12:24 charts, 12:23
Federal practice	diagrams, 12:23
generally, 12:26 , 12:27	Federal practice, 12:24
in-court demonstrations and	graphs, 12:23
experiments, 12:26	information tables, 12:23
out-of-court experiments,	maps, 12:23
in-court demonstrations and	sketches, 12:23
experiments, 12:26	Out-of-court experiments, 12:27
out-of-court experiments, 12:27	Photographs, admissibility, 12:17
Federal practice	Possession, controlled substances
generally, 12:3	admissible to corroborate
admissibility, generally, 12:13 ,	identity and, 12:9
12:21	Relevancy, wealth and economic
disabilities, 12:14	condition, 4:24
experiments and demonstra-	Resemblance, child admissible to
tions, above	show, 12:5
handwriting samples, 12:15	Scars or other aspects of physical appearance, 12:6
injuries, 12:14	Silent witness doctrine, admis-
oral testimony, 12:24	sibility, 12:20
views, 12:29	Sketches, oral testimony, 12:23
wounds, 12:14	Sound recordings, admissibility,
Graphs, oral testimony, 12:23	12:18, 12:20

REAL AND DEMONSTRATIVE EVIDENCE—Cont'd

Tables, oral testimony regarding information tables, **12:23**Tangibles. Admissibility, above

Videotapes, admissibility, **12:19** Views

Alabama practice, 12:28

Federal practice, 12:29

Weapons admissible for various purposes, 12:7

Wounds, Federal practice, **12:14** X-rays, admissibility, **12:20**

REASONABLE DOUBT

Proof beyond, 3:34

REASONABLE NOTICE

Character evidence, reasonable notice to accused required, 4:59

REBUTTAL EVIDENCE

Generally, 6:57, 6:58

Alabama practice, 6:57

Character evidence, relevance of evidence of other crimes, wrongs and acts, **4:57**

Control by the court, generally, **6:57, 6:58**

Examination of witnesses, generally, **6:57**, **6:58**

Federal practice, 6:58

Presumptions, effect of Rule 301 on prior practice, **3:8**

RECEIPTS

Parol evidence rule, evidence of and receipts for payment of money, 10:30

RECOLLECTION

Refreshing Recollection, this index

Res Gestae and Spontaneous Declarations, this index

RECORD ON APPEAL

Objecting to evidence, necessity of proper record on appeal, 1:24

RECORDS AND REPORTS

Authentication and Identification, this index

Business Records, this index

Judicial notice, 2:22, 2:23

Public Records, this index

Res Gestae and Spontaneous Declarations, this index

Vital Statistics Records, this index

RECROSS EXAMINATION

Control by the court, 6:55

REDIRECT EXAMINATION

Generally. **6:54 to 6:56**

Control by the court, generally, **6:54 to 6:56**

Federal practice, **6:56**

Recross examination, 6:55

REFRESHING RECOLLECTION

Generally, 6:61, 6:62

Alabama practice, impeachment, **6:61**

Federal practice, impeachment, **6:62**

Impeachment, generally, **6:61**, **6:62**

REGULARLY CONDUCTED ACTIVITY, RECORDS OF

Res Gestae and Spontaneous Declarations, this index

REGULARLY KEPT RECORDS

Res Gestae and Spontaneous Declarations, this index

REHABILITATION CERTIFICATE

Conviction, this index

REHABILITATION OF

WITNESS admissibility, 4:7 Examination of Witnesses, this Comparable sales of property to prove value, special problems index of relevance and admissibil-RELEVANCY ity, 4:8 Generally, 4:1 to 4:100 Competence, exclusion of evi-Accidents, special problems of dence, 4:29 relevance and admissibility, Compromise and offers to com-4:17 promise Admission of relevant evidence, Alabama practice, **4:90** generally, 4:1 to 4:100 Federal practice, **4:91** Age, special problems of Conditions, special problems of relevance and admissibility, relevance and admissibility, 4:6 4:9 Alabama practice Conduct, special problems of generally, 4:1 to 4:3 relevance and admissibility, admissible evidence, generally, 4:9 4:25 Continuing conditions or conduct, Character or Reputation, this special problems of relevance index and admissibility, 4:9 compromise and offers to com-Custom. Habit, custom, and roupromise, **4:90** tine practices, below habit, custom, and routine prac-Demonstrative evidence, 4:24 tices, 4:86 Economic condition. Wealth and irrelevant evidence inadmiseconomic condition, below sible, generally, **4:25** liability insurance, **4:96** Escape, **4:23** materiality, generally, 4:2 Exclusion of evidence medical expenses, payment of, generally, 4:27 to 4:31 4:92 competence, 4:29 pleas and related negotiations, federal practice, 4:31 4:94 nondiscretionary exclusion of rape shield law, 4:98 relevant evidence, 4:30 relevancy, generally, 4:3 remoteness, 4:28 special problems of relevance Experiments and demonstrations, and admissibility, 4:5 4:22 subsequent remedial measures, Federal practice 4:88 admissible evidence, generally, Attempted escape or flight, 4:23 4:26 Character or Reputation, this Character or Reputation, this index Child molestation cases, generally, compromise and offers to com-4:100 promise, **4:91** Collateral source rule, special problems of relevance and exclusion of evidence, 4:31

RELEVANCY—Cont'd

RELEVANCY—Cont'd Federal practice—Cont'd Liability insurance—Cont'd habit, custom, and routine practices, 4:87 irrelevant evidence inadmissible, generally, 4:26 liability insurance, 4:97 materiality and relevance, below medical expenses, payment of, 4:93 pleas and related negotiations, 4:95 rape shield law, 4:99 sexual assault. 4:99, 4:100 subsequent remedial measures, 4:89 Flight or escape, 4:23 Frauds and misrepresentations, special problems of relevance and admissibility, **4:10** Gang membership, special problems of relevance and admissibility, 4:11 Habit, custom, and routine practices generally, 4:85 to 4:87 Alabama practice, 4:86 Federal practice, 4:87 Injuries, special problems of relevance and admissibility, 4:17 Insurance. Liability insurance, below Intoxication, special problems of relevance and admissibility, 4:12 Irrelevant evidence inadmissible Alabama practice, above Federal practice, above Lawsuits, special problems of

relevance and admissibility,

RELEVANCY—Cont'd

Alabama practice, 4:96 Federal practice, **4:97** Limitations on admission of relevant evidence, generally, 4:1 to 4:100

Materiality and relevance Alabama practice, above Federal practice, generally, 4:4 introduction, generally, 4:1 to 4:24

special problems of relevance and admissibility, below

Medical expenses, payment of generally, **4:92**, **4:93** Alabama practice, 4:92 Federal practice, **4:93**

Membership in gangs, special problems of relevance and admissibility, 4:11

Mental operations of witness uncommunicated, special problems of relevance and admissibility, **4:20**

Methods of proving character. Character or Reputation, this

Motive, special problems of relevance and admissibility, 4:14

Negotiations. Pleas and related negotiations, below

Nondiscretionary exclusion of relevant evidence, 4:30

Non-parties, relevant actions of, 4:15

Occupation, special problems of relevance and admissibility,

Offers to compromise. Compromise and offers to compromise, above

Payment of medical expenses. Medical expenses, payment of, above

4:13

Liability insurance

generally, 4:96, 4:97

RELEVANCY—Cont'd	RELEVANCY—Cont'd
Pleas and related negotiations	Similar matters—Cont'd
generally, 4:94, 4:95	sexual assault and child moles-
Alabama practice, 4:94	tation cases, similar crimes
Federal practice, 4:95	in, 4:100
Practical technical experiments and demonstrations, 4:22	Special problems of relevance and admissibility
Preliminary matters	generally, 4:5 to 4:24
Preliminary Questions of Admissibility, this index	accidents, similar events in civil cases, 4:17
special problems of relevance	age, 4:6
and admissibility, 4:6	Alabama practice, 4:5
Preliminary Questions of Admis-	attempted escape or flight, 4:23
sibility, this index	collateral source rule, 4:7
Rape shield law generally, 4:98 , 4:99	comparable sales of property to prove value, 4:8
Alabama practice, 4:98	conditions, continuing, 4:9
Federal practice, 4:99	conduct, continuing, 4:9
Real and demonstrative evidence, 4:24	continuing conditions or conduct, 4:9
Remedial measures. Subsequent	demonstrative evidence, 4:24
remedial measures, below	economic condition. Wealth and
Remoteness, exclusion of evi-	economic condition, below
dence, 4:28	escape, 4:23
Routine practices. Habit, custom, and routine practices, above	experiments and demonstrations, 4:22
Sale of property, comparable sales	flight or escape, 4:23
to prove value, 4:8	frauds and misrepresentations,
Scientific experiments and	4:10
demonstrations, 4:22	gang membership, 4:11
Self-serving statements, special problems of relevance and admissibility, 4:16	injuries, similar events in civil cases, 4:17
Sexual assault	intoxication, 4:12
child molestation cases, gener-	lawsuits, 4:13
ally, 4:100	membership in gangs, 4:11
Federal practice, 4:99, 4:100	mental operations of witness,
rape shield law, Federal	uncommunicated, 4:20
practice, 4:99	motive, 4:14
Similar matters	non-parties, relevant actions of,
occurrences, accidents, and	4:15
injuries in civil cases,	occupation, 4:6
special problems of relevance and admissibil-	practical technical experiments and demonstrations, 4:22
ity, 4:17	preliminary matters, 4:6

RELEVANCY—Cont'd Special problems of relevance and admissibility—Cont'd real and demonstrative evidence, 4:24 sale of property, comparable sales to prove value, 4:8 scientific experiments and demonstrations, 4:22 self-serving statements, 4:16 similar events, occurrences, accidents, and injuries in civil cases, 4:17 spoliation, 4:18 subject specific relevance rules, 4:19 technical experiments and demonstrations, 4:22 uncommunicated mental operations of witness, 4:20 value, comparable sales of property to prove, 4:8 wealth and economic condition, 4:21 Spoliation, special problems of relevance and admissibility, Subject specific relevance rules, 4:19 Subsequent remedial measures generally, 4:88, 4:89 Alabama practice, 4:88 Federal practice, 4:89 Technical experiments and demonstrations, 4:22 Uncommunicated mental operations of witness, special problems of relevance and admissibility, 4:20 Value, comparable sales of property to prove, 4:8 Wealth and economic condition,

6:7 Federal practice 6:43

RELIGIOUS BELIEF—Cont'd

Competence of witnesses, com-

mon law disqualifications,

Alabama practice, **6:42**

Federal practice, **6:43**Impeachment, generally, **6:42**, **6:43**

RELIGIOUS ORGANIZATIONS

Res Gestae and Spontaneous Declarations, this index

REMEDIAL MEASURES

Relevancy, this index

REMOTENESS

Relevancy, exclusion of evidence, **4:28**

REOPENING OF CASE

Motion to Reopen Case, this index

REPORTS

Records and Reports, this index

REPUTATION

Character or Reputation, this index

RESEMBLANCE

Real and demonstrative evidence, child admissible to show resemblance, 12:5

RES GESTAE AND SPONTANEOUS DECLARATIONS

Generally, 8:29 to 8:83

Absence of records
generally, 8:47, 8:48, 8:55, 8:56

Alabama practice
public record or entry,
absence of, 8:55
regularly kept records,
absence of records in,
8:47

4:21

RELIGIOUS BELIEF

Generally, **6:42**, **6:43**

RES GESTAE AND RES GESTAE AND **SPONTANEOUS SPONTANEOUS** DECLARATIONS—Cont'd DECLARATIONS—Cont'd Absence of records-Cont'd Alabama practice—Cont'd religious organizations, records Federal practice of, **8:57** public record or entry, absence of, 8:56 reputation. Character or reputation, below regularly kept records, absence of records in, science, treatises and published 8:48 works of, 8:72 public record or entry, absence spontaneous declarations, 8:33 of, generally, 8:55, 8:56 vital statistics records, 8:53 regularly kept records, absence Ancient documents, statements in of records in, generally, Alabama practice, 8:67 8:47, 8:48 Federal practice, 8:68 Alabama practice Baptismal. Marriage, baptismal, absence of records, above and similar certificates, below ancient documents, statements **Boundaries** in. 8:67 personal, family, or general hischaracter or reputation, below tory or boundaries, below family records, 8:61 reputation as to boundaries and hearsay, **8:29** matters of public interest. interest in property, below Boundaries and matters of market reports, lists, and tables, public interest, reputation 8:70 as to, below marriage, baptismal, and similar Boundaries and matters of public certificates, 8:59 interest, reputation as to medical diagnosis or treatment, generally, **8:76, 8:77** statements for purpose of, Alabama practice, 8:76 Federal practice, 8:77 mental, emotional, or physical Business records, records of condition, then existing, regularly conducted activity, below 8:44 personal, family, or general his-Character or reputation tory or boundaries, 8:82 Alabama practice present sense impression, 8:31 previous conviction, judgment boundaries and matters of of, **8:80** public interest, reputapublic records and reports, tion as to, **8:76** below persons, reputation of, 8:74 recollection, recorded, 8:41 person's own character, repuregularly conducted activity, tation as to, 8:78 records of, below boundaries and matters of pubregularly kept records, absence lic interest, reputation as of records in, 8:47 to, above

RES GESTAE AND RES GESTAE AND **SPONTANEOUS SPONTANEOUS** DECLARATIONS—Cont'd DECLARATIONS—Cont'd Character or reputation—Cont'd Federal practice—Cont'd mental, emotional, or physical Federal practice condition, then existing, reputation as to boundaries and matters of public below interest, 8:77 personal, family, or general hisreputation as to person's own tory or boundaries, 8:83 character, 8:79 present sense impression, 8:32 reputation of persons, 8:75 previous conviction, judgment own character, reputation as to of, 8:81 person's, below public records and reports, persons, reputation of, below below relevance of evidence of other recollection, recorded, 8:42 crimes, wrongs and acts, regularly kept records, absence 4:46 of records in, 8:48 Conviction. Previous conviction, religious organizations, records judgment of, below of, 8:58 Family reputation. Character or reputapersonal, family, or general histion, above tory or boundaries, below science, treatises and published records. Family records, below works of, **8:73** Family records spontaneous declarations, 8:34 Alabama practice, 8:61 vital statistics records, 8:54 Federal practice, 8:62 History. Personal, family, or gen-Federal practice eral history or boundaries, generally, 8:30 absence of records, above Hospital records of regularly ancient documents, statements conducted activity, 8:45 in, 8:68 Interest in property character or reputation, above generally, 8:63 to 8:66 family records, 8:62 Alabama practice interest in property, below records of documents affectinvestigative reports by state ing, 8:63 agencies, records of statements in documents regularly conducted activaffecting, 8:65 ity, 8:46 Federal practice market reports, lists, and tables, records of documents affect-8:71 ing, **8:64** marriage, baptismal, and similar certificates, 8:60 statements in documents affecting, 8:66 medical diagnosis or treatment, statements for purpose of, records of documents affecting, 8:40 8:63, 8:64

RES GESTAE AND RES GESTAE AND **SPONTANEOUS SPONTANEOUS** DECLARATIONS—Cont'd DECLARATIONS—Cont'd Interest in property—Cont'd Present sense impression—Cont'd statements in documents affect-Federal practice, 8:32 ing, 8:65, 8:66 Previous conviction, judgment of Lists. Market reports, lists, and Alabama practice, 8:80 tables, below Federal practice, 8:81 Market reports, lists, and tables Public records and reports generally, 8:69 to 8:71 generally, **8:49 to 8:52** Alabama practice, 8:70 absence of records, above Federal practice, 8:71 Alabama practice Marriage, baptismal, and similar generally, 8:49 to 8:51 certificates absence of public record or Alabama practice, 8:59 entry, **8:55** Federal practice, 8:60 police reports, 8:50 Medical diagnosis or treatment, Rule 803(8) of Alabama statements for purpose of Rules of Evidence, 8:51 Alabama practice, 8:39 Federal practice Federal practice, **8:40** generally, 8:52 Mental, emotional, or physical absence of public record or condition, then existing entry, 8:56 generally, 8:35 to 8:38 police reports, 8:50 Alabama practice Rule 803(8) of Alabama Rules generally, 8:35 to 8:37 of Evidence, 8:51 present statement of mind or Recollection, recorded emotions, 8:36 Alabama practice, 8:41 Federal practice, generally, 8:38 Federal practice, 8:42 Own character, reputation as to Records and reports person's absence of records, above Alabama practice, 8:78 market reports, lists, and tables, Federal practice, 8:79 above Pain, physical condition, or bodily public record and reports, above feelings, statements of, 8:37 recollection, recorded, above Personal, family, or general hisregularly conducted activity, tory or boundaries records of, below Alabama practice, 8:82 Regularly conducted activity, Federal practice, 8:83 records of Persons, reputation of generally, 8:43 to 8:46 Alabama practice, 8:74 Alabama practice Federal practice, 8:75 generally, 8:43 to 8:45 Police reports, public records and reports, 8:50 business records, 8:44 Present sense impression hospital records, 8:45 Alabama practice, 8:31 business records, 8:44

RES GESTAE AND SPONTANEOUS DECLARATIONS—Cont'd

Regularly conducted activity, records of—Cont'd Federal practice, investigative reports by state agencies, 8:46

hospital records, 8:45

Regularly kept records. Absence of records, above

Religious organizations, records of Alabama practice, **8:57**Federal practice, **8:58**

Reports. Records and reports, above

Reputation. Character or reputation, above

Rule 803(8) of Alabama Rules of Evidence, public records and reports, **8:51**

Science, treatises and published works of

Alabama practice, **8:72** Federal practice, **8:73**

Spontaneous declarations, generally, **8:33**, **8:34**

Tables. Market reports, lists, and tables, above

Vital Statistics Records, this index

RESIDUAL EXCEPTION

Hearsay, this index

RISK

Burdens of Proof, Production, and Persuasion, this index

ROUTINE PRACTICES

Relevancy, this index

RULE 103

Character evidence, relevance of evidence of other crimes, wrongs and acts, **4:62**

RULE 1101

Miscellaneous rules, applicability or inapplicability, 11:3

RULE OF COMPLETENESS

Completeness Rule, this index

RULES OF ALABAMA COURTS

Judicial notice, 2:21

RULINGS

Objections, right to rulings on, 1:23

SALE OF PROPERTY

Relevancy, comparable sales to prove value, **4:8**

SAME ACTION OR PROCEEDING

Judicial notice, records and decisions in same action or proceeding, 2:22

SCARS OR OTHER ASPECTS OF PHYSICAL APPEARANCE

Real and demonstrative evidence, **12:6**

SCHEME

Character or Reputation, this index

SCIENCE

Authentication and identification of scientific treatises, **9:8**

Expert and Opinion Testimony, this index

Judicial notice of scientific facts, 2:14

Relevancy, scientific experiments and demonstrations, **4:22**

Treatises and published works of science. Res Gestae and Spontaneous Declarations, this index

SECRECY

Governmental privilege. State Secrets and Other Official Information, this index

INDEX

SECRECY—Cont'd

State Secrets and Other Official Information, this index Trade Secrets, this index

SELF-AUTHENTICATING DOCUMENTS

Authentication and Identification, this index

SELF-SERVING STATEMENTS

Relevance and admissibility. special problems of, 4:16

SEQUESTRATION OF WITNESSES

Generally, 6:67

SERVICE OF PROCESS

Subpoenas, this index

SEX CRIMES

Character evidence, relevance of evidence of other crimes, wrongs and acts, 4:73

Relevancy, this index

SHOOTINGS OR SIMILAR ACTS

Expert testimony, specific areas of,

SHORTHAND RENDITION OF FACTS

Opinion testimony by lay witness, 7:4

SILENT WITNESS DOCTRINE

Real and demonstrative evidence, admissibility, 12:20

SIMILAR MATTERS

Relevancy, this index

SKETCHES

Real and demonstrative evidence, oral testimony, 12:23

SOUND RECORDINGS

Real and demonstrative evidence, admissibility, 12:18, 12:20

SPECIFIC OBJECTION

Necessity of, 1:21

SPECIFIC PERMISSIBLE USES

Character evidence, federal practice, 4:40 to 4:43

SPEED

Opinion testimony by lay witness,

SPOLIATION

Relevance and admissibility, special problems of, 4:18

SPONTANEOUS DECLARATIONS

Res Gestae and Spontaneous Declarations, this index

SPOUSE

Husband-Wife Privilege, this index

STATEMENTS AGAINST INTEREST

Generally, 8:97 to 8:102

Admissions, declaration against interest distinguished from, 8:98

Alabama practice

generally, 8:97 to 8:101

admissions, declaration against interest distinguished from, 8:98

both in support of and in derogation of interest, 8:100

criminal cases, 8:101

nature of interest declared against, 8:99

Both in support of and in derogation of interest, 8:100

Criminal cases, 8:101

Hearsay, generally, 8:97 to 8:102 Nature of interest declared against,

8:99

Unavailability of witnesses, generally, 8:97 to 8:102

Relevancy, wealth and economic

condition, 4:22

Witnesses, this index

TESTIMONY

STATE SECRETS AND OTHER SUBPOENAS—Cont'd OFFICIAL INFORMATION Subpoena Duces Tecum, this index Generally, **5:21**, **5:22** Alabama practice, 5:21 SUBSCRIBING WITNESS, Federal practice, 5:22 TESTIMONY OF Authentication and Identification, STATISTICAL FACTS this index Hearsay. Vital Statistics Records, this index SUBSEQUENT MATTERS Judicial notice, 2:12 Parol evidence rule, subsequent SUBPOENA DUCES TECUM oral agreements, 10:29 Remedial measures. Relevancy, Generally, 1:13 to 1:15 this index Civil actions, 1:14 Criminal proceedings, 1:15 SUFFICIENCY OF EVIDENCE Production of witnesses and evi-Burdens of Proof, Production, and dence, generally, 1:13 to 1:15 Persuasion, this index **SUBPOENAS SUMMARIES** Generally, 1:7 to 1:12 Best Evidence Rule, this index Civil actions **SUMMARY JUDGMENT** generally, 1:7 **MOTION** duces tecum subpoenas, 1:14 Sufficiency of evidence in civil service of process, 1:9 cases, 3:21 Compulsory process, right to, 1:12 Continuances, service of process, **TABLES** 1:12 Real and demonstrative evidence, Criminal matters oral testimony regarding generally, 1:8 information tables, 12:23 service of process, 1:10 Res Gestae and Spontaneous Dec-Duces tecum subpoenas. larations, this index Subpoena Duces Tecum, this **TANGIBLES** Enforcement, service of process, Authentication and Identification, 1:11 this index Issuance, 1:7, 1:8 Offering of tangible evidence, Production of witnesses and evi-1:18 dence, generally, 1:7 to 1:12 Real and Demonstrative Evidence, Service of process this index generally, 1:9 to 1:12 TECHNICAL EXPERIMENTS civil actions, 1:9 AND DEMONSTRATIONS compulsory process, right to,

1:12

continuances, 1:12

enforcement, 1:11

criminal prosecutions, 1:10

INDEX

TESTING

Burdens of Proof, Production, and Persuasion, this index

THAYER-WIGMORE

Presumptions, Rule 301(b)(1), **3:6**

TIME

Conviction, this index
Judicially noticing adjudicative
facts, 2:9
Objection, necessity of timely

Objection, necessity of timely, 1:20

TRADE SECRETS

Generally, **5:19**, **5:20**Alabama practice, **5:19**Federal practice, **5:20**

TRIAL

Competence of witnesses, juror as witness at trial, **6:19**Order of Trial, this index

ULTIMATE ISSUE

Expert and Opinion Testimony, this index

UNAVAILABILITY OF WITNESSES

Hearsay, this index Statements Against Interest, this index

UNITED STATES LAWS

Judicial notice, 2:40

VALIDITY OR INVALIDITY

Competence of juror as witness, validity of verdict or indictment, **6:20**

Parol evidence, invalidating documents through parol evidence, 10:28

VALUE

Expert and Opinion Testimony, this index

VALUE—Cont'd

Relevancy, comparable sales of property to prove, **4:8**

VARIATIONS

Order of trial, 1:3

VEHICULAR ACCIDENT

Expert testimony, specific areas of related facts, **7:27**

VERDICT

Competence of juror as witness, **6:20**

VICTIM

Character or Reputation, this index

VIDEOTAPES

Authentication, **9:16**Real and demonstrative evidence, **12:19**

VIEWS

Real and Demonstrative Evidence, this index

VITAL STATISTICS RECORDS

Generally, **8:53**, **8:54**Alabama practice, **8:53**Federal practice, **8:54**Hearsay, generally, **8:53**, **8:54**

VOLUNTARY OR INVOLUNTARY MATTERS

Burdens of proof, production, and persuasion, involuntary dismissal in non-jury case, **3:22**

VOTERS AND VOTING

Political Vote Privilege, this index

WAIVER

Privileges, this index

WEALTH AND ECONOMIC CONDITION

Relevancy, this index

WEAPONS

Real and demonstrative evidence, weapons admissible for various purposes, 12:7

WHO MAY IMPEACH

Impeachment, this index

WIFF

Husband-Wife Privilege, this index

WITHDRAWAL

Objecting to evidence, 1:23

WITNESSES

Availability. Unavailability of Witnesses, this index

Best Evidence Rule, this index

Character or Reputation, this index

Competence of Witnesses, this index

Cross Examination, this index Examination of Witnesses, this index

Expert and Opinion Testimony, this index

Hearsay, this index

Husband-wife privilege, testimonial privilege, **5:13**

WITNESSES—Cont'd

Lay witnesses. Expert and Opinion Testimony, this index

Opinion testimony. Expert and Opinion Testimony, this index

Production of Witnesses and Evidence, this index

Real and Demonstrative Evidence, this index

Unavailability of Witnesses, this index

WORK PRODUCT

Generally, **5:6**, **5:7**Alabama practice, **5:6**Federal practice, **5:7**

WOUNDS

Real and demonstrative evidence, 12:14

WRITINGS OR WRITTEN MATTERS

Authentication and Identification, this index

Best Evidence Rule, this index

X-RAYS

Real and demonstrative evidence, 12:20