

# Index

## A

### **ABSENCE OF MISTAKE OR ACCIDENT**

Independent crimes or acts evidence,  
§§ 11:10, 11:20

### **ABSENCE OF RECORDS**

Hearsay exceptions, § 19:23

### **ACCOUNTANT-CLIENT PRIVILEGE**

Generally, § 25:2

### **ADMINISTRATIVE HEARINGS**

Scope and applicability of Georgia  
evidence law, § 1:2

### **ADMINISTRATIVE RECORDS**

Hearsay exceptions, § 19:20

### **ADMISSIONS**

Generally, §§ 18:1 to 18:14

Adoptive admissions, § 18:4

Agents, admissions by, § 18:12

Alias, conduct as admission, § 18:5

Coconspirator's statements, §§ 18:13,  
18:14

Compromise, offers to compromise  
in civil cases, § 18:7

Conduct, § 18:5

Confessions, §§ 18:8 to 18:10

Flight, conduct as admission, § 18:5

In judicio, § 18:2

Intimidation of witnesses, conduct as  
admission, § 18:5

Juvenile proceedings, § 18:11

Miranda, § 18:10

Offers to compromise in civil cases,  
§ 18:7

Parties, out-of-court-statements of,  
§ 18:3

Plea bargains, § 18:9

Pleas in criminal cases, § 18:11

Res gestae, § 18:12

### **ADMISSIONS—Cont'd**

Silence, admissions by, § 18:4

Statements against interest  
distinguished, § 19:32

Subsequent remedial measures,  
§ 18:6

### **ADOPTIVE ADMISSIONS**

Generally, § 18:4

### **AGENTS**

Admissions by agents, § 18:12

Attorney-client privilege, agents of  
the attorney and client, § 21:3

Mental health care privileges, § 23:3

### **ALFORD PLEA**

Admissions, § 18:11

### **ALIAS**

Admissions, conduct as, § 18:5

### **ALTERNATIVE DISPUTE RESOLUTION**

Admissions, offers to compromise in  
civil cases, § 18:7

### **ANCIENT WRITINGS**

Hearsay exceptions, § 19:26

### **APPELLATE REVIEW OF EVIDENTIARY ISSUES**

Generally, § 3:8

### **APPLICABILITY OF EVIDENCE LAW**

Generally, § 1:2

### **ARGUMENTATIVE QUESTIONS**

Generally, § 13:3

### **ATTORNEY-CLIENT PRIVILEGE**

Generally, §§ 21:1 to 21:19

Agents of the attorney and client,  
§ 21:3

Common interests exception, § 21:5

## **ATTORNEY-CLIENT PRIVILEGE**

### **—Cont’d**

- Confidentiality requirement, generally, §§ 21:6 to 21:14
- Corporate clients, § 21:4
- Crime/fraud exception, § 21:17
- Decedents’ estates, § 21:2
- Defining the privileged relationship, § 21:2
- Documents of client, § 21:13
- Employment
  - agents of the attorney and client—the privileged network, § 21:3
  - corporate clients, § 21:4
  - fact of employment of client, § 21:10
- Facts about the client, § 21:9 et seq.
- Fraud, exception for communications furthering a fraud, § 21:17
- Furthering a crime or fraud, communication for purpose of, § 21:17
- Identity of client, § 21:10
- Implied waiver of privilege, § 21:16
- Insurance, § 21:8
- Intercepted communications, § 21:7
- Joint defense doctrine, § 21:5
- Location of client, § 21:11
- Multiple clients, § 21:8
- Obstruction of justice, § 21:14
- Opinion evidence, § 21:3
- Overheard communications, § 21:7
- Physical evidence acquired from client, § 21:14
- Testamentary exception to the privilege, § 21:18
- Waiver of privilege, assertion of, §§ 21:15, 21:16
- Work-product protection, § 21:19

## **ATTORNEYS**

- Privileged communications.
  - Attorney-Client Privilege, this index
- Stating facts in one’s place, § 12:5
- Trial role of counsel, generally, §§ 2:1, 2:2

## **ATTORNEYS’ FEES**

- Scope and applicability of Georgia evidence law, hearing on award of attorneys’ fees, § 1:2

## **AUDIO RECORDINGS**

- Authentication of evidence, § 7:4
- Depositions in criminal cases, § 19:31

## **AUTHENTICATION OF EVIDENCE**

- Generally, §§ 7:1 to 7:8
- Audio recordings, § 7:4
- Documents, generally, §§ 7:5 to 7:8
- Electronic documents, § 7:8
- Films, § 7:4
- Nonpublic documents, § 7:7
- Phone conversations, § 7:3
- Photos, § 7:4
- Public documents, § 7:6
- Things, § 7:2
- Video recordings, § 7:4
- Voices, § 7:3

## **B**

## **BANKRUPTCY**

- Accountant-client privilege, § 25:2

## **BATTERED SPOUSE SYNDROME**

- Opinion evidence, § 15:1

## **BENT OF MIND**

- Generally, § 11:2
- Independent crimes or acts, § 11:22

## **BEST EVIDENCE RULE**

- Generally, §§ 8:1 to 8:4
- Business records, § 8:3
- Copies of writings, § 8:3
- Electronic records, § 8:1
- Summaries, § 8:4

## **BIAS OR PREJUDICE**

- Financial and insurance status of parties, § 9:1
- Impeachment of witnesses, §§ 11:7, 14:3
- Jury, impartiality of, § 2:4
- Prior conviction evidence, § 14:5

## INDEX

### BLOOD OR BREATH TESTS

- Expert testimony, §§ 15:1, 15:16
- Self-incrimination privilege, § 27:2

### BOND HEARINGS

- Scope and applicability of Georgia evidence law, § 1:2

### BRUTON

- Coconspirator's admissions, § 18:14

### BURDEN OF PROOF

- Overview, burden of prosecution at pretrial hearing, § 11:12

### BUSINESS RECORDS

- Authentication, § 7:7
- Best evidence, § 8:3
- Hearsay Exceptions, this index

## C

### CAPITAL PUNISHMENT

- Scope and applicability of Georgia evidence law, § 1:2

### CHAIN OF CUSTODY

- Authentication of evidence, § 7:2

### CHARACTER EVIDENCE

- Generally, §§ 11:1 to 11:28
- Bent of Mind, this index
- Burden of prosecution at pretrial hearing, § 11:12
- Civil cases, generally, § 11:9
- Defined, § 11:2
- Entrapment, propensity to commit crime, § 11:2
- Facts "intrinsic" to or "inextricably intertwined" with the subject events, generally, § 11:3
- Habit, § 11:8
- Hearsay exception, reputation evidence as, § 19:27
- Impeachment of witnesses, §§ 11:7, 11:21, 14:6
- Independent Crimes or Acts, this index
- Nonhearsay, reputation evidence admissible for objective effect, § 17:8

### CHARACTER EVIDENCE—Cont'd

- Notice or knowledge
  - independent crimes or acts evidence, §§ 11:10, 11:17
  - pretrial notice requirement, § 11:11
- Opening the door, § 11:4
- Pretrial notice requirement, § 11:11
- Rape victim shield law, § 11:6
- Relevancy, generally, §§ 11:1 to 11:28
- Res gestae, §§ 11:2, 11:3, 11:6
- Routine practice, § 11:8
- Self-defense, § 11:5
- Similar transactions rule. Independent Crimes or Acts, this index
- Victim's character, §§ 11:5, 11:6
- Witnesses, §§ 11:7, 11:21, 14:6

### CHILD ABUSE

- Hearsay exceptions, child's statements regarding, § 19:35
- Marital privileges, exception for crimes against child, § 24:4
- Mental health care privileges, § 23:6
- Opinion testimony, child abuse accommodation syndrome, §§ 15:1, 15:15

### CHILD MOLESTATION

- Hearsay exceptions, child's statements regarding, § 19:35

### CHILDREN AND MINORS

- Abuse. Child Abuse, this index
- Competency to testify, § 12:2
- Juvenile Proceedings, this index
- Marital privileges, exception for crimes against child, § 24:4
- Molestation. Child Molestation, this index
- Scope and applicability of Georgia evidence law in juvenile proceedings, § 1:2

### CIRCUMSTANTIAL EVIDENCE

- Relevancy, § 6:1

### CLERGY PRIVILEGE

- Generally, § 25:1

**COCONSPIRATOR'S  
STATEMENTS**

Admissions, §§ 18:13, 18:14  
Self-incrimination, privilege against,  
§ 27:4

**COLLATERAL SOURCE RULE**

Financial and insurance status of parties, § 9:3

**COMMON INTERESTS  
EXCEPTION**

Attorney-client privilege, § 21:5

**COMMON LAW MARRIAGE**

Marital confidence privilege, § 24:2

**COMPETENCY TO STAND TRIAL**

Psychiatric examinations, privileges  
against self-incrimination,  
§ 27:3

**COMPETENCY TO TESTIFY**

Generally, §§ 12:1 to 12:6  
Children, § 12:2  
Confrontation Clause, § 12:2  
Hearsay exceptions, § 12:2  
Hypnotically refreshed testimony,  
§ 12:6  
Interpreters, non-English speaking  
witnesses, § 12:1  
Jurors, § 12:3  
Mental incompetency, §§ 11:7, 14:2  
Privilege distinguished from, § 20:2  
Sequestration of witnesses, § 13:6  
Stating facts in one's place, § 12:5  
Trial judge, § 12:4

**COMPROMISE AND  
SETTLEMENT**

Admissions, offers to compromise in  
civil cases, § 18:7  
Financial and insurance status of parties,  
collateral sources, § 9:3

**COMPUTER GRAPHICS AND  
SIMULATIONS**

Demonstrative evidence and other  
trial aids, § 10:2

**COMPUTER RECORDS**

Hearsay exceptions, business records,  
§ 19:13

**CONDEMNATION CASES**

Opinion evidence concerning value,  
§ 15:14

**CONFESSIONS**

Generally, §§ 18:8 to 18:10  
Admissions distinguished, § 18:1  
Co-conspirators, §§ 18:13, 18:14  
Miranda, § 18:10  
Plea bargains, § 18:9  
Promises by police, § 18:9

**CONFIDENTIAL**

**COMMUNICATIONS**

Attorney-Client Privilege, this index  
Mental Health Care Privileges, this  
index  
Physician-Patient Confidences, this  
index  
Privilege distinguished from, § 20:2

**CONFRONTATION CLAUSE**

Child's competency to testify, § 12:2  
Cross-examination, § 13:3  
Hearsay, §§ 16:9 to 16:11  
Informants, §§ 26:1 to 26:3  
Privileges and accused's  
constitutional rights, §§ 20:3,  
26:1 to 26:3

**CONSENT**

Depositions in criminal cases,  
§ 19:31  
Nonhearsay evidence, § 17:20  
Rape victim shield law, § 11:6

**CONSTITUTIONAL LAW**

Confrontation Clause, this index  
Exclusion of relevant evidence for  
abuse of constitutional protections,  
§ 6:5  
First Amendment, news reporter's  
privilege, § 25:3  
Presumptions in criminal cases, § 5:2  
Privileges  
self-incrimination. Privilege  
Against Self-Incrimination,  
this index  
statutory privileges and accused's  
constitutional rights, § 20:3  
Rape victim shield law, § 11:6

## INDEX

### **CONSTITUTIONAL LAW—Cont'd**

Religious freedom, clergy privilege,  
§ 25:1

### **CONTEMPT**

Privilege against self-incrimination,  
immunity of witness, § 27:6

### **CONTINUING WITNESS RULE**

Hearsay exceptions, documents and  
records, § 19:8

### **COPIES**

Best evidence rule, § 8:3

### **CORPORATIONS**

Attorney-client privilege, § 21:4

### **CORROBORATION**

Confessions, § 18:8

### **COURT-APPOINTED EXPERTS**

Generally, § 15:10

### **COVERUP**

Independent crimes or acts, character  
evidence, § 11:21

### **CREDIBILITY**

Impeachment of Witnesses, this index  
Jury, role of, § 2:4  
Rape victim shield law, § 11:6

### **CRIME/FRAUD EXCEPTION**

Accountant-client privilege, § 25:2  
Attorney-client privilege, § 21:17

### **CRIMINAL COMMITMENT HEARINGS**

Scope and applicability of Georgia  
evidence law, § 1:2

### **CROSS-EXAMINATION**

Examination of Witnesses at Trial,  
this index

### **CUMULATIVE EVIDENCE**

Relevancy, § 6:1

### **CURATIVE INSTRUCTIONS**

Generally, § 3:4

## **D**

### **DAUBERT STANDARD**

Opinion evidence, novel scientific  
and technical evidence, § 15:12

### **“DAY-IN-THE-LIFE” VIDEOS**

Demonstrative evidence and other  
trial aids, § 10:3

### **DEATH PENALTY HEARINGS**

Scope and applicability of Georgia  
evidence law, § 1:2

### **DECEDENTS' ESTATES**

Attorney-client privilege, § 21:2

### **DEMONSTRATIVE EVIDENCE AND OTHER TRIAL AIDS**

Generally, §§ 10:1 to 10:4  
Computer graphics and simulations,  
§ 10:2  
“Day-in-the-life” videos, § 10:3  
Demonstrative exhibits—in general,  
§ 10:1  
Jury views, § 10:4  
Relevancy, generally, § 6:1

### **DEPOSITIONS**

Hearsay exceptions, §§ 19:30 to  
19:31  
Self-incrimination, privilege against,  
§ 27:5

### **DISCOVERY**

Abuse of discovery rules, exclusion  
of relevant evidence for, § 6:5  
Depositions, this index  
Work-product protection, § 21:19

### **DIVORCE**

Marital confidence privilege, § 24:2

### **DNA**

Judicial notice, § 4:2  
Opinion evidence, § 15:16

### **DOCUMENTS AND RECORDS**

Attorney-client privilege, documents  
of client, § 21:13  
Authentication of evidence, §§ 7:5 to  
7:8  
Best Evidence Rule, this index

**DOCUMENTS AND RECORDS**

—Cont’d

Electronic Records, this index  
Hearsay Exceptions, this index

**DOMESTIC RELATIONS CASES**

Scope and applicability of Georgia  
evidence law, § 1:2

**DOUBLE HEARSAY**

Generally, § 19:37

**DUE PROCESS**

Identification testimony, §§ 17:18,  
17:19, 26:1

**DUI CASES**

Independent crimes or acts, character  
evidence, § 11:27

**DUPLICATES**

Best evidence rule, § 8:3

**DYING DECLARATIONS**

Hearsay exceptions, § 19:33

**E**

**ELECTRONIC DOCUMENTS**

Authentication of evidence, § 7:8  
Best evidence rule, § 8:1

**E-MAIL**

Electronic Records, this index

**EMOTIONAL CONDITION**

Hearsay exceptions, statements of  
then existing emotional condi-  
tion, § 19:5

**EMPLOYMENT**

Agency admissions, § 18:12  
Attorney-Client Privilege, this index

**ENTRAPMENT**

Character evidence, propensity to  
commit crime, §§ 11:2, 11:4

**EVIDENTIARY PROCEDURE**

Dispensing with proof, generally,  
§§ 4:1, 4:2  
Judicial notice, § 4:2  
Objections and Rulings on Evidence,  
this index

**EVIDENTIARY PROCEDURE**

—Cont’d

Presumptions, this index  
Stipulations, § 4:1

**“EVIDENTIARY VIEWS”**

Jury views, § 10:4

**EXAMINATION OF WITNESSES  
AT TRIAL**

Generally, §§ 13:1 to 13:6  
Cross-examination, generally, § 13:3  
Direct examination, generally, § 13:2  
Expert opinion evidence, §§ 15:7,  
15:9  
Good faith, § 13:3  
Hearsay and cross-examination,  
§ 16:7  
Hostile witnesses, § 13:2  
Leading Questions, this index  
Oath or affirmation, § 13:1  
Privilege Against Self-Incrimination,  
this index  
Recall, § 13:4  
Redirect or recross-examination,  
§ 13:4  
Refreshing witness recollection,  
§ 13:5  
Reopen, § 13:4

**EXCITED UTTERANCES**

Hearsay exceptions, § 19:4

**EXCLUSION OF EVIDENCE**

Abuse of discovery or other rules,  
§ 6:5  
In limine motions, § 3:6

**EXPERT WITNESSES**

Opinion Evidence, this index

**F**

**FAMILY THERAPY**

Mental health care privileges,  
§§ 23:3, 23:4

**FEDERAL RECORDS**

Authentication of evidence, § 7:6

**FILMS**

Authentication of evidence, § 7:4

## INDEX

### **FILMS—Cont’d**

Demonstrative evidence, “day-in-the-life” videos, § 10:3

### **FINANCIAL AND INSURANCE STATUS OF PARTIES**

Generally, §§ 9:1 to 9:3

Collateral sources, § 9:3

Liability insurance, § 9:2

### **FINGERPRINTS**

Judicial notice, § 4:2

Self-incrimination privilege, § 27:2

### **FIRST AMENDMENT**

News reporter’s privilege, § 25:3

### **FLIGHT**

Admissions, conduct as, § 18:5

### **FOREIGN STATES**

Authentication of evidence, § 7:6

### **FORFEITURE EXCEPTION**

Hearsay, § 19:34

### **FORMER TESTIMONY**

Hearsay exceptions, § 19:29

### **FOUNDATION**

Business records, hearsay exceptions, §§ 19:15 to 19:17

Prior contradictory statements, § 13:3

### **FRAUD**

Attorney-client privilege, exception for communications furthering a fraud, § 21:17

### **FURTHERING A CRIME OR FRAUD**

Attorney-client privilege, § 21:17

## **G**

### **GANG ACTIVITY**

Independent crimes or acts, character evidence, § 11:28

### **GOOD FAITH**

Cross-examination, § 13:3

### **GRAND JURY PROCEEDINGS**

News reporter’s privilege, § 25:3

### **GRAND JURY PROCEEDINGS —Cont’d**

Scope and applicability of Georgia evidence law, § 1:2

Spousal witness privilege, § 24:3

### **GUARDIANSHIP PROCEEDINGS**

Scope and applicability of Georgia evidence law, § 1:2

### **GUILTY PLEA**

Privilege against self-incrimination, § 27:2

## **H**

### **HABIT**

Character evidence, § 11:8

### **HEALTH INSURANCE**

#### **PORTABILITY AND**

#### **ACCOUNTABILITY ACT**

Physician-patient confidences, § 22:1

### **HEARSAY**

Generally, §§ 16:1 to 16:11

Admissions, this index

Confrontation Clause, §§ 16:9 to 16:11

Cross-examination, § 16:7

Defining hearsay, § 16:4

Exceptions. Hearsay Exceptions, this index

History of hearsay rule, § 16:2

Legally sufficient evidence, hearsay as, § 16:6

Nonhearsay, this index

Opportunity to cross-examine, § 16:11

Problem with hearsay, § 16:3

Self-serving statements, § 16:8

Translations as implied hearsay, §§ 16:5, 16:10

### **HEARSAY EXCEPTIONS**

Generally, §§ 17:17, 17:18, 19:1 to 19:38

Absence of records, § 19:23

Administrative records, § 19:20

Ancient writings, § 19:26



## HEARSAY EXCEPTIONS—Cont'd

Business records  
 generally, §§ 19:9 to 19:17  
 facts and opinions, § 19:10  
 hearsay in the record, § 19:12  
 laying foundation, §§ 19:15 to 19:17  
 “made in the regular course,” § 19:11  
 medical records, reports and bills as business records, § 19:18  
 tangible form, § 19:13  
 time of event, made at or near, § 19:14  
 Child abuse, child’s statements regarding, § 19:35  
 Child’s competency to testify, § 12:2  
 Competency to testify, § 12:2  
 Continuing witness rule, § 19:8  
 Definition of “unavailability of a witness,” § 19:38  
 Depositions, §§ 19:30 to 19:31  
 Documents and records, generally, § 19:8 et seq.  
 Duty, matters observed pursuant to, § 19:21  
 Dying declarations, § 19:33  
 Emotional condition then existing, statements of, § 19:5  
 Excited utterances, § 19:4  
 Forfeiture exception, § 19:34  
 Former testimony, § 19:29  
 Judgments, § 19:25  
 Lab test results, § 19:18  
 Market reports, § 19:24  
 Medical diagnosis or treatment, statements for purpose of, § 19:6  
 Medical records, reports and bills, § 19:18  
 Mental condition then existing, statements of, § 19:5  
 Multiple hearsay, § 19:37  
 Past recollections recorded, § 19:7  
 Pedigree, § 19:27  
 Physical condition then existing, statements of, § 19:5  
 Present sense impressions, § 19:3  
 Public records, generally, §§ 19:19 to 19:22

## HEARSAY EXCEPTIONS—Cont'd

Refreshing witness recollection, § 19:8  
 Reputation evidence, § 19:27  
 Res gestae, § 19:2  
 Residual exception, § 19:36  
 Rule of completeness, § 19:8  
 Statements against interest, § 19:32  
 Then existing mental, physical, or emotional conditions, statements of, § 19:5  
 Treatises, § 19:24  
 Video recordings, § 19:13

## HISTORY OF EVIDENCE LAW

Generally, § 1:1

## HOSTILE WITNESSES

Generally, § 13:2

## HUSBAND AND WIFE

Marital Privilege, this index  
 Scope and applicability of Georgia evidence law in domestic relations cases, § 1:2

## HYPNOTICALLY REFRESHED TESTIMONY

Generally, § 12:6

## HYPOTHETICAL QUESTIONS

Expert opinion, § 15:7

## I

## IDENTITY OR IDENTIFICATION

Attorney-client privilege, identity of client, § 21:10  
 Due process concerns with identification testimony, §§ 17:18, 17:19  
 Independent crimes or acts evidence, §§ 11:10, 11:13, 11:18  
 Informants, privilege relating to, §§ 26:1 to 26:3  
 Nonhearsay, out-of-court identification of accused, §§ 17:18, 17:19  
 Voices, authentication, § 7:3

## IMMUNITY OF WITNESS

Privilege against self-incrimination, § 27:6



## INDEX

### IMPEACHMENT OF WITNESSES

- Generally, §§ 14:1 to 14:9
- Bias, §§ 11:7, 14:3
- Character evidence, §§ 11:7, 11:21, 14:6
- Contradiction, § 14:2
- Expert witnesses, § 15:9
- Incompetence, §§ 11:7, 14:2
- Influence, § 14:3
- Juvenile proceedings, § 14:5
- Nolo contendere pleas, § 14:5
- Prejudice, §§ 11:7, 14:3
- Prior convictions, § 14:5
- Prior inconsistent statements, § 14:4
- Rape victim shield law, § 11:6
- Rehabilitating an impeached witness, § 14:8
- Specific instances of untruthful conduct, § 14:7
- Vouching rule, § 14:9

### IMPLIED WAIVER

- Attorney-client privilege, § 21:16
- Mental health care privileges, § 23:4

### IN LIMINE MOTIONS

- Generally, § 3:6

### IN REM FORFEITURE PROCEEDINGS

- Scope and applicability of Georgia evidence law, § 1:2

### INDEPENDENT CRIMES OR ACTS

- Generally, §§ 11:10 to 11:28
- Absence of mistake or accident, § 11:20
- Balancing probative value against danger of unfair prejudice, § 11:23
- Character evidence, generally, §§ 11:10 to 11:28
- Course of conduct, § 11:22
- Coverup, § 11:21
- DUI cases, § 11:27
- Gang activity, § 11:28
- Identifying the relevant noncharacter use, § 11:13
- Identity, §§ 11:13, 11:18
- Intent, § 11:15

### INDEPENDENT CRIMES OR ACTS

#### —Cont'd

- Lustful disposition, § 11:22
- Motive, § 11:14
- Plan or scheme, § 11:16
- Presentation of evidence at trial, § 11:25
- Pretrial notice requirement, § 11:11
- Prior crime or act, proof of, § 11:24
- Sex offenses, § 11:26

### INDIGENT DEFENDANTS

- Court-appointed experts, § 15:10

### INFLUENCE

- Impeachment of witnesses, § 14:3

### INFORMANTS

- Applying the Georgia statutes, § 26:2
- Privileges, §§ 26:1 to 26:3

### INSANITY PLEA

- Psychiatric examinations, privileges against self-incrimination, § 27:3

### INSTRUCTIONS TO JURY

- Curative instructions, § 3:4
- Limiting instructions, § 3:4
- Presumptions, §§ 5:2, 5:3

### INSURANCE

- Attorney-client privilege, multiple clients, § 21:8
- Financial and Insurance Status of Parties, this index
- Health Insurance Portability and Accountability Act, physician-patient confidences, § 22:1

### INTENT

- Independent crimes or acts evidence, § 11:15
- Nonhearsay, proof of intent, § 17:12

### INTERCEPTED COMMUNICATIONS

- Attorney-client privilege, § 21:7

### INTERPRETERS

- Competency of non-English speaking witnesses to testify, § 12:1

**INVADING THE PROVINCE OF  
THE JURY**

Generally, § 15:1

**J**

**JACKSON v DENNO HEARING**

Confessions, § 18:8

**JOINT DEFENSE DOCTRINE**

Attorney-client privilege, § 21:5

**JOINT THERAPY**

Mental health care privileges, § 23:3

**JUDGES**

Competency to testify, trial judge,  
§ 12:4

Trial role of judge, generally, §§ 2:1,  
2:3

**JUDGMENTS**

Hearsay exceptions, § 19:25

Summary judgment, scope and  
applicability of Georgia evi-  
dence law, § 1:2

**JUDICIAL NOTICE**

Generally, § 4:2

**JUNK SCIENCE**

Expert opinion, § 15:3

**JURORS' COMPETENCY TO  
TESTIFY**

Generally, § 12:3

**JURY ROLE**

Trial role of jury, generally, §§ 2:1,  
2:4

**JURY VIEWS**

Generally, § 10:4

**JUVENILE PROCEEDINGS**

Admissions, pleas in criminal cases,  
§ 18:11

Impeachment of witnesses, prior  
convictions, § 14:5

Scope and applicability of Georgia  
evidence law, § 1:2

**L**

**LAB TEST RESULTS**

Hearsay exceptions, medical records  
and reports as, § 19:18

**LAND**

Hearsay exceptions, statements relat-  
ing to land, §§ 19:27, 19:28

**LEADING QUESTIONS**

Cross-examination, § 13:3

Cross-examine, § 16:11

Direct examination, § 13:2

**LEGAL SUFFICIENCY**

Hearsay, § 16:6

Presumptions, §§ 5:2, 5:3

**LEGISLATIVE FACTS**

Judicial notice, § 4:2

**LIE DETECTORS**

Opinion evidence, § 15:13

**LIMITED ADMISSIBILITY**

Relevancy of evidence, § 6:1

**LIMITING INSTRUCTIONS**

Generally, § 3:4

**LINEUPS**

Generally, § 17:18

Self-incrimination privilege, § 27:2

**LOCATION OF CLIENT**

Attorney-client privilege, § 21:11

**M**

**MAGISTRATE COURTS**

Scope and applicability of Georgia  
evidence law, § 1:2

**MALPRACTICE**

Medical Malpractice, this index

**MARITAL PRIVILEGES**

Generally, §§ 24:1 to 24:4

Child abuse, § 24:4

Common law marriage, § 24:2

Exception for crimes against child,  
§ 24:4

Marital confidence privilege, § 24:2

## INDEX

### **MARITAL PRIVILEGES—Cont'd**

Spousal witness privilege, § 24:3

### **MARKET REPORTS**

Hearsay exceptions, § 19:24

### **MARRIAGE COUNSELING**

Mental health care privileges, § 23:3

### **MATERIALITY**

Nonhearsay, materiality requirement,  
§ 17:3

Relevance, in general, § 6:1

### **MEDIATION**

Admissions, offers to compromise in  
civil cases, § 18:7

### **MEDICAL DIAGNOSIS OR TREATMENT**

Hearsay exceptions, statements made  
for purpose of diagnosis or treat-  
ment, § 19:6

### **MEDICAL MALPRACTICE**

Admissions, offers to compromise in  
civil cases, § 18:7

Expert opinion, §§ 15:3 to 15:5

Mental health care privileges, § 23:5

Physician-patient confidences,  
§§ 22:1, 22:2

### **MEDICAL RECORDS, REPORTS AND BILLS**

Hearsay exceptions, § 19:18

### **MENTAL CONDITION**

Hearsay exceptions, statements of  
then existing mental condition,  
§ 19:5

### **MENTAL HEALTH CARE PRIVILEGES**

Generally, §§ 23:1 to 23:6

Agents, § 23:3

Assertion of the privilege, § 23:4

Child abuse, § 23:6

Confidentiality requirement, gener-  
ally, § 23:3

Defining the privileged relationship,  
§ 23:2

Exception for defending the therapist,  
§ 23:5

### **MENTAL HEALTH CARE PRIVILEGES—Cont'd**

Joint therapy, § 23:3

Medical malpractice, § 23:5

Tarasoff situations, § 23:6

Waiver of the privilege, § 23:4

### **MENTAL ILLNESS COMMITMENT PROCEEDINGS**

Scope and applicability of Georgia  
evidence law, § 1:2

### **MENTAL INCOMPETENCY**

Competency to testify, §§ 11:7, 14:2

### **MINORS**

Children and Minors, this index

### **MIRANDA**

Admissions, § 18:10

### **MISTRIAL**

Generally, § 3:4

### **MOTIONS IN LIMINE**

Generally, § 3:6

### **MOTIVE**

Independent crimes or acts evidence,  
§ 11:14

Nonhearsay, proof of declarant's feel-  
ings or beliefs when relevant to  
motive, § 17:13

### **MULTIPLE CLIENTS**

Attorney-client privilege, § 21:8

### **MULTIPLE HEARSAY**

Generally, § 19:37

## N

### **NEW EVIDENCE CODE**

Implementation of 2013 Evidence  
Code, § 1:3

### **NEW TRIAL**

Scope and applicability of Georgia  
evidence law, § 1:2

### **NEWS REPORTER'S PRIVILEGE**

Generally, § 25:3

**NOLO CONTENDERE PLEAS**

Admissions, pleas in criminal cases, § 18:11  
Impeachment of witnesses, § 14:5

**NONHEARSAY**

Generally, §§ 17:1 to 17:20  
Exceptions to hearsay, out-of-court statements admissible under, § 17:17  
Expert opinion, explaining basis of, § 17:9  
Identification of accused, out-of-court identification, §§ 17:18, 17:19  
Intent, proof of, § 17:12  
Knowledge of fact, proof that declarant knew some fact, § 17:11  
Materiality requirement, § 17:3  
Motive, proof of declarant's feelings or beliefs when relevant to, § 17:13  
Objective effect, admissible for generally, §§ 17:4 to 17:9  
declarations accompanying an act, § 17:7  
expert opinion, explaining basis of, § 17:9  
hearer/reader, effect on, § 17:5  
reputation evidence, § 17:8  
verbal acts, § 17:6  
verbal part of an act, § 17:7  
"Original evidence," §§ 17:2, 17:3  
Out-of-court statements of witnesses, generally, §§ 17:14 to 17:19  
Prior consistent statements, § 17:15  
Prior inconsistent statements, § 17:16  
Rape, complaint of, § 17:20  
Reputation evidence, admissible for objective effect, § 17:8  
Sexual assault, complaint of, § 17:20  
State of mind of declarant generally, §§ 17:10 to 17:13  
intent, proof of, § 17:12  
knowledge of fact, proof that declarant knew some fact, § 17:11

**NONHEARSAY—Cont'd**

State of mind of declarant—Cont'd  
motive, proof of declarant's feelings or beliefs when relevant to, § 17:13  
Verbal acts, § 17:6  
Verbal part of an act, § 17:7

**NOTARIES**

Authentication of evidence, § 7:7

**NOTICE OR KNOWLEDGE**

Character Evidence, this index  
Judicial notice, § 4:2  
Nonhearsay, proof that declarant knew some fact, § 17:11

**O**

**OATH OR AFFIRMATION**

Examination of witnesses, § 13:1

**OBJECTIONS AND RULINGS ON EVIDENCE**

Generally, §§ 3:1 to 3:9  
Appellate review of evidentiary issues, § 3:8  
Curative instructions, § 3:4  
Hearsay, § 17:18  
In limine motions, § 3:6  
Irrelevant evidence, § 6:1  
Limiting instructions, § 3:4  
Mistrial, motion for, § 3:4  
Objections at trial, generally, §§ 3:1 to 3:4  
Offers of proof, § 3:5  
"On the record," § 3:2  
Plain error, § 3:9  
Specificity, § 3:2  
Timeliness, § 3:3  
Trial court rulings on evidence, generally, § 3:7

**OBSTRUCTION OF JUSTICE**

Attorney-client privilege, physical evidence acquired from client, § 21:14

**OFFERS OF PROOF**

Generally, § 3:5

## INDEX

### OFFERS TO COMPROMISE

Admissions, § 18:7

### OPINION EVIDENCE

Generally, §§ 15:1 to 15:16

Attorney-client privilege, agents of the attorney and client, § 21:3

Basis of expert's opinion, §§ 15:6, 17:9

Battered spouse syndrome, § 15:1

Certainty, expert's level of, § 15:8

Child abuse accommodation syndrome, §§ 15:1, 15:15

Controversial scientific and technical evidence, §§ 15:11 to 15:12

Court-appointed experts, § 15:10

Cross-examination, §§ 15:9, 15:10

Daubert standard, novel scientific and technical evidence, § 15:12

Direct examination, § 15:7

Expert opinion, generally, §§ 15:3 to 14:10

Factual basis of expert's opinion, § 15:6

Lay opinion testimony, generally, § 15:2

Lie detectors, § 15:13

Medical malpractice, §§ 15:3 to 15:5

Nonhearsay, explaining basis of expert opinion, § 17:9

Novel scientific and technical evidence, §§ 15:11 to 15:12

Polygraphs, § 15:13

Probabilistic evidence, § 15:16

Psychological syndromes and profiles, § 15:15

Qualifying the expert, §§ 15:4 to 15:5

Treatises, § 15:7

Ultimate issue rule, §§ 13:3, 14:1, 15:1

Value, § 15:14

Work-product protection, § 21:19

### OPPORTUNITY

Independent crimes or acts evidence, § 11:16

### ORDINANCES

Authentication, § 7:6

### OVERHEARD

#### COMMUNICATIONS

Attorney-client privilege, § 21:7

## P

### PAROLE REVOCATION

Scope and applicability of Georgia evidence law, § 1:2

### PAST RECOLLECTIONS

#### RECORDED

Hearsay exceptions, § 19:7

Refreshing witness recollection distinguished, §§ 13:5, 19:7

### PEDIGREE

Hearsay exceptions, statements relating to pedigree, §§ 19:27, 19:28

### PEDOPHILE PROFILE

Opinion evidence, psychological syndromes and profiles, § 15:15

### PHONE CONVERSATIONS

Authentication of evidence, § 7:3

### PHOTOS

Authentication of evidence, § 7:4

Out-of-court identification of accused, photo arrays, § 17:18

Self-incrimination privilege, § 27:2

### PHYSICAL CONDITION

Hearsay exceptions, statements of then existing physical condition, § 19:5

### PHYSICIAN-PATIENT

#### CONFIDENCES

Generally, § 22:1

Medical review boards and peer reviews, § 22:2

### PLAIN ERROR

Objections and rulings on evidence, § 3:9

### PLAN OR SCHEME

Independent crimes or acts evidence, § 11:16

### PLEA BARGAINS

Admissions, § 18:9

**PLEAS IN CRIMINAL CASES**

Admissions, § 18:11

**POLYGRAPHS**

Opinion evidence, § 15:13

**PREJUDICE**

Bias or Prejudice, this index

**PRESENT SENSE IMPRESSIONS**

Hearsay exceptions, § 19:3

**PRESENTENCING HEARINGS**

Scope and applicability of Georgia evidence law, § 1:2

**PRESUMPTIONS**

Generally, §§ 5:1 to 5:3

Civil cases, § 5:3

Constitutional law, § 5:2

Criminal cases, § 5:2

**PRIOR CONDUCT**

Independent Crimes or Acts, this index

**PRIOR CONSISTENT STATEMENTS**

Nonhearsay, § 17:15

Rehabilitating an impeached witness, § 14:8

**PRIOR CONVICTIONS**

Impeachment of witnesses, § 14:5

**PRIOR INCONSISTENT STATEMENTS**

Impeachment of witnesses, § 14:4

Nonhearsay, § 17:16

**PRIOR TESTIMONY**

Hearsay exceptions, § 19:29

**PRIVILEGE AGAINST SELF-INCRIMINATION**

Generally, §§ 27:1 to 27:6

Accused in criminal case, §§ 27:2 to 27:4

Assertion of privilege, § 27:4

Blood or breath tests, § 27:2

Coconspirator's statements, § 27:4

Competency to stand trial, § 27:3

Contempt, § 27:6

Depositions, § 27:5

**PRIVILEGE AGAINST SELF-INCRIMINATION**

**—Cont'd**

Fingerprints, § 27:2

Guilty plea, § 27:2

Immunity of witness, § 27:6

Insanity plea, § 27:3

Lineups, § 27:2

Probation, waiver of privilege, §§ 27:1, 27:4

Psychiatric examinations, § 27:3

Voice exemplars, § 27:2

Waiver of privilege, §§ 27:3, 27:4

Witnesses, §§ 27:5, 27:6

**PRIVILEGES**

Generally, §§ 20:1 to 20:4

Accountant-client privilege, § 25:2

Adverse inference from assertion of privilege, § 20:4

Attorney-Client Privilege, this index

Clergy privilege, § 25:1

Competency, privileged distinguished from, § 20:2

Confidence, privileged distinguished from, § 20:2

Constitutional Law, this index

Definitions, § 20:1

Informants, §§ 26:1 to 26:3

Marital Privilege, this index

Mental Health Care Privileges, this index

News reporter's privilege, § 25:3

Physician-Patient Confidences, this index

Privilege Against Self-Incrimination, this index

State informants, §§ 26:1 to 26:3

**PROBABILISTIC EVIDENCE**

Opinion testimony, § 15:16

**PROBABLE CAUSE HEARINGS**

Scope and applicability of Georgia evidence law, § 1:2

**PROBATE COURTS**

Scope and applicability of Georgia evidence law, § 1:2

## INDEX

### PROBATION

Scope and applicability of Georgia evidence law, probation revocation hearings, § 1:2

Self-incrimination, waiver of privilege, §§ 27:1, 27:4

### PRODUCTS LIABILITY CASES

Subsequent remedial measures, § 18:6

### PSYCHIATRIC EXAMINATIONS

Privilege against self-incrimination, § 27:3

### PSYCHOLOGICAL SYNDROMES AND PROFILES

Opinion evidence, §§ 15:1, 15:15

## Q

### QUALIFYING THE EXPERT

Opinion evidence, §§ 15:4, 15:5

## R

### RAPE

Nonhearsay, complaint of rape, § 17:20

Rape victim shield law, § 11:6

### REBUTTAL EVIDENCE

Generally, § 13:4

Independent crimes or acts, character evidence, § 11:21

### RECALLING WITNESSES

Generally, § 13:4

### RECORDS

Documents and Records, this index

### REDIRECT OR REXCROSS-EXAMINATION

Generally, § 13:4

### REFRESHING WITNESS RECOLLECTION

Generally, § 13:5

Hearsay exceptions, § 19:8

Hypnotically refreshed testimony, § 12:6

### REFRESHING WITNESS

#### RECOLLECTION—Cont'd

Past recollections recorded distinguished, §§ 13:5, 19:7

### REHABILITATING AN IMPEACHED WITNESS

Generally, § 14:8

### RELEVANCY

Generally, §§ 6:1 to 6:5

Authentication of Evidence, this index

Best Evidence Rule, this index

Character Evidence, this index

“Connecting up,” § 6:2

Cumulative evidence, § 6:1

Demonstrative Evidence and Other Trial Aids, this index

Exclusion of relevant evidence for abuse of discovery or other rules, § 6:5

Financial and Insurance Status of Parties, this index

Limited admissibility, § 6:1

Motive, proof of declarant’s feelings or beliefs when relevant to, § 17:13

Negative effects, balancing relevancy against, § 6:4

Objections and rulings on evidence, § 6:1

“Opening the door,” § 6:3

Prior contradictory statements, § 13:3

Rule of completeness, § 6:3

Spoliation of evidence, § 6:5

State of mind of declarant, proof of declarant’s feelings or beliefs when relevant to motive, § 17:13

### RELIGIOUS FREEDOM

Clergy privilege, § 25:1

### REPUTATION

Character Evidence, this index

### RES GESTAE

Agency admissions, § 18:12

Character evidence, §§ 11:2, 11:3, 11:6



**RES GESTAE—Cont'd**

Hearsay exceptions, § 19:2  
Rape victim shield law, § 11:6

**RESIDUAL EXCEPTION**

Hearsay, § 19:36

**ROUTINE PRACTICE**

Character evidence, § 11:8

**RULE OF COMPLETENESS**

Hearsay exceptions, documents and records, § 19:8  
Relevancy, § 6:3

**S**

**“SCENE VIEWS”**

Jury views, § 10:4

**SCHEME OR PLAN**

Independent crimes or acts evidence, § 11:16

**SCOPE OF EVIDENCE LAW**

Generally, § 1:2

**SEARCH WARRANTS**

Scope and applicability of Georgia evidence law, § 1:2

**SELF-DEFENSE**

Character evidence, § 11:5

**SELF-INCRIMINATION**

Privilege Against Self-Incrimination, this index

**SELF-SERVING STATEMENTS**

Hearsay, § 16:8

**SEQUESTRATION OF WITNESSES**

Generally, § 13:6

**SETTLEMENT**

Compromise and Settlement, this index

**SEX OFFENSES**

Independent crimes or acts, character evidence, § 11:26  
Nonhearsay, complaint of sexual assault, § 17:20  
Rape, this index

**SHOWUPS**

Generally, § 17:18

**SILENCE**

Admissions by, § 18:4  
Automatic recordings, silent witness rule, § 7:4  
Privilege Against Self-Incrimination, this index

**SIMILAR TRANSACTIONS RULE**

Independent Crimes or Acts, this index

**SOURCES OF EVIDENCE RULES**

Generally, § 1:1

**SPECIFICITY**

Objections and rulings on evidence, § 3:2

**SPECULATION**

Witnesses, §§ 13:3, 15:2

**SPIRITUAL ADVISORS**

Clergy privilege, § 25:1

**SPOILIATION OF EVIDENCE**

Exclusion of relevant evidence for abuse of evidentiary rules, § 6:5

**SPOUSES**

Husband and Wife, this index

**STATE OF MIND**

Nonhearsay, this index

**STATEMENTS AGAINST INTEREST**

Hearsay exceptions, § 19:32

**STATISTICS**

Opinion evidence, probabilistic evidence, § 15:16

**STIPULATIONS**

Generally, § 4:1

**SUBSEQUENT REMEDIAL MEASURES**

Generally, § 18:6

## INDEX

### **SUBSTANCE ABUSE COMMITMENT PROCEEDINGS**

Scope and applicability of Georgia  
evidence law, § 1:2

### **SUMMARIES**

Best evidence rule, § 8:4  
Hearsay exceptions, voluminous  
writings, § 19:8

### **SUMMARY JUDGMENT**

Scope and applicability of Georgia  
evidence law, § 1:2

### **SUPPRESSION MOTIONS**

Scope and applicability of Georgia  
evidence law, § 1:2

## **T**

### **TARASOFF SITUATIONS**

Mental health care privileges, § 23:6

### **TIME OR DATE**

Ancient writings, § 19:26  
Business records has hearsay excep-  
tion, made at or near time of  
event, § 19:14  
Prior convictions, impeachment of  
witnesses, § 14:5

### **TRAFFIC OFFENSES**

Scope and applicability of Georgia  
evidence law, § 1:2

### **TREATISES**

Expert opinion, § 15:7  
Hearsay exceptions, § 19:24

### **TRIAL ROLE OF COUNSEL**

Generally, §§ 2:1, 2:2

### **TRIAL ROLE OF JUDGE**

Generally, §§ 2:1, 2:3

### **TRIAL ROLE OF JURY**

Generally, §§ 2:1, 2:4

### **2013 EVIDENCE CODE**

Implementation of 2013 Evidence  
Code, § 1:3

## **U**

### **ULTIMATE ISSUE RULE**

Opinion evidence, §§ 13:3, 14:1,  
15:1

## **V**

### **VALUE**

Opinion evidence, §§ 15:2, 15:14

### **VICTIMS**

Character evidence, §§ 11:5, 11:6  
Sequestration of witnesses, § 13:6  
Victim impact evidence, §§ 1:2, 11:5

### **VIDEO RECORDINGS**

Authentication of evidence, § 7:4  
Depositions in criminal cases,  
§ 19:31  
Hearsay exceptions, business records,  
§ 19:13

### **VIEW BY JURY**

Generally, § 10:4

### **VOICES**

Authentication of evidence, § 7:3  
Self-incrimination privilege, provid-  
ing voice exemplar, § 27:2

### **VOUCHING RULE**

Impeachment of witnesses, § 14:9

## **W**

### **WAIVER**

Attorney-client privilege, §§ 21:15,  
21:16  
Mental health care privilege, § 23:4  
Miranda rights, § 18:10  
News reporter's privilege, § 25:3  
Self-incrimination privilege, §§ 27:3,  
27:4  
Spousal witness privilege, § 24:3

### **WIFE**

Husband and Wife, this index

### **WILLS**

Attorney-client privilege,  
testamentary exception to the  
privilege, § 21:18

**WITNESSES**

Character, §§ 11:7, 11:21  
Competency to Testify, this index  
Continuing witness rule, hearsay  
exception for documents and  
records, § 19:8  
Credibility, this index  
Definition of “unavailability of a  
witness,” § 19:38  
Examination of Witnesses at Trial,  
this index  
Impeachment of Witnesses, this index

**WITNESSES—Cont’d**

Opinion Evidence, this index  
Privilege against self-incrimination,  
§§ 27:5, 27:6  
Refreshing Witness Recollection, this  
index  
Spousal witness privilege, § 24:3

**WORK-PRODUCT**

Attorney-client privilege, § 21:19

**WRONGFUL DEATH ACTIONS**

Dying declarations, admissibility of,  
§ 19:33