

Table of Contents

TITLE 1. INTRODUCTION

CHAPTER 1. THE NATURE OF ADJUDICATION

- § 1.02 Law and fact—Defined and distinguished
- § 1.13 The adversary process—Limitations on party presentation—The prosecutor

CHAPTER 2. EVIDENCE REFORM, THE OKLAHOMA EVIDENCE CODE, AND ITS IMPACT ON THE COMMON LAW

- § 2.01 Evidence reform—In general
- § 2.07 Evidence reform—Specific proposals—Federal Rules of Evidence
- § 2.10 The Oklahoma Evidence Code—An overview
- § 2.11 The Oklahoma Evidence Code—Completeness

CHAPTER 3. PROCEEDINGS IN WHICH THE OKLAHOMA EVIDENCE CODE APPLIES

- § 3.01 Applicability—In general—Types of courts
- § 3.02 Applicability—In general—Administrative agency hearings
- § 3.04 Applicability—Types of proceedings—Grand jury
- § 3.10 Non-applicability—Evidentiary hearings
- § 3.12 Non-applicability—Sentencing
- § 3.14 Non-applicability—Revocation of probation or advancement of deferred sentences
- § 3.17 Non-applicability—Juvenile emergency show-cause hearings

TITLE 2. JUDICIAL NOTICE

CHAPTER 4. JUDICIAL NOTICE DEFINED AND DISTINGUISHED

- § 4.01 Judicial notice—In general

CHAPTER 5. JUDICIAL NOTICE OF LAW

- § 5.03 Law required to be noticed—Public law
- § 5.04 Law that may be noticed—Private acts and resolutions
- § 5.06 Law that may be noticed—Rules and regulations
- § 5.07 Law that may be noticed—Laws of foreign countries
- § 5.08 Appellate courts
- § 5.10 Special statutes—Private acts and resolutions

CHAPTER 6. JUDICIAL NOTICE OF FACTS

- § 6.03 Categories of adjudicative facts judicially noticed—In general
- § 6.08 Categories of adjudicative facts judicially noticed—Capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned—In general
- § 6.11 Categories of adjudicative facts judicially noticed—Capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned—Criteria—Categories of facts—Scientific facts
- § 6.12 Categories of adjudicative facts judicially noticed—Capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned—Criteria—Categories of facts—Almanac facts
- § 6.14 Categories of adjudicative facts judicially noticed—Capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned—Criteria—Categories of facts—Court records
- § 6.15 Categories of adjudicative facts judicially noticed—Capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned—Criteria—Categories of fact—Other governmental records, offices and officers
- § 6.16 Special statutes

CHAPTER 7. PROCEDURE FOR TAKING JUDICIAL NOTICE AND ITS EFFECT

- § 7.01 Determining the propriety of taking judicial notice

TITLE 3. PROOF AND PRESUMPTIONS

CHAPTER 8. PROOF

- § 8.02 Proof, persuasion and evidence distinguished
- § 8.05 Civil cases—Allocating the burden of persuasion
- § 8.06 Civil cases—Allocating the burden of producing evidence—In general
- § 8.07 Civil cases—Allocating the burden of producing evidence—Sufficiency of the evidence—In general
- § 8.08 Civil cases—Allocating the burden of producing evidence—Direct and indirect (circumstantial) evidence
- § 8.09 Criminal cases—The presumption of innocence and the prosecution's burden of persuasion
- § 8.11 Criminal cases—Burden of producing evidence—Sufficiency of the evidence—In general
- § 8.13 Criminal cases—Burden of producing evidence—Requirement of corroboration
- § 8.15 Criminal cases—Defendant's burden of producing evidence—Affirmative defenses—Insanity
- § 8.16 Criminal cases—Defendant's burden of producing evidence—Affirmative defenses—Intoxication, self-defense, alibi and entrapment
- § 8.20 Meeting the burden of persuasion—The three tests of persuasion

TABLE OF CONTENTS

- § 8.23 Meeting the burden of persuasion—Civil cases—Clear and convincing evidence
- § 8.25 Meeting the burden of persuasion—Criminal cases—Beyond a reasonable doubt—Special instruction in circumstantial evidence cases

CHAPTER 9. PRESUMPTIONS

- § 9.01 General purpose and rationale
- § 9.04 Presumption—Basic facts—Presumed fact components
- § 9.10 Other applications in the use of the term “presumption”—Inference—In general
- § 9.11 Other applications in the use of the term “presumption”—Inference—Res ipsa loquitur
- § 9.12 Other applications in the use of the term “presumption”—“Conclusive presumption”
- § 9.16 Constitutional limitations on establishing presumptions—Criminal cases—U.S. Supreme Court doctrine—Fifth Amendment
- § 9.18 Constitutional limitations on establishing presumptions—Criminal cases—U.S. supreme court doctrine—Oklahoma applications of the constitutional doctrine
- § 9.20 The effect of presumptions—Civil cases—Statutory rule
- § 9.23 The effect of presumptions—Criminal cases—Statutory rule
- § 9.24 The effect of presumptions—Criminal cases—Instructing the jury

TITLE 4. PROCEDURES GOVERNING THE ADMISSIBILITY OF EVIDENCE

CHAPTER 10. ORDER FOR PRESENTING EVIDENCE AT TRIAL

- § 10.01 Civil cases—Jury trials—Statutory procedure
- § 10.09 Criminal cases—Jury trials—Statutory procedure

CHAPTER 11. OBJECTING AND RULING ON THE ADMISSIBILITY OF EVIDENCE

- § 11.03 Objections to the admission of evidence—Necessity—In general
- § 11.06 Objections to the admission of evidence—Specific ground—In general
- § 11.11 Court’s role
- § 11.15 Error in the admission or exclusion of evidence—Harmless error
- § 11.17 Error in the admission or exclusion of evidence—Constitutional error

CHAPTER 12. DECIDING PRELIMINARY QUESTIONS IN RULING ON THE ADMISSIBILITY OF EVIDENCE

- § 12.02 Preliminary questions for the trial court—Admissibility of evidence generally
- § 12.04 Preliminary questions for the trial court—Existence of privilege
- § 12.05 Preliminary questions for the trial court—Constitutionally admissible evidence—Voluntariness of confessions
- § 12.08 Preliminary questions for the jury—In general
- § 12.10 Hearings on admissibility—Allocating preliminary questions between court and jury

CHAPTER 13. LIMITED ADMISSIBILITY AND COMPLETENESS OF WRITINGS

- § 13.04 Limited admissibility—Criminal cases—As to one party, but not another
- § 13.08 Completeness of writings

TITLE 5. RELEVANCY

CHAPTER 14. THE THRESHOLD QUESTIONS OF RELEVANCY VERSUS UNFAIR PREJUDICE

- § 14.02 Relevant evidence defined
- § 14.03 The elements of relevant evidence
- § 14.06.1 Direct and indirect (circumstantial) evidence—Determining relevancy—Indirect (circumstantial) evidence—Types—Flight
- § 14.06.2 Direct and indirect (circumstantial) evidence—Determining relevancy—Indirect (circumstantial) evidence—Types—Spoliation of evidence
- § 14.09 The exclusion of relevant evidence due to unfair prejudice or other harmful consequences—The exclusionary rule
- § 14.12 The exclusion of relevant evidence due to unfair prejudice or other harmful consequences—The harmful effects—Unfair prejudice
- § 14.12.1 The exclusion of relevant evidence due to unfair prejudice or other harmful consequences—The harmful effects—Unfair prejudice—Victim impact statements
- § 14.16 The exclusion of relevant evidence due to unfair prejudice or other harmful consequences—The harmful effects—Unfair or harmful surprise
- § 14.18 Trial court discretion

CHAPTER 15. CHARACTER

- § 15.01 Character evidence—In general
- § 15.06 Character as circumstantial evidence of conduct—The general rule and its rationale

TABLE OF CONTENTS

- § 15.07 Character as circumstantial evidence of conduct—The exceptions—Accused’s character—Offered by accused and by prosecution in rebuttal
- § 15.08 Character as circumstantial evidence of conduct—The exceptions—Accused’s character—Methods of proof
- § 15.11 Victim’s character in sexual offense cases
- § 15.13 Other crimes, wrongs, or acts evidence—The general rule, its scope and its limitations
- § 15.14 Other crimes, wrongs, or acts evidence—The Burks guidelines
- § 15.17 Other crimes, wrongs, or acts evidence—Use of the evidence for permissible purposes—Permissible purposes—Intent
- § 15.18 Other crimes, wrongs, or acts evidence—Use of the evidence for permissible purposes—Permissible purposes—Plan
- § 15.19 Other crimes, wrongs, or acts evidence—Use of the evidence for permissible purposes—Permissible purposes—Knowledge
- § 15.20 Other crimes, wrongs, or acts evidence—Use of the evidence for permissible purposes—Permissible purposes—Identity
- § 15.21 Other crimes, wrongs, or acts evidence—Use of the evidence for permissible purposes—Permissible purposes—Absence of mistake or accident
- § 15.22 Other crimes, wrongs, or acts evidence—Use of the evidence for permissible purposes—Permissible purposes—Other purposes
- § 15.22.50 Other crimes, wrongs, or acts evidence—Other crimes of sexual assault or molestation [*New*]
- § 15.22.70 Other crimes, wrongs, or acts evidence—Other crimes of sexual assault or molestation—Equal Protection, Due Process and *Ex Post Facto* considerations [*New*]

CHAPTER 17. OTHER OCCURRENCES AND TRANSACTIONS

- § 17.05 Sales of similar property as evidence of value
- § 17.06 Accidents and injuries

CHAPTER 18. SUBSEQUENT REMEDIAL MEASURES

- § 18.01 The exclusionary rule and its rationale—Negligence cases
- § 18.04 Admissibility for purposes other than to prove negligence—In general

CHAPTER 19. COMPROMISES

- § 19.09 Offers to compromise—Conduct or statements occurring during compromise negotiations
- § 19.10 Offers to compromise—Discoverable evidence revealed during compromise negotiations

CHAPTER 20. LIABILITY INSURANCE

§ 20.12 Discovery

TITLE 6. REAL AND DEMONSTRATIVE EVIDENCE

CHAPTER 21. THE FOUNDATIONAL REQUIREMENTS FOR ADMISSIBILITY

§ 21.04 Foundational requirements for admissibility—The requirement of authentication or identification—In general

§ 21.09 Foundational requirements for admissibility—The requirement of authentication or identification—Methods—Statutory—Voice identification

CHAPTER 22. THE VARIOUS TYPES AND USES OF REAL AND DEMONSTRATIVE EVIDENCE

§ 22.05 Experiments

§ 22.06 Photographic evidence—Still photographs

§ 22.07 Photographic evidence—Motion pictures and videotapes

§ 22.08 Photographic evidence—Posed photographs

§ 22.10 Recordings

CHAPTER 23. WRITINGS AND THE ORIGINAL RECORD RULE

§ 23.11 Authentication—Self-authentication—Commercial paper

§ 23.12.50 Authentication—Self-authentication—Originals or duplicates of records of domestic or foreign countries
[New]

§ 23.12.70 Authentication—Self-authentication—Records generated from electronic process and data copied from an electronic device *[New]*

§ 23.20 Original record rule—Meaning of writing, recording, or photograph *[Retitled]*

§ 23.21 Original record rule—Meaning of original of the writing, recording, or photograph—In general *[Retitled]*

§ 23.22 Original record rule—Meaning of original of the writing, recording, or photograph—Documents *[Retitled]*

§ 23.23 Original record rule—Meaning of original of the writing, recording, or photograph—Recordings *[Retitled]*

§ 23.24 Original record rule—Meaning of original of the writing, recording, or photograph—Photographs *[Retitled]*

§ 23.25 Original record rule—Meaning of original of the writing, recording, or photograph—Computer printouts *[Retitled]*

§ 23.26 Original record rule—Duplicates—In general *[Retitled]*

§ 23.27 Original record rule—Duplicates—Writings *[Retitled]*

§ 23.28 Original record rule—Duplicates—Recordings *[Retitled]*

§ 23.29 Original record rule—Duplicates—Photographs *[Retitled]*

§ 23.30 Original record rule—Duplicates—Computer printouts
[Retitled]

TABLE OF CONTENTS

- § 23.31 Original record rule—Duplicates—Exclusion of duplicates
[Retitled]
- § 23.32 Original record rule—Explanation for failure to produce
original—Original lost or destroyed *[Retitled]*
- § 23.33 Original record rule—Explanation for failure to produce
original—Original not obtainable *[Retitled]*
- § 23.34 Original record rule—Explanation for failure to produce
original—Original in possession of opponent *[Retitled]*
- § 23.35 Original record rule—Explanation for failure to produce
original—Collateral matters *[Retitled]*
- § 23.36 Original record rule—Secondary evidence of contents
[Retitled]
- § 23.37 Public records
- § 23.41 Proof of contents by testimonial or written admissions of
the adverse party
- § 23.42 Admissibility of evidence of assemblage in exercise of free
speech or display of religious beliefs *[New]*

TITLE 7. TESTIMONIAL EVIDENCE

CHAPTER 24. THE COMPETENCY OF WITNESSES

- § 24.01 Competency of witnesses—In general
- § 24.06 Competency of witnesses—Jurors—Inquiry into validity of
verdict or indictment—In general
- § 24.07 Competency of witnesses—Jurors—Inquiry into validity of
verdict or indictment—Grounds—Intrinsic matters
- § 24.08 Competency of witnesses—Jurors—Inquiry into validity of
verdict or indictment—Grounds—Extraneous influences
- § 24.10 Competency of witnesses—Jurors—Inquiry into validity of
verdict or indictment—Grounds—Interviewing jurors after
verdict
- § 24.14 Necessity for personal knowledge—Memory
- § 24.17 Oath or affirmation—In general
- § 24.20 Oath or affirmation—Interpreters

CHAPTER 25. FIRSTHAND KNOWLEDGE AND THE OPINION RULE

- § 25.02 The code rule—Requirements for admissibility—In general
- § 25.04 The code rule—Requirements for admissibility—Rationally
based on the perception of the witness—The rational
connection test
- § 25.10 Opinions on the ultimate issue—The code rule and its
background—Limitations—The *Gabus* exception
- § 25.11 Opinions on the ultimate issue—The code rule and its
background—Other limitations—In general
- § 25.12 Opinions on the ultimate issue—The code rule and its
background—Other limitations—Conclusions of “fact”

CHAPTER 26. EXPERTS AND THE USE OF SPECIALIZED KNOWLEDGE

- § 26.01 The use of specialized knowledge—In general

- § 26.02 Types of knowledge—Range of subject matter
- § 26.03 Standard of admissibility—In general
- § 26.05 Standard of admissibility—State of the art—The “Frye” standard
- § 26.07 Standard of admissibility—State of the art—The Oklahoma approach
- § 26.08 Standard of admissibility—Experience of the expert
- § 26.09 Qualifications of the expert
- § 26.10 Form of the expert’s testimony
- § 26.11 Bases for expert testimony—In general
- § 26.12 Bases for expert testimony—Data reasonably relied upon by experts
- § 26.14 Disclosure of facts or data underlying expert opinion—Disclosure on direct examination—In general
- § 26.15 Disclosure of facts or data underlying expert opinion—Disclosure on direct examination—Types of facts or data subject to disclosure
- § 26.17 Disclosure of facts or data underlying expert opinion—Disclosure in criminal cases
- § 26.18 The use of court experts

TITLE 8. THE HEARSAY RULE AND ITS EXCEPTIONS

CHAPTER 27. THE RATIONALE, NATURE AND STRUCTURE OF THE HEARSAY RULE AND ITS EXCEPTIONS

- § 27.01 The rationale, nature and structure of the hearsay rule and its exceptions
- § 27.02 Summary of the analytical approach to resolving hearsay issues

CHAPTER 28. THE HEARSAY RULE AND ITS APPLICATIONS

- § 28.01 The definition of hearsay
- § 28.03 The hearsay/non-hearsay issue—Statements offered for their truth
- § 28.09 Hearsay within hearsay

CHAPTER 29. STATEMENTS DEFINED AS NON-HEARSAY

- § 29.02 Prior statements by witness—In general
- § 29.03 Prior statements by witness—Inconsistent statements—In general
- § 29.16 Admission by party-opponent—Party’s own statement
- § 29.22 Admission by party-opponent—Coconspirator’s statement—In furtherance of the conspiracy

TABLE OF CONTENTS

- § 29.25 Admission by party-opponent—Coconspirator’s statement—
Procedural requirements—Admissibility a question for the
trial judge
- § 29.27 Admission by party-opponent—Coconspirator’s statement—
Procedural requirements—Order of proof

CHAPTER 30. EXCEPTIONS TO THE HEARSAY RULE: AVAILABILITY OF THE DECLARANT IMMATERIAL

- § 30.01 The specific exceptions issue
- § 30.02 Contemporaneous statements—In general
- § 30.03 Contemporaneous statements—Present sense impression
- § 30.04 Contemporaneous statements—Excited utterance
- § 30.09 Contemporaneous statements—Statements of then existing
mental, emotional, or physical condition—Then-existing
mental or emotional condition—State of mind to show a
subsequent act
- § 30.12 Contemporaneous statements—Statements for purposes of
medical diagnosis or treatment
- § 30.13 Statements of children concerning acts of physical or sexual
abuse—In general
- § 30.14 Statements of children concerning acts of physical or sexual
abuse—Notice
- § 30.15 Statements of children concerning acts of physical or sexual
abuse—Hearing
- § 30.16 Statements of children concerning acts of physical or sexual
abuse—Requirements for admissibility
- § 30.17 Recorded recollection
- § 30.25 Private records—Regularly conducted activities—Existence of
entry—Regular practice of business activity to make the
record
- § 30.26 Private records—Regularly conducted activities—Existence of
entry—Lack of trustworthiness
- § 30.30 Public records and reports—Public office or agency—Existence
of entry—The general rules
- § 30.31 Public records and reports—The exceptions to admissibility
- § 30.33 Public records and reports—Judgment of previous conviction
- § 30.38 Verified medical reports [*New*]

CHAPTER 31. EXCEPTIONS TO THE HEARSAY RULE: UNAVAILABILITY OF DECLARANT REQUIRED

- § 31.01 The specific exceptions issue
- § 31.02 Definition of unavailability—In general
- § 31.04 Definition of unavailability—Grounds for unavailability—
Refusal to testify
- § 31.07 Definition of unavailability—Grounds for unavailability—
Absence—In general
- § 31.08 Definition of unavailability—Grounds for unavailability—
Absence—Criminal cases
- § 31.09 The exceptions—Former testimony—In general

- § 31.10 The exceptions—Former testimony—Opportunity and similar motive
- § 31.12 The exceptions—Former testimony—By a party or predecessor in interest
- § 31.13 The exceptions—Statement under belief of impending death
- § 31.17 The exceptions—Statement against interest—Foundational requirements—Statements against penal interest—Exculpatory statements
- § 31.18 The exceptions—Statement against interest—Foundational requirements—Statements against penal interest—Inculpatory statements

CHAPTER 32. EXCEPTIONALLY TRUSTWORTHY HEARSAY

- § 32.01 The residual exceptions issue
- § 32.02 The foundational requirements—Statement with equivalent guarantees of trustworthiness
- § 32.03 The foundational requirements—Offered as evidence of a material fact
- § 32.04 The foundational requirements—More probative than other evidence
- § 32.05 The foundational requirements—In the interests of justice
- § 32.06 The foundational requirements—Notice of intent to offer statement
- § 32.06.50 The residual exception *[New]*

Table of Contents

TITLE 9. HEARSAY AND THE RIGHT TO CONFRONTATION

CHAPTER 33. THE BASIS, NATURE AND SCOPE OF CONFRONTATION AND ITS RELATIONSHIP TO THE HEARSAY RULE

- § 33.02 The relationship between confrontation and hearsay
- § 33.03 Proceedings in which confrontation applies

CHAPTER 34. CONFRONTATIONAL LIMITATIONS ON THE ADMISSIBILITY OF HEARSAY STATEMENTS

- § 34.01 In general
- § 34.04 Statements admissible under hearsay exceptions—Availability
of declarant immaterial
- § 34.05 Statements admissible under hearsay exceptions—
Unavailability of declarant required—In general
- § 34.08 Statements admissible under hearsay exceptions—
Unavailability of declarant required—Statements against
interest
- § 34.09 Newly developed exceptions

TITLE 10. PRIVILEGED COMMUNICATIONS

CHAPTER 35. THE SOURCE, RATIONALE, NATURE, EFFECT AND WAIVER OF EVIDENTIARY PRIVILEGES

- § 35.01 Source
- § 35.13 Waiver—Voluntary disclosure—When waived—Disclosure of
significant part
- § 35.16 Waiver—Involuntary disclosure—Without opportunity to claim
privilege

CHAPTER 36. ATTORNEY-CLIENT PRIVILEGE

- § 36.01 The background and policy
- § 36.05 Definitions—Representative of the client
- § 36.06 Definitions—Representative of the client—Corporations

- § 36.07 Definitions—Representative of the client—Insurers
- § 36.27.50 Exceptions—Communication necessary for an attorney to defend a legal action *[New]*
- § 36.32 The relationship between the privilege and the rules permitting discovery—Attorney-client privilege
- § 36.34 When disclosure does not constitute a waiver of the privilege *[New]*

CHAPTER 37. PHYSICIAN AND PSYCHOTHERAPIST-PATIENT PRIVILEGE

- § 37.01 The background and policy
- § 37.10 The privilege of nondisclosure—In general
- § 37.16 Who may claim the privilege
- § 37.19 Exceptions—Physical or mental condition as a claim or defense
- § 37.19.50 Exceptions—When the patient is an Inmate *[New]*
- § 37.19.70 Exceptions—State and federal privacy laws *[New]*
- § 37.20 Special statutory rules

CHAPTER 38. THE MARITAL PRIVILEGE

- § 38.03 Definitions—Spouse
- § 38.04 Definitions—Confidentiality
- § 38.05 Definitions—Communication
- § 38.10 Exceptions—Crime of spouse—Against a child of either spouse

CHAPTER 39. THE RELIGIOUS PRIVILEGE

- § 39.02 Definitions—Clergyman
- § 39.04 Definitions—Communication

CHAPTER 40A. INTERPRETER FOR THE DEAF PRIVILEGE *[New]*

- § 40A.01 Additional exceptions *[New]*

CHAPTER 41. IDENTITY OF INFORMER PRIVILEGE

- § 41.07 Who may claim the privilege

CHAPTER 41A. PEER SUPPORT COUNSELING CONFIDENTIALITY *[New]*

- § 41A.01 Peer support counseling privilege *[New]*

CHAPTER 41B. ACCOUNTANT/CLIENT PRIVILEGE *[New]*

- § 41B.01 Communications between accountant and client *[New]*

TABLE OF CONTENTS

**CHAPTER 42. THE TOPICAL PRIVILEGES:
POLITICAL VOTE, TRADE SECRETS
AND SECRETS OF STATE**

- § 42.02 The topical privileges—Political vote
- § 42.03 The topical privileges—Trade secrets

**TITLE 11. CONSTITUTIONALLY PRIVILEGED
MATTER**

**CHAPTER 43. THE PRIVILEGE AGAINST
SELF-INCRIMINATION**

- § 43.04 The danger protected—In general
- § 43.08 The danger protected—Types of dangers—Type of proceeding
- § 43.13 The activity protected—Testimonial compulsion
- § 43.15 The requirements of compulsion—Documents, private papers, and other items
- § 43.17 The meaning of “person”—Corporations and associations
- § 43.26 The privilege of an accused—Forms of coercion—Comments or arguments burdening defendant’s failure to testify
- § 43.37 The privilege of a witness—In general
- § 43.55 Required records exception
- § 43.67 Immunity—Granting immunity—By defendant to compel favorable testimony

CHAPTER 44. CONFESSIONS

- § 44.03 Defined and distinguished—Exculpatory statement
- § 44.09 The requirement of corroboration—Independent evidence—The Oklahoma rule
- § 44.11 The requirement of corroboration—Quantum of evidence required
- § 44.18 The requirement of voluntariness—Determining voluntariness—Totality of circumstances
- § 44.19 The requirement of voluntariness—Determining voluntariness—Intoxication
- § 44.20 The requirement of voluntariness—Determining voluntariness—Physical and mental coercion
- § 44.21 The requirement of voluntariness—Determining voluntariness—Promises of benefits—In general
- § 44.22.50 The requirement of voluntariness—Determining voluntariness—Promises of benefits—Pre-guilty plea disclosure of impeachment information [*New*]
- § 44.30 Self-incrimination and custodial interrogation—Scope
- § 44.31 Self-incrimination and custodial interrogation—Custody and interrogation—Custody
- § 44.36 Self-incrimination and custodial interrogation—Custody and interrogation—By private persons
- § 44.40 Self-incrimination and custodial interrogation—Prerequisites to custodial interrogation—The warnings requirements—Right to silence—Cessation of interrogation

- § 44.44 Self-incrimination and custodial interrogation—Waiver of warnings—Form of waiver
- § 44.46 Self-incrimination and custodial interrogation—Waiver of warnings—Effectiveness—Knowing and intelligent
- § 44.49 Relationship of the Sixth Amendment right to counsel and the Fifth Amendment—Self-incrimination and the Sixth Amendment
- § 44.51 Relationship of the sixth amendment right to counsel and the fifth amendment—The fifth and sixth amendments compared
- § 44.56 Admissibility of the “fruits” of an inadmissible confession—Successive confessions—Subsequent to a voluntary, but inadmissible, confession
- § 44.57 Judicial confessions—Pleas of guilty and related admissions
- § 44.65 Use of otherwise inadmissible confessions for impeachment of the testifying defendant

CHAPTER 45. IMPROPERLY OBTAINED EVIDENCE

- § 45.03 Proceedings in which the exclusionary sanction is applicable
- § 45.05 Search and seizure defined—Searches—Intrusion into privacy expectations—In general
- § 45.08 Search and seizure defined—Searches—By governmental authority
- § 45.10.50 Search and seizure defined—Seizures—Persons—Drug interdiction checkpoints *[New]*
- § 45.11 Search and seizure defined—Seizures—Things
- § 45.18 The requirement of a warrant—A finding by a magistrate—Requisites of a valid warrant—Requirement of an affidavit—Accuracy of information
- § 45.20 The requirement of a warrant—A finding by a magistrate—Requisites of a valid warrant—Requirement of an affidavit—Specificity as to person, place, or subject matter
- § 45.23 The requirement of a warrant—Issuance of warrant by magistrate
- § 45.24 The requirement of a warrant—Execution of warrant—Manner
- § 45.25 The requirement of a warrant—Execution of warrant—Time
- § 45.29 Exceptions to the warrant requirement—Consent searches
- § 45.31 Exceptions to the warrant requirement—Administrative searches
- § 45.32 Exceptions to the warrant requirement—Border searches
- § 45.33 Exceptions to the warrant requirement—Exigent circumstances—In general
- § 45.34 Exceptions to the warrant requirement—Exigent circumstances—The automobile exception
- § 45.35 Exceptions to the warrant requirement—Plain view seizures
- § 45.36 Searches related to seizures of the person—Searches incident to an arrest

TABLE OF CONTENTS

- § 45.37 Searches related to seizures of the person—Field confrontations and “frisks”
- § 45.37.1 Searches related to seizures of the person—The “plain touch” exception
- § 45.41 Restraints on the admissibility of identifications and other physical evidence obtained from the accused—Lineups and confrontations with witnesses—Conducting lineups—Necessity and type
- § 45.43 Restraints on the admissibility of identifications and other physical evidence obtained from the accused—Conduct that shocks the conscience
- § 45.44 Restraints on the admissibility of identifications and other physical evidence obtained from the accused—Implied consent
- § 45.47 Exclusion of improperly obtained evidence—The “fruit of the poisonous tree” doctrine—Overcoming the taint of illegality—Attenuation of the taint
- § 45.49 Exclusion of improperly obtained evidence—The “fruit of the poisonous tree” doctrine—Overcoming the taint of illegality—Inevitable discovery
- § 45.52 Enforcement of the right to exclusion—Standing

TITLE 12. THE EXAMINATION, IMPEACHMENT AND REHABILITATION OF WITNESSES

CHAPTER 46. EXAMINATION OF WITNESSES

- § 46.01 The role of the trial court—In general
- § 46.11.50 Examination of witnesses—Incapacitated persons *[New]*
- § 46.11.70 Examination of witnesses—Child witnesses *[New]*
- § 46.22 Defendant’s right to testify at criminal trial *[New]*

CHAPTER 47. IMPEACHMENT AND REHABILITATION OF WITNESSES

- § 47.08 Impeachment—Scope and methods of impeachment—Bias
- § 47.13 Impeachment—Scope and methods of impeachment—Character and conduct of witness—Attack on character for truthfulness—By specific instances of conduct—Cross-examination—Character witness
- § 47.17 Impeachment—Scope and methods of impeachment—Conviction of crime—Felony crimes—In general
- § 47.20 Impeachment—Scope and methods of impeachment—Conviction of crime—Crimes of dishonesty or false statement
- § 47.21 Impeachment—Scope and methods of impeachment—Conviction of crime—Time limit on the admissibility of a conviction
- § 47.23 Impeachment—Scope and methods of impeachment—Conviction of crime—Juvenile adjudications
- § 47.28 Impeachment—Scope and methods of impeachment—Prior inconsistent statements—Foundation for admissibility—The use of extrinsic evidence

§ 47.31 Rehabilitation of the impeached witness—Impermissible
vouching for the credibility of A witness

Table of Contents

Appendices

Appendix I. Commentary of the Law of Evidence-Oklahoma Evidence

Appendix II. Federal Rules of Evidence for United States Courts

Table of Laws and Rules

Table of Cases

Index