

Index

ABANDONMENT

- Inventory search of motor vehicles, abandoned property, § 2.2f(4)
- Search of abandoned vehicles, § 3.6
- Seizure of abandoned property, § 2.2e(8)

ABSENCE OR PRESENCE

- Defendants' presence at trial, § 22.12

ABUSE OF CHILD

- Children in need of services (ChINS) investigations, § 4.8

ACTIONS AND PROCEEDINGS

- Critical stages, right to counsel, § 23.1
- Discovery
 - noncompliance, § 16.8
- Improper arguments
 - opening statements, § 22.2
- Omnibus date, initial hearings, § 10.6

ADMISSIONS AND DECLARATIONS

- Corpus delicti, § 7.9c
- Privilege against self-incrimination, § 7.9b
- Tacit admissions, § 7.9d

AERIAL SURVEILLANCE

- Aircraft, ordinary, § 2.2e(6)
- Helicopters, § 2.2e(6)
- Open view observations, § 2.2e(6)

AFFIDAVITS

- Probable cause
 - search warrants
 - affidavit need not be attached, § 2.3e
 - false information in affidavit, § 2.3d(4)
 - probable cause affidavit, § 2.3b
 - specificity and particularity, § 2.3f

ALIBI

- Notice, § 16.6

ALIENS AND CITIZENS

- Informers, citizen informers
 - probable cause for a search, § 2.2b(5)
 - probable cause for an arrest, § 1.3b(5)
 - reasonable suspicion for a stop and frisk, § 5.3g

ALIENS AND CITIZENS—Cont'd

Private citizens

- arrests, authority to make, § 1.3a(4)
- identifications by, § 6.4a(5)
- questioning by, § 7.2c(8)
- searches by, § 2.2e(9)

AMENDMENTS

- Charges and charging, § 15.3

ANONYMITY OF TIPSTERS

- Probable cause for arrests, § 1.3b(6)
- Probable cause for searches, § 2.2b(6)
- Reasonable suspicion for stop and frisk, § 5.3h

ANSWER OR PLEA

Agreements

- form, § 13.3
- limits on prosecutorial discretion, § 8.2
- sentence bargain after conviction, § 13.3
- terms and conditions, § 13.3
- types, § 13.3

Assistance of counsel, § 12.3, 13.2

Authorized, § 12.1

Best interest pleas, § 12.6

Charges, nature of, § 12.4

Factual basis, § 12.6

Guilty plea

- acceptance, § 12.2
- effective assistance, § 23.3
- rejection, § 12.2

Initial hearings, entry, § 10.6

Negotiations

- assistance of counsel, § 13.2
- binding effect
 - defendant, § 13.5
 - prosecuting attorney, § 13.5
 - trial court, § 13.5
- discretionary nature, § 13.1
- judicial role, § 13.1
- withdrawal of plea, § 13.6

Voluntariness determination, § 13.4

Warning of rights, § 12.4

ANTICIPATION OR CONTEMPLATION

- Search warrant as anticipatory, § 2.3d

APPEAL AND ERROR

- Bail, pending appeal, § 11.7

INDEX

ARGUMENTS OF COUNSEL

- Closing arguments
generally, § 22.8
- Opening statements
generally, § 22.2

ARREST

- Arrest warrant requirements, § 1.3c
- Arrests with a warrant
 - felonies in private residences, § 1.6c
 - misdemeanors in private residences, § 1.6d
- Authority to make an arrest
 - custodial arrests for traffic offenses, § 3.7
 - judges, § 1.3a(2)
 - private citizens, § 1.3a(4)
- Collective knowledge, § 1.3b n.47; 2.2b n. 39; 5.3f n. 6
- Detainers, § 1.1
- Elements of an arrest
 - communication of intention, § 1.2d
 - intention, § 1.2c
 - seizure, § 1.2b
- Felonies
 - arrests with warrants, § 1.6c
 - warrantless arrests, § 1.4a
- Force, use of
 - warrantless arrests, § 1.5b
- Illegal arrests
 - mistaken arrest, § 1.9c
 - resistance, § 1.9d
 - suppression of tainted evidence, § 1.9e
 - trial of arrested person, § 1.9f
- Intention, communication, § 1.2d
- Knock and announcement requirement
 - warrantless arrests, § 1.5c
- Misdemeanors, warrantless arrests, § 1.4c
- Motor vehicle search incident to arrest, § 3.2
- Probable cause
 - definition, § 1.3b(2)
 - first-hand information, § 1.3b(3)
 - information sources
 - anonymous tipsters, § 1.3b(6)
 - citizen informers, § 1.3b(5)
 - law enforcement officers, § 1.3b(4)
 - professional informants, § 1.3b(6)
 - personal information, § 1.3b(3)
 - subjective evaluation by arresting officer, § 1.3b(7)
 - timeliness, § 1.3b(8)
 - traffic violation, § 1.3b(3)

ARREST—Cont'd

- Procedures for obtaining an arrest warrant
 - filing formal charges, § 1.7a
- Telephonic arrest warrant, § 1.7a
- Traffic offenses, warrantless arrests, § 1.5d
- Warrantless arrests
 - exigent circumstances, § 1.4d
 - felonies in private residences, § 1.4b
 - felonies in public places, § 1.4a
 - force, use of, § 1.5b
 - knock and announcement requirement, § 1.5c
 - misdemeanors in an officer's presence, § 1.4c
 - public place for felony, § 1.5a
 - traffic offenses, § 1.5d
- Warrants
 - arrest warrant requirements, § 1.3c
 - arrests with a warrant, § 1.6
 - bail, posting procedures, § 11.5
 - force, use of, § 1.8d
 - knock and announce requirement, § 1.8e
 - procedures for obtaining a warrant, § 1.7
 - time limitations, § 1.8b

ASSAULT AND BATTERY

- Effects of battery
 - defense, § 16.6
 - pretrial notice requirements, § 16.6

ATTORNEYS

- Assistance of counsel
 - conflict of interest, § 23.3
 - expert assistance, § 23.3
 - hybrid representation, § 23.2
 - pleas, § 12.3
 - right to choice of counsel, § 23.1
 - self-representation, § 23.2
 - standby counsel, § 23.2
 - waiver, § 23.2, 23.3
- Confessions
 - Fifth Amendment right, § 7.3a
 - notification of counsel, § 7.2i
 - Sixth Amendment right, § 7.3b
- Consent to search, § 2.6d(5)
- Lineups, § 6.3
- Photographic identifications, § 6.6b

AUTOMOBILES AND HIGHWAY TRAFFIC

- Searches
 - abandoned vehicles, § 3.6

INDEX

AUTOMOBILES AND HIGHWAY TRAFFIC—Cont'd

Searches—Cont'd

- automobile exception to search warrant requirement, § 2.2f(5)
- containers, § 2.2f(4)
- custodial arrests for traffic offenses, § 3.7
- delayed searches, § 3.3b
- exigent circumstances for delayed searches, § 3.3b
- force, use of, § 2.2f(4)
- forfeited vehicles, § 3.4c
- impoundment, § 3.4d
- inventory searches
 - incident to an arrest, § 2.2f(4)
 - incident to forfeiture, § 2.2f(4)
 - incident to impoundment, § 2.2f(4)
 - procedures for searches, § 2.2f(4)
 - scope of search, § 2.2f(4)
- probable cause searches, § 2.2f(5)
- roadblocks
 - apprehension of fugitives, § 3.8b
 - enforcement of traffic laws, § 3.8c
 - investigative seizures, § 5.3k
- searches incident to traffic offenses, § 3.7
- traffic offenses
 - custodial arrests, § 3.7
 - roadblocks, § 3.8c, 5.3k
 - searches, § 3.7

BAIL AND RECOGNIZANCE

- Constitutional law, right to, § 11.1
- Determination
 - initial hearing, § 10.6
 - pending appeal, § 11.7
- Increase, § 11.6
- Posting, procedures, § 11.5
- Reduction, § 11.6
- Revocation, § 11.6
- Vesting of right to bail, § 11.1

BEST INTEREST OF PERSON

- Pleas, § 12.6

BIFURCATED

- Trial process, § 22.3

BLOOD

- Samples
 - seizure of sample, § 2.2d(2)

BODILY INTRUSIONS

- Body fluids, seizure of, § 2.2d(2)

BODY FLUIDS

- Blood sample, seizure of, § 2.2d(2)
- Seizure of, § 2.2d(2)

BREATHALYZER

- Sobriety test incident to a roadblock, § 3.8c

CAPACITY OR INCAPACITY

- Pleas, voluntariness, § 12.5

CELLULAR PHONES

- Consent to search, scope of, § 2.6f

CHALLENGES

- Petit juries, for cause, § 21.6
- preconceived opinions, § 21.6

CHANCE ENCOUNTERS

- Identification of an accused, § 6.4a(4)

CHARGES AND CHARGING

- Amendments, § 15.3
- Dismissal, § 15.1
- Formal charges
 - interrogations, right to counsel after formal charges, § 7.3b
- Inspector general, § 8.1
- Special prosecutors, § 8.1

CHILDREN IN NEED OF SERVICES (CHINS)

- Inspections, § 4.8
- Regulatory searches, § 4.8

CHOKE HOLD

- Searches, use of force, § 2.5e

COMMITMENT

- Insanity defense, post-trial civil commitments, § 17.6

COMPETENCY

- Generally, § 18.1 et seq.
- Commitment
 - subsequent trial, § 18.5
 - medication, use of, § 18.5
- Commitment procedures, § 18.4
- Hearings, § 18.2

CONDITIONS

- Pretrial release, § 11.2

CONFESSIONS

- Admissibility, procedures for determining
 - corpus delicti, proof of, § 7.6d
 - preliminary determination, § 7.6b

INDEX

CONFESSIONS—Cont'd

Admissions

- corpus delicti, § 7.9c
- privilege against self-incrimination, § 7.9b
- tacit admissions, § 7.9d

Assertion of rights, questioning after, § 7.2h

Burden of proof

- confessions, voluntariness, § 7.2g(3)

Corpus delicti

- admissions, § 7.9c
- confessions, § 7.6d

Counsel

- Fifth Amendment right, § 7.3a
- notification of counsel, § 7.2i
- Sixth Amendment right, § 7.3b

Court appearance

- delay, consequences of, § 7.5c
- Fourth Amendment rights, § 7.5d

Custody, definition, § 7.2c(2)

Detentions for questioning, § 7.2c(3)

Hospitals, questioning at, § 7.2c(6)

Identifying information, requests for, § 7.2d(3)

Impeachment by illegally obtained confession, § 7.7

Investigatory questioning, § 7.2c(4)

Jail inmates, questioning by, § 7.2d

Joint trials, § 7.8

Miranda warnings

custody requirement

- definition of custody, § 7.2c(2)
- detentions for questioning, § 7.2c(3)
- investigatory questioning, § 7.2c(4)
- location of questioning
 - hospitals, § 7.2c(6)
 - police stations, § 7.2c(5)

exceptions

- psychiatric testing, § 7.2j(3)
- public safety exception, § 7.2j(1)
- undercover agent exception, § 7.2j(2)

interrogation requirement

- identifying information, requests for, § 7.2d(3)
- jail inmates, questioning by, § 7.2d(4)

persons conducting interrogations

- citizens, private, § 7.2c(8)
- public officials, § 7.2c(7)
- security officers, private, § 7.2c(9)

required warnings

- silence, right to, § 7.2b(2)

CONFESSIONS—Cont'd

- Miranda warnings—Cont'd
 - required warnings—Cont'd
 - statements, use of, § 7.2b(3)
 - requirements, § 7.2a
 - Police stations, questioning at, § 7.2c(5)
 - Private citizens, questioning by, § 7.2c(8)
 - Private security officers, questioning by, § 7.2c(9)
 - Privilege against self-incrimination, § 7.2a
 - Promises, coercive effect, § 7.2g(4)d
 - Public officials, questioning by, § 7.2c(7)
 - Questioning after assertion of rights, § 7.2h
 - Threats, coercive effect, § 7.2g(4)c
 - Vienna Convention
 - advice of rights, § 7.2a
 - dismissal of charges, § 1.9f
 - Voluntariness
 - due process, § 7.4b
 - Fifth Amendment
 - burden of proof, § 7.2g(3)
 - coercive influences
 - generally, § 7.2
 - promises, § 7.2g(4)d
 - threats, § 7.2g(4)c
 - procedures for obtaining a confession, § 7.2g(2)
 - Volunteered statements, § 7.2e
 - Waiver of rights, Fifth Amendment
 - procedures for obtaining a waiver, § 7.2f(2)
 - voluntariness, § 7.2f(3)

CONFRONTATION OF WITNESSES

- Generally, § 22.3
- Defendants, presence during trial, § 22.12

CONSENT OR APPROVAL

- Consent searches, § 2.2f(13)
- Scope, § 2.6f
- Third party, § 2.6g
- Voluntariness, § 2.6c

CONSTITUTIONAL LAW

- Bail, right to, § 11.1
- Initial hearings, prompt hearing requirement, § 10.3
- Investigative seizures, § 5.2d
- Petit juries
 - membership, number, § 21.3
 - peremptory challenges, § 21.7
 - number, § 21.7
- Probable cause, determination, § 10.4

INDEX

CONSTITUTIONAL LAW—Cont'd

- Prompt hearing requirement, § 10.3
- Speedy trial
 - generally, § 19.1
 - remedies, dismissal and discharge, § 19.4
- Standing, suppression of evidence, § 14.5
- Venue, change of venue, § 15.4

CONTAINER OR PACKAGE

- Motor vehicles
 - inventory searches, § 3.4b
 - probable cause searches, § 3.3c
- Searches by third party consent, personal items, § 2.6f

CONTROLLED BUYS

- Probable cause for a search, § 2.2b(7)

CONVICTION

- Appeal and review, judgment of conviction
 - negotiated plea, § 13.7
 - plea of guilty or guilty but mentally ill, § 12.9
- Prior convictions, effect on sentence, advice to defendant, § 12.4

CORPUS DELICTI

- Admissions, admissibility, § 7.9c
- Confessions, admissibility, § 7.6d

COURTS

- Appearance
 - arrest, right to prompt court appearance after, § 7.5
 - confession, voluntariness, § 7.5

CRIMINAL LAW

- Joinder of offenses, pretrial motions, § 15.2

DELIBERATIONS OF JURY

- Alternate juror participation, § 22.10
- Experiments, § 22.10
- Jury misconduct
 - threats by jurors to other jurors, § 22.10
 - threats to jurors by non-jurors, § 21.6
 - use of alcohol or drugs, § 22.10
- Length, § 22.10
- Materials taken into jury room, § 22.10
- Note taking, § 22.10
- Prior discussions, § 22.10

DEPOSITIONS AND DISCOVERY

- Defendants, § 16.3
- Prosecutors, § 16.5

DESCRIPTION OR IDENTIFICATION

Evidence, compulsion to produce, § 6.2
Investigative seizures, § 5.4c

DETAINERS

Arrests, § 1.1

DISCLOSURE

Witnesses, names, discovery by defendant, § 16.3

DISCOVERY

Authority, legislative enactments, § 16.2
Exculpatory information, § 16.4
Non-parties, § 16.3
Remedies, § 16.8
Rules, local court, § 16.7
Sanctions, criminal matters, § 16.8

DISCRETION OF COURT

Trial courts, mistrial orders, § 22.6

DISMISSAL, DISCONTINUANCE, AND NONSUIT

Pretrial motions, § 15.1
Speedy trial, remedies
rule violations, § 19.4
time limitations, § 19.4

DIVISION OR PANELS

Summoning
petit jury, § 21.4

DNA IDENTIFICATION

Exclusionary rule, § 14.4
Right of privacy, § 14.5

DOGS

Sniffing
open smell detections, § 2.2e(4)

DOUBLE JEOPARDY

Mistrial on greater offense
conviction of lesser offense, § 22.6
Mistrials requested by defendant, § 22.6

DRUGS AND NARCOTICS

School children, drug testing, § 4.4

DUE PROCESS

Confessions, voluntariness, § 7.4b
Defendants, presence during trial, § 22.12
Exculpatory evidence, preservation and disclosure, § 16.4
Judges, impartial, § 22.15
Lineup, requirements, § 6.4

INDEX

DURESS OR COERCION

Pleas, voluntariness, § 12.5

EAVESDROPPING

Authority for electronic surveillance, § 2.2d(8)

EQUAL PROTECTION

Petit juries, membership, § 21.3

ESTOPPEL AND WAIVER

Assistance of counsel, § 23.2

Consent to a search, § 2.2f(13)

Defendants, right to presence at trial, § 22.12

Jury and jury trial, criminal procedures, § 21.2

Miranda rights, waiver of
procedures for obtaining a waiver, § 7.2f(2)
voluntariness of a waiver, § 7.2f(3)

Objections and exceptions
final instructions, § 22.9

Time, speedy trial, § 19.3

EVIDENCE

Admissibility of evidence
grand jury, § 9.5

objections and exceptions, § 14.6

Exculpatory evidence, preservation and disclosure, § 16.4

Judgment on the evidence
jury trials, § 22.7

nonjury trials, § 22.7

Presentation, § 22.3

Suppression of evidence

generally, § 14.1

confessions, § 7.2a

evidence subject to, § 14.2

identification evidence, § 6.3d

orders of court, effect, § 14.7

private citizens, evidence obtained by, § 2.2e(9)

standing, § 14.5

tainted evidence, § 1.9e

EXCLUSION OF EVIDENCE

Exclusionary rules

suppression of evidence, generally, § 14.1

EXCULPATORY ACTS OR MATTERS

Defendant's request for disclosure, § 16.4

Prosecutors, duty to disclose exculpatory information, § 16.4

EXECUTION

Arrest warrant

force, use of, § 1.8d

EXECUTION—Cont'd

- Arrest warrant—Cont'd
 - knock and announce requirement, § 1.8e
 - time limitations, § 1.8b
- Search warrant, use of force, § 2.4e

EXHAUSTION OR DEPLETION

- Petit juries, peremptory challenges, § 21.7

EXIGENT CIRCUMSTANCES

- Arrests without a warrant, § 1.4d
- Knock and announcement requirement
 - warrantless arrests, § 1.5c
- Motor vehicles, delayed searches, § 3.3b
- Searches without a warrant, § 2.2f(1)

EXPERIENCE OR INEXPERIENCE

- Reasonable suspicion of police officer for a stop and frisk, § 5.3c

EXPERIMENTS OR TESTS

- Breathalyzer, sobriety test incident to a roadblock, § 3.8c

EXTORTION, BLACKMAIL, AND THREATS

- Confession, voluntariness, § 7.2g(4)c
- Consent to search, voluntariness, § 2.6d(2)

FACSIMILE MACHINES

- Search warrant request, § 2.3a
- sworn testimony, § 2.3b

FELONIES

- Arrest warrant requirements, § 1.3c
- Force, use of, § 1.5b
- Searches, hot pursuit, § 2.2f(7)
- Warrantless arrests, exigent circumstances, § 1.4d

FIELD TESTS

- Investigative detentions, § 5.4e

FIFTH AMENDMENT

- Confessions, § 7.2
- Identification evidence, compulsion to produce, § 6.2

FINES AND PENALTIES

- Alibi, notice and response, § 16.6

FIREARMS

- Answer or plea, warning of loss of firearm rights, § 12.4

FIRST-HAND INFORMATION

- Probable cause for a search, § 2.2b(3)
- Probable cause for an arrest, § 1.3b(3)
- Reasonable suspicion for a stop and frisk, § 5.3e

INDEX

FORCE OR VIOLENCE

Arrests

- execution of warrant, § 1.8d
- warrantless arrest, § 1.5b

Confessions, voluntariness, § 7.2g(4)

Frisks, § 5.5b

Identification evidence, compulsion to produce, § 6.2

Investigative seizures, § 5.4a

Searches

- choke holds, § 2.5e
- consent to search, voluntariness, § 2.6d(2)
- warrant
 - execution, § 2.4e
 - searches, § 2.5e

FORFEITURES

Inventory searches incident to motor vehicle forfeitures, § 2.2f(4)

Motor vehicles, authority to seize for forfeiture, § 3.4c

Searches incident to motor vehicle forfeitures, § 2.2f(4)

FOURTH AMENDMENT

Arrests

- court appearance after an arrest, right to, § 7.5d
- force, use of, § 1.5b

Confessions, prompt court appearance after an arrest, § 7.5d

Consent searches, § 2.2f(13), 2.6d(4)

Probable cause, judicial determination, § 2.3b, 2.3c, 2.3d

Searches

- automobile exception to search warrant requirement, § 2.2f(5)
- consent searches
 - advice of rights, § 2.6d(4)
 - exception to search warrant requirement, § 2.2f(13)
- hot pursuit exception to search warrant requirement, § 2.2f(7)
- probable cause, § 2.2b(1)
- protection from unreasonable searches and seizures, § 2.1
- search warrant requirement, § 2.2c

FRAUD AND DECEIT

Confession, voluntariness, § 7.2g(4)e

Consent to search, voluntariness, § 2.6d(3)

FRISK

Weapons, frisk for

- generally, § 5.5
- authority to conduct a frisk, § 5.5a
- procedures for conducting a frisk, § 5.5b

FRUIT OF POISONOUS TREE DOCTRINE

Suppression of evidence, § 14.2

GOOD FAITH

Exclusionary rules, exceptions, § 14.3

GRAND JURY

Alternate juror, § 9.3

selection procedure, § 9.3

Exclusion of prospective juror, § 9.3

Exculpatory evidence, duty to submit, § 9.2

Impaneling, § 9.4

Instructions to jury, § 9.4

Process of final selection, § 9.4

Prosecutor

exculpatory evidence, duty to submit, § 9.2

presence in grand jury, § 9.2

Records and recordation, § 9.5

Secrecy, § 9.5

Witnesses

generally, § 9.5

use immunity, § 9.5

HEARINGS

Bail, initial hearings, § 11.4

Competency, § 18.2

HOSPITALS

Interrogation at a hospital, § 7.2c(6)

HOT PURSUIT

Exceptions

arrest warrant requirement, § 1.4d

search warrant requirement, § 2.2f(7)

IDENTIFICATION

See index heading DESCRIPTION OR IDENTIFICATION

IMPEACHMENT

Illegally obtained confession, use of, § 7.7

Verdicts, § 22.11

IMPLIED CONSENT

Consent to a test for intoxication, § 2.6h

IMPOUNDING

Inventory searches of motor vehicles, § 3.4b

Searches of abandoned vehicles, § 3.6

INADVERTENCE REQUIREMENT

Open view observations, non-application, § 2.2e(2)

Plain view doctrine, § 2.2f(3)

INCOMPETENT OR INSANE PERSONS

Defense of insanity

generally, § 17.1 et seq.

INDEX

INCOMPETENT OR INSANE PERSONS—Cont'd

- Defense of insanity—Cont'd
 - authorized verdicts, § 17.5
 - defined, § 17.1
 - mental examinations, § 17.3
 - post-trial civil commitments, § 17.6
 - pretrial notice requirements, § 17.2
 - trial procedures, § 17.4
- Definition, § 17.1
- Effects of battery defense, § 16.6
- Transient ischemic attack (TIA), § 17.1

INDEPENDENT SOURCE

- Exclusionary rules, exceptions, § 14.3

INDICTMENTS AND INFORMATIONS

- Arrest warrants, necessity for filing formal charges, § 1.7a
- Interrogations, right to counsel after formal charges, § 7.3b
- Lineups, right to counsel after formal charges, § 6.3a

INEVITABLE DISCOVERY

- Exclusionary rules, exceptions, § 14.3

INFORMATION

- Arrest warrants, necessity for filing formal charges, § 1.7a
- Interrogations, right to counsel after formal charges, § 7.3b
- Lineups, right to counsel after formal charges, § 6.3a

INITIAL HEARINGS

- Bail, § 11.4

INSANITY

- Incompetent or insane persons (this index)

INSPECTION AND INSPECTORS

- Business inspections, § 4.2
- Children in need of services (ChINS), § 4.8
- Fire safety inspections, § 4.3a
- School inspections, § 4.4

INSPECTOR GENERAL

- Generally, § 8.1

INSTRUCTIONS OR DIRECTIONS

- Flight, § 22.9
- Habitual offender, non-mandatory, § 22.9
- Pattern, § 22.9
- Tender of proposed instruction, § 22.9
- Voluntary intoxication is not a defense, § 22.9

INSTRUCTIONS TO JURY

- Convictions, jurors should convict, § 22.9
- Deadlock, § 22.10

INSTRUCTIONS TO JURY—Cont'd

Defendant as witness, failure to testify, § 22.4

Final instructions

procedures, § 22.9

Grand jury, § 9.4

Preliminary instructions

required instructions, § 22.1

time when given, § 22.1

Required preliminary instructions, § 22.1

INSTRUMENTALITIES

Seizure in a search, § 2.2d(1)

INSURANCE

Investigator, interrogation by private fire investigator, § 7.2c(8)

INTELLIGENTLY AND KNOWINGLY

Pleas, § 12.5

INTENT

Abandonment of property, § 2.2e(8)

Arrests, element of, § 1.2c

False information, challenges to search warrants based on, § 2.3d(4)

INVESTIGATIONS AND INVESTIGATORS

Prosecutors, probable cause determination, investigative authority, § 8.3

INVESTIGATIVE SEIZURE

Preliminary or pretrial matters. See index heading PRELIMINARY OR PRETRIAL MATTERS

Search. See index heading SEARCH AND SEIZURE

Sheriffs. See index heading SHERIFFS AND POLICE

JOINDER OF PARTIES

Offenses and defendants, pretrial motions, § 15.2

JOINT OR SEVERAL PARTIES

Self-representation, § 23.2

Standing, suppression of evidence, § 14.5

JOINT TRIALS

Confessions, § 7.8

JUDGES

Arrest, authority to make, § 1.3a(2)

Change of judge

hearing requirements, § 15.5

inference of bias or prejudice, § 15.5

time limitations, § 15.5

Confession, determination of admissibility, § 7.6b

Impartial, § 22.15

Search warrants

authority to issue, § 2.3e

INDEX

JUDGES—Cont'd

- Search warrants—Cont'd
 - determination of probable cause, § 2.3b

JUDGMENTS AND DECREES

- Convictions, appeal
 - negotiated plea, § 13.7
 - plea of guilty or guilty but mentally ill, § 12.9

JURY AND JURY TRIAL

- Bystanders, selection from, § 21.4
- Discussions prior to deliberations, § 22.10
- Impanel, authority
 - petit juries, § 21.4
- Impaneling jury
 - grand jury, § 9.4
- Note taking by jurors, § 22.10
- Order of calling prospective jurors, § 21.5
- Petit juries
 - generally, § 21.1 et seq.
 - bystanders, selection from, § 21.4
 - challenges
 - for cause, § 21.6
 - preconceived opinions, § 21.6
 - peremptory
 - number, § 21.7
 - trial by jury, right, § 21.1
 - waiver, § 21.2
 - voir dire, § 21.5
- Polling jury, § 22.11
- Pollution, § 22.10
- Prospective jurors
 - order of calling, § 21.5
- Questions by jurors, § 22.10
- Venire
 - grand jury, § 9.4
 - petit juries, § 21.4
- Views, § 22.5
- Voir dire
 - petit juries, § 21.5

LIMITATION OF ACTIONS

- Arrests, delay in making, § 1.3b(8)
- Searches
 - probable cause, § 2.2b(8)
 - staleness doctrine, § 2.3d(3)
 - probable cause at time warrant issued, § 2.3d(3)

LINEUP IDENTIFICATION

- Generally, § 6.1

LINEUP IDENTIFICATION—Cont'd

Compulsion to participate, § 6.2b

Counsel

denial of counsel, consequences

evidence concerning lineup, § 6.3d(1)

Sixth Amendment right to counsel, § 6.3a

Due process requirements

denial of due process, consequences

evidence concerning lineup, § 6.4c(1)

in-court identifications, § 6.4c(2)

suggestibility, protection against

chance encounters involving the police, § 6.4a(4)

private encounters, § 6.4a(5)

showups and lineups prior to formal charges, § 6.4a(2)

suggestibility, types of

number of persons in a lineup, § 6.4b(1)

physical appearance of persons in a lineup, § 6.4b(2)

MAGISTRATES

Search warrant, determination of probable cause, § 2.3c

MASTER JURY LISTS

Petit juries, § 21.3

MEMBERS

Petit juries membership qualifications, § 21.3

MISDEMEANORS

Arrests

force, use of, § 1.5b

misdeemeanors in an officer's presence, § 1.4c

residences, arrests in, § 1.6d

Searches, hot pursuit, § 2.2f(7)

MISTRIAL

Generally, § 22.6

Dismissal after repeated mistrials, § 8.2

Double jeopardy, § 22.6

NAME

Prospective jurors, master lists

petit juries, § 21.3

NEGLECT OF CHILD

Children in need of services (ChINS) investigations, § 4.8

NON-JURY TRIALS

Generally, § 22.14

Impartial judge, § 22.15

NOTES

Juror note taking, § 22.10

INDEX

NOTICE OR KNOWLEDGE

Alibi, § 16.6

Incompetent or insane persons, defense of insanity, § 17.2

OBJECTIONS AND EXCEPTIONS

Death penalty, petit jurors, challenges for cause, § 21.6

Final instructions, waiver, § 22.9

Improper closing arguments, remedies, § 22.8

Waiver, final instructions, § 22.9

OMNIBUS DATE

Initial hearings, § 10.6

OPEN FIELDS

Conduct not subject to the search warrant requirement, § 2.2e(5)

OPEN SMELL DETECTIONS

Conduct not subject to the search warrant requirement, § 2.2e(4)

OPEN VIEW OBSERVATIONS

Conduct not subject to the search warrant requirement, § 2.2e(2)

ORDER OR SEQUENCE

Insanity defense, order of proof, § 17.4

ORDERS

Suppression of evidence, effect, § 14.7

PARDON AND PAROLE

Warrantless searches, parolees, § 4.6

PARTIES

Joinder of claims and remedies, § 15.2

PENAL AND CORRECTIONAL INSTITUTIONS

Regulatory searches, § 4.7

PERSONAL PROPERTY

Motor vehicles, searches, § 3.3a

Searches and seizures of effects, § 2.2d(5)

PERSONAL RECOGNIZANCE

Pretrial release, nonmonetary alternatives, § 11.2

PHYSICAL OR MENTAL EXAMINATION

Insanity defense, § 17.3

PICTURES AND PHOTOGRAPHS

Identifications, photographic

constitutional protections, § 6.6b

denial of due process, consequences

evidence concerning a photographic identification, § 6.6d(1)

in-court identifications, § 6.6d(2)

suggestibility, types of

information given to a witness, § 6.6c(4)

PICTURES AND PHOTOGRAPHS—Cont'd

Identifications, photographic—Cont'd
suggestibility, types of—Cont'd
nature of photographs, § 6.6c(3)
number of photographs, § 6.6c(1)

POLLING JURY

Generally, § 22.11

POLLUTION

Jury, § 22.10

PREJUDICE OR BIAS

Public trial, prevention, § 20.2

PRELIMINARY OR PRETRIAL MATTERS

Abandoned property
inventory search of motor vehicles, § 2.2f(4)
search of abandoned vehicles, § 3.6
seizure of abandoned property, § 2.2e(8)

Admissions
corpus delicti, § 7.9c
privilege against self-incrimination, § 7.9b
tacit admissions, § 7.9d

Aerial surveillance
aircraft, ordinary, § 2.2e(6)
helicopters, § 2.2e(6)
open view observations, § 2.2e(6)

Affidavits, probable cause
search warrants
affidavit need not be attached, § 2.3e
false information in affidavit, § 2.3d(4)
probable cause affidavit, § 2.3b
specificity and particularity, § 2.3f

Anonymous tipsters
probable cause for arrests, § 1.3b(6)
probable cause for searches, § 2.2b(6)
reasonable suspicion for stop and frisk, § 5.3h

Anticipatory search warrant, § 2.3d

Arrests
arrest warrant requirements, § 1.3c
arrests with a warrant
felonies in private residences, § 1.6c
misdemeanors in private residences, § 1.6d
authority to make an arrest
custodial arrests for traffic offenses, § 3.7
judges, § 1.3a(2)
private citizens, § 1.3a(4)
detainers, § 1.1

INDEX

PRELIMINARY OR PRETRIAL MATTERS—Cont'd

Arrests—Cont'd

elements of an arrest

intention, § **1.2c**

seizure, § **1.2b**

felonies

arrests with warrants, § **1.6c**

warrantless arrests, § **1.4a**

force, use of

execution of arrest warrant, § **1.8d**

warrantless arrests, § **1.5b**

illegal arrests

mistaken arrest, § **1.9c**

resistance, § **1.9d**

suppression of tainted evidence, § **1.9e**

trial of arrested person, § **1.9f**

knock and announcement requirement

warrantless arrests, § **1.5c**

misdemeanors

warrantless arrests, § **1.4c**

probable cause

definition, § **1.3b(2)**

first-hand information, § **1.3b(3)**

information sources

anonymous tipsters, § **1.3b(6)**

citizen informers, § **1.3b(5)**

law enforcement officers, § **1.3b(4)**

professional informants, § **1.3b(6)**

personal information, § **1.3b(3)**

subjective evaluation by arresting officer, § **1.3b(7)**

timeliness, § **1.3b(8)**

procedures for obtaining an arrest warrant

filing formal charges, § **1.7a**

telephonic arrest warrant, § **1.7a**

traffic offenses, warrantless arrests, § **1.5d**

warrantless arrests

exigent circumstances, § **1.4d**

felonies in private residences, § **1.4b**

felonies in public places, § **1.4a**

force, use of, § **1.5b**

knock and announcement requirement, § **1.5c**

misdemeanors in an officer's presence, § **1.4c**

public places, § **1.5a**

traffic offenses, § **1.5d**

warrants

arrest warrant requirements, § **1.3c**

arrests with a warrant, § **1.6**

PRELIMINARY OR PRETRIAL MATTERS—Cont'd

Arrests—Cont'd

warrants—Cont'd

procedures for obtaining a warrant, § 1.7

Body fluids

blood sample, seizure of, § 2.2d(2)

body fluids, seizure of, § 2.2d(2)

Breathalyzer, sobriety test incident to a roadblock, § 3.8c

Burden of proof

confessions

voluntariness, § 7.2g(3)

waiver of Miranda rights, § 7.2f(3)

lineups

evidence concerning an improper lineup, admissibility, § 6.4c(1)

in-court identifications, admissibility, § 6.4c(2)

photographic identifications

evidence concerning an improper identification, admissibility, § 6.6d(1)

in-court identifications, admissibility, § 6.6d(2)

searches

consent, voluntariness of, § 2.6c

warrant based on false information, invalidity of, § 2.3d(4)

Cellular phones, consent to search, scope of, § 2.6f

Chance encounters, identification of an accused, § 6.4a(4)

Choke hold, searches, use of force, § 2.5e

Citizen informers

probable cause for a search, § 2.2b(5)

probable cause for an arrest, § 1.3b(5)

reasonable suspicion for a stop and frisk, § 5.3g

Citizens, private

arrests, authority to make, § 1.3a(4)

identifications by, § 6.4a(5)

questioning by, § 7.2c(8)

searches by, § 2.2e(9)

Civil liability

illegal search, § 2.7b

Confessions

admissibility, procedures for determining

corpus delicti, proof of, § 7.6d

preliminary determination, § 7.6b

admissions

corpus delicti, § 7.9c

privilege against self-incrimination, § 7.9b

tacit admissions, § 7.9d

assertion of rights, questioning after, § 7.2h

burden of proof, confessions

voluntariness, § 7.2g(3)

corpus delicti

admissions, § 7.9c

INDEX

PRELIMINARY OR PRETRIAL MATTERS—Cont'd

Confessions—Cont'd

corpus delicti—Cont'd

confessions, § 7.6d

counsel

Fifth Amendment right, § 7.3a

notification of counsel, § 7.2i

Sixth Amendment right, § 7.3b

court appearance

delay, consequences of, § 7.5c

Fourth Amendment rights, § 7.5d

custody, definition, § 7.2c(2)

detentions for questioning, § 7.2c(3)

hospitals, questioning at, § 7.2c(6)

identifying information, requests for, § 7.2d(3)

impeachment by illegally obtained confession, § 7.7

investigatory questioning, § 7.2c(4)

jail inmates, questioning by, § 7.2d, 7.2d(4)

joint trials, § 7.8

miranda warnings

custody requirement

definition of custody, § 7.2c(2)

detentions for questioning, § 7.2c(3)

investigatory questioning, § 7.2c(4)

location of questioning

hospitals, § 7.2c(6)

police stations, § 7.2c(5)

exceptions

psychiatric Testing, § 7.2j(3)

public safety exception, § 7.2j(1)

undercover agent exception, § 7.2j(2)

interrogation requirement

identifying information, requests for, § 7.2d(3)

jail inmates, questioning by, § 7.2d(4)

persons conducting interrogations

citizens, private, § 7.2c(8)

public officials, § 7.2c(7)

security officers, private, § 7.2c(9)

required warnings

counsel, right to, § 7.2b(4)

silence, right to, § 7.2b(2)

statements, use of, § 7.2b(3)

police stations, questioning at, § 7.2c(5)

private citizens, questioning by, § 7.2c(8)

private security officers, questioning by, § 7.2c(9)

privilege against self-incrimination

confessions, § 7.2a

promises, coercive effect, § 7.2g(4)d

PRELIMINARY OR PRETRIAL MATTERS—Cont'd

Confessions—Cont'd

- public officials, questioning by, § 7.2c(7)
- questioning after assertion of rights, § 7.2h
- threats, coercive effect, § 7.2g(4)c

Vienna Convention

- advice of rights, § 7.2a
- dismissal of charges, § 1.9f

voluntariness

- due process, § 7.4b

Fifth Amendment

- burden of proof, § 7.2g(3)
- coercive influences, § 7.2
- promises, § 7.2g(4)d
- threats, § 7.2g(4)c
- procedures for obtaining a confession, § 7.2g(2)

volunteered statements, § 7.2e

waiver of rights, Fifth Amendment

- procedures for obtaining a waiver, § 7.2f(2)
- voluntariness, § 7.2f(3)

Consent

- consent searches, § 2.2f(13)
- scope, § 2.6f
- third party, § 2.6g
- voluntariness, § 2.6c

Constitutional authority, investigative seizures

- constitutional authority, § 5.2d

Containers

- motor vehicles
 - inventory searches, § 3.4b
 - probable cause searches, § 3.3c
- searches by third party consent, personal items, § 2.6f

Controlled buys

- probable cause for a search, § 2.2b(7)

Corpus delicti

- admissions, admissibility, § 7.9c
- confessions, admissibility, § 7.6d

Counsel

confessions

- Fifth Amendment right, § 7.3a
- notification of counsel, § 7.2i
- Sixth Amendment right, § 7.3b
- consent to search, § 2.6d(5)
- lineups, § 6.3
- photographic identifications, § 6.6b

Court appearance

- arrest, right to prompt court appearance after, § 7.5

INDEX

PRELIMINARY OR PRETRIAL MATTERS—Cont'd

- Court appearance—Cont'd
 - confession, voluntariness, § 7.5
- Deception
 - confession, voluntariness, § 7.2g(4)e
 - consent to search, voluntariness, § 2.6d(3)
- Detainers, arrests, § 1.1, 1.2b
- Dog-sniffing
 - open smell detections, § 2.2e(4)
- Drug testing, school children, § 4.4
- Due process
 - confessions, voluntariness, § 7.4b
 - lineup, requirements, § 6.4
 - photographic identifications, requirements, § 6.6a
- Effects
 - motor vehicles, searches, § 3.3a
 - searches and seizures of effects, § 2.2d(5)
- Electronic surveillance
 - authority for electronic surveillance, § 2.2d(8)
- Exigent circumstances
 - arrests without a warrant, § 1.4d
 - knock and announcement requirement
 - warrantless arrests, § 1.5c
 - motor vehicles, delayed searches, § 3.3b
 - searches without a warrant, § 2.2f(1)
- Experience, police officer's, reasonable suspicion for a stop and frisk, § 5.3c
- Facsimile transmission
 - search warrant request, § 2.3a
 - sworn testimony, search warrant request, § 2.3b
- Felony
 - arrests, arrest warrant requirements, § 1.3c, 1.4a, 1.4b, 1.6c
 - force, use of, § 1.5b
 - searches, hot pursuit, § 2.2f(7)
 - warrantless arrest in public place, § 1.5a
 - warrantless arrests, exigent circumstances, § 1.4d
- Field tests, investigative detentions, § 5.4e
- Fifth Amendment
 - confessions, § 7.2
 - identification evidence, compulsion to produce, § 6.2
 - investigative detentions, questioning suspects, § 5.4d
- First-hand information
 - probable cause for a search, § 2.2b(3)
 - probable cause for an arrest, § 1.3b(3)
 - reasonable suspicion for a stop and frisk, § 5.3e
- Force
 - arrests, warrantless arrest, § 1.5b
 - confessions, voluntariness, § 7.2g(4)

PRELIMINARY OR PRETRIAL MATTERS—Cont'd

Force—Cont'd

frisks, § **5.5b**

identification evidence, compulsion to produce, § **6.2**

investigative seizures, § **5.4a**

searches

choke holds, § **2.5e**

consent to search, voluntariness, § **2.6d(2)**

warrantless searches, § **2.5e**

Forfeiture

inventory searches incident to motor vehicle forfeitures, § **2.2f(4)**

motor vehicles, authority to seize for forfeiture, § **3.4c**

searches incident to motor vehicle forfeitures, § **2.2f(4)**

Formal charges

interrogations, right to counsel after formal charges, § **7.3b**

Fourth Amendment

arrests

court appearance after an arrest, right to, § **7.5d**

force, use of, § **1.5b**

confessions, prompt court appearance after an arrest, § **7.5d**

consent searches, § **2.2f(13)**

probable cause, judicial determination, § **2.3b**

searches

automobile exception to search warrant requirement, § **2.2f(5)**

consent searches

advice of rights, § **2.6d(4)**

exception to search warrant requirement, § **2.2f(13)**

hot pursuit exception to search warrant requirement, § **2.2f(7)**

probable cause, § **2.2b(1)**

protection from unreasonable searches and seizures, § **2.1**

search warrant requirement, § **2.2c**

Frisk

frisk for weapons, § **5.5**

authority to conduct a frisk, § **5.5a**

procedures for conducting a frisk, § **5.5b**

Geographical limitations, searches, execution of a warrant, § **2.4b**

Hospital

interrogation at a hospital, § **7.2c(6)**

Hot pursuit

exception to arrest warrant requirement, § **1.4d**

exception to search warrant requirement, § **2.2f(7)**

Identification evidence, compulsion to produce, § **6.2**

Impeachment, illegally obtained confession, use of, § **7.7**

Implied consent, consent to a test for intoxication, § **2.6h**

Impoundment

inventory searches of motor vehicles, § **3.4d**

searches of abandoned vehicles, § **3.6**

INDEX

PRELIMINARY OR PRETRIAL MATTERS—Cont'd

Inadvertence requirement

- open view observations, non-application, § 2.2e(2)
- plain view doctrine, § 2.2f(3)

Indictment

- arrest warrants, necessity for filing formal charges, § 1.7a
- interrogations, right to counsel after formal charges, § 7.3b
- lineups, right to counsel after formal charges, § 6.3a

Information

- arrest warrants, necessity for filing formal charges, § 1.7a
- interrogations, right to counsel after formal charges, § 7.3b
- lineups, right to counsel after formal charges, § 6.3a

Inspections

- business inspections, § 4.2
- children in need of services (ChINS), § 4.8
- fire safety inspections, § 4.3a
- school inspections, § 4.4

Instrumentalities, seizure in a search, § 2.2d(1)

Insurance investigator, interrogation by private fire investigator, § 7.2c(8)

Intent

- abandonment of property, § 2.2e(8)
- arrests, element of, § 1.2c
- false information, challenges to search warrants based on, § 2.3d(4)

Inventory searches

motor vehicles

- containers, § 2.2f(4)
- exception to search warrant requirement, § 2.2f(4)
- incident to an arrest, § 2.2f(4)
- incident to vehicle forfeitures, § 2.2f(4)
- incident to vehicle impoundment, § 2.2f(4)
- procedures for searches, § 2.2f(4)
- scope of search, § 2.2f(4)

persons

- containers, § 2.2f(4)
- exception to search warrant requirement, § 2.2f(4)
- incident to arrest, § 2.2f(4)
- procedures for search, § 2.2f(4)
- scope of search, § 2.2f(4)

Investigative seizures

- anonymous tipsters, § 5.3h
- authority to make seizures, § 5.2
- citizen informers, § 5.3g
- constitutional authority, § 5.2d
- detention, length of, § 5.4f
- experience, reliance on officer's, § 5.3c
- Federal constitutional authority, § 5.2a
- force, use of, § 5.4a

PRELIMINARY OR PRETRIAL MATTERS—Cont'd

Investigative seizures—Cont'd

frisk for weapons

authority to frisk, § 5.5a

procedures, § 5.5b

Indiana constitutional authority, § 5.2d

Indiana Judicial authority, § 5.2b

plain touch, § 5.5b

procedures for making seizures

detention, length of, § 5.4f

force, use of, § 5.4a

identification of suspects, § 5.4c

investigation for evidentiary purposes, § 5.4e

questioning suspects, § 5.4d

safety precautions, § 5.4b

transfer of suspect to different location, § 5.4g

professional informants, § 5.3h

questioning suspects, § 5.4d

reasonable suspicion

definition, § 5.3b

first-hand information, § 5.3e

information sources

anonymous tipsters, § 5.3h

citizen informers, § 5.3g

law enforcement officers, § 5.3f

professional informants, § 5.3h

personal information, § 5.3e

reasonable suspicion requirement, § 5.3a

safety precautions, § 5.4b

subjective evaluation by seizing officer, § 5.3j

seatbelt violations, § 3.7

timeliness of reasonable suspicion, § 5.3i

transfer of suspect to different location, § 5.4g

Judge

arrest, authority to make, § 1.3a(2)

confession, determination of admissibility, § 7.6b

search warrants

authority to issue, § 2.3e

determination of probable cause, § 2.3b

Knock and announcement requirement

arrests, warrantless, § 1.5c

execution of search warrant, § 2.4d

execution of warrantless search, § 2.5d

searches with a warrant, § 2.4d

Law enforcement officer

arrests

arrests, authority to make, § 1.3a(1)

INDEX

PRELIMINARY OR PRETRIAL MATTERS—Cont'd

Law enforcement officer—Cont'd

arrests—Cont'd

- misdemeanors committed in an officer's presence, § 1.4c
- probable cause based on information from an officer, § 1.3b(4)
- probable cause based on personal or first-hand information, § 1.3b(3)
- frisk, authority to make, § 5.5a
- investigative seizures
 - investigative seizures, authority to make, § 5.2
 - reasonable suspicion based on an officer's experience, § 5.3c
 - reasonable suspicion based on information from an officer, § 5.3f
 - reasonable suspicion based on personal or first-hand information, § 5.3e
- searches
 - probable cause based on information from an officer, § 2.2b(4)
 - probable cause based on personal or first-hand information, § 2.2b(3)

Lineups

- compulsion to participate, § 6.2b
- counsel
 - denial of counsel, consequences
 - evidence concerning lineup, § 6.3d(1)
 - Sixth Amendment right to counsel, § 6.3a
- due process requirements
 - denial of due process, consequences
 - evidence concerning lineup, § 6.4c(1)
 - in-court identifications, § 6.4c(2)
 - suggestibility
 - protection against
 - chance encounters involving the police, § 6.4a(4)
 - private encounters, § 6.4a(5)
 - showups and lineups prior to formal charges, § 6.4a(2)
 - types of
 - number of persons in a lineup, § 6.4b(1)
 - physical appearance of persons in a lineup, § 6.4b(2)
 - procedures used at a lineup, § 6.4b(5)
 - in-court lineup identification, right to, § 6.8b
 - refusal of defendant to cooperate, § 6.2d
 - right to an in-court lineup identification, § 6.8b

Magistrate

- search warrant, determination of probable cause, § 2.3c

Misdemeanors

- arrests
 - force, use of, § 1.5b
 - misdemeanors in an officer's presence, § 1.4c
 - residences, arrests in, § 1.6d
- searches, hot pursuit, § 2.2f(7)

Motions, pretrial motions

- continuance, § 15.6
- disclosure, state's witnesses, § 16.3

PRELIMINARY OR PRETRIAL MATTERS—Cont'd

Motions, pretrial motions—Cont'd

- dismissal of charges, § 15.1
- in limine, § 15.6
- joinder, § 15.2
- severance, § 15.2
- venue, change of venue, § 15.4

Motor vehicle searches

- abandoned vehicles, § 3.6
- automobile exception to search warrant requirement, § 2.2f(5)
- containers, § 2.2f(4)
- custodial arrests for traffic offenses, § 3.7
- delayed searches, § 3.3b
- exigent circumstances for delayed searches, § 3.3b
- force, use of, § 2.2f(4)
- forfeited vehicles, § 3.4c
- impoundment, § 3.4b, 3.4d
- inventory searches
 - incident to an arrest, § 2.2f(4)
 - incident to forfeiture, § 2.2f(4)
 - incident to impoundment, § 2.2f(4)
 - procedures for searches, § 2.2f(4)
 - scope of search, § 2.2f(4)
- probable cause searches, § 2.2f(5)
- roadblocks
 - apprehension of fugitives, § 3.8b
 - enforcement of traffic laws, § 3.8c
 - investigative seizures, § 5.3k
- searches incident to traffic offenses, § 3.7
- traffic offenses
 - custodial arrests, § 3.7
 - roadblocks, § 3.8c
 - searches, § 3.7

Open fields, conduct not subject to the search warrant requirement, § 2.2e(5)

Open smell detections, conduct not subject to the search warrant requirement, § 2.2e(4)

Open view observations, conduct not subject to the search warrant requirement, § 2.2e(2)

Parolees, warrantless searches, § 4.6

Particularity, search warrant requirement, § 2.3f

Photographic identifications

- constitutional protections, § 6.6b
- denial of due process, consequences
 - evidence concerning a photographic identification, § 6.6d(1)
 - in-court identifications, § 6.6d(2)
- suggestibility, types of
 - information given to a witness, § 6.6c(4)
 - nature of photographs, § 6.6c(3)

INDEX

PRELIMINARY OR PRETRIAL MATTERS—Cont'd

- Photographic identifications—Cont'd
 - suggestibility, types of—Cont'd
 - number of photographs, § 6.6c(1)
- Plain view
 - exception to the search warrant requirement, § 2.2f(3)
- Police station
 - chance encounters and identifications, § 6.4a(4)
 - interrogations, § 7.2c(5)
- Pretextual traffic stops, § 3.7
- Prisoners, regulatory searches, § 4.7
- Privacy, invasion of
 - abandoned property, § 2.2e(8)
 - aerial surveillance, § 2.2e(6)
 - electronic surveillance, § 2.2d(8)
 - expectation of privacy test, § 2.2d(7)
 - Fourth Amendment, protection under, § 2.2d(1)
 - helicopter surveillance, § 2.2e(6)
 - open fields doctrine, § 2.2e(5)
 - open smell detections, § 2.2e(4)
 - open view observations, § 2.2e(2)
 - restrooms open to the public, § 2.2d(9)
 - search warrant requirement, § 2.2d(7)
- Privilege against self-incrimination
 - confessions, § 7.2a
 - identification evidence, compulsion to produce, § 6.2
 - lineups, requirement to participate, § 6.2b
 - refusal to cooperate, § 6.2d
- Probable cause
 - anonymous tipsters
 - arrests, § 1.3b(6)
 - searches, § 2.2b(6)
 - arrests
 - definition of probable cause, § 1.3b(2)
 - first-hand information, § 1.3b(3)
 - information sources
 - anonymous tipsters, § 1.3b(6)
 - citizen informers, § 1.3b(5)
 - law enforcement officers, § 1.3b(4)
 - professional informants, § 1.3b(6)
 - personal information, § 1.3b(3)
 - subjective evaluation by arresting officer, § 1.3b(7)
 - timeliness, § 1.3b(8)
 - citizen informers
 - arrests, § 1.3b(5)
 - searches, § 2.2b(5)
 - controlled buys, § 2.2b(7)

PRELIMINARY OR PRETRIAL MATTERS—Cont'd

- Probable cause—Cont'd
 - definition
 - arrests, § **1.3b(2)**
 - searches, § **2.2b(2)**
 - determination of probable cause
 - search warrants, § **2.3b**
 - first-hand information
 - arrests, § **1.3b(3)**
 - searches, § **2.2b(3)**
 - traffic violation, § **1.3b(3)**
 - odors, § **2.2e(4)**
 - probable cause requirement
 - searches, § **2.2b(1)**
 - professional informants
 - arrests, § **1.3b(6)**
 - searches, § **2.2b(6)**
 - searches
 - controlled buys, § **2.2b(7)**
 - definition of probable cause, § **2.2b(2)**
 - determination of probable cause for a search warrant, § **2.3b**
 - first-hand information, § **2.2b(3)**
 - information sources
 - anonymous tipsters, § **2.2b(6)**
 - citizen informers, § **2.2b(5)**
 - law enforcement officers, § **2.2b(4)**
 - professional informants, § **2.2b(6)**
 - personal information, § **2.2b(3)**
 - probable cause requirement for a search, § **2.2b(1)**
 - timeliness, § **2.2b(8)**
 - subjective evaluation by arresting officer, § **1.3b(7)**
 - timeliness
 - arrests, § **1.3b(8)**
 - searches, § **2.2b(8)**
- Probationers, regulatory searches, § **4.6**
- Professional informants
 - arrests, probable cause, § **1.3b(6)**
 - investigatory seizures, reasonable suspicion, § **5.3h**
 - searches, probable cause, § **2.2b(6)**
- Promises, confession, voluntariness, § **7.2g(4)d**
- Protective sweeps
 - detention of persons, § **2.4h**
 - exception to the search warrant requirement, § **2.2f(10)**
 - search incident to an arrest, § **2.2f(2)**
 - search warrants, execution of, § **2.4h**
- Public officials
 - interrogations by public officials, § **7.2c(7)**

INDEX

PRELIMINARY OR PRETRIAL MATTERS—Cont'd

Public officials—Cont'd

judges

- arrests, authority to make, § 1.3a(2)
- authority to issue search warrants, § 2.3e
- confessions, determination of admissibility, § 7.6b
- searches, determination of probable cause, § 2.3b
- magistrates, searches, determination of probable cause, § 2.3c
- school officials, searches by, § 4.4

Reasonable suspicion

- definition, § 5.3b
- first-hand information, § 5.3e
- frisks, § 5.5a
- information sources
 - anonymous tipsters, § 5.3h
 - citizen informers, § 5.3g
 - law enforcement officers, § 5.3f
 - professional informants, § 5.3h
- investigative seizures, § 5.2
- personal information, § 5.3e
- protective sweeps, § 2.2f(10)
- reasonable suspicion requirement, § 5.3a
- school inspections, § 4.4
- subjective evaluation by seizing officer, § 5.3j
- timeliness, § 5.3i

Regulatory searches

- prisoners, § 4.7
- probationers, § 4.6

Release, alternatives and conditions, § 11.2

Restrooms, search of restrooms open to the public, § 2.2d(9)

Roadblocks

- apprehension of fugitives, § 3.8b
- enforcement of traffic laws, § 3.8c
- narcotics interdiction roadblocks, § 3.8c
- prevention of terrorist attack, § 3.8b
- safety checkpoints, § 3.8c
- sobriety roadblocks, § 3.8c
- stop fleeing dangerous criminals, § 3.8b

Safety checkpoints, § 3.8c

Safety precautions, § 5.4b

Searches

- abandoned property, § 2.2e(8)
- aerial surveillance, § 2.2e(6)
- agents of police authorities, § 2.2a(3)
- anonymous tipsters, § 2.2b(6)
- authority to conduct a search
 - private citizens, § 2.2a(3)

PRELIMINARY OR PRETRIAL MATTERS—Cont'd

Searches—Cont'd

citation for traffic offense, search incident to, § 2.2f(2)

consent to a search

act of granting consent, § 2.6e

scope of consent, § 2.6f

third party consent, § 2.6g

voluntariness of consent, § 2.6c

containers, third party consent, personal items, § 2.6f

controlled buys, § 2.2b(7)

execution of warrant

detention of persons, § 2.4h

disposition of seized items, § 2.4j

geographical limitations, § 2.4b

knock and announcement requirement, § 2.4d

return of warrant, § 2.4i

seizure of items, § 2.4g

time limitations, § 2.4c

facsimile transmissions, § 2.3a

hot pursuit, § 2.2f(7)

illegal searches

civil liability, § 2.7b

suppression of tainted evidence, § 2.7a

instrumentalities, § 2.2d(1)

inventory searches, § 2.2f(4)

knock and announcement requirement

searches with a warrant, § 2.4d

motor vehicles

abandoned vehicles, § 3.6

forfeited vehicles, § 3.5

incident to arrest, § 3.2

inventory searches, § 3.4

probable cause searches, § 3.3

roadblocks, § 3.8

traffic offenses, § 3.7

open fields doctrine, § 2.2e(5)

open smell detections, § 2.2e(4)

open view observations, § 2.2e(2)

ownership or control, § 2.7a

plain view doctrine, § 2.2f(3)

private citizens, § 2.2a, 2.2e(9)

probable cause

controlled buys, § 2.2b(7)

definition of probable cause, § 2.2b(2)

determination of probable cause for a search warrant, § 2.3b

first-hand information, § 2.2b(3)

INDEX

PRELIMINARY OR PRETRIAL MATTERS—Cont'd

Searches—Cont'd

probable cause—Cont'd

information sources

anonymous tipsters, § 2.2b(6)

citizen informers, § 2.2b(5)

law enforcement officers, § 2.2b(4)

professional informants, § 2.2b(6)

personal information, § 2.2b(3)

probable cause requirement for a search, § 2.2b(1)

timeliness, § 2.2b(8)

procedures for obtaining a warrant

form and content of a warrant, § 2.3e

judicial determination of probable cause, § 2.3b

oral warrants, § 2.3a

petition or request, § 2.3a

specificity and particularity, § 2.3f

telephonic warrants, § 2.3a

professional informants, § 2.2b(6)

property interests, invasion of, § 2.1

protective sweeps, § 2.2f(10)

school officials, searches by, § 4.4

search warrant requirement

generally, § 2.2c

conduct not subject to requirement

abandoned property searches, § 2.2e(8)

aerial surveillance, § 2.2e(6)

open fields searches, § 2.2e(5)

open smell detections, § 2.2e(4)

open view observations, § 2.2e(2)

searches by private citizens, § 2.2e(9)

conduct subject to the requirement

effects, searches, § 2.2d(5)

electronic surveillance, § 2.2d(8)

houses, searches, § 2.2d(3)

exceptions to the requirement

automobile exception, § 2.2f(5)

consent searches, § 2.2f(13)

destruction of evidence, § 2.2f(6)

emergency exception, § 2.2f(8)

extreme, § 2.2f(8)

hot pursuit, § 2.2f(7)

inventory searches, § 2.2f(4)

plain view doctrine, § 2.2f(3)

protection of property, § 2.2f(9)

protective sweeps, § 2.2f(10)

search incident to arrest, § 2.2f(2)

seatbelt violations, § 3.7

PRELIMINARY OR PRETRIAL MATTERS—Cont'd

Searches—Cont'd

staleness doctrine, § **2.3d(3)**

probable cause at time warrant issued, § **2.3d(3)**

telephonic warrants, § **2.3a**

warrants

execution of a search with a warrant, § **2.4**

form and content, § **2.3e**

geographical limitations, § **2.4b**

oral warrants, § **2.3a**

procedures for obtaining a warrant, § **2.3**

search warrant requirement, § **2.2c**

specificity and particularity

persons, § **2.3f(4)**

places, § **2.3f(2)**

things to be seized, § **2.3f(5)**

telephonic warrants, § **2.3a**

time limitations, § **2.4c**

Seatbelt violations

investigative stops, § **3.7**

warrantless arrests, § **1.4c**

Security officers, private

interrogations by private security officers, § **7.2c(9)**

Showups, identifications prior to formal charges, § **6.4a(2)**

Sixth Amendment

interrogations, right to counsel after formal charges, § **7.3b**

lineups, right to counsel after formal charges, § **6.3a**

searches, consent to

advice of rights, § **2.6d(4)**

counsel, right to, § **2.6d(5)**

Staleness

searches

probable cause, timeliness of, § **2.2b(8)**

staleness doctrine, § **2.3d(3)**

probable cause at time warrant issued, § **2.3d(3)**

Suggestibility

in-court identifications generally, § **6.8a**

lineups

types of suggestibility, § **6.4b**

photographic identification, types of suggestibility, § **6.6c**

Suppression

confessions, § **7.2a**

identification evidence, § **6.3d**

private citizens, evidence obtained by, § **2.2e(9)**

tainted evidence, § **1.9e**

Suspect identification, § **5.4c**

INDEX

PRELIMINARY OR PRETRIAL MATTERS—Cont'd

Tacit admissions

- admissibility as evidence, § 7.9d
- definition, § 7.9d

Telephonic search warrant

- request by telephone or radio, § 2.3a
- sworn testimony submitted by telephone or radio, § 2.3b

Threats

- confession, voluntariness, § 7.2g(4)c
- consent to search, voluntariness, § 2.6d(2)

Time limitations

arrests

- delay in making arrest, § 1.3b(8)

searches

- execution of a warrant, § 2.4c
- probable cause, § 2.2b(8)
- staleness doctrine, § 2.3d(3)
- probable cause at time warrant issued, § 2.3d(3)

Traffic violations

- officer making arrest, identification, § 1.5d
- roadblocks to enforce traffic laws, § 3.8
- searches incident to arrest, § 3.7
- warrantless arrests, § 1.4c

Videotape, lineup, substitute for right to counsel, § 6.3a

Vienna Convention

- advice of rights, § 7.2a
- dismissal of charges, § 1.9f

Waiver

- consent to a search, § 2.2f(13)
- Miranda rights, waiver of
 - procedures for obtaining a waiver, § 7.2f(2)
 - voluntariness of a waiver, § 7.2f(3)

Warrants

arrest

- arrest warrant requirement, § 1.3c
- arrests with a warrant
 - residences
 - arrests for felonies, § 1.6c
 - arrests for misdemeanors, § 1.6d
- procedures for obtaining
 - formal charges, necessity of filing, § 1.7a

search

- children in need of services (ChINS), § 4.8
- curtilage, § 2.4f
- execution
 - detention of persons, § 2.4j
 - knock and announcement requirement, § 2.4d

PRELIMINARY OR PRETRIAL MATTERS—Cont'd

Warrants—Cont'd

search—Cont'd

execution—Cont'd

return of warrant, § 2.4i

scope and intensity of search, § 2.4f

seizure of items, § 2.4g

form and content, § 2.3e

geographical limitations, § 2.4b

lineup participation, warrant to require, § 6.2b

open view, seizure of items in, § 1.4d

oral warrants, § 2.3a

procedures for obtaining

form and content of a warrant, § 2.3e

judicial determination of probable cause, § 2.3b

oral warrants, § 2.3a

petition or request, § 2.3a

specificity and particularity, § 2.3f

telephonic warrants, § 2.3a

specificity and particularity

persons, § 2.3f(4)

places, § 2.3f(2)

things to be seized, § 2.3f(5)

telephonic warrants, § 2.3a

PRESUMPTIONS AND BURDEN OF PROOF

Confessions, voluntariness, § 7.2g(3)

waiver of Miranda rights, § 7.2f(3)

Evidence, presentation, § 22.3

Insanity defense, § 17.4

Lineups

evidence concerning an improper lineup, admissibility, § 6.4c(1)

in-court identifications, admissibility, § 6.4c(2)

Photographic identifications

evidence concerning an improper identification, admissibility, § 6.6d(1)

in-court identifications, admissibility, § 6.6d(2)

Searches

consent, voluntariness of, § 2.6c

warrant based on false information, invalidity of, § 2.3d(4)

PRIVACY

Invasion of privacy

abandoned property, § 2.2e(8)

aerial surveillance, § 2.2e(6)

electronic surveillance, § 2.2d(8)

expectation of privacy test, § 2.2d(7)

Fourth Amendment, protection under, § 2.2d(1)

helicopter surveillance, § 2.2e(6)

open fields doctrine, § 2.2e(5)

INDEX

PRIVACY—Cont'd

- Invasion of privacy—Cont'd
 - open smell detections, § 2.2e(4)
 - open view observations, § 2.2e(2)
 - restrooms open to the public, § 2.2d(9)
 - search warrant requirement, § 2.2d(7)

PRIVILEGES AND IMMUNITIES

- Depositions and discovery
 - discovery violation
 - prosecutor's refusal to grant immunity, § 16.3
 - sanctions, § 16.8
- Self-incrimination
 - generally, § 7.4a
 - confessions, § 7.2a
 - identification evidence, compulsion to produce, § 6.2
 - lineups, requirement to participate, § 6.2b
 - refusal of defendant to cooperate in lineup, § 6.2d
- Witnesses, grand jury, § 9.5

PROBABLE CAUSE

- Anonymous tipsters
 - arrests, § 1.3b(6)
 - searches, § 2.2b(6)
- Arrests
 - definition of probable cause, § 1.3b(2)
 - first-hand information, § 1.3b(3)
 - information sources
 - anonymous tipsters, § 1.3b(6)
 - citizen informers, § 1.3b(5)
 - law enforcement officers, § 1.3b(4)
 - professional informants, § 1.3b(6)
 - personal information, § 1.3b(3)
 - subjective evaluation by arresting officer, § 1.3b(7)
 - timeliness, § 1.3b(8)
- Citizen informers
 - arrests, § 1.3b(5)
 - searches, § 2.2b(5)
- Controlled buys, § 2.2b(7)
- Definition
 - arrests, § 1.3b(2)
 - searches, § 2.2b(2)
- Determination
 - initial hearings, § 10.4
- Determination of probable cause
 - search warrants, § 2.3b
- First-hand information
 - arrests, § 1.3b(3)
 - searches, § 2.2b(3)

PROBABLE CAUSE—Cont'd

- Odors, § 2.2e(4)
- Probable cause requirement
 - searches, § 2.2b(1)
- Professional informants
 - arrests, § 1.3b(6)
 - searches, § 2.2b(6)
- Searches
 - controlled buys, § 2.2b(7)
 - definition of probable cause, § 2.2b(2)
 - determination of probable cause for a search warrant, § 2.3b
 - first-hand information, § 2.2b(3)
 - information sources
 - anonymous tipsters, § 2.2b(6)
 - citizen informers, § 2.2b(5)
 - law enforcement officers, § 2.2b(4)
 - professional informants, § 2.2b(6)
 - personal information, § 2.2b(3)
 - probable cause requirement for a search, § 2.2b(1)
 - timeliness, § 2.2b(8)
- Subjective evaluation by arresting officer, § 1.3b(7)
- Timeliness
 - arrests, § 1.3b(8)
 - searches, § 2.2b(8)

PROBATION

- Regulatory searches of probationers, § 4.6

PROFESSIONAL INFORMANTS

- Arrests, probable cause, § 1.3b(6)
- Investigatory seizures, reasonable suspicion, § 5.3h
- Searches, probable cause, § 2.2b(6)

PROMISE OR PROMISES

- Confession, voluntariness, § 7.2g(4)d

PROSECUTING ATTORNEYS

- Alibi, response to notice of defense, § 16.6
- Charges and charging
 - discretion and limits thereon, § 8.2
 - probable cause, determination, § 8.3
- Discovery, § 16.4
- Exculpatory information, duty to disclose, § 16.4
- Inspector general, § 8.1
- Mistrial, request, § 22.6
- Probable cause, determination, § 8.3
- Special prosecutors, § 8.1

PROTECTIVE SWEEPS

- Detention of persons, § 2.4h

INDEX

PROTECTIVE SWEEPS—Cont'd

- Exception to the search warrant requirement, § 2.2f(10)
- Search incident to an arrest, § 2.2f(2)
- Search warrants, execution of, § 2.4h

PUBLIC OFFICERS AND EMPLOYEES

- Interrogations by public officials, § 7.2c(7)
- Judges
 - arrests, authority to make, § 1.3a(2)
 - authority to issue search warrants, § 2.3e
 - confessions, determination of admissibility, § 7.6b
 - searches, determination of probable cause, § 2.3b
- Magistrates
 - searches, determination of probable cause, § 2.3c
- School officials
 - searches by, § 4.4

PUBLIC TRIAL OR PROCEEDING

- Identification requirement to enter courtroom, § 20.1
- Publicity
 - prevention of prejudice from, § 20.2

PUBLICITY

- Gag order, § 20.2

QUALIFICATION OR DISQUALIFICATION

- Petit juries, prospective jurors, § 21.5

QUORUM

- Grand jury, § 9.5

REASONABLENESS

- Suspicion
 - cellular phones, possession of, § 5.3k
 - definition, § 5.3b
 - first-hand information, § 5.3e
 - frisks, § 5.5a
 - information sources
 - anonymous tipsters, § 5.3h
 - citizen informers, § 5.3g
 - law enforcement officers, § 5.3f
 - professional informants, § 5.3h
 - investigative seizures, § 5.2
 - personal information, § 5.3e
 - protective sweeps, § 2.2f(10)
 - reasonable suspicion requirement, § 5.3a
 - roadblock avoidance, § 5.3k
 - roadblocks, avoidance of, § 3.8
 - school inspections, § 4.4
 - seatbelt violation, § 5.3k
 - subjective evaluation by seizing officer, § 5.3j

REASONABLENESS—Cont'd

Suspicion—Cont'd
time of day, § 5.3k

RECIPROCITY AND DISCOVERY

Prosecutors, § 16.5

RECORDS AND RECORDING

Grand jury, § 9.5

REDUCTION OR DECREASE

Bail, § 11.6

RELEASE OR DISCHARGE

Pretrial release, alternatives and conditions, § 11.2

RESTROOMS

Search of restrooms open to the public, § 2.2d(9)

REVOCATION OR SUSPENSION

Bail, revocation of, § 11.6

SAFETY

Checkpoints, § 3.8c
Precautions, § 5.4b

SCREENING OF PERSONS

Petit juries, § 21.4

SEARCH AND SEIZURE

Investigative. See index heading SEARCH AND SEIZURE

SEARCHES AND SEIZURES

Abandoned property, § 2.2e(8)
Aerial surveillance, § 2.2e(6)
Agents of police authorities, § 2.2a(3)
Anonymous tipsters, § 2.2b(6)
Arrest, motor vehicle search incident to, § 3.2
Authority to conduct a search, private citizens, § 2.2a(3)
Choke hold, § 2.5e
Citation for traffic offense, search incident to, § 2.2f(2)
Consent to a search
 generally, § 2.6a
 act of granting consent, § 2.6e
 scope of consent, § 2.6f
 third party consent, § 2.6g
 voluntariness of consent, § 2.6c
Containers, third party consent, personal items, § 2.6f, 2.6g
Controlled buys, § 2.2b(7)
Curtilage, § 2.4f
Electronic surveillance, § 2.2d(8)
Execution of warrant
 detention of persons, § 2.4h

INDEX

SEARCHES AND SEIZURES—Cont'd

Execution of warrant—Cont'd

- disposition of seized items, § 2.4j
- knock and announcement requirement, § 2.4d
- return of warrant, § 2.4i
- scope and intensity of search, § 2.4f
- seizure of items, § 2.4g
- time limitations, § 2.4c
- use of force, § 2.4e

Facsimile transmissions, § 2.3a

Force, use of

- warrantless searches, § 2.5e

Hot pursuit, § 2.2f(7)

Identification of suspects, § 5.4c

Illegal searches

- civil liability, § 2.7b
- suppression of tainted evidence, § 2.7a

Instrumentalities, § 2.2d(1)

Inventory searches

- generally, § 2.2f(4)
- motor vehicles
 - containers, § 2.2f(4)
 - exception to search warrant requirement, § 2.2f(4)
 - incident to an arrest, § 2.2f(4)
 - incident to vehicle forfeitures, § 2.2f(4)
 - incident to vehicle impoundment, § 2.2f(4)
 - procedures for searches, § 2.2f(4)
 - scope of search, § 2.2f(4)

persons

- containers, § 2.2f(4)
- exception to search warrant requirement, § 2.2f(4)
- incident to arrest, § 2.2f(4)
- procedures for search, § 2.2f(4)
- scope of search, § 2.2f(4)

Investigative seizures

- anonymous tipsters, § 5.3h
- authority to make seizures, § 5.2
- citizen informers, § 5.3g
- detention, length of, § 5.4f
- experience, reliance on officer's, § 5.3c
- force, use of, § 5.4a
- frisk for weapons
 - authority to frisk, § 5.5a
 - procedures, § 5.5b
- Indiana constitutional authority, § 5.2d
- plain touch, § 5.5b

SEARCHES AND SEIZURES—Cont'd

Investigative seizures—Cont'd

procedures for making seizures

detention, length of, § 5.4f

force, use of, § 5.4a

identification of suspects, § 5.4c

investigation for evidentiary purposes, § 5.4e

questioning suspects, § 5.4d

safety precautions, § 5.4b

transfer of suspect to different location, § 5.4g

professional informants, § 5.3h

questioning suspects, § 5.1, 5.4d

reasonable suspicion

cellular phones, possession of, § 5.3k

definition, § 5.3b

experience, officer's

prior encounters with suspect, § 5.3c

first-hand information, § 5.3e

information sources

anonymous tipsters, § 5.3h

citizen informers, § 5.3g

law enforcement officers, § 5.3f

professional informants, § 5.3h

personal information, § 5.3e

reasonable suspicion requirement, § 5.3a

roadblocks, avoidance of, § 3.8

safety precautions, § 5.4b

subjective evaluation by seizing officer, § 5.3j

seatbelt violations, § 3.7

transfer of suspect to different location, § 5.4g

Knock and announcement requirement

arrests, warrantless, § 1.5c

searches with a warrant, § 2.4d

Motor vehicles

abandoned vehicles, § 3.6

forfeited vehicles, § 3.5

impoundment, inventory search incident to, § 3.4d

incident to arrest, § 3.2

inventory searches, § 3.4

incident to arrest, § 3.4b

incident to general impoundment, § 3.4d

procedures, § 3.4e

scope, § 3.4f

searches incident to a vehicle forfeiture, § 3.4c

probable cause searches, § 3.3

roadblocks, § 3.8

traffic offenses, § 3.7

INDEX

SEARCHES AND SEIZURES—Cont'd

- Open fields doctrine, § 2.2e(5)
- Open smell detections, § 2.2e(4)
- Open view observations, § 2.2e(2)
- Ownership or control, § 2.7a
- Plain view doctrine
 - generally, § 2.2f(3)
 - exception to the search warrant requirement, § 2.2f(3)
- Private citizen, authority to conduct search, § 2.2a
- Private citizens, searches by, § 2.2e(9)
- Probable cause
 - controlled buys, § 2.2b(7)
 - definition of probable cause, § 2.2b(2)
 - determination of probable cause for a search warrant, § 2.3b
 - first-hand information, § 2.2b(3)
 - information sources
 - anonymous tipsters, § 2.2b(6)
 - citizen informers, § 2.2b(5)
 - law enforcement officers, § 2.2b(4)
 - professional informants, § 2.2b(6)
 - personal information, § 2.2b(3)
 - probable cause requirement for a search, § 2.2b(1)
 - timeliness, § 2.2b(8)
- Procedures for obtaining a warrant
 - form and content of a warrant, § 2.3e
 - judicial determination of probable cause, § 2.3b
 - oral warrants, § 2.3a
 - petition or request, § 2.3a
 - specificity and particularity, § 2.3f
 - telephonic warrants, § 2.3a
- Professional informants, § 2.2b(6)
- Property interests, invasion of, § 2.1
- Protective sweeps, § 2.2f(10)
- Regulatory searches
 - children in need of services (ChINS), § 4.8
 - prisoners, § 4.7
 - probationers, § 4.6
- School officials, searches by, § 4.4
- Search warrant requirement
 - generally, § 2.2c
 - conduct not subject to requirement
 - abandoned property searches, § 2.2e(8)
 - aerial surveillance, § 2.2e(6)
 - open fields searches, § 2.2e(5)
 - open smell detections, § 2.2e(4)
 - open view observations, § 2.2e(2)
 - searches by private citizens, § 2.2e(9)

SEARCHES AND SEIZURES—Cont'd

Search warrant requirement—Cont'd

conduct subject to the requirement

effects, searches, § 2.2d(5)

houses, searches, § 2.2d(3)

privacy, invasion of, § 2.2d(7)

exceptions to the requirement

automobile exception, § 2.2f(5)

consent searches, § 2.2f(13)

destruction of evidence, § 2.2f(6)

emergency exception, § 2.2f(8)

extreme, § 2.2f(8)

hot pursuit, § 2.2f(7)

inventory searches, § 2.2f(4)

plain view doctrine, § 2.2f(3)

protection of property, § 2.2f(9)

protective sweeps, § 2.2f(10)

search incident to arrest, § 2.2f(2)

Seatbelt violations, § 3.7

Staleness doctrine, § 2.3d(3)

probable cause at time warrant issued, § 2.3d(3)

Suspect identification, § 5.4c

Telephonic warrants, § 2.3a

Timeliness of reasonable suspicion, § 5.3i

Warrantless searches

force, use of, § 2.5e

knock and announce requirement, § 2.5d

time limitations, § 2.5c

Warrants

execution of a search with a warrant, § 2.4

form and content, § 2.3e

oral warrants, § 2.3a

procedures for obtaining a warrant, § 2.3

search warrant requirement, § 2.2c

specificity and particularity

persons, § 2.3f(4)

places, § 2.3f(2)

things to be seized, § 2.3f(5)

telephonic warrants, § 2.3a

time limitations, § 2.4c

SEATBELTS

Investigative stops, § 3.7

Warrantless arrests, § 1.4c

SECRECY

Grand jury, § 9.5

INDEX

SECURITY OFFICERS

Interrogations by private security officers, § 7.2c(9)

SELF-INCRIMINATION

Privileges and immunities

generally, § 7.4a

confessions, § 7.2a

identification evidence, compulsion to produce, § 6.2

lineups, requirement to participate, § 6.2b

refusal of defendant to cooperate in lineup, § 6.2d

SELF-REPRESENTATION

Generally, § 23.2

SENTENCE AND PUNISHMENT

Appeal and review

negotiated plea, § 13.7

plea of guilty or guilty but mentally ill, § 12.9

Possible sentence, warning, entry of guilty plea, § 12.4

SEQUESTRATION

Jury, § 22.10

SEVERANCE

Mutually antagonistic defenses, § 15.2

Pretrial motions, § 15.2

SHERIFFS AND POLICE

Arrests

misdemeanors committed in an officer's presence, § 1.4c

probable cause based on information from an officer, § 1.3b(4)

probable cause based on personal or first-hand information, § 1.3b(3)

Frisk, authority to make, § 5.5a

Investigative seizures

investigative seizures, authority to make, § 5.2

reasonable suspicion based on an officer's experience, § 5.3c

reasonable suspicion based on information from an officer, § 5.3f

reasonable suspicion based on personal or first-hand information, § 5.3e

Police station

chance encounters and identifications, § 6.4a(4)

interrogations, § 7.2c(5)

Roadblocks

apprehension of fugitives, § 3.8b

enforcement of traffic laws, § 3.8c

narcotics interdiction roadblocks, § 3.8c

prevention of terrorist attack, § 3.8b

safety checkpoints, § 3.8c

sobriety roadblocks, § 3.8c

stop fleeing dangerous criminals, § 3.8b

SHERIFFS AND POLICE—Cont'd

Searches

probable cause based on information from an officer, § 2.2b(4)

probable cause based on personal or first-hand information, § 2.2b(3)

SHOWUPS

Identifications prior to formal charges, § 6.4a(2)

SIXTH AMENDMENT

Interrogations, right to counsel after formal charges, § 7.3b

Lineups, right to counsel after formal charges, § 6.3a

Searches, consent to

advice of rights, § 2.6d(4)

counsel, right to, § 2.6d(5)

SPECIAL PROSECUTORS

Generally, § 8.1

SPECIFICITY

Search warrant requirement, § 2.3f

Seizure of items under a search warrant, § 2.4g

SPEEDY TRIAL

Congestion, § 19.3

Constitutional law, § 19.1

Multiple trial settings, § 19.3

Summons, attachment of time limitations, § 19.3

Time

periods not subject to Rule 4, § 19.5

Rule 4 limitations, request for early trial, § 19.2

STALENESS

Searches

probable cause, timeliness of, § 2.2b(8)

staleness doctrine, § 2.3d(3)

probable cause at time warrant issued, § 2.3d(3)

STATEMENTS

Witnesses, discovery by defendant, § 16.3

STRUCTURAL ERROR

Criminal procedure—trial, right to counsel, § 23.3

Petit juries, § 21.1

SUBPOENA

Witnesses

compulsory process

waiver of trial rights, warning, § 12.4

SUGGESTION

In-court identifications generally, § 6.8a

Lineups, types of suggestibility, § 6.4b

Photographic identification, types of suggestibility, § 6.6c

INDEX

TACIT ADMISSIONS

Admissibility as evidence, § 7.9d

Definition, § 7.9d

TELECOMMUNICATIONS

Cellular phones, scope of consent to search, § 2.6f

Search warrant, telephonic

request by telephone or radio, § 2.3a

sworn testimony submitted by telephone or radio, § 2.3b

TIME OR DATE

Arrest warrant, execution, § 1.8b

Closing arguments, § 22.8

Instructions to jury, final instructions, § 22.9

Investigative seizure, reasonable suspicion, § 5.3i

Opening statements, trial, § 22.2

Speedy trial

periods not subject to Rule 4, § 19.5

rule 4 limitations

request for early trial, § 19.2

TRAFFIC

Violations

officer making arrest, identification, § 1.5d

probable cause to stop vehicle driver, § 1.3b(3)

roadblocks to enforce traffic laws, § 3.8

searches incident to arrest, § 3.7

warrantless arrests, § 1.4c

TRIAL

Closing arguments, § 22.8

Criminal procedure—trial

actions and proceedings

critical stages, right to counsel, § 23.1

admissibility of evidence

grand jury, § 9.5

objections and exceptions, § 14.6

alibi, notice, § 16.6

amendments, charges and charging, § 15.3

appeal and review, bail

pending appeal, § 11.7

arguments and conduct of counsel

opening statements, § 22.2

arrest warrants

bail, posting procedures, § 11.5

assistance of counsel

pleas, § 12.3

right to choice of counsel, § 23.1

self-representation, § 23.2

TRIAL—Cont'd

Criminal procedure—trial—Cont'd

assistance of counsel—Cont'd

waiver, § 23.2

waiver of conflict-free representation, § 23.3

bail

determination

initial hearing, § 10.6

pending appeal, § 11.7

increase, § 11.6

posting, procedures, § 11.5

reduction, § 11.6

revocation, § 11.6

vesting of right to bail, § 11.1

best interest pleas, § 12.6

burden of proof

evidence, presentation, § 22.3

insanity defense, § 17.4

capacity, pleas, voluntariness, § 12.5

challenges

petit juries

for cause, § 21.6

preconceived opinions, § 21.6

peremptory, § 21.7

number, § 21.7

charges and charging

amendments, § 15.3

following dismissal, § 15.3

dismissal, § 15.1

duplicity, § 15.1

multiplicity, § 15.1

time limitations, § 15.3

closing argument

defendant as witness, failure to testify, § 22.4

coercion, pleas, voluntariness, § 12.5

commitment

insanity defense, post-trial civil commitments, § 17.6

subsequent trial, § 18.5

commitment procedures, § 18.4

competency

generally, § 18.1 et seq.

commitment

subsequent trial, § 18.5

commitment procedures, § 18.4

hearings, § 18.2

conditions, pretrial release, § 11.2

confrontation, witnesses

generally, § 22.3

INDEX

TRIAL—Cont'd

- Criminal procedure—trial—Cont'd
 - confrontation, witnesses—Cont'd
 - defendants, presence during trial, § **22.12**
 - constitutional law
 - initial hearings
 - probable cause, determination, § **10.4**
 - prompt hearing requirement, § **10.3**
 - petit juries
 - membership qualifications, § **21.3**
 - peremptory challenges, § **21.7**
 - probable cause, determination, § **10.4**
 - prompt hearing requirement, § **10.3**
 - speedy trial
 - generally, § **19.1**
 - remedies, dismissal and discharge, § **19.4**
 - standing, suppression of evidence, § **14.5**
 - venue, change of venue, § **15.4**
 - convictions
 - appeal and review, judgment of conviction
 - negotiated plea, § **13.7**
 - plea of guilty or guilty but mentally ill, § **12.9**
 - prior convictions, effect on sentence, advice to defendant, § **12.4**
 - crimes and offenses
 - joinder of offenses
 - pretrial motions, § **15.2**
 - death penalty
 - objections and exceptions, petit jurors, § **21.6**
 - pleas, waiver of trial rights, § **12.4**
 - defendants
 - binding effect, § **13.5**
 - joinder and severance, § **15.2**
 - presence during trial, § **22.12**
 - pretrial release, § **11.2**
 - self-representation, § **23.2**
 - trial, right to be present, § **22.12**
 - depositions, § **16.5**
 - defendants, § **16.3**
 - disclosure
 - exculpatory information
 - defendant's request, § **16.4**
 - witnesses, names, discovery by defendant, § **16.3**
 - discovery
 - authority
 - legislative enactments, § **16.2**
 - remedies, § **16.8**
 - sanctions, § **16.8**

TRIAL—Cont'd

Criminal procedure—trial—Cont'd

dismissal of charges

pretrial motions, § 15.1

prosecuting attorney, § 15.1

speedy trial, remedies, § 19.4

DNA samples

exclusionary rule, § 14.4

right of privacy, § 14.5

double jeopardy

mistrial on greater offense, conviction of lesser offense, § 22.6

mistrials requested by defendant, § 22.6

due process

defendants, presence during trial, § 22.12

exculpatory evidence, preservation and disclosure, § 16.4

effects of battery

defense, § 16.6

pretrial notice requirements, § 16.6

equal protection

petit juries

membership, § 21.3

evidence

exculpatory evidence, preservation and disclosure, § 16.4

grand jury, § 9.5

presentation, § 22.3

bifurcated trials, § 22.3

exculpatory information, prosecutors, duty to disclose, § 16.4

exhaustion, petit juries, peremptory challenges, § 21.7

fruit of the poisonous tree, suppression of evidence, § 14.2

good faith, exclusionary rules, exceptions, § 14.3

grand jury

alternative jury selection procedure, § 9.3

exclusion of prospective juror, § 9.3

exculpatory evidence, duty to submit, § 9.2

impaneling, § 9.4

instructions to jury, § 9.4

membership

alternate juror, § 9.3

prosecutor

exculpatory evidence, duty to submit, § 9.2

presence in grand jury, § 9.2

records and recordation, § 9.5

secrecy, § 9.5

witnesses

generally, § 9.5

use immunity, § 9.5

INDEX

TRIAL—Cont'd

Criminal procedure—trial—Cont'd

hearings

bail, initial hearings, § 11.4

competency, § 18.2

immunity

discovery violation

prosecutor's refusal to grant immunity, § 16.3

sanctions, § 16.8

impaneling

authority, petit juries, § 21.4

grand jury, § 9.4

impartial judge, § 22.15

impeachment, verdicts, § 22.11

independent source, exclusionary rules, exceptions, § 14.3

inevitable discovery, exclusionary rules, exceptions, § 14.3

initial hearings, bail, § 11.4

insanity

generally, § 17.1 et seq.

defined, § 17.1

effects of battery defense, § 16.6

mental examinations, § 17.3

post-trial civil commitments, § 17.6

transient ischemic attack (TIA), § 17.1

instructions

deadlock, § 22.10

defendant as witness, failure to testify, § 22.4

flight, § 22.9

grand jury, § 9.4

habitual Offender, non-mandatory, § 22.9

jurors should convict, § 22.9

pattern, § 22.9

preliminary instructions, time when given, § 22.1

required instructions, § 22.1

tender of proposed instruction, § 22.9

voluntary intoxication is not a defense, § 22.9

waiver of objections, § 22.9

investigations and investigators

prosecutors, probable cause determination, investigative authority, § 8.3

joinder, offenses and defendants

pretrial motions, § 15.2

judges

change of judge, § 15.5

cause, actual, § 15.5

hearing requirements, § 15.5

right to, § 15.5

time limitations, § 15.5

TRIAL—Cont'd

Criminal procedure—trial—Cont'd

judgments and decrees

convictions, appeal, negotiated plea, § 12.9

jury

deliberations

alternate juror participation, § 22.10

experiments, § 22.10

materials taken into jury room, § 22.10

misconduct

threats by jurors to other jurors, § 22.10

threats to jurors by non-jurors, § 21.6

use of alcohol or drugs, § 22.10

polling, § 22.11

pollution, § 22.10

master jury lists

petit juries, § 21.3

mental examinations

insanity defense, § 17.3

mistrials

dismissal after repeated mistrials, § 8.2

double jeopardy, § 22.6

motions

determination, § 12.8

disclosure, state's witnesses, § 16.3

withdrawal of plea

guilty or guilty but mentally ill, § 12.8

names

prospective jurors, master lists

petit juries, § 21.3

witnesses, discovery by defendant, § 16.3

non-jury trials, § 22.14

notice, alibi, § 16.6

objections and exceptions

death penalty, petit jurors, challenges for cause, § 21.6

final instructions, waiver, § 22.9

improper closing arguments, remedies, § 22.8

waiver

final instructions, § 22.9

opening statements, § 22.2

order of proof, insanity defense, § 17.4

orders of court

suppression of evidence, effect, § 14.7

panels, summoning

petit jury, § 21.4

personal recognizance, pretrial release, nonmonetary alternatives, § 11.2

INDEX

TRIAL—Cont'd

Criminal procedure—trial—Cont'd

petit juries

generally, § 21.1 et seq.

challenges

for cause, § 21.6

peremptory

number, § 21.7

procedure, § 21.7

trial by jury, right, § 21.1

voir dire, § 21.5

waiver of trial by jury, right, § 21.2

pleas

acceptance, § 12.2

agreements

entry of plea based on, § 13.4

form, § 13.3

sentence bargain after conviction, § 13.3

terms and conditions, § 13.3

types, § 13.3

assistance of counsel, § 12.3

authorized, § 12.1

best interest pleas, § 12.6

factual basis, § 12.6

guilty pleas, effective assistance, § 23.3

initial hearings, entry, § 10.6

negotiations

binding effect

defendant, § 13.5

prosecuting attorney, § 13.5

trial court, § 13.5

discretionary nature, § 13.1

judicial role, § 13.1

rejection, § 12.2

polling, jury, § 22.11

pollution, jury, § 22.10

prejudice, public trial, prevention, § 20.2

presence, defendants, trial, § 22.12

pretrial motions

continuance, § 15.6

disclosure, state's witnesses, § 16.3

dismissal of charges, § 15.1

in limine, § 15.6

joinder, § 15.2

severance, § 15.2

venue, change of venue, § 15.4

pretrial release, alternatives and conditions, § 11.2

TRIAL—Cont'd

Criminal procedure—trial—Cont'd

prisoners, speedy trial, time, periods not subject to Rule 4, § **19.5**

privileges and immunities

witnesses, grand jury, § **9.5**

probable cause, determination

initial hearings, § **10.4**

prosecutors

alibi, response to notice of defense, § **16.6**

charges and charging

probable cause, determination, § **8.3**

discovery, § **16.4**

exculpatory information, duty to disclose, § **16.4**

inspector general, § **8.1**

joinder, offenses and defendants, § **15.2**

mistrial, request, § **22.6**

probable cause, determination, § **8.3**

special prosecutors, § **8.1**

prospective jurors

order of calling, § **21.5**

public trial

identification requirement to enter courtroom, § **20.1**

publicity

gag order, § **20.2**

prevention of prejudice from, § **20.2**

qualifications, petit juries, prospective jurors, § **21.5**

quorum, grand jury, § **9.5**

reciprocity, § **16.5**

records and recordation

grand jury, § **9.5**

reduction of bail, § **11.6**

release, pretrial release, alternatives and conditions, § **11.2**

remedies

discovery

noncompliance, § **16.8**

improper arguments

closing arguments, § **22.8**

revocation, bail, § **11.6**

sanctions

alibi, notice and response, § **16.6**

discovery, § **16.8**

screening

petit juries, § **21.4**

secrecy, grand jury, § **9.5**

self-representation, § **23.2**

INDEX

TRIAL—Cont'd

Criminal procedure—trial—Cont'd

sentence and punishment

appeal and review

negotiated plea, § 13.7

plea of guilty or guilty but mentally ill, § 12.9

possible sentence, warning, entry of guilty plea, § 12.4

sequestration, jury, § 22.10

severance

mutually antagonistic defenses, § 15.2

pretrial motions, § 15.2

special prosecutors, § 8.1

speedy trial

congestion, § 19.3

constitutional law, § 19.1

multiple trial settings, § 19.3

summons, attachment of time limitations, § 19.3

time

periods not subject to Rule 4, § 19.5

proceedings following trial or mistrial, § 19.5

rule 4 limitations

request for early trial, § 19.2

standing

suppression of evidence, § 14.5

statements, witnesses, discovery by defendant, § 16.3

suppression of evidence

orders of court, effect, § 14.7

standing, § 14.5

time

closing arguments, trial, § 22.8

instructions to jury

final instructions, § 22.9

opening statements, trial, § 22.2

speedy trial

periods not subject to Rule 4, § 19.5

rule 4 limitations

request for early trial, § 19.2

venire

grand jury, § 9.4

petit juries, § 21.4

venue

change of venue, pretrial motions, § 15.4

variance, allegations and proof, § 15.4

verdicts

correction, § 22.11

impeachment, § 22.11

return, § 22.11

TRIAL—Cont'd

Criminal procedure—trial—Cont'd

Vienna Convention

advice of rights, § 10.6

effective assistance of counsel, § 23.3

exclusionary rule, § 14.1

views, jury, § 22.5

voir dire

petit juries, § 21.5

waiver

assistance of counsel

effective assistance, § 23.3

defendants, right to presence at trial, § 22.12

jury trial, § 21.2

objections and exceptions

final instructions, § 22.9

time, speedy trial, § 19.3

trial

jury trial, § 21.2

warning, entry of guilty plea

firearms possession, right lost, § 12.4

witnesses

confrontation, § 22.3

defendants, presence during trial, § 22.12

grand jury, § 9.5

use immunity, § 9.5

names, discovery by defendant, § 16.3

prosecutor, witness subpoenaed by defense, § 22.3

separation, violation of order, § 22.3

statements, discovery by defendant, § 16.3

Criminal procedure—trial

defendants

binding effect, § 13.5

impanel, authority

petit juries, § 21.4

instructions

required instructions, § 22.1

pleas

negotiations

binding effect

defendant, § 13.5

prosecutors

inspector general, § 8.1

prospective jurors

order of calling, § 21.5

reciprocity, § 16.5

special prosecutors, § 8.1

INDEX

TRIAL—Cont'd

- Non-jury trials, § 22.14
- Presence, defendants, § 22.12
- Waiver
 - jury trial, § 21.2

VENUE

- Change of venue
 - pretrial motions, § 15.4
 - procedural requirements, § 15.4
 - time limitations, § 15.4
 - subsequent proceedings, § 15.4
- Variance, allegations and proof, § 15.4

VERDICTS

- Correction, § 22.11
- Impeachment of verdict, § 22.11
- Return, § 22.11

VIDEOTAPES

- Lineup, substitute for right to counsel, § 6.3a

VIENNA CONVENTION

- Advice of rights, § 7.2a, 10.6
- Dismissal of charges, § 1.9f
- Effective assistance of counsel, § 23.3
- Exclusionary rule, § 14.1

VIEW BY JURY

- Criminal trial, § 22.5

VOICE IDENTIFICATION

- Generally, § 6.7a

VOLUNTARY OR INVOLUNTARY ACTS

- Pleas, § 13.4

WARRANTS

- Arrest
 - arrest warrant requirement, § 1.3c
 - procedures for obtaining
 - formal charges, necessity of filing, § 1.7a
 - residences, arrests for felonies, § 1.6c
 - residences, arrests for misdemeanors, § 1.6d
- Search
 - authority to issue, city court judge, § 2.3c
 - children in need of services (ChINS), § 4.8
 - curtilage, § 2.4f
 - execution
 - detention of persons, § 2.4j
 - knock and announcement requirement, § 2.4d
 - return of warrant, § 2.4i

WARRANTS—Cont'd

Search—Cont'd

execution—Cont'd

scope and intensity of search, § 2.4f

seizure of items, § 2.4g

execution, use of force, § 2.4e

form and content, § 2.3e

knock and announce requirement, § 2.4d

lineup participation, warrant to require, § 6.2b

open view, seizure of items in, § 1.4d

oral warrants, § 2.3a

procedures for obtaining

form and content of a warrant, § 2.3e

judicial determination of probable cause, § 2.3b

oral warrants, § 2.3a

petition or request, § 2.3a

specificity and particularity, § 2.3f

telephonic warrants, § 2.3a

specificity and particularity

persons, § 2.3f(4)

places, § 2.3f(2)

things to be seized, § 2.3f(5)

telephonic warrants, § 2.3a

time limitations, § 2.4c

Staleness doctrine, probable cause at time warrant issued, § 2.3d(3)

WITNESSES

Compelled testimony, § 22.3

Confrontation, § 22.12

Defendant, § 22.4, 22.12

Evidence, presentation, § 22.3

Grand jury

generally, § 9.5

use immunity, § 9.5

Names, discovery by defendant, § 16.3

Prosecutor, witness subpoenaed by defense, § 22.3

Separation, violation of order, § 22.3

Statements, discovery by defendant, § 16.3

Index

ABANDONMENT

- Inventory search of motor vehicles, abandoned property, § 2.2f(4)
- Search of abandoned vehicles, § 3.6
- Seizure of abandoned property, § 2.2e(8)

ABSENCE OR PRESENCE

- Defendants' presence at trial, § 22.12

ABUSE OF CHILD

- Children in need of services (ChINS) investigations, § 4.8

ACTIONS AND PROCEEDINGS

- Critical stages, right to counsel, § 23.1
- Discovery
 - noncompliance, § 16.8
- Improper arguments
 - opening statements, § 22.2
- Omnibus date, initial hearings, § 10.6

ADMISSIONS AND DECLARATIONS

- Corpus delicti, § 7.9c
- Privilege against self-incrimination, § 7.9b
- Tacit admissions, § 7.9d

AERIAL SURVEILLANCE

- Aircraft, ordinary, § 2.2e(6)
- Helicopters, § 2.2e(6)
- Open view observations, § 2.2e(6)

AFFIDAVITS

- Probable cause
 - search warrants
 - affidavit need not be attached, § 2.3e
 - false information in affidavit, § 2.3d(4)
 - probable cause affidavit, § 2.3b
 - specificity and particularity, § 2.3f

ALIBI

- Notice, § 16.6

ALIENS AND CITIZENS

- Informers, citizen informers
 - probable cause for a search, § 2.2b(5)
 - probable cause for an arrest, § 1.3b(5)
 - reasonable suspicion for a stop and frisk, § 5.3g

ALIENS AND CITIZENS—Cont'd

Private citizens

- arrests, authority to make, § 1.3a(4)
- identifications by, § 6.4a(5)
- questioning by, § 7.2c(8)
- searches by, § 2.2e(9)

AMENDMENTS

- Charges and charging, § 15.3

ANONYMITY OF TIPSTERS

- Probable cause for arrests, § 1.3b(6)
- Probable cause for searches, § 2.2b(6)
- Reasonable suspicion for stop and frisk, § 5.3h

ANSWER OR PLEA

Agreements

- form, § 13.3
- limits on prosecutorial discretion, § 8.2
- sentence bargain after conviction, § 13.3
- terms and conditions, § 13.3
- types, § 13.3

Assistance of counsel, § 12.3, 13.2

Authorized, § 12.1

Best interest pleas, § 12.6

Charges, nature of, § 12.4

Factual basis, § 12.6

Guilty plea

- acceptance, § 12.2
- effective assistance, § 23.3
- rejection, § 12.2

Initial hearings, entry, § 10.6

Negotiations

- assistance of counsel, § 13.2
- binding effect
 - defendant, § 13.5
 - prosecuting attorney, § 13.5
 - trial court, § 13.5
- discretionary nature, § 13.1
- judicial role, § 13.1
- withdrawal of plea, § 13.6

Voluntariness determination, § 13.4

Warning of rights, § 12.4

ANTICIPATION OR CONTEMPLATION

- Search warrant as anticipatory, § 2.3d

APPEAL AND ERROR

- Bail, pending appeal, § 11.7

INDEX

ARGUMENTS OF COUNSEL

- Closing arguments
generally, § 22.8
- Opening statements
generally, § 22.2

ARREST

- Arrest warrant requirements, § 1.3c
- Arrests with a warrant
 - felonies in private residences, § 1.6c
 - misdemeanors in private residences, § 1.6d
- Authority to make an arrest
 - custodial arrests for traffic offenses, § 3.7
 - judges, § 1.3a(2)
 - private citizens, § 1.3a(4)
- Collective knowledge, § 1.3b n.47; 2.2b n. 39; 5.3f n. 6
- Detainers, § 1.1
- Elements of an arrest
 - communication of intention, § 1.2d
 - intention, § 1.2c
 - seizure, § 1.2b
- Felonies
 - arrests with warrants, § 1.6c
 - warrantless arrests, § 1.4a
- Force, use of
 - warrantless arrests, § 1.5b
- Illegal arrests
 - mistaken arrest, § 1.9c
 - resistance, § 1.9d
 - suppression of tainted evidence, § 1.9e
 - trial of arrested person, § 1.9f
- Intention, communication, § 1.2d
- Knock and announcement requirement
 - warrantless arrests, § 1.5c
- Misdemeanors, warrantless arrests, § 1.4c
- Motor vehicle search incident to arrest, § 3.2
- Probable cause
 - definition, § 1.3b(2)
 - first-hand information, § 1.3b(3)
 - information sources
 - anonymous tipsters, § 1.3b(6)
 - citizen informers, § 1.3b(5)
 - law enforcement officers, § 1.3b(4)
 - professional informants, § 1.3b(6)
 - personal information, § 1.3b(3)
 - subjective evaluation by arresting officer, § 1.3b(7)
 - timeliness, § 1.3b(8)
 - traffic violation, § 1.3b(3)

ARREST—Cont'd

- Procedures for obtaining an arrest warrant
 - filing formal charges, § 1.7a
- Telephonic arrest warrant, § 1.7a
- Traffic offenses, warrantless arrests, § 1.5d
- Warrantless arrests
 - exigent circumstances, § 1.4d
 - felonies in private residences, § 1.4b
 - felonies in public places, § 1.4a
 - force, use of, § 1.5b
 - knock and announcement requirement, § 1.5c
 - misdemeanors in an officer's presence, § 1.4c
 - public place for felony, § 1.5a
 - traffic offenses, § 1.5d
- Warrants
 - arrest warrant requirements, § 1.3c
 - arrests with a warrant, § 1.6
 - bail, posting procedures, § 11.5
 - force, use of, § 1.8d
 - knock and announce requirement, § 1.8e
 - procedures for obtaining a warrant, § 1.7
 - time limitations, § 1.8b

ASSAULT AND BATTERY

- Effects of battery
 - defense, § 16.6
 - pretrial notice requirements, § 16.6

ATTORNEYS

- Assistance of counsel
 - conflict of interest, § 23.3
 - expert assistance, § 23.3
 - hybrid representation, § 23.2
 - pleas, § 12.3
 - right to choice of counsel, § 23.1
 - self-representation, § 23.2
 - standby counsel, § 23.2
 - waiver, § 23.2, 23.3
- Confessions
 - Fifth Amendment right, § 7.3a
 - notification of counsel, § 7.2i
 - Sixth Amendment right, § 7.3b
- Consent to search, § 2.6d(5)
- Lineups, § 6.3
- Photographic identifications, § 6.6b

AUTOMOBILES AND HIGHWAY TRAFFIC

- Searches
 - abandoned vehicles, § 3.6

INDEX

AUTOMOBILES AND HIGHWAY TRAFFIC—Cont'd

Searches—Cont'd

- automobile exception to search warrant requirement, § 2.2f(5)
- containers, § 2.2f(4)
- custodial arrests for traffic offenses, § 3.7
- delayed searches, § 3.3b
- exigent circumstances for delayed searches, § 3.3b
- force, use of, § 2.2f(4)
- forfeited vehicles, § 3.4c
- impoundment, § 3.4d
- inventory searches
 - incident to an arrest, § 2.2f(4)
 - incident to forfeiture, § 2.2f(4)
 - incident to impoundment, § 2.2f(4)
 - procedures for searches, § 2.2f(4)
 - scope of search, § 2.2f(4)
- probable cause searches, § 2.2f(5)
- roadblocks
 - apprehension of fugitives, § 3.8b
 - enforcement of traffic laws, § 3.8c
 - investigative seizures, § 5.3k
- searches incident to traffic offenses, § 3.7
- traffic offenses
 - custodial arrests, § 3.7
 - roadblocks, § 3.8c, 5.3k
 - searches, § 3.7

BAIL AND RECOGNIZANCE

- Constitutional law, right to, § 11.1
- Determination
 - initial hearing, § 10.6
 - pending appeal, § 11.7
- Increase, § 11.6
- Posting, procedures, § 11.5
- Reduction, § 11.6
- Revocation, § 11.6
- Vesting of right to bail, § 11.1

BEST INTEREST OF PERSON

- Pleas, § 12.6

BIFURCATED

- Trial process, § 22.3

BLOOD

- Samples
 - seizure of sample, § 2.2d(2)

BODILY INTRUSIONS

- Body fluids, seizure of, § 2.2d(2)

BODY FLUIDS

Blood sample, seizure of, § 2.2d(2)
Seizure of, § 2.2d(2)

BREATHALYZER

Sobriety test incident to a roadblock, § 3.8c

CAPACITY OR INCAPACITY

Pleas, voluntariness, § 12.5

CELLULAR PHONES

Consent to search, scope of, § 2.6f

CHALLENGES

Petit juries, for cause, § 21.6
preconceived opinions, § 21.6

CHANCE ENCOUNTERS

Identification of an accused, § 6.4a(4)

CHARGES AND CHARGING

Amendments, § 15.3
Dismissal, § 15.1
Formal charges
interrogations, right to counsel after formal charges, § 7.3b
Inspector general, § 8.1
Special prosecutors, § 8.1

CHILDREN IN NEED OF SERVICES (CHINS)

Inspections, § 4.8
Regulatory searches, § 4.8

CHOKE HOLD

Searches, use of force, § 2.5e

COMMITMENT

Insanity defense, post-trial civil commitments, § 17.6

COMPETENCY

Generally, § 18.1 et seq.
Commitment
subsequent trial, § 18.5
medication, use of, § 18.5
Commitment procedures, § 18.4
Hearings, § 18.2

CONDITIONS

Pretrial release, § 11.2

CONFESSIONS

Admissibility, procedures for determining
corpus delicti, proof of, § 7.6d
preliminary determination, § 7.6b

INDEX

CONFESSIONS—Cont'd

Admissions

- corpus delicti, § 7.9c
- privilege against self-incrimination, § 7.9b
- tacit admissions, § 7.9d

Assertion of rights, questioning after, § 7.2h

Burden of proof

- confessions, voluntariness, § 7.2g(3)

Corpus delicti

- admissions, § 7.9c
- confessions, § 7.6d

Counsel

- Fifth Amendment right, § 7.3a
- notification of counsel, § 7.2i
- Sixth Amendment right, § 7.3b

Court appearance

- delay, consequences of, § 7.5c
- Fourth Amendment rights, § 7.5d

Custody, definition, § 7.2c(2)

Detentions for questioning, § 7.2c(3)

Hospitals, questioning at, § 7.2c(6)

Identifying information, requests for, § 7.2d(3)

Impeachment by illegally obtained confession, § 7.7

Investigatory questioning, § 7.2c(4)

Jail inmates, questioning by, § 7.2d

Joint trials, § 7.8

Miranda warnings

custody requirement

- definition of custody, § 7.2c(2)
- detentions for questioning, § 7.2c(3)
- investigatory questioning, § 7.2c(4)
- location of questioning
 - hospitals, § 7.2c(6)
 - police stations, § 7.2c(5)

exceptions

- psychiatric testing, § 7.2j(3)
- public safety exception, § 7.2j(1)
- undercover agent exception, § 7.2j(2)

interrogation requirement

- identifying information, requests for, § 7.2d(3)
- jail inmates, questioning by, § 7.2d(4)

persons conducting interrogations

- citizens, private, § 7.2c(8)
- public officials, § 7.2c(7)
- security officers, private, § 7.2c(9)

required warnings

- silence, right to, § 7.2b(2)

CONFESSIONS—Cont'd

- Miranda warnings—Cont'd
 - required warnings—Cont'd
 - statements, use of, § 7.2b(3)
 - requirements, § 7.2a
 - Police stations, questioning at, § 7.2c(5)
 - Private citizens, questioning by, § 7.2c(8)
 - Private security officers, questioning by, § 7.2c(9)
 - Privilege against self-incrimination, § 7.2a
 - Promises, coercive effect, § 7.2g(4)d
 - Public officials, questioning by, § 7.2c(7)
 - Questioning after assertion of rights, § 7.2h
 - Threats, coercive effect, § 7.2g(4)c
 - Vienna Convention
 - advice of rights, § 7.2a
 - dismissal of charges, § 1.9f
 - Voluntariness
 - due process, § 7.4b
 - Fifth Amendment
 - burden of proof, § 7.2g(3)
 - coercive influences
 - generally, § 7.2
 - promises, § 7.2g(4)d
 - threats, § 7.2g(4)c
 - procedures for obtaining a confession, § 7.2g(2)
 - Volunteered statements, § 7.2e
 - Waiver of rights, Fifth Amendment
 - procedures for obtaining a waiver, § 7.2f(2)
 - voluntariness, § 7.2f(3)

CONFRONTATION OF WITNESSES

- Generally, § 22.3
- Defendants, presence during trial, § 22.12

CONSENT OR APPROVAL

- Consent searches, § 2.2f(13)
- Scope, § 2.6f
- Third party, § 2.6g
- Voluntariness, § 2.6c

CONSTITUTIONAL LAW

- Bail, right to, § 11.1
- Initial hearings, prompt hearing requirement, § 10.3
- Investigative seizures, § 5.2d
- Petit juries
 - membership, number, § 21.3
 - peremptory challenges, § 21.7
 - number, § 21.7
- Probable cause, determination, § 10.4

INDEX

CONSTITUTIONAL LAW—Cont'd

- Prompt hearing requirement, § 10.3
- Speedy trial
 - generally, § 19.1
 - remedies, dismissal and discharge, § 19.4
- Standing, suppression of evidence, § 14.5
- Venue, change of venue, § 15.4

CONTAINER OR PACKAGE

- Motor vehicles
 - inventory searches, § 3.4b
 - probable cause searches, § 3.3c
- Searches by third party consent, personal items, § 2.6f

CONTROLLED BUYS

- Probable cause for a search, § 2.2b(7)

CONVICTION

- Appeal and review, judgment of conviction
 - negotiated plea, § 13.7
 - plea of guilty or guilty but mentally ill, § 12.9
- Prior convictions, effect on sentence, advice to defendant, § 12.4

CORPUS DELICTI

- Admissions, admissibility, § 7.9c
- Confessions, admissibility, § 7.6d

COURTS

- Appearance
 - arrest, right to prompt court appearance after, § 7.5
 - confession, voluntariness, § 7.5

CRIMINAL LAW

- Joinder of offenses, pretrial motions, § 15.2

DELIBERATIONS OF JURY

- Alternate juror participation, § 22.10
- Experiments, § 22.10
- Jury misconduct
 - threats by jurors to other jurors, § 22.10
 - threats to jurors by non-jurors, § 21.6
 - use of alcohol or drugs, § 22.10
- Length, § 22.10
- Materials taken into jury room, § 22.10
- Note taking, § 22.10
- Prior discussions, § 22.10

DEPOSITIONS AND DISCOVERY

- Defendants, § 16.3
- Prosecutors, § 16.5

DESCRIPTION OR IDENTIFICATION

Evidence, compulsion to produce, § 6.2
Investigative seizures, § 5.4c

DETAINERS

Arrests, § 1.1

DISCLOSURE

Witnesses, names, discovery by defendant, § 16.3

DISCOVERY

Authority, legislative enactments, § 16.2
Exculpatory information, § 16.4
Non-parties, § 16.3
Remedies, § 16.8
Rules, local court, § 16.7
Sanctions, criminal matters, § 16.8

DISCRETION OF COURT

Trial courts, mistrial orders, § 22.6

DISMISSAL, DISCONTINUANCE, AND NONSUIT

Pretrial motions, § 15.1
Speedy trial, remedies
rule violations, § 19.4
time limitations, § 19.4

DIVISION OR PANELS

Summoning
petit jury, § 21.4

DNA IDENTIFICATION

Exclusionary rule, § 14.4
Right of privacy, § 14.5

DOGS

Sniffing
open smell detections, § 2.2e(4)

DOUBLE JEOPARDY

Mistrial on greater offense
conviction of lesser offense, § 22.6
Mistrials requested by defendant, § 22.6

DRUGS AND NARCOTICS

School children, drug testing, § 4.4

DUE PROCESS

Confessions, voluntariness, § 7.4b
Defendants, presence during trial, § 22.12
Exculpatory evidence, preservation and disclosure, § 16.4
Judges, impartial, § 22.15
Lineup, requirements, § 6.4

INDEX

DURESS OR COERCION

Pleas, voluntariness, § 12.5

EAVESDROPPING

Authority for electronic surveillance, § 2.2d(8)

EQUAL PROTECTION

Petit juries, membership, § 21.3

ESTOPPEL AND WAIVER

Assistance of counsel, § 23.2

Consent to a search, § 2.2f(13)

Defendants, right to presence at trial, § 22.12

Jury and jury trial, criminal procedures, § 21.2

Miranda rights, waiver of
procedures for obtaining a waiver, § 7.2f(2)
voluntariness of a waiver, § 7.2f(3)

Objections and exceptions
final instructions, § 22.9

Time, speedy trial, § 19.3

EVIDENCE

Admissibility of evidence
grand jury, § 9.5

objections and exceptions, § 14.6

Exculpatory evidence, preservation and disclosure, § 16.4

Judgment on the evidence
jury trials, § 22.7

nonjury trials, § 22.7

Presentation, § 22.3

Suppression of evidence

generally, § 14.1

confessions, § 7.2a

evidence subject to, § 14.2

identification evidence, § 6.3d

orders of court, effect, § 14.7

private citizens, evidence obtained by, § 2.2e(9)

standing, § 14.5

tainted evidence, § 1.9e

EXCLUSION OF EVIDENCE

Exclusionary rules

suppression of evidence, generally, § 14.1

EXCULPATORY ACTS OR MATTERS

Defendant's request for disclosure, § 16.4

Prosecutors, duty to disclose exculpatory information, § 16.4

EXECUTION

Arrest warrant

force, use of, § 1.8d

EXECUTION—Cont'd

- Arrest warrant—Cont'd
 - knock and announce requirement, § 1.8e
 - time limitations, § 1.8b
- Search warrant, use of force, § 2.4e

EXHAUSTION OR DEPLETION

- Petit juries, peremptory challenges, § 21.7

EXIGENT CIRCUMSTANCES

- Arrests without a warrant, § 1.4d
- Knock and announcement requirement
 - warrantless arrests, § 1.5c
- Motor vehicles, delayed searches, § 3.3b
- Searches without a warrant, § 2.2f(1)

EXPERIENCE OR INEXPERIENCE

- Reasonable suspicion of police officer for a stop and frisk, § 5.3c

EXPERIMENTS OR TESTS

- Breathalyzer, sobriety test incident to a roadblock, § 3.8c

EXTORTION, BLACKMAIL, AND THREATS

- Confession, voluntariness, § 7.2g(4)c
- Consent to search, voluntariness, § 2.6d(2)

FACSIMILE MACHINES

- Search warrant request, § 2.3a
- sworn testimony, § 2.3b

FELONIES

- Arrest warrant requirements, § 1.3c
- Force, use of, § 1.5b
- Searches, hot pursuit, § 2.2f(7)
- Warrantless arrests, exigent circumstances, § 1.4d

FIELD TESTS

- Investigative detentions, § 5.4e

FIFTH AMENDMENT

- Confessions, § 7.2
- Identification evidence, compulsion to produce, § 6.2

FINES AND PENALTIES

- Alibi, notice and response, § 16.6

FIREARMS

- Answer or plea, warning of loss of firearm rights, § 12.4

FIRST-HAND INFORMATION

- Probable cause for a search, § 2.2b(3)
- Probable cause for an arrest, § 1.3b(3)
- Reasonable suspicion for a stop and frisk, § 5.3e

INDEX

FORCE OR VIOLENCE

Arrests

- execution of warrant, § 1.8d
- warrantless arrest, § 1.5b

Confessions, voluntariness, § 7.2g(4)

Frisks, § 5.5b

Identification evidence, compulsion to produce, § 6.2

Investigative seizures, § 5.4a

Searches

- choke holds, § 2.5e
- consent to search, voluntariness, § 2.6d(2)
- warrant
 - execution, § 2.4e
 - searches, § 2.5e

FORFEITURES

Inventory searches incident to motor vehicle forfeitures, § 2.2f(4)

Motor vehicles, authority to seize for forfeiture, § 3.4c

Searches incident to motor vehicle forfeitures, § 2.2f(4)

FOURTH AMENDMENT

Arrests

- court appearance after an arrest, right to, § 7.5d
- force, use of, § 1.5b

Confessions, prompt court appearance after an arrest, § 7.5d

Consent searches, § 2.2f(13), 2.6d(4)

Probable cause, judicial determination, § 2.3b, 2.3c, 2.3d

Searches

- automobile exception to search warrant requirement, § 2.2f(5)
- consent searches
 - advice of rights, § 2.6d(4)
 - exception to search warrant requirement, § 2.2f(13)
- hot pursuit exception to search warrant requirement, § 2.2f(7)
- probable cause, § 2.2b(1)
- protection from unreasonable searches and seizures, § 2.1
- search warrant requirement, § 2.2c

FRAUD AND DECEIT

Confession, voluntariness, § 7.2g(4)e

Consent to search, voluntariness, § 2.6d(3)

FRISK

Weapons, frisk for

- generally, § 5.5
- authority to conduct a frisk, § 5.5a
- procedures for conducting a frisk, § 5.5b

FRUIT OF POISONOUS TREE DOCTRINE

Suppression of evidence, § 14.2

GOOD FAITH

Exclusionary rules, exceptions, § 14.3

GRAND JURY

Alternate juror, § 9.3

selection procedure, § 9.3

Exclusion of prospective juror, § 9.3

Exculpatory evidence, duty to submit, § 9.2

Impaneling, § 9.4

Instructions to jury, § 9.4

Process of final selection, § 9.4

Prosecutor

exculpatory evidence, duty to submit, § 9.2

presence in grand jury, § 9.2

Records and recordation, § 9.5

Secrecy, § 9.5

Witnesses

generally, § 9.5

use immunity, § 9.5

HEARINGS

Bail, initial hearings, § 11.4

Competency, § 18.2

HOSPITALS

Interrogation at a hospital, § 7.2c(6)

HOT PURSUIT

Exceptions

arrest warrant requirement, § 1.4d

search warrant requirement, § 2.2f(7)

IDENTIFICATION

See index heading DESCRIPTION OR IDENTIFICATION

IMPEACHMENT

Illegally obtained confession, use of, § 7.7

Verdicts, § 22.11

IMPLIED CONSENT

Consent to a test for intoxication, § 2.6h

IMPOUNDING

Inventory searches of motor vehicles, § 3.4b

Searches of abandoned vehicles, § 3.6

INADVERTENCE REQUIREMENT

Open view observations, non-application, § 2.2e(2)

Plain view doctrine, § 2.2f(3)

INCOMPETENT OR INSANE PERSONS

Defense of insanity

generally, § 17.1 et seq.

INDEX

INCOMPETENT OR INSANE PERSONS—Cont'd

- Defense of insanity—Cont'd
 - authorized verdicts, § 17.5
 - defined, § 17.1
 - mental examinations, § 17.3
 - post-trial civil commitments, § 17.6
 - pretrial notice requirements, § 17.2
 - trial procedures, § 17.4
- Definition, § 17.1
- Effects of battery defense, § 16.6
- Transient ischemic attack (TIA), § 17.1

INDEPENDENT SOURCE

- Exclusionary rules, exceptions, § 14.3

INDICTMENTS AND INFORMATIONS

- Arrest warrants, necessity for filing formal charges, § 1.7a
- Interrogations, right to counsel after formal charges, § 7.3b
- Lineups, right to counsel after formal charges, § 6.3a

INEVITABLE DISCOVERY

- Exclusionary rules, exceptions, § 14.3

INFORMATION

- Arrest warrants, necessity for filing formal charges, § 1.7a
- Interrogations, right to counsel after formal charges, § 7.3b
- Lineups, right to counsel after formal charges, § 6.3a

INITIAL HEARINGS

- Bail, § 11.4

INSANITY

- Incompetent or insane persons (this index)

INSPECTION AND INSPECTORS

- Business inspections, § 4.2
- Children in need of services (ChINS), § 4.8
- Fire safety inspections, § 4.3a
- School inspections, § 4.4

INSPECTOR GENERAL

- Generally, § 8.1

INSTRUCTIONS OR DIRECTIONS

- Flight, § 22.9
- Habitual offender, non-mandatory, § 22.9
- Pattern, § 22.9
- Tender of proposed instruction, § 22.9
- Voluntary intoxication is not a defense, § 22.9

INSTRUCTIONS TO JURY

- Convictions, jurors should convict, § 22.9
- Deadlock, § 22.10

INSTRUCTIONS TO JURY—Cont'd

Defendant as witness, failure to testify, § 22.4

Final instructions

procedures, § 22.9

Grand jury, § 9.4

Preliminary instructions

required instructions, § 22.1

time when given, § 22.1

Required preliminary instructions, § 22.1

INSTRUMENTALITIES

Seizure in a search, § 2.2d(1)

INSURANCE

Investigator, interrogation by private fire investigator, § 7.2c(8)

INTELLIGENTLY AND KNOWINGLY

Pleas, § 12.5

INTENT

Abandonment of property, § 2.2e(8)

Arrests, element of, § 1.2c

False information, challenges to search warrants based on, § 2.3d(4)

INVESTIGATIONS AND INVESTIGATORS

Prosecutors, probable cause determination, investigative authority, § 8.3

INVESTIGATIVE SEIZURE

Preliminary or pretrial matters. See index heading PRELIMINARY OR PRETRIAL MATTERS

Search. See index heading SEARCH AND SEIZURE

Sheriffs. See index heading SHERIFFS AND POLICE

JOINDER OF PARTIES

Offenses and defendants, pretrial motions, § 15.2

JOINT OR SEVERAL PARTIES

Self-representation, § 23.2

Standing, suppression of evidence, § 14.5

JOINT TRIALS

Confessions, § 7.8

JUDGES

Arrest, authority to make, § 1.3a(2)

Change of judge

hearing requirements, § 15.5

inference of bias or prejudice, § 15.5

time limitations, § 15.5

Confession, determination of admissibility, § 7.6b

Impartial, § 22.15

Search warrants

authority to issue, § 2.3e

INDEX

JUDGES—Cont'd

- Search warrants—Cont'd
 - determination of probable cause, § 2.3b

JUDGMENTS AND DECREES

- Convictions, appeal
 - negotiated plea, § 13.7
 - plea of guilty or guilty but mentally ill, § 12.9

JURY AND JURY TRIAL

- Bystanders, selection from, § 21.4
- Discussions prior to deliberations, § 22.10
- Impanel, authority
 - petit juries, § 21.4
- Impaneling jury
 - grand jury, § 9.4
- Note taking by jurors, § 22.10
- Order of calling prospective jurors, § 21.5
- Petit juries
 - generally, § 21.1 et seq.
 - bystanders, selection from, § 21.4
 - challenges
 - for cause, § 21.6
 - preconceived opinions, § 21.6
 - peremptory
 - number, § 21.7
 - trial by jury, right, § 21.1
 - waiver, § 21.2
 - voir dire, § 21.5
- Polling jury, § 22.11
- Pollution, § 22.10
- Prospective jurors
 - order of calling, § 21.5
- Questions by jurors, § 22.10
- Venire
 - grand jury, § 9.4
 - petit juries, § 21.4
- Views, § 22.5
- Voir dire
 - petit juries, § 21.5

LIMITATION OF ACTIONS

- Arrests, delay in making, § 1.3b(8)
- Searches
 - probable cause, § 2.2b(8)
 - staleness doctrine, § 2.3d(3)
 - probable cause at time warrant issued, § 2.3d(3)

LINEUP IDENTIFICATION

- Generally, § 6.1

LINEUP IDENTIFICATION—Cont'd

Compulsion to participate, § 6.2b

Counsel

denial of counsel, consequences

evidence concerning lineup, § 6.3d(1)

Sixth Amendment right to counsel, § 6.3a

Due process requirements

denial of due process, consequences

evidence concerning lineup, § 6.4c(1)

in-court identifications, § 6.4c(2)

suggestibility, protection against

chance encounters involving the police, § 6.4a(4)

private encounters, § 6.4a(5)

showups and lineups prior to formal charges, § 6.4a(2)

suggestibility, types of

number of persons in a lineup, § 6.4b(1)

physical appearance of persons in a lineup, § 6.4b(2)

MAGISTRATES

Search warrant, determination of probable cause, § 2.3c

MASTER JURY LISTS

Petit juries, § 21.3

MEMBERS

Petit juries membership qualifications, § 21.3

MISDEMEANORS

Arrests

force, use of, § 1.5b

misdeemeanors in an officer's presence, § 1.4c

residences, arrests in, § 1.6d

Searches, hot pursuit, § 2.2f(7)

MISTRIAL

Generally, § 22.6

Dismissal after repeated mistrials, § 8.2

Double jeopardy, § 22.6

NAME

Prospective jurors, master lists

petit juries, § 21.3

NEGLECT OF CHILD

Children in need of services (ChINS) investigations, § 4.8

NON-JURY TRIALS

Generally, § 22.14

Impartial judge, § 22.15

NOTES

Juror note taking, § 22.10

INDEX

NOTICE OR KNOWLEDGE

Alibi, § 16.6

Incompetent or insane persons, defense of insanity, § 17.2

OBJECTIONS AND EXCEPTIONS

Death penalty, petit jurors, challenges for cause, § 21.6

Final instructions, waiver, § 22.9

Improper closing arguments, remedies, § 22.8

Waiver, final instructions, § 22.9

OMNIBUS DATE

Initial hearings, § 10.6

OPEN FIELDS

Conduct not subject to the search warrant requirement, § 2.2e(5)

OPEN SMELL DETECTIONS

Conduct not subject to the search warrant requirement, § 2.2e(4)

OPEN VIEW OBSERVATIONS

Conduct not subject to the search warrant requirement, § 2.2e(2)

ORDER OR SEQUENCE

Insanity defense, order of proof, § 17.4

ORDERS

Suppression of evidence, effect, § 14.7

PARDON AND PAROLE

Warrantless searches, parolees, § 4.6

PARTIES

Joinder of claims and remedies, § 15.2

PENAL AND CORRECTIONAL INSTITUTIONS

Regulatory searches, § 4.7

PERSONAL PROPERTY

Motor vehicles, searches, § 3.3a

Searches and seizures of effects, § 2.2d(5)

PERSONAL RECOGNIZANCE

Pretrial release, nonmonetary alternatives, § 11.2

PHYSICAL OR MENTAL EXAMINATION

Insanity defense, § 17.3

PICTURES AND PHOTOGRAPHS

Identifications, photographic

constitutional protections, § 6.6b

denial of due process, consequences

evidence concerning a photographic identification, § 6.6d(1)

in-court identifications, § 6.6d(2)

suggestibility, types of

information given to a witness, § 6.6c(4)

PICTURES AND PHOTOGRAPHS—Cont'd

Identifications, photographic—Cont'd
suggestibility, types of—Cont'd
nature of photographs, § 6.6c(3)
number of photographs, § 6.6c(1)

POLLING JURY

Generally, § 22.11

POLLUTION

Jury, § 22.10

PREJUDICE OR BIAS

Public trial, prevention, § 20.2

PRELIMINARY OR PRETRIAL MATTERS

Abandoned property
inventory search of motor vehicles, § 2.2f(4)
search of abandoned vehicles, § 3.6
seizure of abandoned property, § 2.2e(8)

Admissions
corpus delicti, § 7.9c
privilege against self-incrimination, § 7.9b
tacit admissions, § 7.9d

Aerial surveillance
aircraft, ordinary, § 2.2e(6)
helicopters, § 2.2e(6)
open view observations, § 2.2e(6)

Affidavits, probable cause
search warrants
affidavit need not be attached, § 2.3e
false information in affidavit, § 2.3d(4)
probable cause affidavit, § 2.3b
specificity and particularity, § 2.3f

Anonymous tipsters
probable cause for arrests, § 1.3b(6)
probable cause for searches, § 2.2b(6)
reasonable suspicion for stop and frisk, § 5.3h

Anticipatory search warrant, § 2.3d

Arrests
arrest warrant requirements, § 1.3c
arrests with a warrant
felonies in private residences, § 1.6c
misdemeanors in private residences, § 1.6d
authority to make an arrest
custodial arrests for traffic offenses, § 3.7
judges, § 1.3a(2)
private citizens, § 1.3a(4)
detainers, § 1.1

INDEX

PRELIMINARY OR PRETRIAL MATTERS—Cont'd

Arrests—Cont'd

elements of an arrest

intention, § **1.2c**

seizure, § **1.2b**

felonies

arrests with warrants, § **1.6c**

warrantless arrests, § **1.4a**

force, use of

execution of arrest warrant, § **1.8d**

warrantless arrests, § **1.5b**

illegal arrests

mistaken arrest, § **1.9c**

resistance, § **1.9d**

suppression of tainted evidence, § **1.9e**

trial of arrested person, § **1.9f**

knock and announcement requirement

warrantless arrests, § **1.5c**

misdemeanors

warrantless arrests, § **1.4c**

probable cause

definition, § **1.3b(2)**

first-hand information, § **1.3b(3)**

information sources

anonymous tipsters, § **1.3b(6)**

citizen informers, § **1.3b(5)**

law enforcement officers, § **1.3b(4)**

professional informants, § **1.3b(6)**

personal information, § **1.3b(3)**

subjective evaluation by arresting officer, § **1.3b(7)**

timeliness, § **1.3b(8)**

procedures for obtaining an arrest warrant

filing formal charges, § **1.7a**

telephonic arrest warrant, § **1.7a**

traffic offenses, warrantless arrests, § **1.5d**

warrantless arrests

exigent circumstances, § **1.4d**

felonies in private residences, § **1.4b**

felonies in public places, § **1.4a**

force, use of, § **1.5b**

knock and announcement requirement, § **1.5c**

misdemeanors in an officer's presence, § **1.4c**

public places, § **1.5a**

traffic offenses, § **1.5d**

warrants

arrest warrant requirements, § **1.3c**

arrests with a warrant, § **1.6**

PRELIMINARY OR PRETRIAL MATTERS—Cont'd

Arrests—Cont'd

warrants—Cont'd

procedures for obtaining a warrant, § 1.7

Body fluids

blood sample, seizure of, § 2.2d(2)

body fluids, seizure of, § 2.2d(2)

Breathalyzer, sobriety test incident to a roadblock, § 3.8c

Burden of proof

confessions

voluntariness, § 7.2g(3)

waiver of Miranda rights, § 7.2f(3)

lineups

evidence concerning an improper lineup, admissibility, § 6.4c(1)

in-court identifications, admissibility, § 6.4c(2)

photographic identifications

evidence concerning an improper identification, admissibility, § 6.6d(1)

in-court identifications, admissibility, § 6.6d(2)

searches

consent, voluntariness of, § 2.6c

warrant based on false information, invalidity of, § 2.3d(4)

Cellular phones, consent to search, scope of, § 2.6f

Chance encounters, identification of an accused, § 6.4a(4)

Choke hold, searches, use of force, § 2.5e

Citizen informers

probable cause for a search, § 2.2b(5)

probable cause for an arrest, § 1.3b(5)

reasonable suspicion for a stop and frisk, § 5.3g

Citizens, private

arrests, authority to make, § 1.3a(4)

identifications by, § 6.4a(5)

questioning by, § 7.2c(8)

searches by, § 2.2e(9)

Civil liability

illegal search, § 2.7b

Confessions

admissibility, procedures for determining

corpus delicti, proof of, § 7.6d

preliminary determination, § 7.6b

admissions

corpus delicti, § 7.9c

privilege against self-incrimination, § 7.9b

tacit admissions, § 7.9d

assertion of rights, questioning after, § 7.2h

burden of proof, confessions

voluntariness, § 7.2g(3)

corpus delicti

admissions, § 7.9c

INDEX

PRELIMINARY OR PRETRIAL MATTERS—Cont'd

Confessions—Cont'd

corpus delicti—Cont'd

confessions, § 7.6d

counsel

Fifth Amendment right, § 7.3a

notification of counsel, § 7.2i

Sixth Amendment right, § 7.3b

court appearance

delay, consequences of, § 7.5c

Fourth Amendment rights, § 7.5d

custody, definition, § 7.2c(2)

detentions for questioning, § 7.2c(3)

hospitals, questioning at, § 7.2c(6)

identifying information, requests for, § 7.2d(3)

impeachment by illegally obtained confession, § 7.7

investigatory questioning, § 7.2c(4)

jail inmates, questioning by, § 7.2d, 7.2d(4)

joint trials, § 7.8

miranda warnings

custody requirement

definition of custody, § 7.2c(2)

detentions for questioning, § 7.2c(3)

investigatory questioning, § 7.2c(4)

location of questioning

hospitals, § 7.2c(6)

police stations, § 7.2c(5)

exceptions

psychiatric Testing, § 7.2j(3)

public safety exception, § 7.2j(1)

undercover agent exception, § 7.2j(2)

interrogation requirement

identifying information, requests for, § 7.2d(3)

jail inmates, questioning by, § 7.2d(4)

persons conducting interrogations

citizens, private, § 7.2c(8)

public officials, § 7.2c(7)

security officers, private, § 7.2c(9)

required warnings

counsel, right to, § 7.2b(4)

silence, right to, § 7.2b(2)

statements, use of, § 7.2b(3)

police stations, questioning at, § 7.2c(5)

private citizens, questioning by, § 7.2c(8)

private security officers, questioning by, § 7.2c(9)

privilege against self-incrimination

confessions, § 7.2a

promises, coercive effect, § 7.2g(4)d

PRELIMINARY OR PRETRIAL MATTERS—Cont'd

Confessions—Cont'd

- public officials, questioning by, § 7.2c(7)
- questioning after assertion of rights, § 7.2h
- threats, coercive effect, § 7.2g(4)c

Vienna Convention

- advice of rights, § 7.2a
- dismissal of charges, § 1.9f

voluntariness

- due process, § 7.4b

Fifth Amendment

- burden of proof, § 7.2g(3)
- coercive influences, § 7.2
 - promises, § 7.2g(4)d
 - threats, § 7.2g(4)c
- procedures for obtaining a confession, § 7.2g(2)
- volunteered statements, § 7.2e
- waiver of rights, Fifth Amendment
 - procedures for obtaining a waiver, § 7.2f(2)
 - voluntariness, § 7.2f(3)

Consent

- consent searches, § 2.2f(13)
- scope, § 2.6f
- third party, § 2.6g
- voluntariness, § 2.6c

Constitutional authority, investigative seizures

- constitutional authority, § 5.2d

Containers

- motor vehicles
 - inventory searches, § 3.4b
 - probable cause searches, § 3.3c
- searches by third party consent, personal items, § 2.6f

Controlled buys

- probable cause for a search, § 2.2b(7)

Corpus delicti

- admissions, admissibility, § 7.9c
- confessions, admissibility, § 7.6d

Counsel

- confessions
 - Fifth Amendment right, § 7.3a
 - notification of counsel, § 7.2i
 - Sixth Amendment right, § 7.3b
- consent to search, § 2.6d(5)
- lineups, § 6.3
- photographic identifications, § 6.6b

Court appearance

- arrest, right to prompt court appearance after, § 7.5

INDEX

PRELIMINARY OR PRETRIAL MATTERS—Cont'd

- Court appearance—Cont'd
 - confession, voluntariness, § 7.5
- Deception
 - confession, voluntariness, § 7.2g(4)e
 - consent to search, voluntariness, § 2.6d(3)
- Detainers, arrests, § 1.1, 1.2b
- Dog-sniffing
 - open smell detections, § 2.2e(4)
- Drug testing, school children, § 4.4
- Due process
 - confessions, voluntariness, § 7.4b
 - lineup, requirements, § 6.4
 - photographic identifications, requirements, § 6.6a
- Effects
 - motor vehicles, searches, § 3.3a
 - searches and seizures of effects, § 2.2d(5)
- Electronic surveillance
 - authority for electronic surveillance, § 2.2d(8)
- Exigent circumstances
 - arrests without a warrant, § 1.4d
 - knock and announcement requirement
 - warrantless arrests, § 1.5c
 - motor vehicles, delayed searches, § 3.3b
 - searches without a warrant, § 2.2f(1)
- Experience, police officer's, reasonable suspicion for a stop and frisk, § 5.3c
- Facsimile transmission
 - search warrant request, § 2.3a
 - sworn testimony, search warrant request, § 2.3b
- Felony
 - arrests, arrest warrant requirements, § 1.3c, 1.4a, 1.4b, 1.6c
 - force, use of, § 1.5b
 - searches, hot pursuit, § 2.2f(7)
 - warrantless arrest in public place, § 1.5a
 - warrantless arrests, exigent circumstances, § 1.4d
- Field tests, investigative detentions, § 5.4e
- Fifth Amendment
 - confessions, § 7.2
 - identification evidence, compulsion to produce, § 6.2
 - investigative detentions, questioning suspects, § 5.4d
- First-hand information
 - probable cause for a search, § 2.2b(3)
 - probable cause for an arrest, § 1.3b(3)
 - reasonable suspicion for a stop and frisk, § 5.3e
- Force
 - arrests, warrantless arrest, § 1.5b
 - confessions, voluntariness, § 7.2g(4)

PRELIMINARY OR PRETRIAL MATTERS—Cont'd

Force—Cont'd

frisks, § **5.5b**

identification evidence, compulsion to produce, § **6.2**

investigative seizures, § **5.4a**

searches

choke holds, § **2.5e**

consent to search, voluntariness, § **2.6d(2)**

warrantless searches, § **2.5e**

Forfeiture

inventory searches incident to motor vehicle forfeitures, § **2.2f(4)**

motor vehicles, authority to seize for forfeiture, § **3.4c**

searches incident to motor vehicle forfeitures, § **2.2f(4)**

Formal charges

interrogations, right to counsel after formal charges, § **7.3b**

Fourth Amendment

arrests

court appearance after an arrest, right to, § **7.5d**

force, use of, § **1.5b**

confessions, prompt court appearance after an arrest, § **7.5d**

consent searches, § **2.2f(13)**

probable cause, judicial determination, § **2.3b**

searches

automobile exception to search warrant requirement, § **2.2f(5)**

consent searches

advice of rights, § **2.6d(4)**

exception to search warrant requirement, § **2.2f(13)**

hot pursuit exception to search warrant requirement, § **2.2f(7)**

probable cause, § **2.2b(1)**

protection from unreasonable searches and seizures, § **2.1**

search warrant requirement, § **2.2c**

Frisk

frisk for weapons, § **5.5**

authority to conduct a frisk, § **5.5a**

procedures for conducting a frisk, § **5.5b**

Geographical limitations, searches, execution of a warrant, § **2.4b**

Hospital

interrogation at a hospital, § **7.2c(6)**

Hot pursuit

exception to arrest warrant requirement, § **1.4d**

exception to search warrant requirement, § **2.2f(7)**

Identification evidence, compulsion to produce, § **6.2**

Impeachment, illegally obtained confession, use of, § **7.7**

Implied consent, consent to a test for intoxication, § **2.6h**

Impoundment

inventory searches of motor vehicles, § **3.4d**

searches of abandoned vehicles, § **3.6**

INDEX

PRELIMINARY OR PRETRIAL MATTERS—Cont'd

Inadvertence requirement

- open view observations, non-application, § 2.2e(2)
- plain view doctrine, § 2.2f(3)

Indictment

- arrest warrants, necessity for filing formal charges, § 1.7a
- interrogations, right to counsel after formal charges, § 7.3b
- lineups, right to counsel after formal charges, § 6.3a

Information

- arrest warrants, necessity for filing formal charges, § 1.7a
- interrogations, right to counsel after formal charges, § 7.3b
- lineups, right to counsel after formal charges, § 6.3a

Inspections

- business inspections, § 4.2
- children in need of services (ChINS), § 4.8
- fire safety inspections, § 4.3a
- school inspections, § 4.4

Instrumentalities, seizure in a search, § 2.2d(1)

Insurance investigator, interrogation by private fire investigator, § 7.2c(8)

Intent

- abandonment of property, § 2.2e(8)
- arrests, element of, § 1.2c
- false information, challenges to search warrants based on, § 2.3d(4)

Inventory searches

motor vehicles

- containers, § 2.2f(4)
- exception to search warrant requirement, § 2.2f(4)
- incident to an arrest, § 2.2f(4)
- incident to vehicle forfeitures, § 2.2f(4)
- incident to vehicle impoundment, § 2.2f(4)
- procedures for searches, § 2.2f(4)
- scope of search, § 2.2f(4)

persons

- containers, § 2.2f(4)
- exception to search warrant requirement, § 2.2f(4)
- incident to arrest, § 2.2f(4)
- procedures for search, § 2.2f(4)
- scope of search, § 2.2f(4)

Investigative seizures

- anonymous tipsters, § 5.3h
- authority to make seizures, § 5.2
- citizen informers, § 5.3g
- constitutional authority, § 5.2d
- detention, length of, § 5.4f
- experience, reliance on officer's, § 5.3c
- Federal constitutional authority, § 5.2a
- force, use of, § 5.4a

PRELIMINARY OR PRETRIAL MATTERS—Cont'd

Investigative seizures—Cont'd

frisk for weapons

authority to frisk, § 5.5a

procedures, § 5.5b

Indiana constitutional authority, § 5.2d

Indiana Judicial authority, § 5.2b

plain touch, § 5.5b

procedures for making seizures

detention, length of, § 5.4f

force, use of, § 5.4a

identification of suspects, § 5.4c

investigation for evidentiary purposes, § 5.4e

questioning suspects, § 5.4d

safety precautions, § 5.4b

transfer of suspect to different location, § 5.4g

professional informants, § 5.3h

questioning suspects, § 5.4d

reasonable suspicion

definition, § 5.3b

first-hand information, § 5.3e

information sources

anonymous tipsters, § 5.3h

citizen informers, § 5.3g

law enforcement officers, § 5.3f

professional informants, § 5.3h

personal information, § 5.3e

reasonable suspicion requirement, § 5.3a

safety precautions, § 5.4b

subjective evaluation by seizing officer, § 5.3j

seatbelt violations, § 3.7

timeliness of reasonable suspicion, § 5.3i

transfer of suspect to different location, § 5.4g

Judge

arrest, authority to make, § 1.3a(2)

confession, determination of admissibility, § 7.6b

search warrants

authority to issue, § 2.3e

determination of probable cause, § 2.3b

Knock and announcement requirement

arrests, warrantless, § 1.5c

execution of search warrant, § 2.4d

execution of warrantless search, § 2.5d

searches with a warrant, § 2.4d

Law enforcement officer

arrests

arrests, authority to make, § 1.3a(1)

INDEX

PRELIMINARY OR PRETRIAL MATTERS—Cont'd

Law enforcement officer—Cont'd

arrests—Cont'd

- misdemeanors committed in an officer's presence, § 1.4c
- probable cause based on information from an officer, § 1.3b(4)
- probable cause based on personal or first-hand information, § 1.3b(3)
- frisk, authority to make, § 5.5a
- investigative seizures
 - investigative seizures, authority to make, § 5.2
 - reasonable suspicion based on an officer's experience, § 5.3c
 - reasonable suspicion based on information from an officer, § 5.3f
 - reasonable suspicion based on personal or first-hand information, § 5.3e
- searches
 - probable cause based on information from an officer, § 2.2b(4)
 - probable cause based on personal or first-hand information, § 2.2b(3)

Lineups

- compulsion to participate, § 6.2b
- counsel
 - denial of counsel, consequences
 - evidence concerning lineup, § 6.3d(1)
 - Sixth Amendment right to counsel, § 6.3a
- due process requirements
 - denial of due process, consequences
 - evidence concerning lineup, § 6.4c(1)
 - in-court identifications, § 6.4c(2)
 - suggestibility
 - protection against
 - chance encounters involving the police, § 6.4a(4)
 - private encounters, § 6.4a(5)
 - showups and lineups prior to formal charges, § 6.4a(2)
 - types of
 - number of persons in a lineup, § 6.4b(1)
 - physical appearance of persons in a lineup, § 6.4b(2)
 - procedures used at a lineup, § 6.4b(5)
 - in-court lineup identification, right to, § 6.8b
 - refusal of defendant to cooperate, § 6.2d
 - right to an in-court lineup identification, § 6.8b

Magistrate

- search warrant, determination of probable cause, § 2.3c

Misdemeanors

- arrests
 - force, use of, § 1.5b
 - misdemeanors in an officer's presence, § 1.4c
 - residences, arrests in, § 1.6d
- searches, hot pursuit, § 2.2f(7)

Motions, pretrial motions

- continuance, § 15.6
- disclosure, state's witnesses, § 16.3

PRELIMINARY OR PRETRIAL MATTERS—Cont'd

Motions, pretrial motions—Cont'd

- dismissal of charges, § 15.1
- in limine, § 15.6
- joinder, § 15.2
- severance, § 15.2
- venue, change of venue, § 15.4

Motor vehicle searches

- abandoned vehicles, § 3.6
- automobile exception to search warrant requirement, § 2.2f(5)
- containers, § 2.2f(4)
- custodial arrests for traffic offenses, § 3.7
- delayed searches, § 3.3b
- exigent circumstances for delayed searches, § 3.3b
- force, use of, § 2.2f(4)
- forfeited vehicles, § 3.4c
- impoundment, § 3.4b, 3.4d
- inventory searches
 - incident to an arrest, § 2.2f(4)
 - incident to forfeiture, § 2.2f(4)
 - incident to impoundment, § 2.2f(4)
 - procedures for searches, § 2.2f(4)
 - scope of search, § 2.2f(4)
- probable cause searches, § 2.2f(5)
- roadblocks
 - apprehension of fugitives, § 3.8b
 - enforcement of traffic laws, § 3.8c
 - investigative seizures, § 5.3k
- searches incident to traffic offenses, § 3.7
- traffic offenses
 - custodial arrests, § 3.7
 - roadblocks, § 3.8c
 - searches, § 3.7

Open fields, conduct not subject to the search warrant requirement, § 2.2e(5)

Open smell detections, conduct not subject to the search warrant requirement, § 2.2e(4)

Open view observations, conduct not subject to the search warrant requirement, § 2.2e(2)

Parolees, warrantless searches, § 4.6

Particularity, search warrant requirement, § 2.3f

Photographic identifications

- constitutional protections, § 6.6b
- denial of due process, consequences
 - evidence concerning a photographic identification, § 6.6d(1)
 - in-court identifications, § 6.6d(2)
- suggestibility, types of
 - information given to a witness, § 6.6c(4)
 - nature of photographs, § 6.6c(3)

INDEX

PRELIMINARY OR PRETRIAL MATTERS—Cont'd

- Photographic identifications—Cont'd
 - suggestibility, types of—Cont'd
 - number of photographs, § 6.6c(1)
- Plain view
 - exception to the search warrant requirement, § 2.2f(3)
- Police station
 - chance encounters and identifications, § 6.4a(4)
 - interrogations, § 7.2c(5)
- Pretextual traffic stops, § 3.7
- Prisoners, regulatory searches, § 4.7
- Privacy, invasion of
 - abandoned property, § 2.2e(8)
 - aerial surveillance, § 2.2e(6)
 - electronic surveillance, § 2.2d(8)
 - expectation of privacy test, § 2.2d(7)
 - Fourth Amendment, protection under, § 2.2d(1)
 - helicopter surveillance, § 2.2e(6)
 - open fields doctrine, § 2.2e(5)
 - open smell detections, § 2.2e(4)
 - open view observations, § 2.2e(2)
 - restrooms open to the public, § 2.2d(9)
 - search warrant requirement, § 2.2d(7)
- Privilege against self-incrimination
 - confessions, § 7.2a
 - identification evidence, compulsion to produce, § 6.2
 - lineups, requirement to participate, § 6.2b
 - refusal to cooperate, § 6.2d
- Probable cause
 - anonymous tipsters
 - arrests, § 1.3b(6)
 - searches, § 2.2b(6)
 - arrests
 - definition of probable cause, § 1.3b(2)
 - first-hand information, § 1.3b(3)
 - information sources
 - anonymous tipsters, § 1.3b(6)
 - citizen informers, § 1.3b(5)
 - law enforcement officers, § 1.3b(4)
 - professional informants, § 1.3b(6)
 - personal information, § 1.3b(3)
 - subjective evaluation by arresting officer, § 1.3b(7)
 - timeliness, § 1.3b(8)
 - citizen informers
 - arrests, § 1.3b(5)
 - searches, § 2.2b(5)
 - controlled buys, § 2.2b(7)

PRELIMINARY OR PRETRIAL MATTERS—Cont'd

- Probable cause—Cont'd
 - definition
 - arrests, § **1.3b(2)**
 - searches, § **2.2b(2)**
 - determination of probable cause
 - search warrants, § **2.3b**
 - first-hand information
 - arrests, § **1.3b(3)**
 - searches, § **2.2b(3)**
 - traffic violation, § **1.3b(3)**
 - odors, § **2.2e(4)**
 - probable cause requirement
 - searches, § **2.2b(1)**
 - professional informants
 - arrests, § **1.3b(6)**
 - searches, § **2.2b(6)**
 - searches
 - controlled buys, § **2.2b(7)**
 - definition of probable cause, § **2.2b(2)**
 - determination of probable cause for a search warrant, § **2.3b**
 - first-hand information, § **2.2b(3)**
 - information sources
 - anonymous tipsters, § **2.2b(6)**
 - citizen informers, § **2.2b(5)**
 - law enforcement officers, § **2.2b(4)**
 - professional informants, § **2.2b(6)**
 - personal information, § **2.2b(3)**
 - probable cause requirement for a search, § **2.2b(1)**
 - timeliness, § **2.2b(8)**
 - subjective evaluation by arresting officer, § **1.3b(7)**
 - timeliness
 - arrests, § **1.3b(8)**
 - searches, § **2.2b(8)**
- Probationers, regulatory searches, § **4.6**
- Professional informants
 - arrests, probable cause, § **1.3b(6)**
 - investigatory seizures, reasonable suspicion, § **5.3h**
 - searches, probable cause, § **2.2b(6)**
- Promises, confession, voluntariness, § **7.2g(4)d**
- Protective sweeps
 - detention of persons, § **2.4h**
 - exception to the search warrant requirement, § **2.2f(10)**
 - search incident to an arrest, § **2.2f(2)**
 - search warrants, execution of, § **2.4h**
- Public officials
 - interrogations by public officials, § **7.2c(7)**

INDEX

PRELIMINARY OR PRETRIAL MATTERS—Cont'd

Public officials—Cont'd

judges

- arrests, authority to make, § 1.3a(2)
- authority to issue search warrants, § 2.3e
- confessions, determination of admissibility, § 7.6b
- searches, determination of probable cause, § 2.3b
- magistrates, searches, determination of probable cause, § 2.3c
- school officials, searches by, § 4.4

Reasonable suspicion

- definition, § 5.3b
- first-hand information, § 5.3e
- frisks, § 5.5a
- information sources
 - anonymous tipsters, § 5.3h
 - citizen informers, § 5.3g
 - law enforcement officers, § 5.3f
 - professional informants, § 5.3h
- investigative seizures, § 5.2
- personal information, § 5.3e
- protective sweeps, § 2.2f(10)
- reasonable suspicion requirement, § 5.3a
- school inspections, § 4.4
- subjective evaluation by seizing officer, § 5.3j
- timeliness, § 5.3i

Regulatory searches

- prisoners, § 4.7
- probationers, § 4.6

Release, alternatives and conditions, § 11.2

Restrooms, search of restrooms open to the public, § 2.2d(9)

Roadblocks

- apprehension of fugitives, § 3.8b
- enforcement of traffic laws, § 3.8c
- narcotics interdiction roadblocks, § 3.8c
- prevention of terrorist attack, § 3.8b
- safety checkpoints, § 3.8c
- sobriety roadblocks, § 3.8c
- stop fleeing dangerous criminals, § 3.8b

Safety checkpoints, § 3.8c

Safety precautions, § 5.4b

Searches

- abandoned property, § 2.2e(8)
- aerial surveillance, § 2.2e(6)
- agents of police authorities, § 2.2a(3)
- anonymous tipsters, § 2.2b(6)
- authority to conduct a search
 - private citizens, § 2.2a(3)

PRELIMINARY OR PRETRIAL MATTERS—Cont'd

Searches—Cont'd

citation for traffic offense, search incident to, § 2.2f(2)

consent to a search

act of granting consent, § 2.6e

scope of consent, § 2.6f

third party consent, § 2.6g

voluntariness of consent, § 2.6c

containers, third party consent, personal items, § 2.6f

controlled buys, § 2.2b(7)

execution of warrant

detention of persons, § 2.4h

disposition of seized items, § 2.4j

geographical limitations, § 2.4b

knock and announcement requirement, § 2.4d

return of warrant, § 2.4i

seizure of items, § 2.4g

time limitations, § 2.4c

facsimile transmissions, § 2.3a

hot pursuit, § 2.2f(7)

illegal searches

civil liability, § 2.7b

suppression of tainted evidence, § 2.7a

instrumentalities, § 2.2d(1)

inventory searches, § 2.2f(4)

knock and announcement requirement

searches with a warrant, § 2.4d

motor vehicles

abandoned vehicles, § 3.6

forfeited vehicles, § 3.5

incident to arrest, § 3.2

inventory searches, § 3.4

probable cause searches, § 3.3

roadblocks, § 3.8

traffic offenses, § 3.7

open fields doctrine, § 2.2e(5)

open smell detections, § 2.2e(4)

open view observations, § 2.2e(2)

ownership or control, § 2.7a

plain view doctrine, § 2.2f(3)

private citizens, § 2.2a, 2.2e(9)

probable cause

controlled buys, § 2.2b(7)

definition of probable cause, § 2.2b(2)

determination of probable cause for a search warrant, § 2.3b

first-hand information, § 2.2b(3)

INDEX

PRELIMINARY OR PRETRIAL MATTERS—Cont'd

Searches—Cont'd

probable cause—Cont'd

information sources

anonymous tipsters, § 2.2b(6)

citizen informers, § 2.2b(5)

law enforcement officers, § 2.2b(4)

professional informants, § 2.2b(6)

personal information, § 2.2b(3)

probable cause requirement for a search, § 2.2b(1)

timeliness, § 2.2b(8)

procedures for obtaining a warrant

form and content of a warrant, § 2.3e

judicial determination of probable cause, § 2.3b

oral warrants, § 2.3a

petition or request, § 2.3a

specificity and particularity, § 2.3f

telephonic warrants, § 2.3a

professional informants, § 2.2b(6)

property interests, invasion of, § 2.1

protective sweeps, § 2.2f(10)

school officials, searches by, § 4.4

search warrant requirement

generally, § 2.2c

conduct not subject to requirement

abandoned property searches, § 2.2e(8)

aerial surveillance, § 2.2e(6)

open fields searches, § 2.2e(5)

open smell detections, § 2.2e(4)

open view observations, § 2.2e(2)

searches by private citizens, § 2.2e(9)

conduct subject to the requirement

effects, searches, § 2.2d(5)

electronic surveillance, § 2.2d(8)

houses, searches, § 2.2d(3)

exceptions to the requirement

automobile exception, § 2.2f(5)

consent searches, § 2.2f(13)

destruction of evidence, § 2.2f(6)

emergency exception, § 2.2f(8)

extreme, § 2.2f(8)

hot pursuit, § 2.2f(7)

inventory searches, § 2.2f(4)

plain view doctrine, § 2.2f(3)

protection of property, § 2.2f(9)

protective sweeps, § 2.2f(10)

search incident to arrest, § 2.2f(2)

seatbelt violations, § 3.7

PRELIMINARY OR PRETRIAL MATTERS—Cont'd

Searches—Cont'd

staleness doctrine, § **2.3d(3)**

probable cause at time warrant issued, § **2.3d(3)**

telephonic warrants, § **2.3a**

warrants

execution of a search with a warrant, § **2.4**

form and content, § **2.3e**

geographical limitations, § **2.4b**

oral warrants, § **2.3a**

procedures for obtaining a warrant, § **2.3**

search warrant requirement, § **2.2c**

specificity and particularity

persons, § **2.3f(4)**

places, § **2.3f(2)**

things to be seized, § **2.3f(5)**

telephonic warrants, § **2.3a**

time limitations, § **2.4c**

Seatbelt violations

investigative stops, § **3.7**

warrantless arrests, § **1.4c**

Security officers, private

interrogations by private security officers, § **7.2c(9)**

Showups, identifications prior to formal charges, § **6.4a(2)**

Sixth Amendment

interrogations, right to counsel after formal charges, § **7.3b**

lineups, right to counsel after formal charges, § **6.3a**

searches, consent to

advice of rights, § **2.6d(4)**

counsel, right to, § **2.6d(5)**

Staleness

searches

probable cause, timeliness of, § **2.2b(8)**

staleness doctrine, § **2.3d(3)**

probable cause at time warrant issued, § **2.3d(3)**

Suggestibility

in-court identifications generally, § **6.8a**

lineups

types of suggestibility, § **6.4b**

photographic identification, types of suggestibility, § **6.6c**

Suppression

confessions, § **7.2a**

identification evidence, § **6.3d**

private citizens, evidence obtained by, § **2.2e(9)**

tainted evidence, § **1.9e**

Suspect identification, § **5.4c**

INDEX

PRELIMINARY OR PRETRIAL MATTERS—Cont'd

Tacit admissions

- admissibility as evidence, § 7.9d
- definition, § 7.9d

Telephonic search warrant

- request by telephone or radio, § 2.3a
- sworn testimony submitted by telephone or radio, § 2.3b

Threats

- confession, voluntariness, § 7.2g(4)c
- consent to search, voluntariness, § 2.6d(2)

Time limitations

arrests

- delay in making arrest, § 1.3b(8)

searches

- execution of a warrant, § 2.4c
- probable cause, § 2.2b(8)
- staleness doctrine, § 2.3d(3)
- probable cause at time warrant issued, § 2.3d(3)

Traffic violations

- officer making arrest, identification, § 1.5d
- roadblocks to enforce traffic laws, § 3.8
- searches incident to arrest, § 3.7
- warrantless arrests, § 1.4c

Videotape, lineup, substitute for right to counsel, § 6.3a

Vienna Convention

- advice of rights, § 7.2a
- dismissal of charges, § 1.9f

Waiver

- consent to a search, § 2.2f(13)
- Miranda rights, waiver of
 - procedures for obtaining a waiver, § 7.2f(2)
 - voluntariness of a waiver, § 7.2f(3)

Warrants

arrest

- arrest warrant requirement, § 1.3c
- arrests with a warrant
 - residences
 - arrests for felonies, § 1.6c
 - arrests for misdemeanors, § 1.6d
- procedures for obtaining
 - formal charges, necessity of filing, § 1.7a

search

- children in need of services (ChINS), § 4.8
- curtilage, § 2.4f
- execution
 - detention of persons, § 2.4j
 - knock and announcement requirement, § 2.4d

PRELIMINARY OR PRETRIAL MATTERS—Cont'd

Warrants—Cont'd

search—Cont'd

execution—Cont'd

return of warrant, § 2.4i

scope and intensity of search, § 2.4f

seizure of items, § 2.4g

form and content, § 2.3e

geographical limitations, § 2.4b

lineup participation, warrant to require, § 6.2b

open view, seizure of items in, § 1.4d

oral warrants, § 2.3a

procedures for obtaining

form and content of a warrant, § 2.3e

judicial determination of probable cause, § 2.3b

oral warrants, § 2.3a

petition or request, § 2.3a

specificity and particularity, § 2.3f

telephonic warrants, § 2.3a

specificity and particularity

persons, § 2.3f(4)

places, § 2.3f(2)

things to be seized, § 2.3f(5)

telephonic warrants, § 2.3a

PRESUMPTIONS AND BURDEN OF PROOF

Confessions, voluntariness, § 7.2g(3)

waiver of Miranda rights, § 7.2f(3)

Evidence, presentation, § 22.3

Insanity defense, § 17.4

Lineups

evidence concerning an improper lineup, admissibility, § 6.4c(1)

in-court identifications, admissibility, § 6.4c(2)

Photographic identifications

evidence concerning an improper identification, admissibility, § 6.6d(1)

in-court identifications, admissibility, § 6.6d(2)

Searches

consent, voluntariness of, § 2.6c

warrant based on false information, invalidity of, § 2.3d(4)

PRIVACY

Invasion of privacy

abandoned property, § 2.2e(8)

aerial surveillance, § 2.2e(6)

electronic surveillance, § 2.2d(8)

expectation of privacy test, § 2.2d(7)

Fourth Amendment, protection under, § 2.2d(1)

helicopter surveillance, § 2.2e(6)

open fields doctrine, § 2.2e(5)

INDEX

PRIVACY—Cont'd

- Invasion of privacy—Cont'd
 - open smell detections, § 2.2e(4)
 - open view observations, § 2.2e(2)
 - restrooms open to the public, § 2.2d(9)
 - search warrant requirement, § 2.2d(7)

PRIVILEGES AND IMMUNITIES

- Depositions and discovery
 - discovery violation
 - prosecutor's refusal to grant immunity, § 16.3
 - sanctions, § 16.8
- Self-incrimination
 - generally, § 7.4a
 - confessions, § 7.2a
 - identification evidence, compulsion to produce, § 6.2
 - lineups, requirement to participate, § 6.2b
 - refusal of defendant to cooperate in lineup, § 6.2d
- Witnesses, grand jury, § 9.5

PROBABLE CAUSE

- Anonymous tipsters
 - arrests, § 1.3b(6)
 - searches, § 2.2b(6)
- Arrests
 - definition of probable cause, § 1.3b(2)
 - first-hand information, § 1.3b(3)
 - information sources
 - anonymous tipsters, § 1.3b(6)
 - citizen informers, § 1.3b(5)
 - law enforcement officers, § 1.3b(4)
 - professional informants, § 1.3b(6)
 - personal information, § 1.3b(3)
 - subjective evaluation by arresting officer, § 1.3b(7)
 - timeliness, § 1.3b(8)
- Citizen informers
 - arrests, § 1.3b(5)
 - searches, § 2.2b(5)
- Controlled buys, § 2.2b(7)
- Definition
 - arrests, § 1.3b(2)
 - searches, § 2.2b(2)
- Determination
 - initial hearings, § 10.4
- Determination of probable cause
 - search warrants, § 2.3b
- First-hand information
 - arrests, § 1.3b(3)
 - searches, § 2.2b(3)

PROBABLE CAUSE—Cont'd

Odors, § 2.2e(4)

Probable cause requirement
searches, § 2.2b(1)

Professional informants
arrests, § 1.3b(6)
searches, § 2.2b(6)

Searches
controlled buys, § 2.2b(7)
definition of probable cause, § 2.2b(2)
determination of probable cause for a search warrant, § 2.3b
first-hand information, § 2.2b(3)
information sources
anonymous tipsters, § 2.2b(6)
citizen informers, § 2.2b(5)
law enforcement officers, § 2.2b(4)
professional informants, § 2.2b(6)
personal information, § 2.2b(3)
probable cause requirement for a search, § 2.2b(1)
timeliness, § 2.2b(8)
Subjective evaluation by arresting officer, § 1.3b(7)
Timeliness
arrests, § 1.3b(8)
searches, § 2.2b(8)

PROBATION

Regulatory searches of probationers, § 4.6

PROFESSIONAL INFORMANTS

Arrests, probable cause, § 1.3b(6)
Investigatory seizures, reasonable suspicion, § 5.3h
Searches, probable cause, § 2.2b(6)

PROMISE OR PROMISES

Confession, voluntariness, § 7.2g(4)d

PROSECUTING ATTORNEYS

Alibi, response to notice of defense, § 16.6
Charges and charging
discretion and limits thereon, § 8.2
probable cause, determination, § 8.3
Discovery, § 16.4
Exculpatory information, duty to disclose, § 16.4
Inspector general, § 8.1
Mistrial, request, § 22.6
Probable cause, determination, § 8.3
Special prosecutors, § 8.1

PROTECTIVE SWEEPS

Detention of persons, § 2.4h

INDEX

PROTECTIVE SWEEPS—Cont'd

- Exception to the search warrant requirement, § 2.2f(10)
- Search incident to an arrest, § 2.2f(2)
- Search warrants, execution of, § 2.4h

PUBLIC OFFICERS AND EMPLOYEES

- Interrogations by public officials, § 7.2c(7)
- Judges
 - arrests, authority to make, § 1.3a(2)
 - authority to issue search warrants, § 2.3e
 - confessions, determination of admissibility, § 7.6b
 - searches, determination of probable cause, § 2.3b
- Magistrates
 - searches, determination of probable cause, § 2.3c
- School officials
 - searches by, § 4.4

PUBLIC TRIAL OR PROCEEDING

- Identification requirement to enter courtroom, § 20.1
- Publicity
 - prevention of prejudice from, § 20.2

PUBLICITY

- Gag order, § 20.2

QUALIFICATION OR DISQUALIFICATION

- Petit juries, prospective jurors, § 21.5

QUORUM

- Grand jury, § 9.5

REASONABLENESS

- Suspicion
 - cellular phones, possession of, § 5.3k
 - definition, § 5.3b
 - first-hand information, § 5.3e
 - frisks, § 5.5a
 - information sources
 - anonymous tipsters, § 5.3h
 - citizen informers, § 5.3g
 - law enforcement officers, § 5.3f
 - professional informants, § 5.3h
 - investigative seizures, § 5.2
 - personal information, § 5.3e
 - protective sweeps, § 2.2f(10)
 - reasonable suspicion requirement, § 5.3a
 - roadblock avoidance, § 5.3k
 - roadblocks, avoidance of, § 3.8
 - school inspections, § 4.4
 - seatbelt violation, § 5.3k
 - subjective evaluation by seizing officer, § 5.3j

REASONABLENESS—Cont'd

Suspicion—Cont'd
time of day, § 5.3k

RECIPROCITY AND DISCOVERY

Prosecutors, § 16.5

RECORDS AND RECORDING

Grand jury, § 9.5

REDUCTION OR DECREASE

Bail, § 11.6

RELEASE OR DISCHARGE

Pretrial release, alternatives and conditions, § 11.2

RESTROOMS

Search of restrooms open to the public, § 2.2d(9)

REVOCATION OR SUSPENSION

Bail, revocation of, § 11.6

SAFETY

Checkpoints, § 3.8c
Precautions, § 5.4b

SCREENING OF PERSONS

Petit juries, § 21.4

SEARCH AND SEIZURE

Investigative. See index heading SEARCH AND SEIZURE

SEARCHES AND SEIZURES

Abandoned property, § 2.2e(8)
Aerial surveillance, § 2.2e(6)
Agents of police authorities, § 2.2a(3)
Anonymous tipsters, § 2.2b(6)
Arrest, motor vehicle search incident to, § 3.2
Authority to conduct a search, private citizens, § 2.2a(3)
Choke hold, § 2.5e
Citation for traffic offense, search incident to, § 2.2f(2)
Consent to a search
 generally, § 2.6a
 act of granting consent, § 2.6e
 scope of consent, § 2.6f
 third party consent, § 2.6g
 voluntariness of consent, § 2.6c
Containers, third party consent, personal items, § 2.6f, 2.6g
Controlled buys, § 2.2b(7)
Curtilage, § 2.4f
Electronic surveillance, § 2.2d(8)
Execution of warrant
 detention of persons, § 2.4h

INDEX

SEARCHES AND SEIZURES—Cont'd

Execution of warrant—Cont'd

- disposition of seized items, § 2.4j
- knock and announcement requirement, § 2.4d
- return of warrant, § 2.4i
- scope and intensity of search, § 2.4f
- seizure of items, § 2.4g
- time limitations, § 2.4c
- use of force, § 2.4e

Facsimile transmissions, § 2.3a

Force, use of

- warrantless searches, § 2.5e

Hot pursuit, § 2.2f(7)

Identification of suspects, § 5.4c

Illegal searches

- civil liability, § 2.7b
- suppression of tainted evidence, § 2.7a

Instrumentalities, § 2.2d(1)

Inventory searches

- generally, § 2.2f(4)
- motor vehicles
 - containers, § 2.2f(4)
 - exception to search warrant requirement, § 2.2f(4)
 - incident to an arrest, § 2.2f(4)
 - incident to vehicle forfeitures, § 2.2f(4)
 - incident to vehicle impoundment, § 2.2f(4)
 - procedures for searches, § 2.2f(4)
 - scope of search, § 2.2f(4)
- persons
 - containers, § 2.2f(4)
 - exception to search warrant requirement, § 2.2f(4)
 - incident to arrest, § 2.2f(4)
 - procedures for search, § 2.2f(4)
 - scope of search, § 2.2f(4)

Investigative seizures

- anonymous tipsters, § 5.3h
- authority to make seizures, § 5.2
- citizen informers, § 5.3g
- detention, length of, § 5.4f
- experience, reliance on officer's, § 5.3c
- force, use of, § 5.4a
- frisk for weapons
 - authority to frisk, § 5.5a
 - procedures, § 5.5b
- Indiana constitutional authority, § 5.2d
- plain touch, § 5.5b

SEARCHES AND SEIZURES—Cont'd

Investigative seizures—Cont'd

procedures for making seizures

detention, length of, § 5.4f

force, use of, § 5.4a

identification of suspects, § 5.4c

investigation for evidentiary purposes, § 5.4e

questioning suspects, § 5.4d

safety precautions, § 5.4b

transfer of suspect to different location, § 5.4g

professional informants, § 5.3h

questioning suspects, § 5.1, 5.4d

reasonable suspicion

cellular phones, possession of, § 5.3k

definition, § 5.3b

experience, officer's

prior encounters with suspect, § 5.3c

first-hand information, § 5.3e

information sources

anonymous tipsters, § 5.3h

citizen informers, § 5.3g

law enforcement officers, § 5.3f

professional informants, § 5.3h

personal information, § 5.3e

reasonable suspicion requirement, § 5.3a

roadblocks, avoidance of, § 3.8

safety precautions, § 5.4b

subjective evaluation by seizing officer, § 5.3j

seatbelt violations, § 3.7

transfer of suspect to different location, § 5.4g

Knock and announcement requirement

arrests, warrantless, § 1.5c

searches with a warrant, § 2.4d

Motor vehicles

abandoned vehicles, § 3.6

forfeited vehicles, § 3.5

impoundment, inventory search incident to, § 3.4d

incident to arrest, § 3.2

inventory searches, § 3.4

incident to arrest, § 3.4b

incident to general impoundment, § 3.4d

procedures, § 3.4e

scope, § 3.4f

searches incident to a vehicle forfeiture, § 3.4c

probable cause searches, § 3.3

roadblocks, § 3.8

traffic offenses, § 3.7

INDEX

SEARCHES AND SEIZURES—Cont'd

- Open fields doctrine, § 2.2e(5)
- Open smell detections, § 2.2e(4)
- Open view observations, § 2.2e(2)
- Ownership or control, § 2.7a
- Plain view doctrine
 - generally, § 2.2f(3)
 - exception to the search warrant requirement, § 2.2f(3)
- Private citizen, authority to conduct search, § 2.2a
- Private citizens, searches by, § 2.2e(9)
- Probable cause
 - controlled buys, § 2.2b(7)
 - definition of probable cause, § 2.2b(2)
 - determination of probable cause for a search warrant, § 2.3b
 - first-hand information, § 2.2b(3)
 - information sources
 - anonymous tipsters, § 2.2b(6)
 - citizen informers, § 2.2b(5)
 - law enforcement officers, § 2.2b(4)
 - professional informants, § 2.2b(6)
 - personal information, § 2.2b(3)
 - probable cause requirement for a search, § 2.2b(1)
 - timeliness, § 2.2b(8)
- Procedures for obtaining a warrant
 - form and content of a warrant, § 2.3e
 - judicial determination of probable cause, § 2.3b
 - oral warrants, § 2.3a
 - petition or request, § 2.3a
 - specificity and particularity, § 2.3f
 - telephonic warrants, § 2.3a
- Professional informants, § 2.2b(6)
- Property interests, invasion of, § 2.1
- Protective sweeps, § 2.2f(10)
- Regulatory searches
 - children in need of services (ChINS), § 4.8
 - prisoners, § 4.7
 - probationers, § 4.6
- School officials, searches by, § 4.4
- Search warrant requirement
 - generally, § 2.2c
 - conduct not subject to requirement
 - abandoned property searches, § 2.2e(8)
 - aerial surveillance, § 2.2e(6)
 - open fields searches, § 2.2e(5)
 - open smell detections, § 2.2e(4)
 - open view observations, § 2.2e(2)
 - searches by private citizens, § 2.2e(9)

SEARCHES AND SEIZURES—Cont'd

Search warrant requirement—Cont'd

conduct subject to the requirement

effects, searches, § 2.2d(5)

houses, searches, § 2.2d(3)

privacy, invasion of, § 2.2d(7)

exceptions to the requirement

automobile exception, § 2.2f(5)

consent searches, § 2.2f(13)

destruction of evidence, § 2.2f(6)

emergency exception, § 2.2f(8)

extreme, § 2.2f(8)

hot pursuit, § 2.2f(7)

inventory searches, § 2.2f(4)

plain view doctrine, § 2.2f(3)

protection of property, § 2.2f(9)

protective sweeps, § 2.2f(10)

search incident to arrest, § 2.2f(2)

Seatbelt violations, § 3.7

Staleness doctrine, § 2.3d(3)

probable cause at time warrant issued, § 2.3d(3)

Suspect identification, § 5.4c

Telephonic warrants, § 2.3a

Timeliness of reasonable suspicion, § 5.3i

Warrantless searches

force, use of, § 2.5e

knock and announce requirement, § 2.5d

time limitations, § 2.5c

Warrants

execution of a search with a warrant, § 2.4

form and content, § 2.3e

oral warrants, § 2.3a

procedures for obtaining a warrant, § 2.3

search warrant requirement, § 2.2c

specificity and particularity

persons, § 2.3f(4)

places, § 2.3f(2)

things to be seized, § 2.3f(5)

telephonic warrants, § 2.3a

time limitations, § 2.4c

SEATBELTS

Investigative stops, § 3.7

Warrantless arrests, § 1.4c

SECRECY

Grand jury, § 9.5

INDEX

SECURITY OFFICERS

Interrogations by private security officers, § 7.2c(9)

SELF-INCRIMINATION

Privileges and immunities

generally, § 7.4a

confessions, § 7.2a

identification evidence, compulsion to produce, § 6.2

lineups, requirement to participate, § 6.2b

refusal of defendant to cooperate in lineup, § 6.2d

SELF-REPRESENTATION

Generally, § 23.2

SENTENCE AND PUNISHMENT

Appeal and review

negotiated plea, § 13.7

plea of guilty or guilty but mentally ill, § 12.9

Possible sentence, warning, entry of guilty plea, § 12.4

SEQUESTRATION

Jury, § 22.10

SEVERANCE

Mutually antagonistic defenses, § 15.2

Pretrial motions, § 15.2

SHERIFFS AND POLICE

Arrests

misdemeanors committed in an officer's presence, § 1.4c

probable cause based on information from an officer, § 1.3b(4)

probable cause based on personal or first-hand information, § 1.3b(3)

Frisk, authority to make, § 5.5a

Investigative seizures

investigative seizures, authority to make, § 5.2

reasonable suspicion based on an officer's experience, § 5.3c

reasonable suspicion based on information from an officer, § 5.3f

reasonable suspicion based on personal or first-hand information, § 5.3e

Police station

chance encounters and identifications, § 6.4a(4)

interrogations, § 7.2c(5)

Roadblocks

apprehension of fugitives, § 3.8b

enforcement of traffic laws, § 3.8c

narcotics interdiction roadblocks, § 3.8c

prevention of terrorist attack, § 3.8b

safety checkpoints, § 3.8c

sobriety roadblocks, § 3.8c

stop fleeing dangerous criminals, § 3.8b

SHERIFFS AND POLICE—Cont'd

Searches

probable cause based on information from an officer, § 2.2b(4)

probable cause based on personal or first-hand information, § 2.2b(3)

SHOWUPS

Identifications prior to formal charges, § 6.4a(2)

SIXTH AMENDMENT

Interrogations, right to counsel after formal charges, § 7.3b

Lineups, right to counsel after formal charges, § 6.3a

Searches, consent to

advice of rights, § 2.6d(4)

counsel, right to, § 2.6d(5)

SPECIAL PROSECUTORS

Generally, § 8.1

SPECIFICITY

Search warrant requirement, § 2.3f

Seizure of items under a search warrant, § 2.4g

SPEEDY TRIAL

Congestion, § 19.3

Constitutional law, § 19.1

Multiple trial settings, § 19.3

Summons, attachment of time limitations, § 19.3

Time

periods not subject to Rule 4, § 19.5

Rule 4 limitations, request for early trial, § 19.2

STALENESS

Searches

probable cause, timeliness of, § 2.2b(8)

staleness doctrine, § 2.3d(3)

probable cause at time warrant issued, § 2.3d(3)

STATEMENTS

Witnesses, discovery by defendant, § 16.3

STRUCTURAL ERROR

Criminal procedure—trial, right to counsel, § 23.3

Petit juries, § 21.1

SUBPOENA

Witnesses

compulsory process

waiver of trial rights, warning, § 12.4

SUGGESTION

In-court identifications generally, § 6.8a

Lineups, types of suggestibility, § 6.4b

Photographic identification, types of suggestibility, § 6.6c

INDEX

TACIT ADMISSIONS

Admissibility as evidence, § 7.9d

Definition, § 7.9d

TELECOMMUNICATIONS

Cellular phones, scope of consent to search, § 2.6f

Search warrant, telephonic

request by telephone or radio, § 2.3a

sworn testimony submitted by telephone or radio, § 2.3b

TIME OR DATE

Arrest warrant, execution, § 1.8b

Closing arguments, § 22.8

Instructions to jury, final instructions, § 22.9

Investigative seizure, reasonable suspicion, § 5.3i

Opening statements, trial, § 22.2

Speedy trial

periods not subject to Rule 4, § 19.5

rule 4 limitations

request for early trial, § 19.2

TRAFFIC

Violations

officer making arrest, identification, § 1.5d

probable cause to stop vehicle driver, § 1.3b(3)

roadblocks to enforce traffic laws, § 3.8

searches incident to arrest, § 3.7

warrantless arrests, § 1.4c

TRIAL

Closing arguments, § 22.8

Criminal procedure—trial

actions and proceedings

critical stages, right to counsel, § 23.1

admissibility of evidence

grand jury, § 9.5

objections and exceptions, § 14.6

alibi, notice, § 16.6

amendments, charges and charging, § 15.3

appeal and review, bail

pending appeal, § 11.7

arguments and conduct of counsel

opening statements, § 22.2

arrest warrants

bail, posting procedures, § 11.5

assistance of counsel

pleas, § 12.3

right to choice of counsel, § 23.1

self-representation, § 23.2

TRIAL—Cont'd

Criminal procedure—trial—Cont'd

assistance of counsel—Cont'd

waiver, § 23.2

waiver of conflict-free representation, § 23.3

bail

determination

initial hearing, § 10.6

pending appeal, § 11.7

increase, § 11.6

posting, procedures, § 11.5

reduction, § 11.6

revocation, § 11.6

vesting of right to bail, § 11.1

best interest pleas, § 12.6

burden of proof

evidence, presentation, § 22.3

insanity defense, § 17.4

capacity, pleas, voluntariness, § 12.5

challenges

petit juries

for cause, § 21.6

preconceived opinions, § 21.6

peremptory, § 21.7

number, § 21.7

charges and charging

amendments, § 15.3

following dismissal, § 15.3

dismissal, § 15.1

duplicitous, § 15.1

multiplicity, § 15.1

time limitations, § 15.3

closing argument

defendant as witness, failure to testify, § 22.4

coercion, pleas, voluntariness, § 12.5

commitment

insanity defense, post-trial civil commitments, § 17.6

subsequent trial, § 18.5

commitment procedures, § 18.4

competency

generally, § 18.1 et seq.

commitment

subsequent trial, § 18.5

commitment procedures, § 18.4

hearings, § 18.2

conditions, pretrial release, § 11.2

confrontation, witnesses

generally, § 22.3

INDEX

TRIAL—Cont'd

- Criminal procedure—trial—Cont'd
 - confrontation, witnesses—Cont'd
 - defendants, presence during trial, § **22.12**
 - constitutional law
 - initial hearings
 - probable cause, determination, § **10.4**
 - prompt hearing requirement, § **10.3**
 - petit juries
 - membership qualifications, § **21.3**
 - peremptory challenges, § **21.7**
 - probable cause, determination, § **10.4**
 - prompt hearing requirement, § **10.3**
 - speedy trial
 - generally, § **19.1**
 - remedies, dismissal and discharge, § **19.4**
 - standing, suppression of evidence, § **14.5**
 - venue, change of venue, § **15.4**
 - convictions
 - appeal and review, judgment of conviction
 - negotiated plea, § **13.7**
 - plea of guilty or guilty but mentally ill, § **12.9**
 - prior convictions, effect on sentence, advice to defendant, § **12.4**
 - crimes and offenses
 - joinder of offenses
 - pretrial motions, § **15.2**
 - death penalty
 - objections and exceptions, petit jurors, § **21.6**
 - pleas, waiver of trial rights, § **12.4**
 - defendants
 - binding effect, § **13.5**
 - joinder and severance, § **15.2**
 - presence during trial, § **22.12**
 - pretrial release, § **11.2**
 - self-representation, § **23.2**
 - trial, right to be present, § **22.12**
 - depositions, § **16.5**
 - defendants, § **16.3**
 - disclosure
 - exculpatory information
 - defendant's request, § **16.4**
 - witnesses, names, discovery by defendant, § **16.3**
 - discovery
 - authority
 - legislative enactments, § **16.2**
 - remedies, § **16.8**
 - sanctions, § **16.8**

TRIAL—Cont'd

Criminal procedure—trial—Cont'd

dismissal of charges

pretrial motions, § 15.1

prosecuting attorney, § 15.1

speedy trial, remedies, § 19.4

DNA samples

exclusionary rule, § 14.4

right of privacy, § 14.5

double jeopardy

mistrial on greater offense, conviction of lesser offense, § 22.6

mistrials requested by defendant, § 22.6

due process

defendants, presence during trial, § 22.12

exculpatory evidence, preservation and disclosure, § 16.4

effects of battery

defense, § 16.6

pretrial notice requirements, § 16.6

equal protection

petit juries

membership, § 21.3

evidence

exculpatory evidence, preservation and disclosure, § 16.4

grand jury, § 9.5

presentation, § 22.3

bifurcated trials, § 22.3

exculpatory information, prosecutors, duty to disclose, § 16.4

exhaustion, petit juries, peremptory challenges, § 21.7

fruit of the poisonous tree, suppression of evidence, § 14.2

good faith, exclusionary rules, exceptions, § 14.3

grand jury

alternative jury selection procedure, § 9.3

exclusion of prospective juror, § 9.3

exculpatory evidence, duty to submit, § 9.2

impaneling, § 9.4

instructions to jury, § 9.4

membership

alternate juror, § 9.3

prosecutor

exculpatory evidence, duty to submit, § 9.2

presence in grand jury, § 9.2

records and recordation, § 9.5

secrecy, § 9.5

witnesses

generally, § 9.5

use immunity, § 9.5

INDEX

TRIAL—Cont'd

Criminal procedure—trial—Cont'd

hearings

bail, initial hearings, § **11.4**

competency, § **18.2**

immunity

discovery violation

prosecutor's refusal to grant immunity, § **16.3**

sanctions, § **16.8**

impaneling

authority, petit juries, § **21.4**

grand jury, § **9.4**

impartial judge, § 22.15

impeachment, verdicts, § 22.11

independent source, exclusionary rules, exceptions, § 14.3

inevitable discovery, exclusionary rules, exceptions, § 14.3

initial hearings, bail, § 11.4

insanity

generally, § **17.1 et seq.**

defined, § **17.1**

effects of battery defense, § **16.6**

mental examinations, § **17.3**

post-trial civil commitments, § **17.6**

transient ischemic attack (TIA), § **17.1**

instructions

deadlock, § **22.10**

defendant as witness, failure to testify, § **22.4**

flight, § **22.9**

grand jury, § **9.4**

habitual Offender, non-mandatory, § **22.9**

jurors should convict, § **22.9**

pattern, § **22.9**

preliminary instructions, time when given, § **22.1**

required instructions, § **22.1**

tender of proposed instruction, § **22.9**

voluntary intoxication is not a defense, § **22.9**

waiver of objections, § **22.9**

investigations and investigators

prosecutors, probable cause determination, investigative authority, § **8.3**

joinder, offenses and defendants

pretrial motions, § **15.2**

judges

change of judge, § **15.5**

cause, actual, § **15.5**

hearing requirements, § **15.5**

right to, § **15.5**

time limitations, § **15.5**

TRIAL—Cont'd

Criminal procedure—trial—Cont'd

judgments and decrees

convictions, appeal, negotiated plea, § 12.9

jury

deliberations

alternate juror participation, § 22.10

experiments, § 22.10

materials taken into jury room, § 22.10

misconduct

threats by jurors to other jurors, § 22.10

threats to jurors by non-jurors, § 21.6

use of alcohol or drugs, § 22.10

polling, § 22.11

pollution, § 22.10

master jury lists

petit juries, § 21.3

mental examinations

insanity defense, § 17.3

mistrials

dismissal after repeated mistrials, § 8.2

double jeopardy, § 22.6

motions

determination, § 12.8

disclosure, state's witnesses, § 16.3

withdrawal of plea

guilty or guilty but mentally ill, § 12.8

names

prospective jurors, master lists

petit juries, § 21.3

witnesses, discovery by defendant, § 16.3

non-jury trials, § 22.14

notice, alibi, § 16.6

objections and exceptions

death penalty, petit jurors, challenges for cause, § 21.6

final instructions, waiver, § 22.9

improper closing arguments, remedies, § 22.8

waiver

final instructions, § 22.9

opening statements, § 22.2

order of proof, insanity defense, § 17.4

orders of court

suppression of evidence, effect, § 14.7

panels, summoning

petit jury, § 21.4

personal recognizance, pretrial release, nonmonetary alternatives, § 11.2

INDEX

TRIAL—Cont'd

Criminal procedure—trial—Cont'd

petit juries

generally, § 21.1 et seq.

challenges

for cause, § 21.6

peremptory

number, § 21.7

procedure, § 21.7

trial by jury, right, § 21.1

voir dire, § 21.5

waiver of trial by jury, right, § 21.2

pleas

acceptance, § 12.2

agreements

entry of plea based on, § 13.4

form, § 13.3

sentence bargain after conviction, § 13.3

terms and conditions, § 13.3

types, § 13.3

assistance of counsel, § 12.3

authorized, § 12.1

best interest pleas, § 12.6

factual basis, § 12.6

guilty pleas, effective assistance, § 23.3

initial hearings, entry, § 10.6

negotiations

binding effect

defendant, § 13.5

prosecuting attorney, § 13.5

trial court, § 13.5

discretionary nature, § 13.1

judicial role, § 13.1

rejection, § 12.2

polling, jury, § 22.11

pollution, jury, § 22.10

prejudice, public trial, prevention, § 20.2

presence, defendants, trial, § 22.12

pretrial motions

continuance, § 15.6

disclosure, state's witnesses, § 16.3

dismissal of charges, § 15.1

in limine, § 15.6

joinder, § 15.2

severance, § 15.2

venue, change of venue, § 15.4

pretrial release, alternatives and conditions, § 11.2

TRIAL—Cont'd

Criminal procedure—trial—Cont'd

prisoners, speedy trial, time, periods not subject to Rule 4, § **19.5**

privileges and immunities

witnesses, grand jury, § **9.5**

probable cause, determination

initial hearings, § **10.4**

prosecutors

alibi, response to notice of defense, § **16.6**

charges and charging

probable cause, determination, § **8.3**

discovery, § **16.4**

exculpatory information, duty to disclose, § **16.4**

inspector general, § **8.1**

joinder, offenses and defendants, § **15.2**

mistrial, request, § **22.6**

probable cause, determination, § **8.3**

special prosecutors, § **8.1**

prospective jurors

order of calling, § **21.5**

public trial

identification requirement to enter courtroom, § **20.1**

publicity

gag order, § **20.2**

prevention of prejudice from, § **20.2**

qualifications, petit juries, prospective jurors, § **21.5**

quorum, grand jury, § **9.5**

reciprocity, § **16.5**

records and recordation

grand jury, § **9.5**

reduction of bail, § **11.6**

release, pretrial release, alternatives and conditions, § **11.2**

remedies

discovery

noncompliance, § **16.8**

improper arguments

closing arguments, § **22.8**

revocation, bail, § **11.6**

sanctions

alibi, notice and response, § **16.6**

discovery, § **16.8**

screening

petit juries, § **21.4**

secrecy, grand jury, § **9.5**

self-representation, § **23.2**

INDEX

TRIAL—Cont'd

Criminal procedure—trial—Cont'd

sentence and punishment

appeal and review

negotiated plea, § 13.7

plea of guilty or guilty but mentally ill, § 12.9

possible sentence, warning, entry of guilty plea, § 12.4

sequestration, jury, § 22.10

severance

mutually antagonistic defenses, § 15.2

pretrial motions, § 15.2

special prosecutors, § 8.1

speedy trial

congestion, § 19.3

constitutional law, § 19.1

multiple trial settings, § 19.3

summons, attachment of time limitations, § 19.3

time

periods not subject to Rule 4, § 19.5

proceedings following trial or mistrial, § 19.5

rule 4 limitations

request for early trial, § 19.2

standing

suppression of evidence, § 14.5

statements, witnesses, discovery by defendant, § 16.3

suppression of evidence

orders of court, effect, § 14.7

standing, § 14.5

time

closing arguments, trial, § 22.8

instructions to jury

final instructions, § 22.9

opening statements, trial, § 22.2

speedy trial

periods not subject to Rule 4, § 19.5

rule 4 limitations

request for early trial, § 19.2

venire

grand jury, § 9.4

petit juries, § 21.4

venue

change of venue, pretrial motions, § 15.4

variance, allegations and proof, § 15.4

verdicts

correction, § 22.11

impeachment, § 22.11

return, § 22.11

TRIAL—Cont'd

Criminal procedure—trial—Cont'd

Vienna Convention

advice of rights, § 10.6

effective assistance of counsel, § 23.3

exclusionary rule, § 14.1

views, jury, § 22.5

voir dire

petit juries, § 21.5

waiver

assistance of counsel

effective assistance, § 23.3

defendants, right to presence at trial, § 22.12

jury trial, § 21.2

objections and exceptions

final instructions, § 22.9

time, speedy trial, § 19.3

trial

jury trial, § 21.2

warning, entry of guilty plea

firearms possession, right lost, § 12.4

witnesses

confrontation, § 22.3

defendants, presence during trial, § 22.12

grand jury, § 9.5

use immunity, § 9.5

names, discovery by defendant, § 16.3

prosecutor, witness subpoenaed by defense, § 22.3

separation, violation of order, § 22.3

statements, discovery by defendant, § 16.3

Criminal procedure—trial

defendants

binding effect, § 13.5

impanel, authority

petit juries, § 21.4

instructions

required instructions, § 22.1

pleas

negotiations

binding effect

defendant, § 13.5

prosecutors

inspector general, § 8.1

prospective jurors

order of calling, § 21.5

reciprocity, § 16.5

special prosecutors, § 8.1

INDEX

TRIAL—Cont'd

- Non-jury trials, § 22.14
- Presence, defendants, § 22.12
- Waiver
 - jury trial, § 21.2

VENUE

- Change of venue
 - pretrial motions, § 15.4
 - procedural requirements, § 15.4
 - time limitations, § 15.4
 - subsequent proceedings, § 15.4
- Variance, allegations and proof, § 15.4

VERDICTS

- Correction, § 22.11
- Impeachment of verdict, § 22.11
- Return, § 22.11

VIDEOTAPES

- Lineup, substitute for right to counsel, § 6.3a

VIENNA CONVENTION

- Advice of rights, § 7.2a, 10.6
- Dismissal of charges, § 1.9f
- Effective assistance of counsel, § 23.3
- Exclusionary rule, § 14.1

VIEW BY JURY

- Criminal trial, § 22.5

VOICE IDENTIFICATION

- Generally, § 6.7a

VOLUNTARY OR INVOLUNTARY ACTS

- Pleas, § 13.4

WARRANTS

- Arrest
 - arrest warrant requirement, § 1.3c
 - procedures for obtaining
 - formal charges, necessity of filing, § 1.7a
 - residences, arrests for felonies, § 1.6c
 - residences, arrests for misdemeanors, § 1.6d
- Search
 - authority to issue, city court judge, § 2.3c
 - children in need of services (ChINS), § 4.8
 - curtilage, § 2.4f
 - execution
 - detention of persons, § 2.4j
 - knock and announcement requirement, § 2.4d
 - return of warrant, § 2.4i

WARRANTS—Cont'd

Search—Cont'd

execution—Cont'd

scope and intensity of search, § 2.4f

seizure of items, § 2.4g

execution, use of force, § 2.4e

form and content, § 2.3e

knock and announce requirement, § 2.4d

lineup participation, warrant to require, § 6.2b

open view, seizure of items in, § 1.4d

oral warrants, § 2.3a

procedures for obtaining

form and content of a warrant, § 2.3e

judicial determination of probable cause, § 2.3b

oral warrants, § 2.3a

petition or request, § 2.3a

specificity and particularity, § 2.3f

telephonic warrants, § 2.3a

specificity and particularity

persons, § 2.3f(4)

places, § 2.3f(2)

things to be seized, § 2.3f(5)

telephonic warrants, § 2.3a

time limitations, § 2.4c

Staleness doctrine, probable cause at time warrant issued, § 2.3d(3)

WITNESSES

Compelled testimony, § 22.3

Confrontation, § 22.12

Defendant, § 22.4, 22.12

Evidence, presentation, § 22.3

Grand jury

generally, § 9.5

use immunity, § 9.5

Names, discovery by defendant, § 16.3

Prosecutor, witness subpoenaed by defense, § 22.3

Separation, violation of order, § 22.3

Statements, discovery by defendant, § 16.3