Index

ACCOUNTANT-CLIENT PRIVILEGE
Generally, **§ 12:6**

ADMINISTRATIVE LAW
State regulations, judicial notice, **§ 4:8**

ADMISSIBILITY OF EVIDENCE TO INTERPET CONTRACTS
Generally, **§§ 18:1 to 18:14**
Contracts and instruments outside Georgia
parol evidence, **§ 18:5**
admissibility of later agreements, **§ 18:8**
ambiguity, **§ 18:9**
collateral agreement, **§ 18:11**
complete partial written contract, **§ 18:10**
instruments, **§ 18:6**
merger clause, **§ 18:12**
parol evidence to show no valid instrument existed, use of, **§ 18:7**
receipts for payment, **§ 18:13**
rule for contracts subject to Statute of Frauds, **§ 18:14**
Parol evidence
generally, **§§ 18:2 to 18:14**

ADMISSION AND EXCLUSION OF EVIDENCE
Hearsay, this index

ADMISSIONS BY WITNESSES
Confessions, this index
Hearsay rules
generally, **§§ 9:1 to 9:43**
for detailed treatment see Hearsay, this index

AGENTS
Hearsay rules, agents' admissions, **§ 9:12**

ALL, BUT ONLY, RELEVANT EVIDENCE RULE
Generally, **§ 3:2**

ALTERATION OF EVIDENCE
For detailed treatment see Preservation of Evidence and Avoidance of Spoliation, this index

ANCIENT DOCUMENTS
Hearsay rules, **§ 9:28**

ATTORNEY AND CLIENT
Privilege
generally, **§ 12:4**
corporate clients, **§ 12:5**
Right to counsel, **§ 11:11**

AUTHENTICATION AND IDENTIFICATION OF DOCUMENTS
Generally, **§ 10:1 et seq.**
Authentication of objects
admissibility, **§ 10:4**
Establishing authenticity
admission
party's answers, **§ 10:13**
Evidence
proof of content
writing, **§ 10:9**
Judge and jury
admissibility and actual authenticity, **§ 10:2**
Medical bills
identification, **§ 10:5**
"Original," in lieu of
admission, proof of content
photograph, **§ 10:8**
recording, **§ 10:8**
writing, **§ 10:8**
Proof of content
photograph, **§ 10:7**
recording, **§ 10:7**
writing, **§ 10:7**

AUTHENTICATION AND IDENTIFICATION OF DOCUMENTS—Cont'd
Public records
proof of content, **§ 10:10**
Self-authenticating
documents or records, **§ 10:3**
Summary
proof of content, oluminous writings, recordings, or photographs, **§ 10:11**
Testimony or written admission
proof of content, voluminous writings, recordings, or photographs, **§ 10:12**
Uniform Electronic Transactions Act, **§ 10:14**
Witness unavailable
admission of original writing, **§ 10:6**
audio recordings, **§ 10:6**
motion pictures, **§ 10:6**
videotapes, **§ 10:6**

AUTHENTICATION OF DOCUMENTARY EVIDENCE
For detailed treatment see Documentary and Demonstrative Evidence, this index

AVOIDANCE OF SPOLIATION
Preservation of Evidence and Avoidance of Spoliation, this index

BLOOD TESTING
Relevancy, this index

BLOODHOUND EVIDENCE
Expert witnesses, **§§ 13:20, 13:21**
Harper v. State, criminal cases, **§ 13:24**

BOUNDARIES
Hearsay rules, boundary matters, **§ 9:26**

BURDENS AND PRESUMPTIONS
Generally, **§§ 15:1 to 15:19**
Affirmative defenses
Criminal cases, proof of affirmative defenses in, below
proof of, **§ 15:11**

BURDENS AND PRESUMPTIONS—Cont'd
Allocations of burdens, **§ 15:2**
Circumstantial evidence, **§ 15:10**
Clear and convincing evidence, **§ 15:4**
Conflicting presumptions, **§ 15:18**
Criminal cases, proof of affirmative defenses in
generally, **§ 15:12 et seq.**
due process issues, **§ 15:12**
insanity, **§ 15:14**
specific defenses, **§ 15:13**
Due process
burden shifting in criminal cases, **§ 15:12**
statutory presumptions, **§ 15:17**
Insanity in criminal cases, **§ 15:14**
Nature of presumptions, **§ 15:15**
Negative and positive testimony, **§ 15:11**
Number of witnesses, **§ 15:6**
Operation of presumptions, **§ 15:16**
Party's own testimony, **§ 15:7**
Persuasion, burden of, distinguished, **§ 15:1**
Positive and negative testimony, **§ 15:9**
Positive or affirmative defense, **§ 15:11**
Preponderance of evidence, **§ 15:3**
Reasonable doubt, **§ 15:5**
Shifting burden in criminal cases, due process issues, **§ 15:12**
Specific defenses in criminal cases, proof of, **§ 15:13**
Statutory presumptions, due process concerns, **§ 15:17**
Testimony of party, **§ 15:7**
Uncontroverted evidence, **§ 15:8**

CELL PHONE INFORMATION
Search and seizure law, **§ 11:17**

CHARACTER
Credibility, this index

CHARACTER EVIDENCE
Credibility, this index

CHARACTER EVIDENCE—Cont'd
Hearsay rules, reputation statements, **§ 9:30**
Rebuttal and limitations
credibility, **§ 6:4**
Relevancy, this index

CHILDREN
Competency as witnesses, **§ 5:3**
Hearsay rules, prior statements of sexual abuse victims, **§ 9:7**
Relevancy of other crimes, prior offenses in child molestation cases, **§§ 7:18, 7:19**

CIRCUMSTANTIAL EVIDENCE
Burdens and presumptions, **§ 15:10**

CIVIL CASES
Judicial notice, **§ 4:4**
Preservation of evidence, **§ 2:5**
Preservation of evidence, duty, **§ 2:4**

CLEAR AND CONVINCING EVIDENCE
Generally, **§ 15:4**

CLERGY PRIVILEGE
Generally, **§ 12:11**

CLIENTS
Attorney and Client, this index

COMPETENCY
Witnesses, this index

CONFESSIONS
Accused's privilege not to be a witness against himself, **§ 11:5**
Admissions, hearsay rules. Hearsay, this index
Incriminating facts, privilege of witness not to testify to, **§ 11:9**
Non-testimonial actions, **§ 11:8**
Silent, constitutional privilege to remain, **§ 11:7**
Unlawfully obtained statement used to impeach, **§ 11:10**

CONSPIRACIES
Hearsay rules, coconspirator statements, **§ 9:13**

CONSTITUTIONAL LAW
Burden shifting in criminal cases, due process, **§ 15:12**
Privileges, constitutional
generally, **§§ 11:1 to 11:26**
for detailed treatment see Privileges, this index
Statutory presumptions, due process, **§ 15:17**

CONTROL OF PROCEEDINGS
Generally, **§ 16:4 et seq.**
Comparison, other writings for, **§ 16:18**
Court's power to question witnesses, **§ 16:14**
Cross-examination, limitations, **§ 16:11**
Demonstrations, **§§ 16:15, 16:17**
Direct examination, **§ 16:10**
Exceptions to sequestration of witnesses rule, **§ 16:7**
Formal exceptions unnecessary, **§ 16:3**
Illustrative materials, **§ 16:15**
Importance of admissibility to pretrial
investigation and discovery, **§ 16:1**
Improper court opinions on the evidence, **§ 16:14**
Interrogation of witnesses, **§ 16:6**
Jury room, evidence taken to, **§ 16:21**
Jury views, **§ 16:20**
Leading questions, **§ 16:10**
Limitations
cross-examination, **§ 16:11**
re-cross examination, **§ 16:13**
re-direct examination, **§ 16:12**
Oath or affirmation, **§ 16:9**
Offer of proof to preserve error for exclusion of evidence, **§ 16:5**
Oral, in-person testimony requirement, **§ 16:8**
Other writings for comparison, **§ 16:18**
Persons, **§ 16:15**
Persons as evidence, **§ 16:16**
Physical objects, **§ 16:19**

CONTROL OF PROCEEDINGS —Cont'd
Preliminary questions of admissibility, **§ 16:4**
Presentation of evidence, **§ 16:6**
Re-cross examination, limitations, **§ 16:13**
Re-direct examination, limitations, **§ 16:12**
Screening function of trial court, **§ 16:4**
Sequestration of witnesses, **§ 16:7**
Specific objections with grounds must be made to avoid waiver, **§ 16:2**

CORPORATIONS
Attorney-client privilege, corporate clients, **§ 12:5**

CREDIBILITY
Generally, **§ 6:1 et. seq.**
Attacking or supporting
admissibility of polygraph tests, **§ 6:17**
Character evidence
distinct limitations on form, **§ 6:3**
four express exceptions to admit, **§ 6:3**
general rules limiting form, **§ 6:2**
inadmissible, **§ 6:1**
rebuttal and limitations, **§ 6:4**
Character or character traits
required and permitted forms of evidence, **§ 6:5**
Hearsay rules, credibility of declarant, **§ 9:40**
Inadmissible, character evidence, **§ 6:1**
Other means to attack
Admissibility of polygraph tests to attack or support credibility, **§ 6:16**
prior statement
consistent, **§ 6:15**
consistent, child hearsay statute, **§ 6:16**
inconsistent, impeachment, **§ 6:14**

CREDIBILITY—Cont'd
Other means to attack—Cont'd
showing bias or interest and other bases, **§ 6:13**
Supporting witness
proper and improper bolstering, **§ 6:12**
Witness, attacking or bolstering, **§ 6:9**
Witness, attacking or supporting
evidence of prior criminal conviction, **§ 6:11**
proper and improper impeachment, **§ 6:10**
Witnesses
for detailed treatment see Witnesses, this index
Witness's character
attacking or supporting any, truthfulness, **§ 6:6**
supporting for truthfulness, bolstering, **§ 6:8**
who may attack, truthfulness by impeachment, **§ 6:7**

CRIMINAL CASES
Burdens and Presumptions, this index
Expert Witnesses, this index
Judicial notice, **§ 4:4**
Pretrial motions, **§ 14:4**

CRIMINAL DEFENDANTS
Competency as witnesses, **§ 5:5**

CROSS-EXAMINATION
Control of proceedings, limitations, **§§ 16:11, 16:13**
Expert witnesses, **§ 13:32**

DEFINITION
Hearsay rules, **§§ 9:3, 9:5**

DEMONSTRATIONS
Control of proceedings, **§§ 16:15, 16:17**

DEMONSTRATIVE EVIDENCE
See Documentary and Demonstrative Evidence, this index

DIRECT EXAMINATION
Control of proceedings, **§ 16:10**

DOCUMENTARY AND DEMONSTRATIVE EVIDENCE
Parol Evidence Rule, this index

DUE CARE
Subjects of expert testimony, **§ 13:7**

DUI
Relevancy of other crimes, wrongs, or acts, **§ 7:20**

DYING DECLARATIONS
Hearsay, **§ 9:36**

EMOTIONAL CONDITION
Hearsay rules, statements of existing condition, **§ 9:19**

EMPLOYMENT
Hearsay rules, employees' admissions, **§ 9:12**

ETHICAL LIMITATIONS ON COMMUNICATIONS WITH PERSONS REPRESENTED BY COUNSEL
Informal evidence gathering, limitation, **§ 2:1**

EXAMINATION OF WITNESSES
Admission and Exclusion of Evidence, this index
Hypothetical questions, **§ 13:31**
Privileges, this index

EXCLUSION OF EVIDENCE
Admission and Exclusion of Evidence, this index
Exclusionary rule. See Search and Seizure Law, this index

EXPERT WITNESSES
Generally, **§ 13:1 et seq.**
Atomic absorption tests, Harper v. State, criminal cases, **§ 13:26**
Bloodhound evidence
generally, **§ 13:20**
Harper v. State, criminal cases, **§ 13:24**
Court appointed experts, **§ 13:28**
Criminal cases. Harper v. State, below

EXPERT WITNESSES—Cont'd
Cross-examination, **§ 13:32**
Distinct requirements, **§ 13:10**
DNA evidence, Harper v. State, **§ 13:23**
Due care opinions, **§ 13:7**
Exclusion of expert opinions, **§ 13:29**
Experiments and out-of-court reenactments, **§ 13:33**
Facts and data, reliability, **§ 13:16**
Fingerprint evidence under Harper v. State, **§ 13:27**
Handwriting, admissibility under the Civil Standard Expert Opinion on, **§ 13:19**
Harper v. State
atomic absorption tests, criminal cases, **§ 13:26**
ballistic evidence, **§ 13:26**
bloodhound evidence, criminal cases under, **§ 13:23**
criminal proceedings prior to July 1, 2022, **§§ 13:22, 13:23**
DNA evidence, **§ 13:23**
fingerprint evidence, **§ 13:27**
HGN test results, **§ 13:25**
Hearsay rules, learned treatises, **§ 9:29**
HGN test results, Harper v. State, **§ 13:25**
Hypothetical questions, **§ 13:31**
Insanity, mental competency and, **§ 13:4**
Jury consideration of expert opinion, **§ 13:34**
Learned treatises, **§ 9:29**
Market value, subjects of expert testimony, **§ 13:3**
Medical malpractice, subjects of expert testimony, **§ 13:13**
Out-of-court reenactments, **§ 13:33**
Paternity test results, **§ 13:21**
Physical conditions, subjects of expert testimony, **§ 13:5**
Pretrial motions, **§ 14:3**
Qualification, **§§ 13:12, 13:13**
Relevancy of opinion, **§ 13:11**
Reliability
generally, **§§ 13:15 to 13:18**

EXPERT WITNESSES—Cont'd
Reliability—Cont'd
aspects, **§ 13:15**
conclusion, **§ 13:18**
facts and data, **§ 13:16**
methodology, **§ 13:17**
Rule 702 and same standards, applicability, **§ 13:9**
Standard of care opinions, **§ 13:7**
Subjects of expert testimony, **§ 13:3 et seq.**
Summary judgment, **§ 13:30**
Testimony, **§ 13:1**
Truthfulness, subjects of expert testimony, **§ 13:8**
Ultimate factual issue, **§ 13:14**
Value, market, subjects of expert testimony, **§ 13:3**
Vehicle speed, subjects of expert testimony, **§ 13:6**
When required, **§ 13:2**

EXTRINSIC EVIDENCE
See Parol Evidence Rule, this index

FACT AND LAW QUESTIONS
Expert opinions, jury consideration of, **§ 13:34**
Judicial notice of matters of law. Judicial Notice, this index

FAMILY HISTORY
Hearsay rules, **§ 9:25**

FEDERAL LAW
Judicial notice, **§ 4:9**

FEDERAL REGULATIONS
Judicial notice, **§ 4:10**

FINGERPRINTS
Expert witnesses, Harper v. State, **§ 13:27**

FOREIGN LAWS
Judicial notice, **§ 4:6**

GANGS
Relevancy of other crimes, wrongs, or acts, **§ 7:21**

GEORGIA STATE COURTS
Judicial notice
judicial proceedings, **§ 4:11**

GOVERNMENT MATTERS
Judicial notice, **§ 4:12**

GOVERNMENTAL PRIVILEGES
Generally, **§ 12:12**

HANDWRITING
Expert witnesses admissibility under the Civil Standard Expert Opinion on Handwriting, **§ 13:19**

HEALTH CARE
See Medical Care, this index

HEARSAY
Generally, **§§ 9:1 to 9:43**
Admissions
generally, **§ 9:2**
adoption or belief in its truth, exclusions, **§ 9:11**
agents or representatives; attorneys, **§ 9:12**
coconspirator statements, **§ 9:13**
exclusions, party's own statement offered against party, **§ 9:10**
judicial, **§ 9:15**
personal knowledge issues, **§ 9:14**
Adoptive admissions, **§ 9:11**
Agents' admissions, **§ 9:12**
Ancient documents, **§ 9:28**
Boundary matters, **§ 9:26**
Business records, **§ 9:22**
Child sexual abuse victims' prior statements, **§ 9:7**
Coconspirator statements, **§ 9:13**
Confrontation Clause, impact of, **§ 9:4**
Credibility of declarant, **§ 9:40**
Declarant credibility, **§ 9:40**
Declarations against interest, **§ 9:37**
Definition, **§§ 9:3, 9:5**
Dying declarations, **§ 9:36**
Emotional condition, statements of existing condition, **§ 9:19**
Employees' admissions, **§ 9:12**
Exceptions to exclusions, **§ 9:9**

HEARSAY—Cont'd
Excited utterances, **§ 9:18**
Exclusion, generally, **§ 9:2**
Exclusion and admission, generally, **§ 9:2**
Family history, **§ 9:25**
Hearsay within hearsay, **§ 9:39**
Historical matters, **§ 9:26**
Hospital records, **§ 9:23**
Interest, declarations against, **§ 9:37**
Interests in property, statements as to, **§ 9:27**
Judgments evidence, **§ 9:32**
Judicial admissions, **§ 9:15**
Judicial proceeding testimony, **§ 9:35**
Learned treatises, **§ 9:29**
Market reports, **§ 9:31**
Materiality of defendant's availability, **§§ 9:17 to 9:35**
Medical diagnosis or treatment statements, **§ 9:20**
Medical reports, **§ 9:23**
Mental condition, statements of existing condition, **§ 9:19**
Mortality tables, **§ 9:31**
Official written statements, **§ 9:24**
Pecuniary interest, declarations against, **§ 9:37**
Pedigree, **§ 9:25**
Penal interest, declarations against, **§ 9:37**
Physical condition, statements of existing condition, **§ 9:19**
Present sense impression, **§ 9:17**
Previous judicial proceeding testimony, **§ 9:35**
Prior statements of witnesses
generally, **§ 9:6**
child sexual abuse victims, **§ 9:7**
identifying person, statements of, **§ 9:8**
Public interest matters, **§ 9:26**
Public records, **§ 9:24**
Recollections, recorded, **§ 9:21**
Records
hospital records, **§ 9:23**
public records, **§ 9:24**

HEARSAY—Cont'd
Reports
market reports, **§ 9:31**
medical reports, **§ 9:23**
Reputation statements, **§ 9:30**
Res gestae replaced, **§ 9:16**
Residual hearsay exception, **§ 9:38**
Specific rule, statements by definition excluded from or deemed admissible by, **§ 9:5**
Testimony at a previous judicial proceeding, **§ 9:35**
Unavailability of declarant, **§§ 9:33 to 9:37**
Witnesses, prior statements of
generally, **§ 9:6**
child sexual abuse victims, **§ 9:7**
Wrongful procurement, exception, **§ 9:34**

HGN TEST RESULTS
Expert witnesses, Harper v. State, **§ 13:25**

HISTORY
Hearsay rules, historical matters, **§ 9:26**

HOSPITALS
Hearsay rules, **§ 9:23**

HUSBAND AND WIFE
See Spouses, this index

IDENTITY
Relevancy of other crimes, wrongs, or acts, **§ 7:11**

ILLUSTRATIVE MATERIALS
Control of proceedings, **§ 16:15**

IMPEACHMENT
Self-incrimination privilege, unlawfully obtained statement used for, **§ 11:10**
Witnesses, this index

IN LIMINE MOTIONS
Generally, **§ 14:2**

INFANTS
Children, this index

INFORMANT PRIVILEGE
Generally, **§ 12:13**

INSANITY
See Sanity, this index

INTENT
Relevance of similar transactions to show, **§ 7:5**

INTEREST
Hearsay rules, declarations against interest, **§ 9:37**

INTERROGATIONS
Control of proceedings, **§ 16:6**

JOURNALIST PRIVILEGE
Generally, **§ 12:14**

JUDGE AND JURY
Authentication and identification of documents
admissibility and actual authenticity, **§ 10:2**

JUDGES
Expert witnesses, court appointed, **§ 13:28**
Fact and Law Questions, this index

JUDGMENTS
Evidence of, hearsay rules, **§ 9:32**

JUDICIAL NOTICE
Generally, **§§ 4:1 to 4:12**
Adjudicative facts, **§§ 4:2, 4:3**
Administrative matters, **§ 4:12**
Administrative regulations, **§ 4:8**
Civil or criminal proceedings, distinguished, **§ 4:4**
Federal courts, **§ 4:9**
Federal law, **§ 4:9**
Federal regulations, **§ 4:9**
Foreign law, **§ 4:6**
Georgia state courts
judicial proceedings, **§ 4:11**
Government matters, **§ 4:12**
Law, legislative facts, and related matters, **§ 4:5**
Local ordinances, **§ 4:7**
Ordinances, **§ 4:7**
Purpose and procedure, **§ 4:2**

JUDICIAL NOTICE—Cont'd
Regulations, state, **§ 4:8**

JUDICIAL PROCEEDINGS
Generally, see Trials, this index

JURIES
Continuing witness rule, **§ 16:21**
Expert opinion, jury consideration of, **§ 13:34**
Fact and Law Questions, this index
Jury room, evidence taken to, **§ 16:21**
Views by jury, **§ 16:20**

JURY ROOM
Control of proceedings, **§ 16:21**

JURY VIEWS
Control of proceedings, **§ 16:20**

KNOWLEDGE
Relevancy of other crimes, wrongs, or acts, **§ 7:6**

LAW
Fact and Law Questions, this index
Foreign Laws, this index
Judicial Notice, this index

LAW ENFORCEMENT OFFICERS
Privileged communications with peer counselors, **§ 12:15**

LAW QUESTIONS
Fact and Law Questions, this index

LEADING QUESTIONS
Control of proceedings, **§ 16:10**

LEARNED TREATISES
Hearsay rules, **§ 9:29**

LIABILITY INSURANCE
Relevance of evidence as to, **§ 8:7**

LIMITATIONS
Credibility, this index
Ethical limitations on communications with persons represented by counsel. See Preservation of Evidence and Avoidance of Spoliation, this index

LOCAL ORDINANCES
Judicial notice, **§ 4:7**

MARKET VALUE
Subjects of expert testimony, **§ 13:3**

MARRIAGE
See also Spouses, this index

MEDICAL BILLS
Authentication and identification of documents
identification, **§ 10:5**

MEDICAL CARE
Hospital records, hearsay rules, **§ 9:23**
Medical diagnosis or treatment statements, **§ 9:20**
Physician-Patient Privilege, this index
Reports, hearsay rules, **§ 9:23**

MEDICAL MALPRACTICE
Expert testimony, **§ 13:13**

MEMORY
Recorded recollections, hearsay rules, **§ 9:21**

MENTAL COMPETENCY
Expert witnesses, **§ 13:4**
Hearsay, statements of existing condition, **§ 9:19**
Privileged communications, **§ 12:10**
Witnesses, **§ 5:2**

MINORS
Children, this index

MORTALITY TABLES
Hearsay rules, **§ 9:31**

MOTIONS IN LIMINE
Generally, **§ 14:2**

MOTIVE
Relevancy of other crimes, wrongs, or acts, **§ 7:4**

NONPARTIES
Preservation of Evidence and Avoidance of Spoliation, this index

NOTICE
Judicial Notice, this index

OATH OR AFFIRMATION
Control of proceedings, **§ 16:9**

OPINIONS
Generally, **§ 13:1 et seq.**
Expert
generally, **§ 13:1**
for detailed treatment see Expert Witnesses, this index
Hypothetical questions, **§ 13:31**

OPPORTUNITY
Relevancy of other crimes, wrongs, or acts, **§ 7:8**

ORAL TESTIMONY
Control of proceedings, **§ 16:8**

ORDINANCES
Judicial notice, **§ 4:7**

OTHER CRIMES, WRONGS, OR ACTS
Relevancy, this index

OUT-OF-COURT REENACTMENTS
Expert witnesses, **§ 13:33**

PAROL EVIDENCE RULE
Generally, **§§ 17:1 to 17:8**
Admissibility of evidence relating to contract damages, **§ 17:8**
Collateral source rule
exceptions, **§ 17:4**
Excluding damages evidence in negligent security cases, **§ 17:7**
Impact requirement limits damage evidence in negligence claims, **§ 17:6**
Principal parol evidence rules
2025 Georgia tort reform measures, **§ 17:5**
purpose and effect, **§ 17:2**
substantive effect, **§ 17:3**
Principal parol evidence rules, generally, **§§ 17:2 to 17:5**

PATERNITY
Expert witnesses, test results, **§ 13:21**

PECUNIARY INTEREST
Hearsay, declarations against interest, **§ 9:37**

PEDIGREE
Hearsay rules, **§ 9:25**

PENAL INTEREST
Hearsay, declarations against interest, **§ 9:37**

PERSONAL KNOWLEDGE
Admissions, personal knowledge issues, **§ 9:14**

PERSONS
Control of proceedings, **§§ 16:15, 16:16**
Demonstrative evidence, persons as, **§ 16:15**

PHYSICAL CAPACITY
Witness competency, **§ 5:4**

PHYSICAL CONDITION
Expert testimony, subjects of, **§ 13:5**
Hearsay rules, statements of existing condition, **§ 9:19**

PHYSICAL OBJECTS
Generally, **§ 16:19**
Control of proceedings, **§ 16:19**

PHYSICIAN-PATIENT PRIVILEGE
Generally, **§ 12:7**
Medical review boards and peer reviews, **§ 12:8**

PLAN
Relevancy of other crimes, wrongs, or acts, **§ 7:10**

PLEAS
Relevance of plea bargains and discussion evidence, **§ 8:6**

PRELIMINARY QUESTIONS OF ADMISSIBILITY
Control of proceedings, **§ 16:4**

PREPARATION
Relevancy of other crimes, wrongs, or acts, **§ 7:9**

PREPONDERANCE OF EVIDENCE
Generally, **§ 15:3**
Defendant committed other act, **§ 7:14**
Relevancy of other crimes, wrongs, or acts, **§ 7:14**

PRESENT SENSE IMPRESSION
Hearsay, **§ 9:17**

PRESENTATION OF EVIDENCE
Control of proceedings, **§ 16:6**

PRESERVATION OF EVIDENCE AND AVOIDANCE OF SPOLIATION
Civil cases, **§ 2:5**
Discovery tools are available against a party to a civil case, **§ 2:10**
Improper ex parte contact, represented persons in criminal proceedings, **§ 2:3**
Improper ex parte contact with plaintiff's treating physicians, **§ 2:2**
Notice to produce, **§ 2:11**
Obtaining evidence from non parties
cases filed outside of Georgia, **§ 2:14**
failure of subpoenaed party to attend to testify or to produce evidence, **§ 2:18**
generally, **§§ 2:12 to 2:18**
protection from and compelling compliance with subpoena, **§ 2:17**
reside in Georgia for use in Georgia state court, **§ 2:12**
reside outside Georgia for Georgia state court, **§ 2:13**
subpeonas, **§ 2:15**
witness fees payment, **§ 2:16**
Presumption for failure to produce documents, **§ 2:6**
Requirements for preservation, **§§ 2:7, 2:8**
Statutory requirements, **§ 2:9**

PRESUMPTIONS
Burdens and Presumptions, this index

PRETRIAL MOTIONS
Generally, **§ 14:1 et seq.**
Criminal cases, **§ 14:4**
Expert testimony, **§ 14:3**
In limine motions, **§ 14:2**
Motions in limine, **§ 14:2**
Summary judgment, **§ 14:1**

PRIOR STATEMENTS
Hearsay. See Hearsay, this index

PRIVILEGES
Generally, **§§ 12:1 to 12:15**
Accountant-client, **§ 12:6**
Accused's constitutional privilege not to be a witness against himself, **§ 11:5**
Attorney-client
generally, **§ 12:4**
corporate clients, **§ 12:5**
Confessions, this index
Constitutional
generally, **§§ 11:1 to 11:26**
Confessions, this index
incriminating facts, privilege of witness not to testify to, **§ 11:9**
personal nature of constitutional privileges, **§ 11:3**
right to counsel, **§ 11:11**
Search and Seizure Law, this index
Self-Incrimination Privilege, this index
Exclusionary rule. See Search and Seizure Law, this index
Governmental, **§ 12:12**
Incriminating facts, constitutional privilege of witness not to testify to, **§ 11:9**
Informant privilege, **§ 12:13**
Journalist privilege, **§ 12:14**
Law enforcement officers' communications with peer counselors, **§ 12:15**
Mental health, **§ 12:10**
Personal nature of constitutional privileges, **§ 11:3**
Physician-patient
generally, **§ 12:7**

PRIVILEGES—Cont'd
Physician-patient—Cont'd
medical review boards and peer reviews, **§ 12:8**
Psychiatric examinations, **§ 11:6**
Qualified news gathering privilege, **§ 12:14**
Right to counsel, **§ 11:11**
Search and Seizure Law, this index
Self-Incrimination Privilege, this index
Silent, constitutional privilege to remain, **§ 11:7**
Spousal
generally, **§ 12:5**
compelling, **§ 12:3**
State matters and secrets of state, **§ 12:12**
Statutory, generally, **§§ 12:1 to 12:15**
Veterinarian-patient, **§ 12:9**

PROPERTY
Boundary matters, hearsay rules, **§ 9:26**
Interests in property statements, hearsay rules, **§ 9:27**

PSYCHIATRIC EXAMINATIONS
Self-incrimination, privilege against, **§ 11:6**

PUBLIC INTEREST MATTERS
Hearsay rules, **§ 9:26**

PUBLIC RECORDS
Authentication and identification of documents
proof of content, **§ 10:10**
Hearsay rules, **§ 9:24**

QUALIFIED NEWS GATHERING PRIVILEGE
Generally, **§ 12:14**

REAL EVIDENCE
See Documentary and Demonstrative Evidence, this index

REASONABLE DOUBT
Burdens and presumptions, **§ 15:5**

REBUTTAL AND LIMITATIONS
Character evidence, credibility, **§ 6:4**

RECORDED RECOLLECTIONS
Hearsay rules, **§ 9:21**

RECORDS
Hearsay, this index
Public Records, this index

RE-CROSS EXAMINATION
Control of proceedings, limitations, **§ 16:13**

RE-DIRECT EXAMINATION
Control of proceedings, limitations, **§ 16:12**

REENACTMENTS
Expert witnesses, **§ 13:33**

REGULATIONS
Judicial notice, state, **§ 4:8**

RELEVANCY
Generally, **§§ 3:1 et seq., 8:1 et seq.**
Absence of mistake or accident, other act relevant to show, **§ 7:7**
All, but only, relevant evidence rule, **§ 3:2**
Cases holding other acts inadmissible for any purpose, **§ 7:12**
Child molestation cases, prior offenses in, **§§ 7:18, 7:19**
Defendant's participation in criminal gang activity, **§ 7:20**
Exceptions, **§§ 8:3, 8:4**
Exclusion for unfair prejudice, **§ 3:1 et seq.**
Expert witnesses, **§ 13:11**
Gang activity, **§ 7:21**
Georgia Rule 403, unfair prejudice under, **§ 3:3**
Habit of person, **§ 8:2**
Healthcare providers, statements as admissions, **§ 8:8**
Identity, other act relevant to show, **§ 7:11**
Intent, other act relevant to show, **§ 7:5**
Knowledge, other act relevant to show, **§ 7:6**
Liability insurance evidence, **§ 8:7**
Mediation, **§ 8:4**

RELEVANCY—Cont'd
Medical expense payment offers, **§ 8:5**
Motive, other act relevant to show, **§ 7:4**
Offers of compromise, **§ 8:4**
Opportunity, showing of, **§ 7:8**
Other act evidence, **§ 7:3**
Other crimes, wrongs, or acts
generally, **§ 7:1 et seq.**
absence of mistake or accident, showing of, **§ 7:7**
cases holding the acts inadmissible for any purpose, **§ 7:12**
child molestation cases, prior offenses in, **§ 7:18**
gang activity, **§ 7:21**
identity, showing of, **§ 7:11**
intent, showing of, **§ 7:5**
knowledge, showing of, **§ 7:6**
motive, showing of, **§ 7:4**
opportunity, showing of, **§ 7:8**
other act evidence, **§ 7:3**
past sexual behavior of victim, sex offense cases, **§ 7:16**
plan, showing of, **§ 7:10**
preparation, showing of, **§ 7:9**
preponderance of evidence defendant committed, **§ 7:14**
prior offenses in child molestation cases, **§§ 7:18, 7:19**
prior offenses in sexual assault cases, **§ 7:17**
Rule 403, balancing under, **§ 7:13**
sex offense or molestation cases, specific other act rules applicable to certain, **§ 7:15**
sexual assault cases, prior offenses in, **§§ 7:17, 7:19**
sufficiency of one purpose for, **§ 7:3**
Past sexual behavior of victim, sex offense cases, **§ 7:16**
Plan, other act relevant to show, **§ 7:10**
Preparation, other act relevant to show, **§ 7:9**
Preponderance of evidence defendant committed, **§ 7:14**

RELEVANCY—Cont'd
Prior offenses in child molestation cases, **§§ 7:18, 7:19**
Prior offenses in sexual assault cases, **§ 7:17**
Remedial measures, exceptions, **§ 8:3**
Routing practice of organization, **§ 8:2**
Rule 403, balancing under, **§ 7:13**
Sex offense or molestation cases, specific other act rules applicable to certain, **§ 7:15**
Sexual assault cases, prior offenses in, **§§ 7:17, 7:19**
Sufficiency of one purpose for, **§ 7:3**

RELIGION
Clergy privilege, **§ 12:11**

REMEDIAL MEASURES EVIDENCE
Relevancy, **§ 8:3**

REPORTS
See Hearsay, this index

RES GESTAE
Replaced, **§ 9:16**

RESIDUAL HEARSAY EXCEPTION
Generally, **§ 9:38**

RULE 403
Balancing under, **§ 7:13**

RULE 404(B)
Generally, **§ 7:2 et seq.**

RULES OF EVIDENCE
Generally, **§§ 1:1 to 1:3**
Broad applicability with narrow exceptions, **§ 1:2**
Interpretation of, **§ 1:3**
Introduction, **§ 1:1**

SANITY
Criminal cases, proof of insanity, **§ 15:14**
Expert witnesses, **§ 13:4**
Mental health. See Mental Competency, this index

SCIENTIFIC EVIDENCE
Documentary and Demonstrative Evidence, this index
Expert Witnesses, this index
Learned treatises, hearsay rules, **§ 9:29**
Relevancy, this index

SCREENING FUNCTION
Trial court, **§ 16:4**

SEARCH AND SEIZURE LAW
Generally, **§ 11:13 et seq.**
Automobile searches, **§ 11:18**
Cell phone information, **§ 11:17**
Eidence obtained by private individuals not excluded, **§ 11:15**
Exceptions to warrant requirement
consent to search, **§ 11:22**
exigent circumstances, **§ 11:23**
generally, **§§ 11:21 to 11:24**
search-incident-to-arrest, **§ 11:24**
Exclusionary rule, **§ 11:13 et seq.**
Independent source, **§ 11:26**
Inevitable discovery, **§ 11:25**
Warrant required for electronic surveillance or wiretapping, **§ 11:14**
Warrantless searches, **§ 11:16**
generally, **§§ 11:16 to 11:20**
homes, **§ 11:19**
schools, **§ 11:20**

SECRETS OF STATE PRIVILEGES
Generally, **§ 12:12**

SELF-AUTHENTICATING
Authentication and identification of documents
documents or records, **§ 10:3**

SELF-INCRIMINATION PRIVILEGE
Generally, **§ 11:2 et seq.**
Accused's privilege not to be a witness against himself, **§ 11:5**
Four aspects, **§ 11:4**
Impeachment, unlawfully obtained statement used for, **§ 11:10**
Incriminating facts, privilege of witness not to testify to, **§ 11:9**

SELF-INCRIMINATION PRIVILEGE—Cont'd
Non-testimonial actions, **§ 11:8**
Personal nature of constitutional privileges, **§ 11:3**
Silent, privilege to remain, **§ 11:7**
Unlawfully obtained statement used to impeach, **§ 11:10**
Waiver of right, **§ 11:11**

SEQUESTRATION OF WITNESSES
Generally, **§ 16:7**

SEX OFFENSES
Relevancy of other crimes, wrongs, or acts, **§ 7:16**

SEXUAL ABUSE
Hearsay rules, prior statements of sexual abuse victims, children, **§ 9:7**

SEXUAL ASSAULT CASES
Relevancy of other crimes, wrongs, or acts, **§§ 7:17, 7:19**

SILENCE
Privilege of the accused to remain silent, **§ 11:7**

SIMILAR TRANSACTIONS
Relevancy, this index

SPOLIATION
Preservation of Evidence and Avoidance of Spoliation, this index

SPOUSES
Competency as witnesses, **§ 5:6**
Pedigree and family history, hearsay rules, **§ 9:25**
Privileges, spousal
generally, **§ 12:5**
compelling, **§ 12:3**

STANDARDS OF CARE
Subjects of expert testimony, **§ 13:7**

STATE MATTERS PRIVILEGE
Generally, **§ 12:12**

STATUTORY PRIVILEGES
Generally, **§§ 12:1 to 12:15**

STATUTORY PRIVILEGES —Cont'd
For detailed treatment see Privileges, this index

SUFFICIENCY OF EVIDENCE
Weight and Sufficiency of Evidence, this index

SUMMARY JUDGMENT
Generally, **§ 14:1**
Expert witnesses, **§ 13:30**

TAMPERING WITH EVIDENCE
For detailed treatment see Preservation of Evidence and Avoidance of Spoliation, this index

TESTIMONY
Admission and Exclusion of Evidence, this index
Affirmative or negative defense, **§ 15:11**
Burdens and presumptions
negative or affirmative defense, **§ 15:11**
party's own testimony, **§ 15:7**
positive or affirmative defense, **§ 15:11**
Cross-examination of expert witnesses, **§ 13:32**
Expert
generally, **§ 13:1**
for detailed treatment see Expert Witnesses, this index
Hearsay rules, previous judicial proceeding testimony, **§ 9:35**
Hypothetical questions, **§ 13:31**
Insanity, expert witnesses, **§ 13:4**
Market value, subjects of expert testimony, **§ 13:3**
Medical malpractice, subjects of expert testimony, **§ 13:13**
Physical conditions, subjects of expert testimony, **§ 13:5**
Previous judicial proceeding testimony, hearsay rules, **§ 9:35**
generally, **§ 9:35**
Privileges, this index
Standards of care, subjects of expert testimony, **§ 13:7**

TESTIMONY—Cont'd
Truthfulness, subjects of expert testimony, **§ 13:8**
Value, market, subjects of expert testimony, **§ 13:3**
Vehicle speed, subjects of expert testimony, **§ 13:6**

TESTIMONY OR WRITTEN ADMISSION
Authentication and identification of documents
proof of content, voluminous writings, recordings, or photographs, **§ 10:12**

TRIALS
Admission of evidence
for detailed treatment see Admission and Exclusion of Evidence, this index
Examination of Witnesses, this index
Exclusion of evidence. Admission and Exclusion of Evidence, this index
Judicial notice of evidence elicited in judicial proceedings, **§ 4:11**
Objections, this index
Privileges, this index
Production of Documentary Evidence, this index
Subpoenas, this index
Testimony, this index
Witnesses, this index

TRUTHFULNESS
Subjects of expert testimony, **§ 13:8**

UNCONTROVERTED EVIDENCE
Burdens and presumptions, **§ 15:8**

UNIFORM ELECTRONIC TRANSACTIONS ACT
Authentication and identification of documents, **§ 10:14**

VALUE
Market value, subjects of expert testimony, **§ 13:3**

VEHICLE SPEED
Subjects of expert testimony, **§ 13:6**

VETERINARIAN-PATIENT PRIVILEGE
Generally, **§ 12:9**

WARRANTS
Searches without warrants, **§ 11:16**

WIFE AND HUSBAND
See Spouses, this index

WITNESSES
Admissions by Witnesses, this index
Children
competency, **§ 5:3**
sexual abuse victims' prior statements, hearsay rules, **§ 9:7**
Competency rules
generally, **§ 5:1 et seq.**
children, **§ 5:3**
criminal defendant, **§ 5:5**
mental capacity, **§ 5:2**
physical capacity, **§ 5:4**
scope of lay witness testimony, lay opinion testimony, **§ 5:7**
spouse, **§ 5:6**
ultimate issue testimony, **§ 5:7**
Criminal defendants, competency, **§ 5:5**
Examination of witnesses. See Examination, this index
Experts
generally, **§ 13:1**
for detailed treatment see Expert Witnesses, this index
General rule of competency, **§ 5:1**
Hearsay rules, prior statements
child sexual abuse victims, **§ 9:7**
Impeachment
self-incrimination privilege, unlawfully obtained statement used for, **§ 11:10**
Judge as witness, preclusion from testifying, **§ 16:22**
Juror as witness, preclusion from testifying, **§ 16:22**
Mental competency, **§ 5:2**
Number of witnesses, burdens and presumptions, **§ 15:6**
Physical capacity and competency, **§ 5:4**

WITNESSES—Cont'd
Prior statements, hearsay rules
generally, **§ 9:6**
child sexual abuse victims, **§ 9:7**
identifying person, statements of, **§ 9:8**
Privileges, this index
Qualification of expert witnesses, **§§ 13:12, 13:13**
Spouses, this index
Subpoenas, this index

WITNESSES—Cont'd
Testimony, this index
Ultimate issue testimony, competency rules, **§ 5:7**
examples, **§ 5:7**

WRITINGS
Documentary and Demonstrative Evidence, this index

WRONGFUL PROCUREMENT
Hearsay, exception, **§ 9:34**