

Index

A

Abandoned property, 124
Absence, 231
Accountant-client privilege, 266
Accusatorial system, 62
Adjudicative facts, 86
Administrative justification exceptions, 149–54
Admissions by conduct, 75, 226, 227–28
Admissions by party-opponent, 226
Admissions by silence, 227
Adoptive admissions, 226–27
Adversarial system, 62, 213, 215
Affirmations, 183
Affirmative defenses, 46
Aguilar-Spinelli test, 100
Alabama Rules of Criminal Procedure, 103
Alford plea, 45–46
Alibis, 72
American legal system, 9. *See also* Laws and legal processes
Ames, Aldrich, 103
Ancient documents, 239, 283
Anticipatory search warrants, 102
Appeals, 61–62
Appellate courts, 34–35, 38
Arizona v. Evans, 119
Arizona v. Fulminate, 170
Arraignments, 45
Arrest inventories, 149
Arthur Anderson LLP, 42
Assertion-centered statements, 225
Assertions to contrary, 198
Attenuation exception, 115–16, 117
Attorney-client privilege, 246–50
Authentication, 283, 286
Automobile searches, 138–44
Automobiles, 81–82, 96
Autrefois acquit, 159
Autrefois convict, 159

B

Bad acts, 80
Baden, Michael, 207, 208
Baldwin, Jason, 71–72, 169, 211
Ballistics evidence, 298

Bankruptcy court, 35
Battered child syndrome, 80
Battered woman syndrome, 80
Bell, Larry Gene, 291
Best evidence rule, 280–82, 322
Beyond a reasonable doubt, 94–95
Bias, 197, 322
Bill of Rights, 11–21, 214
Billington, John, 7
Binion, Ted, 208
Biological evidence, 278
Blood alcohol testing, 173–74
Booking, 45
Brady rule/material, 52
Branch Davidian compound, 103
Briefs, 62
“Bright-line rule,” 164
Brinegar v. United States, 94
Brown v. Mississippi, 171, 172
Brucia, Carla, 280
Bruton Rule violations, 171
Bryant, Kobe, 79–80
Business records, 237, 282
Business searches, 150–51

C

California Evidence Code, 232, 236, 248
Capacity, mental or sensory, 197
Carroll v. United States, 94
Carruth, Rae, 74–75, 228, 233, 321
Case-in-chief, 57
Case law, 8, 163–65
Cassaday, Jerry, 313
Chain of custody, 275–79
Character evidence, 78–80
Character of witnesses, 198
Chavez v. Martinez, 162
Checkpoints, 151–52
Chemical evidence, 278
Child exception to spousal privilege, 252
Child molestation, 80
Child pornography, 312–15
Child Pornography Protection Act (1996), 312
Child witnesses, 85, 183–84, 185–87
Circuit courts, 34–35
Circumstantial admissions, 227–28

- Circumstantial evidence
 - vs. direct evidence, 69–70
 - DNA as, 298
 - guilty actions, 73–75
 - guilty mind, 75–81
 - and inferences, 82–83
 - means, motive, opportunity as, 70–73
 - uses of, 81–82
- Civil law, 7, 8
- Classified Information Procedures Act (CIPA), 264
- Clergy-communicant privilege, 258–60
- Clifford, Nathan, 18–19
- Closed container searches, 142–43
- Closing arguments, 59
- Co-conspirator rule, 228–29
- Code of Hammurabi, 3, 5–6, 192
- Code of Virginia, 254, 260
- Coe, Frederick “Kevin,” 187–88
- Coe, Gordon, 187–88
- Coe, Mrs., 188
- Coleman, Roger Keith, 176
- Collins, John Norman, 75–76
- Common authority, 148
- Common law, 7–9, 246
- Communications, privileged. *See* Privileged communications
- Competency, 183–85, 217, 273
- Compulsory process, 190
- Compulsory statements, 161, 162
- Compulsory testimony, 55
- Computer animations, 328
- Computer crimes, 303, 309, 315–16
- Computer evidence, 316–17. *See also* Cyber evidence
- Computer forensics, 292, 315
- Computer Fraud and Abuse Act (1986), 310
- Computer-generated evidence, 327–29
- Computer-related crimes, 309
- Computer simulations, 328
- Concealment, 73–74
- Conclusive presumptions, 84
- Confessions. *See also* Self-incrimination
 - of co-conspirators/co-defendants, 170–71
 - and Fifth Amendment, 159–62, 173–76
 - vs. incriminating statements, 166
 - and law enforcement practices, 171–72
 - summary, 176–78
- Confidentiality, 246

- Confrontation Clause, 17, 170–71
- Consent, 145–47
- Consent searches, 144–49, 317–18
- Contemporaneous objection rule, 58, 217
- Contempt of court, 190
- Corpus delecti* rule, 174
- Corpus Juris Civilis*, 8
- Corroborating evidence, 218–19
- Costello, Frank, 165
- Court of Appeals for the Federal Circuit, U.S., 34
- Court of Federal Claims, U.S., 33, 34
- Court of International Trade, U.S., 33, 34
- Court of last resort, 36, 38
- Courts, state, 37–38
- Coyle, Joey, 74
- Crime scene photographs, 279
- Crime scene sketches, 330
- Criminal complaints, 44–45
- Criminal justice process
 - motions, 50–53
 - pleas and plea bargaining, 45–50
 - posttrial motions and appeals, 61–62
 - preliminary hearings and grand juries, 53
 - pretrial proceedings, 44–53
 - trials, 53–61
- Cross-examination, 58, 189–90, 214–15
- Cruel and unusual punishment, 18–20
- Curtilage, 125–26
- Cyber evidence
 - and consent, 317–18
 - and First Amendment, 312–15
 - and Fourth Amendment, 315
 - legislative issues, 309–12
 - and particularity, 315–16
 - physicality of, 308–9
 - and plain view, 318
 - and warrantless entry, 318–19
 - and warrantless searches, 316–17
- Cybercrime, 303–9. *See also* Cyber evidence
- Cybercriminals, 306–8

D

- “Dangerous patient” exception, 255–56
- Daubert* standard, 210, 287, 292, 293–94, 316
- Davis, T. Cullen, 67, 69
- Death penalty, 19