

Index of Subjects

(References are to section numbers)

A

Accomplices

- admissions against penal interest, 8.15
- arrest reports, obtaining, 8.19(a)(2)
- caution, client speaking with, 3.19(c)
- co-respondents. *See* Co-respondents
- corroboration requirements, 35.04
- cross-examination, 31.03
- discovery, statements of accomplices, 9.07(c)
- interviewing, 8.15
- juveniles charged jointly with respondent.
 - See* Co-respondents
 - Napue* rule, 31.03
- witnesses
 - generally, 18.10(b), 33.23
 - defense, 10.12, 33.23
 - prosecution, 8.11, 8.15, 10.12, 35.04

ACD. *See* Diversion

Acquittal

- collateral estoppel rule, 17.08(f)
- double jeopardy consequences, 17.08
- expungement motions following, 37.03
- motions for. *See* Acquittal motions
- prior acquittals, references to at Initial Hearing, 4.20
- reprosecution following, 17.08(c)

Acquittal motions

- generally, 32.01-32.03, 35.01-35.07
- bench trial, 32.01
- bills of particulars, demurrers to, 9.07(a)
- burden of proof and, 32.01, 35.01, 35.03, 35.05
- closing argument consolidated with, 35.01
- corroboration requirements, 35.04
- granting in part, 32.03, 36.01
- holding open, 32.02
- jury trial, 32.01, 32.03, 36.01
- inferences, permissive, 35.06(a), (f)
- presumptions, 35.06(b)-(f)
- renewed motions, 35.01, 36.01
- reserving ruling on, 32.02
- standards governing, 32.01, 35.03
- statute of limitations as grounds, 17.07
- timing of, generally, 32.01, 35.01, 36.01
- variance as grounds, 9.07(a), 35.07
- written submission, 35.02

Acting out events. *See* Reenactments

Adjournment

- court hearing, of. *See* Continuances
- dismissal, in contemplation of. *See* Diversion

Adjudications

- defense witnesses, prior juvenile

- adjudications of, 30.07(d)
- impeachment with prior juvenile adjudications, 30.07(b)-(d)
- prosecution witnesses, prior juvenile adjudications of, 30.07(c)
- reprosecution after setting aside, 17.08(d)
- respondents, prior juvenile adjudications of, 30.07(b)
- setting aside, 17.08(d)
- transcript. *See* Transcription of proceedings

Adjournment in Contemplation of Dismissal. *See* Diversion

Admissions

- adoptive admissions, 24.23
- guilt, admission of. *See* Confessions; Guilty pleas
- plea colloquy, admission of guilt, 14.22(a), 14.23(b), 14.26(c)
- tacit admissions, 3.19(b), 24.23

Admission to program or facility before dispositional hearing, 38.14

Adoptive admissions, generally, 24.23

Adult court suppression doctrines, generally, 24.02

Adult court, transfer or waiver to

- generally, 2.01(d), 13.01-13.19
- adjudicatory hearing in juvenile court and, 13.17
- advantages, generally, 13.01
- appeal of decision, 13.19
- burden and standard of proof, 13.12
- consequences of, 13.02, 13.06(a)
- contracting for therapeutic treatment, 13.15
- counsel, right to, 13.04, 13.18
- criteria, 13.11
- cross-examination at hearing, 13.05(a)
- defense evidence presented at hearing, 13.05(b)
- defense investigations, 13.03
- double jeopardy, 13.17
- evidentiary rules, 13.16
- expert witnesses, 13.06
- fingerprint records, 13.02
- governmental interest, 13.06(b)
- hearing, rights at, 13.04, 13.05, 13.18
- hearsay, 13.16
- inconsistent statements later used, 13.14
- indigent clients, 13.06
- investigation, preparatory, 13.01-13.02
- judge's discretion, 13.04
- mental health experts, 13.14
- minimum age, 13.01, 13.13
- Miranda* rights, 13.14
- negotiations with prosecutor, 13.03

- notice of transfer hearings, 13.07
 - parents' help in transfer hearings, 13.08
 - photographic records, 13.02
 - places of confinement, 13.01, 13.02
 - plea negotiations, 13.03
 - police reports, 13.08
 - preparation for transfer hearings, 13.02, 13.03, 13.07, 13.08
 - pretrial detention considerations, 13.02
 - private interest of the juvenile, 13.06(a)
 - probability of conviction, 13.02
 - probation officer's report, 13.08
 - prosecutorial discretion, 13.01, 13.03, 13.04
 - record of hearing, 13.10
 - recusal of trial judge who presided over hearing, 20.05
 - reliability of decision-making process, 13.06(c)
 - school performance, 13.08
 - sentencing, 13.01, 13.02
 - social history reports, 13.08
 - specific serious crimes requiring, 13.01, 13.04, 13.13
 - statement of juvenile, 13.16
 - statement of reasons, generally, 13.18
 - stipulations, 13.13
 - strategy for transfer hearing, generally, 13.13
 - suppressible evidence, admissibility, 13.16
 - testimony of respondent, 13.14
 - waiver of transfer hearing, generally, 13.09
- Adults**
- co-perpetrators with juveniles. *See* Accomplices
 - prisons for adults. *See* Prisons and jails
 - prosecution as adults. *See* Adult court, transfer or waiver to
- Adult prisons.** *See* Prisons and jails
- Advancing date of pretrial hearing or trial,** 15.01
- Adverse witnesses**
- accomplices as, 8.11, 8.15, 10.12
 - adult co-perpetrators as, 8.11, 8.15
 - alternatives to signed statement, in interviewing, 8.12(d), 8.14
 - arrest as material witness, 10.02
 - colleague accompanying counsel to interview, 8.12(b), 8.14
 - co-respondents as, 8.11, 8.15
 - hostile witnesses. *See* Hostile witnesses
 - impeachment of. *See* Impeachment of witnesses
 - instructed to refuse to talk with defense, 8.11, 8.13
 - interviewing, 8.11, 8.12
 - note-taking during interview, 8.11, 8.12
 - oral ratification of statement contents, 8.12(d), 8.14
 - order requiring to speak with defense, 9.07(d)
 - perjured testimony. *See* Perjury and falsehoods
 - police officers as, 8.11, 8.14
 - rapport-building, 8.12(c), 8.13
 - technique for taking written statements, 8.12(c)
- Affidavits**
- bias, judicial, 20.06
 - continuances, defense, 15.02
 - evidentiary hearings compared, 7.07
 - motions practice, generally, 7.06, 7.07
 - probable cause for arrest, establishing, 3.03, 8.19(b)(2), 23.07
 - probable-cause hearings, 4.01, 4.07(b), 4.22, 4.28
 - search warrants, 8.19(b)(2), 23.17
 - subpoenas, service of, 10.06
 - warrants, supporting requests for
 - arrest warrants, 3.03, 8.19(b)(2), 23.07
 - search warrants, 8.19(b)(2), 23.17
- Affirmations, motions practice,** 7.06
- Affirmative defenses**
- generally, 35.05
- Aftercare.** *See* Probation and parole
- Age requirements**
- adult court transfers, 13.01, 13.13
 - crime, time of, 17.04(b)
 - infancy defense. *See* Infancy defense
 - juvenile court jurisdiction, generally, 17.04
 - petition, time of filing, 17.04(a), (b)
- Alcohol and drugs**
- client's use
 - interviewing client, 4.07(a), 5.13
 - pretrial detention basis, 4.19, 4.21(b)(4)
 - probation revocation basis, 39.04
 - treatment programs for alcohol abuse, arranging, 38.14
 - community-based treatment programs, 38.03(a)
 - detention hearings, 4.07(a), 4.19
 - intoxication
 - affirmative defense, intoxication as, 35.05
 - voluntariness, effect on. *See* voluntariness, intoxication affecting, *infra*
 - Miranda* rights waivers and, 24.10(a)
 - pretrial detention, based on, 4.19, 4.21(b)(4)
 - probation revocation, based on, 39.04
 - sobriety tests at roadblocks and checkpoints, 23.29
 - voluntariness, intoxication affecting *Miranda* waivers, 24.10(a)
 - statement of respondent, 24.05(c)
- Alford guilty pleas,** 14.22(a)
- Alibi defense**
- generally, 33.22, 35.05

deadline for announcing, 4.14
 investigation, 8.03
 prosecution's discovery rights, 9.11, 9.12
 supporting documents, obtaining, 8.19(c)(7)
 witnesses, 8.03, 33.22
 Alibi witnesses, 8.03, 33.22
 Answers. *See* Petitions
 Apartment complexes, searches in multi-family, 23.15(c)
 Appeal and review
 generally, 2.01(h), 39.02(a)
 advising client about appeal, 38.28, 39.02
 bench trials, requesting specific findings in,
 35.08
 collateral review
 generally, 39.03(a), (b)
 guilty plea, procedural errors, 14.31
 counsel, right to, 39.02(b)
 dispositional hearings, 38.28
 guilty pleas, generally, 14.10, 14.30–14.31
 hearing officer's findings, judge's review of,
 17.08(h)
 indigents, 39.02(b)
 interlocutory review
 defense, review sought by, 7.03(a),
 26.01, 26.02
 motions practice and, 7.03(a), 26.01
 prerogative writs, 26.01, 26.02
 pretrial rulings, 26.01, 26.02
 prosecution, review sought by, 22.07
 motions practice and interlocutory review,
 7.03(a), 26.01
 new trial. *See* New trial, motions for prerogative
 writs, interlocutory review, 26.01, 26.02
 procedures, generally, 38.28, 39.02(c)
 release pending appeal, 39.02(c)
 right to appeal, generally, 39.02(a)
 speed required, 39.02(c)
 suppression hearings, 22.07
 Supreme Court review, 39.02(a), 39.03(a)
 trial transcript, 39.02(b), (c)
 waiving rights to appeal, guilty plea, 14.10
 Appearance ticket, 3.10
 Appointment of counsel. *See* Counsel, right to
 Arraignment
 generally, 4.12–4.14
 counsel, attachment of right to, 4.03, 24.13(a)
 deadlines for motions, setting, 4.14
 entry of plea, generally, 4.13
 initial hearing, at, 4.03
 speedy trial right, 15.04(c)
 Arrest
 generally, 3.03, 23.04–23.14
 booking
 documents generated by, obtaining,
 8.19(a)(11)
 police procedures, generally, 3.08
 clothing at time of, 5.07, 8.19(a)(4)
 communication rights following, 3.06
 constitutional standards
 arrest entry of premises, 23.19
 bases for arrest
 arrest without warrant,
 standards for, 23.07, 23.11
 police officers, information
 from, 23.31
 third-party information,
 23.31–23.32
 warrant, standards for obtaining,
 23.07
 definition of arrest, 23.04(d),
 23.06
 detention pending arraignment
 police decision, 3.10
 procedures for detained respondents,
 3.11
 diagrams of scene of, 8.19(c)(2)
 entry of premises for purpose of making, 23.19
 fingerprinting
 expungement of records, 3.09, 37.03,
 39.08
 police procedures, 3.09
 suppression of exemplars as fruits of
 illegal arrest, 23.37(e)
 flight from police, 23.11(b)
 gestures, furtive, 23.11(c)
 high crime neighborhoods, 23.11(a)
 identification
 exhibition following illegal arrest, 25.07
 police procedures, 3.05, 25.01
 suppression as fruit of illegal arrest,
 23.37, 25.07
 informant's tip, 23.11(d), 23.32
 information learned from police officers, 23.31
 interrogation
 electronic recording, 26.14
 police procedures, generally, 3.05, 3.08
 protecting client against, 3.17; 3.19(b),
 (f); 3.20; 3.22; 3.23; 5.10
 purpose for arrest, as, 23.06(d)
 material witnesses, arrest of, 10.02
 parent of respondent, requirements as to
 notification or presence, 3.06, 24.14
 photographs, 8.19(a)(4), (c)(1), 10.14(b)
 expungement, 3.09, 37.03, 39.08
 obtaining photographs, 8.19(a)(4)
 police photography procedures, 3.09
 physical examinations, 23.14
 police practices following, generally, 3.04 *et*

- seq.*
- police encounters as arrests, 23.04–23.14
- postarrest actions by attorney, 3.17
- postarrest custodial procedure, 23.14
- pretext for warrantless search, 23.07, 23.08(a)
- probable cause, 23.07
- procedures followed, generally, 3.03–3.11, 23.14
- refusal to listen to police or answer, 23.11(b)
- reports. *See* Arrest reports
- restraint, length of, 23.06(a)
- search incident to, 23.07, 23.08, 23.26
- strategy in categorizing encounter as, 23.05
- suppression of evidence
 - fingerprint exemplars, 23.37
 - identifications, 23.37, 25.07
 - motions for, 23.04–23.14
 - physical evidence seized incident to arrest, 23.07, 23.08, 23.26
 - statements. *See* interrogation, *supra*
- suppression of statements
 - delay following arrest, statements
 - obtained during unnecessary, 4.25, 24.15
 - fruits of illegal arrest, as, 24.18, 23.37
- Terry* stop distinguished, 23.04–23.06
- transportation from location of stop, 23.06(b)
- warrantless. *See* Arrest without warrant
- warrants. *See* Arrest warrants
- wrong individual arrested, 23.07
- Arrest reports
 - expungement, 37.03
 - obtaining, 8.19(a)(2)
 - police procedures, preparation, 3.08
- Arrest warrants, generally, 3.03, 23.07
 - defense obtaining, 8.19(b)(2), 23.07
 - police entry of premises pursuant to, 23.19
 - probable cause, 23.07
- Arrest without warrant
 - generally, 23.07
 - probable cause, 3.03, 23.07
 - search, pretext for warrantless, 23.07, 23.08(a)
 - “wanted” clients, 3.30
- Artifice, statements obtained by, 24.04(d)
- Artists’ renderings. *See* Diagrams or sketches
- Assault and battery
 - mutual assault complainant,
 - cross-examination of, 31.07
- Attachment, subpoenaed witnesses, 10.07
- Attire. *See* Clothing of respondents
- Attorney’s work product. *See* Work product doctrine
- Attorney-client privilege
 - applicability before appointment, 3.29, 4.06
 - client interview, explanation during, 5.04(d), 5.11
 - conversations with “wanted” clients, 3.29
 - expert consultants, assuring coverage of, 12.09, 38.09
 - explanation to respondent, 4.07(c), 5.04(d)
 - explanation to parent or respondent, 5.11
 - pre-hearing interviews, 4.06, 4.07(c)
- Attorney-client relationship, 2.03
- Audiotapes. *See* Tapes and tape recording
- Automobile stops, searches, and impoundments
 - generally, 23.23–23.30
 - border searches, 23.29, 23.30
 - containers, search or seizure of, 23.08(b), 23.24–23.26
 - drivers, search incident to arrest, 23.08(b), 23.26
 - evidentiary searches, 23.24
 - frisk, circumstances justifying, 23.10, 23.27
 - impounding vehicles, 23.24, 23.25
 - inventory searches, 23.08(c), 23.25
 - license checks at roadblocks and checkpoints, 23.29
 - Miranda* rights, 23.06(c), 24.08(a)
 - plain view doctrine, 23.22(b)
 - possessory interest, 23.23
 - search incident to arrest of driver or occupants, 23.08(b), 23.26
 - sobriety tests, 23.29
 - standing to challenge search or seizure, 23.23
 - Terry* stops, 23.27
 - traffic stops, generally, 23.28–23.29
 - Vehicle Identification Number (VIN) inspections, 23.23
 - warrant requirement exception, 23.24
- Autopsy reports, 8.19(a)(7)
- B**
- Bail
 - generally, 4.15, 4.27
 - alternative to pretrial detention, as, 4.21(e)
 - arguments for low bail, 4.27(a)–(d)
 - assisting those posting, 4.27(f)
 - availability, generally, 4.15
 - bond providers, 4.27(d), (f)
 - cash bond, 4.27(d)
 - custody orders and, 4.26, 4.27(e)
 - excessive, 4.15, 4.27(c)
 - extradition orders and, 4.27(e)
 - financial resources of family, 4.27(a)
 - “hold orders” and, 4.27(e)
 - indigent clients, 4.27(c)
 - information needed (from client and parent/guardian, 4.27(a)
 - parent/guardian arrangements, 3.21
 - preventive detention and, 4.15, 4.27(b)
 - procedure for posting, generally, 4.27(f)

- real property bond, 4.27(d)
- risk of flight, 4.27(a), (b)
- setting bail, standards for, 4.27(a), (b)
- stationhouse bail, 3.20, 3.30
- surety bond, 4.27(d)
- “wanted” clients, 3.29, 3.30, 3.32
- Ballistics, reports, 8.19(a)(7)
- Bargaining, plea *See* Guilty pleas
- “Bare bones” affidavits for search warrants, 23.17(a)
- Battery. *See* Assault and battery
- Bench trials
 - acquittal motions, 32.01, 35.01, 35.03
 - Bruton* rule, 18.10(a), (d)
 - closing arguments, 35.01–35.02
 - defense strategies and techniques, 27.04(b)
 - described, 27.04(a)
 - dismissal in, 17.08(c)
 - election of, 21.02(a), (b)
 - evidentiary issues, procedures for litigating, 30.02(a)(1)
 - findings of fact and conclusions of law, request for, 35.08
 - jeopardy, attachment of, 17.08(b)(1)
 - mistrial motions, 34.11(b)
 - new trial, errors requiring, 37.02(a)
 - opening statements, 29.03(b)
 - physical restraints used during, 27.01
 - preliminary conference, 27.10
 - prior knowledge of the case, judge having, 20.05
 - recusal of judge, 20.04–20.07
 - reprosecution following acquittal, 17.08(c)
 - severance of respondents, 18.10(a), (d)
 - transcript, 27.09
- Bench warrants
 - material witness procedures, 10.02
 - subpoenaed witnesses who fail to appear, 10.07
- Best interests of the child, 2.03
- Bills in equity, 4.31(e)
- Bills of particulars, 9.07(a), 17.03(c)
- Binoculars and flashlights, automobile searches, stops, and impoundments, 23.16
- Blood tests
 - postarrest physical examinations, 23.14
 - sex offenses, 8.19(a)(7), 31.06
 - serology experts, 8.19(a)(7), 31.06
- Blotter notations, police, 3.04, 8.19(a)(11)
- Body searches and extractions, 23.12, 23.14
- Bond providers, 4.27(d), (f)
- Booking
 - arrest. *See* Arrest
 - officer in charge of, 3.14
 - procedures, generally, 3.04, 3.08
 - reports, 8.19(a)(11)
- Border searches, 23.29, 23.30
- Buildings, entry or search of. *See* Searches and seizures
- Briefs and memoranda
 - “Brief bank,” 6.06
 - closing argument, 35.02
 - novel defense, 35.02
 - sentencing memorandum, 38.16(a), (b); 38.25
- “Brief bank,” 6.06
- Brutality of police. *See* Police brutality
- Bruton* rule, 18.10(a), (d)
- Burden of going forward
 - affirmative defenses, respondent’s burden as to, 35.05
 - presumptions, burden-shifting, 35.06(c)
 - suppression hearings, 22.03(d)
- Burden of proof
 - affirmative defenses, 35.05
 - beyond a reasonable doubt, 14.04(a), 35.03, 35.06(f), 36.12
 - closing arguments. *See* Closing arguments
 - insanity defense, 35.05
 - jury instructions, 36.03, 36.04, 36.06
 - presumptions, burden shifting, 35.06(d)
 - probation revocation hearings, 39.04
 - searches and seizures, prosecutorial burden to disprove taint, 23.38
 - suppression hearings, 22.03(d), 23.38
- Buy reports, drug cases, 3.08, 8.19(a)(7)
- C**
- Capacity, mental. *See* Competency or capacity
- Case planning and preparation, generally, 6.01–6.07
 - defense theory of the case
 - developing, 6.01, 6.02, 6.02(c)
 - role of narrative theory in developing and using defense theory, 6.06
 - types of defense theories
 - refuting prosecution’s assertion that crime was committed, 6.02(a)
 - refuting prosecution’s assertion that defendant was perpetrator, 6.02(b)
 - using to guide investigation, 6.02(d), 6.03
 - using to guide motions practice, 6.04
 - using to guide sentencing preparation, 6.05
 - using to guide trial preparation, 6.02(d)
 - ensuring adequate preparation despite caseload pressures, 6.01
 - narrative theory
 - nature of narrative, 6.06(a), 6.06(c)
 - role in case planning, 6.06
 - special features in jury-trial setting, 6.06(d)
 - structure and process of narrative, 6.06(c)
 - uses of narrative in litigation, 6.06(b)
 - time management, 6.07
- Cash bond, 4.27(d)

“Cat out of the bag” doctrine, 24.19
 Cellmates, caution against speaking with, 3.19(c)
 Certification for trial as adult. *See* Adult court, transfer
 or waiver to
Certiorari, 39.02(a), 39.03(a)
 Change of venue. *See* Venue, change of
 Character evidence
 generally, 33.17–33.21
 choice of witnesses, 33.19
 dispositional hearings, 38.22
 expert character evidence, 33.21
 form of examination of witnesses, 33.18
 good character, issue of, 33.17
 preparation of witnesses, 33.20
 prior record and, 33.17, 33.20
 qualifications of witnesses, 33.18
 rebuttal, proof of bad character in. 30.07(a), (b);
 33.08; 33.17
 reputation for truth and veracity, respondent’s,
 33.06
 Charge to jury. *See* Jury trials
 Charges against respondent
 arraignment, notification of charges, 4.12
 dismissal. *See* Dismissal
 joinder and severance of counts. *See* Joinder and
 severance
 papers charging respondent. *See* Petitions
 Charging papers. *See* Petitions
 Checklist, client interview, 5.13
 Checkpoints, automobile stops, 23.29
 Child interviews. *See* Client interviews
 Child witnesses
 competency, 30.05
 cross-examination of, 31.08
 impeachment with prior adjudications of
 delinquency, 30.07(b)-(d)
 Civil commitment
 incompetency finding, following, 12.18,
 12.19(a)
 insanity, following acquittal on grounds of,
 12.23
 Civilian clothing, right to be tried in, 27.01
 Clerks, court. *See* Court clerks
 Client interviews
 generally, 5.01–5.13
 attorney-client privilege explained, 4.06,
 4.07(c), 5.04(d), 5.11
 bail hearings, information for, 4.27(a)
 business card given to client, 5.04(c)
 checklist, 5.13
 conditions of client’s confinement, 5.09
 conditions of interview, 4.06
 continuances to allow, 4.06
 decision-making responsibilities explained,
 5.04(e)
 detention hearing, information needed for,
 4.07(a)
 developing relationship with client
 generally, 5.03–5.05
 dry run of cross-examination, 5.12
 effective assistance of counsel, ground for
 requesting time to interview client, 4.06
 facts of the offense discussed, 5.06, 5.07
 fee-setting, 5.11
 full-scale interview, 5.01
 initial hearing
 first meeting on day of, 4.05–4.07, 5.01
 information needed for, 4.07
 initial interview at police station, 3.22, 5.01
 introductory phase, 5.03
 mentally ill or intellectually disabled client,
 12.01
 model interview, 5.13
 note-taking during, 5.05
 parents and guardians
 presence or absence, 5.03(a), (b)
 further discussion with, 5.11
 pre-detention interviews, 4.08
 police brutality, about, 5.09
 police station as site of, 3.22
 pre-detention hearing interviews, 5.08
 prehearing interviews
 attorney-client privilege, 4.06, 4.07(c)
 complainants, 4.07(b)
 continuances to allow, 4.06
 detention hearing, information needed
 for, 4.07(a)
 effective assistance of counsel, ground
 for requesting time
 to interview client, 4.06
 information needed from client, 4.07
 opportunity to conduct, 4.06
 parents/guardians, 4.08
 probable-cause hearing, information
 needed for, 4.07(b)
 preparation for, 5.02
 probable-cause hearing, 4.07(b)
 relationship
 developing. *See* developing relationship
 during, *supra*
 established during interviews, 5.04(a),
 (b)
 release of records and information form, 5.11
 roles of attorney and client explained, 5.04(e)
 social history discussed, 5.08
 subsequent interviews, 5.12
 suppression motion, facts needed for, 5.07
 telephone conversations. *See* Telephone calls

Client's testimony. *See* Respondents

Closed containers, searches or seizures, 23.08(b), 23.15(d), 23.24–23.26

Closing arguments

- acquittal motion consolidated with, 35.01
- affirmative defenses, 35.05
- bench trials, 35.01–35.02
- burden of proof
 - generally, 35.02–35.05, 36.12
 - affirmative defenses, 35.05
 - prosecutor's burden, 35.03-35.04; 35.06(c), (f); 36.12
- corroboration requirements, use of, 35.04
- defense arguments, 36.12
- interruptions, 36.11
- jury trials, 36.10-36.12
- legal arguments in, 36.12
- memoranda, 35.02
- missing witness inference, use of, 35.02
- objections to, 36.11
- order of closing, 35.01, 36.10
- presumptions and inferences, 35.02, 35.06
- prosecutor's closing, generally, 36.11
- rebuttal and surrebuttal arguments, 36.10, 36.12
- unsubstantiated allegations by prosecutor, 36.12

Closure of courtroom proceedings, 27.08

Clothing

- perpetrator's clothing, descriptions of, 8.19(a)
- respondent's. *See* Clothing of respondents
- witness's clothing, advice on, 10.09(b)

Clothing of respondents

- alibi witness testimony, 33.22
- arrest, at time of, 5.07, 8.19(a)(4)
- civilian clothing, right to be tried in, 27.01
- crime, at time of
 - alibi witness testimony, 33.22
 - fabric analysis, police report on, 8.19(a)(7)
 - interviewing client about, 5.07
- fabric analysis, police reports on, 8.19(a)(7)
- plea hearings, at, 14.23(d)
- trial, during, 10.11, 27.01, 27.05(b)

Co-defendants. *See* Adult co-perpetrators; Co-respondents

Coercion, suppression of statements, 24.03–24.06

Collateral estoppel

- generally, 17.08(f)
- double jeopardy. *See* Double jeopardy
- postconviction proceedings, in, 39.03(a)

Collateral review. *See* Appeal and review

Commissioners. *See* Judges

Commitment. *See* Placement

Common law doctrines, suppression of statements, 24.16

Community mental health centers, 12.03

Community-based programs

- admission prior to dispositional hearing, 38.14
- dispositional hearings, witnesses in, 38.11
- dispositional option, 38.03(a), (c)
- dispositions
 - admission prior to dispositional hearing, 38.14
 - ordered as part of, 38.03
 - success in program as argument, 12.07, 38.14
- group homes, 38.03(c)
- locating prior to dispositional hearing, 38.14
- negotiations with prosecutor, suggesting
 - programs in, 12.05, 14.16
- ordered as part of disposition, 38.03
- prehearing interviews, 4.07(a)
- probation revocation proceedings, strategy, 39.04
- substance abuse programs, 39.04
- success in program as argument, 12.07, 38.14

Competency or capacity

- diminished capacity defense, 12.06, 33.21
- examinations. *See* Mental health
- Incompetency. *See* Incompetency to stand trial
- infancy defense, 17.04(b)
- insanity. *See* Insanity defense
- sanity. *See* Insanity defense; Mental health
- trial, competence to stand. *See* Incompetency to stand trial
- voir dire*, competency of witnesses, 30.05
- witnesses, generally, 30.05

Complainant

- anomalies in behavior of, 6.02(c)
- character of, discussions with prosecutor using, 9.06
- child, 31.08
- cross-examination of. *See* Cross-examination of witnesses
- defense theories, fabrication or mistake, 6.02(a)
- fabrication or mistake, testimony as, 6.02(a)
- identification testimony. *See* Identification evidence
- injury to, described in police report, 8.19(a)(7)
- medical examination of, court ordered, 9.07(d)
- medical records of, obtaining, 8.19(a)(1), (c)(6)
- perjured testimony. *See* Perjury and falsehoods
- prior unfounded complaints, 9.06
- probable-cause hearing, 4.07(b), 4.30
- psychiatric examination of, court ordered, 9.07(d)
- refusal to speak with defense, 8.13, 9.07(d)

Complaint reports, 3.08, 8.03, 8.19(a)(1)

Composites of suspect, 8.19(a)(9), 9.07(c)

Compulsory process

constitutional right, 9.09(b)(4)
 co-respondent as witness, 18.10(b)
 discovery, 9.09(b)(4), (b)(7)
 right to present a defense, 9.09(b)(4), 33.04
 subpoenas. *See* Subpoenas
 unfair balance of advantage favoring
 prosecution, 9.09(b)(7)

Conditional discharge, 37.01, 38.03(c)

Confessions

- adult court suppression doctrines, applicability of, 24.02
- Bruton* doctrine, 18.10(a), (d); 30.06
- “cat out of the bag” doctrine, 24.19
- corpus delicti* principle, 24.20
- co-respondent’s, admissibility of, 18.10(a), (d); 30.06
- corroboration requirement, 35.04
- delay following arrest, statements taken during, 4.25, 24.15
- discovery and investigation, 8.19(a)(6), 9.07(c)
- eavesdropping on conversation between respondent and counsel, 24.17
- fabrication by police, 6.02(b)
- Fourth Amendment violations, fruits of, 23.37, 24.18
- fruits of prior constitutional violations, 23.37, 24.18, 24.19
- illegal detention, made during, 24.15, 24.18
- impeachment of respondent with, 24.22, 33.06, 33.09(a)
- interlocking, 18.10(a)
- interviewing clients about, 5.07, 5.09, 5.13
- involuntary statements
 - generally, 24.03–24.06
 - burdens of production and persuasion, 22.03(d)
 - characteristics of respondent relevant to, 24.05
 - coercion by police, 24.04
 - common law doctrine of involuntariness, 24.16
 - private citizens, statements coerced by, 24.06, 24.16
 - school officials, statements coerced by, 24.06
 - standard for assessing voluntariness, 24.03
- joint trials, 18.08; 18.10(a), (d); 30.06
- mentally ill or intellectually disabled

respondents,

- 12.04, 24.05(b)
- Miranda* doctrine
 - generally, 3.06, 3.19(f), 24.07–24.12
 - applicability, 24.08
- assertions of *Miranda* rights, 24.11
- burdens of production and persuasion, 22.03(d)
- custodial interrogation, as precondition for, 24.08
- custody, definition of, 23.04(e), 24.08(a)
- interrogation, definition of, 24.08(b)
- juvenile’s ability to comprehend warnings, 24.10(b)
- knowing and intelligent waiver, 24.10(b)
- language used in warnings, 24.09
- mental health examinations, 12.15(a), 13.14, 38.07
- private citizens, interrogation by, 24.12
- public safety exception, 24.07
- school officials, interrogation by, 24.12
- transfer to adult court, warning regarding, 24.09
- silence, assertions of right to, 24.11(b)
- voluntariness of waiver, 24.10(a)
- waivers of rights, 24.10, 24.11

parent’s presence during interrogation

- constitutional requirements, 24.14(a)
- statutory requirements, 3.06, 24.14(b)

prosecutorial proof of *corpus delicti* prior to using, 24.20

protecting arrested client against interrogation, 3.05; 3.08; 3.17; 3.19(b), (f); 3.20; 3.22; 3.23; 5.10

right to counsel, violations of

- generally, 24.13
- critical stage, definition of, 24.13(a)
- deliberately elicited, definition of, 24.13(b)
- Massiah* doctrine, 24.13
- waivers of right to counsel, 24.13(c)

statutory requirements for interrogation of juveniles, 3.06, 24.14(b), 24.15

suppression hearings, techniques. *See* Suppression hearings

suppression of

- generally, 24.01–24.19
- adult court suppression doctrines, applicability of, 24.02
- burdens of production and persuasion, 22.03(d)
- “cat out of the bag” doctrine, 24.19
- delay following arrest, statements taken during, 4.25, 24.15
- eavesdropping on conversation between respondent and counsel, 24.17
- Fourth Amendment violations, fruits of, 23.37, 24.18

- fruits of prior constitutional violations, 23.37, 24.18, 24.19
- involuntary statements. *See* involuntary statements, *supra*
- Massiah* doctrine. *See* right to counsel, violations of, *supra*
- Miranda* doctrine. *See* *Miranda* doctrine, *supra*
- parental presence, violations of right to, 24.14
- right to counsel, violations of. *See* right to counsel, violations of, *supra*
- use of statements at trial
 - circumstances under which statement was made, defense right to show, 24.21
 - corroboration requirement, 35.04
 - corpus delicti* principle, 24.20
 - impeachment of respondent with pre- or post-arrest silence, 24.23, 33.06, 33.09(a)
 - impeachment of respondent with suppressed statement, 24.22, 33.06, 33.09(a)
 - trustworthiness, defense theories for challenging, 6.02(b), 24.21
- Confidentiality
 - juvenile records, 14.07, 30.07(c), 37.03, 39.08
 - privileged conversations. *See* Privileges
 - probation intake process, 3.27
 - probation interviews, 3.27, 38.06
- Confinement
 - post-adjudication. *See* Placement
 - pre-adjudication. *See* Detention
- Conflicts of interest, 4.04, 10.12
- Confrontation clause
 - co-respondent's confession, 18.10(a), 30.06
 - cross-examination of witnesses, 31.01(a), 31.13
 - discovery process and, 9.09(b)(3)
 - hearsay rules and, 30.04
 - respondent's presence at trial, 27.01
 - right to present a defense, 33.04
- Consent
 - rape cases, 31.06
 - warrantless searches, 3.05, 12.04, 23.18
- Consolidation. *See* Joinder and severance
- Containers, searches and seizures, 23.08(b), 23.15(d), 23.24–23.26
- Contemporaneous objection rules
 - generally, 34.01–34.03
 - closing arguments, 36.11
 - motions arguments, 16.03
- Continuances
 - arraignment, 4.12
 - defense continuances, generally, 15.02
 - dispositional hearing, 38.15
 - ex parte* proffer in support of motion when witness fails to appear, 10.07
 - initial hearing, 4.06, 4.38
 - mistrial motion in place of, 34.11(a)
 - motions, 15.02
 - parent absent from arraignment, 4.12
 - parent's failure to attend trial, 27.03
 - preparation for initial hearing, to allow, 4.06
 - pretrial hearings, generally, 15.02
 - probable-cause hearing, 4.38
 - prosecution's motion, on, 15.03–15.04, 22.03(a)
 - right to counsel as ground for, 4.03, 4.06, 4.38, 9.09(b)(1), 15.02
 - suppression hearing, 22.03(a), 22.06
 - unavailability of witness, 10.07, 15.02
 - variance between proof at trial and petition or bill of particulars, 9.07(a), 35.07
- Convictions. *See* Adjudications; Impeachment
- Co-perpetrators
 - adult co-perpetrators. *See* Accomplices
 - juvenile co-perpetrators jointly charged with respondent. *See* Co-respondents
 - not jointly charged with respondent. *See* Accomplices
- Coram nobis*, writs of, 39.03(a)
- Co-respondents
 - admissibility of statements implicating respondent, 18.10(a), (d); 30.06
 - admissions against penal interest, 8.15
 - adverse witnesses, as, 8.11, 8.15, 31.03
 - arrest reports for, obtaining, 8.19(a)(2)
 - caution to client against speaking with, 3.19(c)
 - consolidation motions, 18.11
 - corroboration requirements, 30.06, 35.04
 - defense witnesses, as, 10.12, 18.10(b), 33.23
 - investigative interview of, 8.15
 - joinder of. *See* Joinder and severance
 - plea bargain requiring information or testimony against, 14.18, 14.25
 - refuting testimony by, 6.02(b)
 - severance of. *See* Joinder and severance state's evidence, turned, 31.03
 - testimony of, 18.10(b), 30.06, 31.03, 33.23, 35.04
- Corpus delicti* principle, 24.20
- Corroboration
 - accomplice's testimony, 30.06, 35.04
 - confession of respondent, 35.04
 - jury instructions, 36.04
- Costs. *See* Fees and costs
- Counsel, right to
 - generally, 4.03, 9.09(b)(1)

adult court transfer or waiver hearings, 13.04, 13.18
 appeal, indigents' rights on, 39.02(b)
 appointment of counsel, 4.04
 assertion of right, client in custody, 3.17; 3.19(b), (d), (f); 3.20; 5.10; 24.11(c)
 attachment, generally, 4.03, 24.13(a)
 confessions, 24.07–24.13
 conflicts of interest, 4.04, 10.12
 consultations with attorney during trial, 10.10, 27.02
 continuances and, 4.06, 4.38, 15.02
 detention hearings, 4.03
 discovery rights and, 4.10, 9.09(b)(1)
 dispositional hearings, 38.02
 dispositions. *See* Dispositions
 effective assistance of counsel, 9.09(b)(1), 15.02
Escobedo doctrine, 24.13(a)
 identification procedures, 3.19(d), 3.20, 3.22, 5.10, 25.06
 initial hearing, 4.03; 4.04; 4.31(b), (e)
 lineups, 3.19(d), 3.20, 3.22, 5.10, 25.06
Massiah doctrine, 24.13
Miranda doctrine, 3.06, 3.19(f), 24.07–24.12
 preparation time, adequate, 4.06, 4.14, 4.38, 9.09(b)(1), 15.02
 probable-cause hearings, 4.03, 4.31(b), (c)
 probation intake process, attorney's role, 3.26–3.28
 probation revocation hearings, 39.04
 scheduling of trial and, 4.14
 show-ups, 25.06
 trial, 9.09(b)(1), 10.10, 27.02
 trial date and, 14.14
 waiver
 Massiah doctrine, 24.13
 Miranda doctrine, 24.07–24.12
 pro se representation, 4.05
 Counseling services
 client interviews, information sought, 4.07(a)
 dispositions in. *See* Community-based programs
 prehearing interviews, information sought, 4.07(a)
 Counts. *See* Joinder and severance; Petitions
 Court clerks
 court file, preparation of official, 3.12
 records of client, prior, 4.10
 Court commissioners. *See* Judges
 Court liaison officers. *See* Probation and parole officers
 Court witnesses, generally, 33.25
 Crime proceeds, seizure of, 14.07
 Crime scene. *See* Scene of the crime
 Criminal intent. *See* Intent
 Cross-examination of witnesses
 generally, 31.01–31.12
 accomplices turned state's evidence, 31.03
 adult court transfer or waiver hearings, 13.05(a)
 avoiding common pitfalls of, 31.01(d)
 bias against respondent, 31.03
 child complainant or witness, 31.08
 confrontation clause, 31.01(a), 31.13
 cumulative testimony, 31.13
 deciding whether to cross-examine, 31.01(b)
 defense witnesses, preparation of
 generally, 10.09(d)
 alibi witnesses, 33.22
 character witnesses, 33.20
 expert witnesses, 33.16
 respondent, 5.12, 10.10
 expert witnesses. *See* Experts
 framing cross questions, 31.01(c)
 goals of, 31.01(b)
 hostile witnesses, 31.13
 identification of stolen items, 31.04
 identification witnesses, 31.05
 impeachment. *See* Impeachment
 leading questions, 31.01(d)
 limiting or curtailing, 4.33, 31.01(a)
 mutual assault complainant, 31.07
 Napue violation, 31.03
 opening the door to redirect, 31.01(a)
 police witnesses, 31.02
 preparing for expert cross-examination, 31.09
 probable-cause hearings, 4.28, 4.31(e), 4.32, 4.33
 prosecution witnesses, generally, 31.01–31.12
 rape complainant, 31.06
 respondent
 preparing respondents for, 5.12, 10.10
 scope, allowable, 33.06, 33.09(a)
 sexual offense complainant, 31.06
 suppression hearings, 22.02, 22.03(e), 22.04
 theft complainants, 31.04
 Curfew
 pretrial detention and, 4.07(a), 4.08, 4.11, 4.19, 4.21(b)(3)
 probation orders regarding, 38.03(c)
 Curtilage of home, searches, 23.15(c)
 Custody
 evidence, chain of custody, 8.18
 interrogation, custodial. *See* *Miranda* rights
 Custody of respondent
 bail, custody orders and, 4.26, (a)(1), (a)(2); 4.27(e)
 Miranda doctrine, custodial interrogation, 3.06, 3.19(f), 23.04(e), 24.08(a)
 postarrest custodial treatment, 3.03–3.12, 23.14
 pretrial detention, selecting level, 4.21(e), 4.24

release to custody of parent or guardian, 3.10, 3.11, 3.21
state agency administering juvenile placement facilities, transfer to, 38.03(c)
telephone calls, clients in police custody, 3.13–3.21, 3.23

D

Dangerousness

civil commitment, basis for, 12.18-12.19, 12.23
incompetency to stand trial and, 12.18-12.19
insanity acquittal and, 12.23
mental health examination ordered, 12.11
pretrial detention, basis for, 3.10, 3.11, 3.24, 4.17, 4.21(b)-(d), 4.26(a)(1)

Dates. *See* Time and date

Daubert test for admissibility of expert testimony, 33.11

Day-of-trial continuance requests, 15.02

Deadlines. *See* Time and date

Defendant. *See* Respondent

Defenders, public, coping with caseloads of, 6.06

Defense investigation. *See* Investigation

Defense motions. *See* Motions practice

Defenses

affirmative. *See* Affirmative defenses
alibi. *See* Alibi defense
diminished capacity, 12.06, 33.21
incompetency to stand trial. *See* Incompetency to stand trial
infancy, 17.04(b)
insanity. *See* Insanity defense
intoxication, 35.05
misidentification, 31.05, 31.06
novel defense, memorandum on, 35.02
self-defense. *See* Self-defense
sex offenses, 31.06

Defense theory of the case. *See* Theory of the case

Definitions. *See* Words and phrases

Demand rule, speedy trial right, 15.04(c)

Demurrers

evidence, to. *See* Acquittal motions

Denial of charges, arraignment, 4.13

Depositions

defense witnesses' testimony, 10.02
prosecution witness' deposition, 9.07(e)

Derivative evidence principle, 23.37, 24.18

Desk officers, police, 3.14

Desks searched by school officials, 23.35

Destruction of evidence, motions for sanctions, 9.09(b)(6), (7)

Detention

adult jails and lock-ups, 4.18
arraignment, pending
generally, 3.10-3.12
arrest. *See* Arrest

detention facility officials' decision, 3.11, 3.21, 3.24

police discretion, 3.10, 3.19(b)

social factors, 3.10, 3.12, 3.24, 3.28

arrest. *See* Arrest

bail. *See* Bail

disposition, pending, 37.01

facilities

abuse of respondent in, remedies, 5.09
adult jails and lockups, 4.18
detention decisions by facility officials, 3.11, 3.24

home detention, 4.18, 4.21(e)

inappropriateness of for respondent, as reason for release, 4.21(d)(2)

non-secure detention, 4.18

private group homes, 4.21(e)

records of, obtaining, 8.19(a)(11), 9.07(c)

secure detention, 4.17, 4.18

shelter houses, 4.18, 4.21(e)

guilty pleas and, 14.06(c)(3), 14.11

hearings. *See* Detention hearings

lockups, pretrial detention in, 4.18

order, 4.24

plea hearing followed by delayed disposition, 14.26(d)

pretrial. *See* trial, pending, *infra*

prosecutorial agreement to support release, 14.06(c)(3)

reduced detention status pending disposition, 37.01

secure detention facilities, 4.17, 4.18

speedy trial rights, effect of detention on, 15.04(a), (b)

suppression of statements. *See* Confessions trial, pending

generally, 4.15-4.27

alternatives, 4.21(e)

appearance for court hearings, custody orders resulting from non-appearance, 4.26(a)(2)

bail. *See* Bail

changes in child's life removing need for, 4.21(d)(1)

community or counseling programs, 4.07(a), 4.21(b)(4)

curfews, 4.19, 4.21(b)(3)

custody orders, 4.26(a)(1), (2)

dangerousness and, 4.17; 4.21(b), (c)

defense arguments for release, generally, 4.21

employment information and, 4.07(a), 4.09, 4.19

- extradition orders, 4.26(b)
 - family members and, 4.07(a), 4.09
 - flight, risk of, 4.17, 4.21(a)
 - frequency, 4.15
 - hearings. *See* Detention hearings
 - immediate and urgent necessity for, 4.17
 - inappropriateness of facilities for
 - respondent, 4.21(d)(2)
 - investigation impeded by, 4.21(d)(3)
 - joinder of charges and, 18.02
 - less restrictive alternatives, 4.17
 - level of custody, selecting, 4.21(e), 4.24
 - likelihood of flight and lack of
 - dangerousness, relationship of
 - standards, 4.07(a), 4.21
 - mitigating facts, 4.07(a)
 - modification when prosecutor delays
 - proceedings, 15.03
 - parens patriae* doctrine and detention in
 - adult facility, 4.18
 - parole or probation officers, 4.07(a),
 - 4.09, 4.11
 - places of detention, 4.18
 - preventive detention, 4.15, 4.27(b)
 - prior record and, 4.07(a), 4.10, 4.16,
 - 4.21(b)(1)
 - probable-cause hearing and, 4.22, 4.29,
 - 4.32
 - probation intake process and, 3.12, 3.26
 - psychological problems, 4.21(b)(4)
 - revocation of probation or parole on
 - prior charge, 4.26(a)(3)
 - scheduling of trial and, 4.14
 - school performance and, 4.07(a), 4.09,
 - 4.19
 - speedy trial rights, effect on, 15.04(a),
 - (b)
 - standards governing, 4.17, 4.21
 - substance abuse and, 4.07(a), 4.19,
 - 4.21(b)(4)
- Detention hearings
- generally, 4.01, 4.19-4.27
 - client interview prior to, 4.07(a), 5.08
 - counsel, right to, 4.03
 - decisive impact of outcome, 4.16
 - defense arguments, 4.21
 - dismissed cases, preventing references to, 4.20
 - mental examination results used at, 12.02
 - parent/guardian interview prior to, 4.08
 - prior record presented at, 4.17, 4.19-4.20,
 - 4.21(b)(1)
 - probable-cause hearings and, 4.22
 - procedure, 4.19
 - prosecutor, consultation with, 4.11
 - record of, 4.17
 - reports presented at, 4.19
 - standards applied at, 4.17, 4.21
- Detention pending arraignment. *See* Detention
- Detention pending trial. *See* Detention
- Diagrams or sketches
- defense diagrams, 8.19(c)(2)
 - discovery motion, 9.07(c)
 - police diagrams and sketches, 8.19(a)(9), 9.07(c)
 - suppression hearing, use of diagram, 22.04(e)
- Diminished capacity defense, 12.06, 33.21
- Direct examination
- accomplices, 33.23
 - alibi witnesses, 33.22
 - character witnesses, 33.18
 - expert witnesses, 33.11-33.15
 - hostile witnesses, 33.25
 - impeaching own witness
 - defense, by, 33.24
 - prosecution, by, 31.14
 - respondent, 33.08
- Directed verdict, 32.01, 35.01, 35.03, 36.01
- motions for. *See* Acquittal motions
- Discovery
- generally, 9.01-9.13
 - adult discovery rules, 9.01, 9.02
 - bill of particulars, 9.07(a)
 - Brady* doctrine, 9.09(a)
 - compulsory process right and, 9.09(b)(4)
 - conferences, 9.06
 - confrontation right and, 9.09(b)(3)
 - constitutional bases for right of, generally, 9.09
 - deadline for filing motions, 4.14
 - defense position, generally, 9.02
 - defensive evidence, right to present and,
 - 9.09(b)(4)
 - depositions. *See* Depositions
 - evidentiary hearings on motion for, 16.01
 - fair notice of charges and, 9.09(b)(2)
 - “fishing expeditions,” 9.05, 9.08
 - FOILs, 9.07(f)
 - formal, 9.01, 9.07-9.13
 - Freedom of Information laws, 9.07(f)
 - generalized motions, 9.07(c)
 - governmental privilege, 9.10(c)
 - in camera* inspection before production,
 - 27.12(c)
 - indigents, 9.09(b)(8)
 - informal, 9.01, 9.03-9.06
 - informer’s privilege, 9.10(a)
 - interrogatories. *See* Interrogatories
 - interview notes or reports, 5.05, 8.10, 9.11,
 - 27.12(b), 33.03
 - items to be produced, generally, 9.07(c)

letters, 9.05
 jurors, records of past, 21.04
 medical or psychiatric examinations, 9.07(d)
 motions, generally, 4.14, 9.07
 order requiring complainant or witness to speak
 with defense, 8.13, 8.14, 9.07(d)
 perjured testimony, prosecutive presentation of,
 9.09(b)(5)
 pre-existing writings, 9.12
 pre-sentence reports, 38.08
 pretrial conference, 27.10
 probable-cause hearings and, 4.29, 4.32-4.34
 prosecutorial, 8.10, 9.11-9.13, 27.12(b)
 prosecutorial suppression of evidence favorable
 to defense, 9.09(b)(6)
 reciprocity, 9.12
 redaction of portions of document, 27.12(c)
 requests for production of documents. *See*
 Production of documents, requests for
 right to counsel and, 9.09(b)(1)
 right to discovery, generally, 9.01, 9.09
 self-incrimination privilege and, 9.12
 specificity of requests, 9.05, 9.08
 statements of respondent, 9.07(c)
 statements of witnesses, 9.07(c); 9.09(a);
 22.03(f); 27.12(a)(1), (b); 33.03
 strategy, generally, 9.04, 9.08
 suppression hearings, used in, 22.02, 22.04(b)
 trial, at, 27.12
 unfair balance of advantage favoring
 prosecution, 9.09(b)(7)
 witness lists, prosecution, 9.07(b)
 work product doctrine, 8.10, 9.10(b), 9.13

Dismissal
 acquittal, motion for. *See* Acquittal motions
 dismissed cases, references to in detention
 hearing, 4.20
 dispositional stage, at, 37.02(e); 38.03(a), (c)
 double jeopardy, 17.08
 failure to charge a crime, 17.03
 furtherance of justice, dismissal in the, 37.02(e)
 grounds, generally, 2.01(d), 17.01-17.08
 interests of justice, dismissal in the, 37.02(e)
 jurisdiction, for lack of. *See* Jurisdiction of court
 justice, dismissal in the interests of, 37.02(e)
 limitations, statute of, 17.07
 motions to dismiss
 generally, 2.01(d), 4.23, 17.01-17.08
 double jeopardy, 17.08
 failure to charge a crime, 17.03
 furtherance of justice, 27.02(e)
 jurisdiction, lack of. *See* Jurisdiction of
 court
 posttrial motions, 37.02(b), (e);
 38.03(a), (c)
 speedy trial, for denial of, 15.04
 venue, lack of, 17.05, 20.02
 want of prosecution, 15.03
 petition. *See* Petitions
 posttrial motions, 37.02(b), (e); 38.03(a), (c)
 probation intake process and, 3.12
 prosecution, by, 4.20
 social reasons, 37.02(e)
 speedy trial, for denial of, 15.04
 venue, lack of, 17.05, 20.02
 want of prosecution, 15.03

Dispositions
 generally, 2.01(g), 38.01-38.29
 adjournment in contemplation of dismissal,
 14.06(b), 38.03(c)
 alternatives to incarceration, finding and
 arranging before dispositional hearing,
 38.14
 adult criminal cases compared with delinquency
 cases, 38.01
 appeal
 advising respondent of right to appeal,
 38.28
 preserving appellate remedies, 38.28,
 39.02(c)
 commitment. *See* placement, *infra*
 community-based alternatives to incarceration,
 finding and arranging before
 dispositional hearing, 38.14
 community-based programs. *See* Community-
 based programs
 conditional discharge, 38.03(c)
 counsel
 role at disposition, 38.02
 role after disposition, 38.29, 39.07
 counseling respondent and parent, 38.05, 38.26-
 38.27
 cumulative sentences, 14.06(a)
 detention. *See* Detention
 dismissal of case, 37.02(e); 38.03(a), (c)
 diversion, 14.06(b), 19.01-19.06, 38.03
 experts
 agency and court, 38.04(a), (b); 38.06-
 38.09; 38.12; 38.21
 defense, 38.09, 38.10, 38.14, 38.22
 educational records, obtaining, 38.08
 educational testing for, 38.04(b)
 exhibits for dispositional hearing, gathering,
 38.08, 38.11
 group home, placement in, 38.03(c)
 guilty pleas, obtaining favorable dispositions by.
 See Guilty pleas
 hearing

character evidence, 38.22
 conducting, techniques for, 38.19, 38.21-38.24, 38.25
 continuances, 38.15
 cross-examining agency witnesses, 38.21
 defense evidence, 38.22
 defense recommendation, presenting, 38.23
 evidentiary hearing, right to, 38.17
 exhibits, 38.11, 38.22
 findings of fact and conclusions of law, 38.24
 hearsay evidence, 38.20
 motion for, 38.17(a)
 nature of, 38.04(c)
 parent of respondent addressing court at, 38.27
 preparing for, 38.06, 38.08, 38.09, 38.11, 38.12, 38.14
 respondent addressing court at, 38.26
 rules of evidence, applicability of, 38.20
 school records, obtaining, 38.08
 scheduling, 37.01, 38.15
 sentencing memorandum, 38.16
 subpoenaing records for, 38.08
 techniques for conducting, 38.19, 38.21-38.25
 timing of, 37.01, 38.15
 waiver of, strategic reasons for, 38.18
 witnesses, 38.11, 38.21-38.22
 incarceration in state-run adult facility, 38.03(c)
 judge's power to order specific program, 38.03(b)
 least restrictive alternative requirement, 38.23
 letters of support, gathering, 38.11
 medical testing, for use in selection of, 38.04(b)
 memorandum in support of particular disposition. *See* sentencing memorandum, *infra*
 mental health examination for, 38.04(b), 38.06-38.07, 38.09
 mental health experts
 court mental health personnel, 38.04(b), 38.06-38.07, 38.12, 38.21
 defense experts, 38.09
 negotiated, 38.13
 parent of respondent
 dispositional hearing, addressing court at, 38.27
 persuading to support least restrictive disposition, 38.05
 placement
 facilities for, 38.03(c)
 modification or termination of, 39.07
 monitoring conditions of confinement, 39.07
 types of placement, 14.06(b), 38.03(c)
 pre-sentence report
 defense counsel's meetings with report writer, 38.06, 38.12
 description of, 14.06(c)(1), 38.04(a)
 meeting with report writer, preparing respondent for, 38.05(a)
 obtaining copy of, 38.08
 preparation of, probation officer's, 38.04
 waiver of, pursuant to guilty plea. *See* Guilty pleas
 prison without walls, 38.03(c)
 probation, 38.03(c)
 probation officers
 cross-examining at dispositional hearing, 38.21
 defense counsel's meeting with, 38.06, 38.12
 negotiating with, 38.13
 preparing respondent for meeting with, 38.05(a)
 pre-sentence report, 38.04(a), 38.08
 role of, 37.01, 38.04(a), 38.19
 probation without verdict, 14.06(b), 38.03(c)
 prosecutor, negotiating with, 38.13
 respondent
 dispositional hearing, addressing court at, 38.26
 explaining dispositional procedures to, 38.05
 mental health examination, preparing for, 38.07
 probation officer, preparing for meeting with, 38.05(a)
 restitution, 38.03(c)
 school records, obtaining, 38.08
 sentences, types of. *See* types of dispositions, *infra*
 sentencing memorandum
 form and content, 38.16(b)
 reasons for submitting, 38.16(a)
 social worker, obtaining assistance from, 38.10
 suspended judgment, 38.03(c)
 timing of dispositional hearing, 37.01, 38.15
 types of disposition
 adjournment in contemplation of dismissal, 14.06(b), 38.03(c)
 conditional discharge, 38.03(c)
 dismissal of case, 37.02(e); 38.03(a), (c)
 diversion, 14.06(b), 19.01-19.06, 38.03

group home, placement in, 38.03(c)
incarceration in state-run adult facility,
38.03(c)
placement. *See* placement, *supra*
prison without walls, 38.03(c)
probation, 38.03(c)
probation without verdict, 14.06(b),
38.03(c)
restitution, 38.03(c)
suspended judgment, 38.03(c)
waiver of dispositional hearing, 38.18

Disqualification of judge. *See* Recusal or disqualification
of judge

Diversion, 14.06(b), 19.01-19.06, 38.03(c)
defense counsel's responsibilities, 19.01
diversion plan, developing and implementing,
19.05
factors to cite in support of diversion
circumstances of crime, 19.03(a)
circumstances of respondent's life,
19.03(b)
guilt and penitence, 19.06
motion for, 19.01
police discretion, 3.07, 3.19(b), 3.20
prior instances of, preventing references to, 4.20
probation intake process and, 3.12, 3.26-3.28
prosecutorial consent, 19.03-19.04
if not required for diversion, 19.03
if required for diversion, 19.04
prosecutor's discretion, invoking in first
instance, 19.02
timing
postconviction, 14.06(b), 19.01-19.06,
38.03(c)
pretrial, 19.01-19.06

Document requests. *See* Production of documents,
requests for

Double jeopardy
generally, 17.08
adult court transfer hearings and, 13.17
attachment of jeopardy, 17.08(b)(1)
collateral estoppel, 17.08(f)
guilty pleas and, 14.12
hearing officer's dismissal, *de novo* trial after,
17.08(b)
judge's review of referee's or hearing officer's
findings, 17.08(b)
mistrials, implications of, 17.08(e), 34.11(d),
36.17
motion to dismiss petition due to, 17.01, 17.08
motions practice and, 7.03(b), 17.08
reprosecution, 17.08(a), (c)-(g)
same offense, defined, 17.08(b)(2)

Dress. *See* Clothing of respondents

Driver license checks, traffic stops, 23.29
Drivers, search incident to arrest, 23.08(b), 23.26
"Dropsie" fact pattern, 23.13
Drugs and drug abuse. *See* Alcohol and drugs

Due process
defensive evidence, right to present, 9.09(b)(4),
33.04
delinquency proceedings, protections, 2.03,
21.01
destruction of evidence by prosecution, 8.13;
9.09(b)(6), (7)
discovery, right of, 9.09
expert assistance, state-paid, 11.03(a)
indigents, 4.31(d), 8.04, 11.03(a)
notice of charges, fair, 4.12, 9.09(b)(2)
prosecutor's instructions to witness not to talk to
defense, 8.13
speedy trial, 15.04(b)
unfair balance of advantage, 9.09(b)(7)

Duress, burden of proof, 35.05

Dwellings. *See* Homes and housing; Searches and
seizures

E

Eavesdropping, suppression of statements, 24.17

Education. *See* Schools

Effective assistance of counsel. *See* Counsel, right to

Electronic surveillance
generally, 23.02(c), 23.16, 24.17, 24.18
attorney-client conversations, 24.17
federal statutory regulation, 23.02(c), 24.17,
24.18
Fourth Amendment violations, 23.02(c), 23.16,
24.17, 24.18
Massiah doctrine, 24.13

Employers and employees
character witnesses, employers as, 33.19
interviewing prior to detention hearing, 4.07(a),
4.09
time clock cards, obtaining, for alibi defense,
8.19(c)(7)

Equal Protection
bail, excessive, 4.27(c)
counsel, court-appointed, 4.03, 39.02(b)
discovery, right of, 9.09(b)(8)
experts, state funding for, 8.04, 11.03(a)
investigators, state funding for, 8.04
jury selection, exclusion of class, 21.03(a)-(b),
28.03(b)
transcripts, public expense, 4.31(d), 4.37,
39.02(b)

Equity, bills in, 4.31(e)

Escobedo doctrine, right to counsel, 24.13(a)

Estoppel. *See* Waiver

Event reports. *See* Complaint reports

Evidence

- adult court rules, 30.01
- bench trials, methods for litigating evidentiary issues, 30.02(a), (a)(1); 34.01-34.11
- burden of going forward. *See* Burden of going forward
- burden of proof. *See* Burden of proof
- chain of custody, 8.18
- character. *See* Character evidence
- co-respondent as witness. *See* Co-respondents
- constitutional right to present defense evidence, 9.09(b)(4), 33.04
- defense acquisition of, 8.01-8.19
- defense evidence
 - deciding whether to present, 33.01
- demonstrative, 10.13, 10.15
- demurrer. *See* Acquittal motions
- derivative evidence, 23.37, 24.18
- destruction by prosecution, 8.13; 9.09(b)(6), (7)
- discovery. *See* Discovery
- dispositional hearings, 38.22
- electronic, 10.13-10.15
- exhibits. *See* Exhibits
- guilty pleas, admissibility of withdrawn or invalid, 14.29(c)
- hearings. *See* Evidentiary hearings
- hearsay. *See* Hearsay
- impeachment. *See* Impeachment
- insufficient evidence
 - generally. *See* Acquittal motions
 - new trial motion on grounds of, 37.02, 37.02(d)
- jury trials, methods for litigating evidentiary issues, 30.02(a), (a)(2); 34.01-34.11
- motions *in limine*, 7.03(c), 30.02(a), 34.04
- newly discovered, 37.02, 37.02(c)
- objections to. *See* Objections
- other crimes evidence, 30.07
- perishable evidence, preserving, 8.03, 8.16
- prejudicial impact of, 30.03
- preliminary questions of fact bearing upon admissibility, 30.02(a)(2)
- preservation of evidence, 8.03, 8.18
- prima facie* evidence, 28.03(b), 35.06(d)
- probable-cause hearings, 4.31(c), 4.36
- probative-prejudice balance, 30.03
- proffers, 34.10
- real
 - authentication, 10.14(c)
 - photographs of, 10.14(b)
 - preparing and presenting, 10.13-10.14
 - preservation of, 8.16-8.19
 - tests on, 8.18
- relevancy, 30.03

- scientific testing of. *See* Scientific tests
- search and seizure issues. *See* Searches and seizures
- stipulations, 30.02(b)
- suppression of evidence
 - defense motions for. *See* Confessions; Identification evidence; Searches and seizures
 - prosecutor, by, 8.13; 9.09(b)(6), (7)
- tainted evidence. *See* Searches and seizure
- transfer hearings, 13.05(b), 13.16
- verdict against the weight of. 37.02(d)
- witnesses. *See* Witnesses

Evidentiary hearings

- generally, 16.01, 22.01-22.07
- discovery motions. *See* Discovery
- motions practice. *See* Motions practice
- probable-cause hearings. *See* Probable-cause hearings
- prosecutor not ready to proceed. 15.03
- severance motions, 16.01
- suppression hearings. *See* Suppression hearings

Examinations

- mental. *See* Mental health
- physical. *See* Physical examinations
- witnesses. *See* Cross-examination; Direct examination; Objections; Witnesses

Exclusion of evidence. *See* Confessions; Identification evidence; Searches and seizures

Exhibit file, 27.06

Exhibits

- dispositions, use in, 38.11, 38.16(b), 38.22, 38.25
- file of, 27.06
- gathering exhibits, preparation, 8.19, 38.11
- real evidence, preserving, 8.18
- sending out for jury deliberations, 36.14
- sentencing memoranda, attachments, 38.16(b)
- trial preparation, 8.18, 8.19, 27.06

Experts

- adult court transfer hearings, 13.06
- attorney-client privilege, assuring coverage of expert consultants by, 12.09, 38.09
- character evidence, 33.21
- consultant to defense, 11.01(b), 11.04(a), 12.08(b)
- cross-examination
 - generally, 31.09, 33.16, 38.21
 - defense experts, preparing, 11.04(b), 12.08-12.10, 33.16
 - hypothetical questions, 31.09, 38.21
 - prosecution experts
 - dispositional hearing, at, 38.21
 - trial, at, 31.09

defense experts, 11.01-11.04, 33.11-33.16, 38.22-38.23
 disposition
 conducting dispositional hearing
 defense expert, presenting, 38.22, 38.23
 prosecution expert, cross-examining, 38.21
 preparing for disposition
 court mental health experts, meeting with, 38.06, 38.12
 defense mental health expert, retaining, 38.09
 preparing client for mental health examination, 38.07
 draft reports. *See* reports, *infra*
 functions in delinquency case, 11.01(b), 12.08
 hypothetical questions
 cross-examination of prosecution expert, 31.09, 38.21
 direct examination of defense expert, 33.14
 indigents, state funding for experts
 procedures for obtaining, 11.03(b), 12.09, 13.06
 right to, 11.03(a), 13.06, 38.09
 mental health. *See* Mental health experts
 oral reports by. *See* reports, *infra*
 order of defense witnesses, 33.02(a)
 preparing the defense case with, 11.04(a)
 preparing to testify, 11.04(b), 33.16
 presenting direct examination, 33.13
 prosecution experts, 31.09
 psychiatrists and psychologists. *See* Mental health experts
 qualification, 33.12(a), 33.12(b)
 reports by, 11.04(b), 33.15
 court mental health experts, obtaining
 reports for disposition, 38.08
 defense experts
 draft reports, 11.04(b), 33.15
 oral reports, 11.04(b)
 written reports, 11.04(b), 33.15
 prosecution experts, obtaining reports by discovery, 9.07(c), 31.09
 reputable texts, use of, in cross-examining, 31.09, 33.16
 rule on witnesses, exemption for, 27.11, 31.09
 selection, generally, 11.02
 state funding for. *See* indigents, state funding for experts, *supra*
 stipulating qualifications, 33.12(b)
 structure of testimony, 33.13
 subpoena of, 10.03
 theory of the defense explained to, 11.04(a)
 types of, generally, 11.01(a)
 written reports. *See* reports, *supra*
 Expungement motions, 37.03, 39.08
 Extradition to another state
 bail and “hold” orders for, 4.27(e)
 pretrial detention and, 4.26(b)
 Eyewitnesses
 cross-examination of, 31.05
 impeachment, sources of materials for, 3.08, 6.02(c); 8.19(a)(1), (a)(5), (c)(3)
 suppression of testimony of. *See* Identification evidence
F
 Fabrication defense, rape cases, 31.06
 Facilities
 adult. *See* Prisons and jails
 juvenile. *See* Detention; Placement
 Fair trial
 defense continuances, 15.02
 prejudicial publicity and, 20.03(b)
 public trial, 27.08
 severance to call co-respondent as witness, 18.10(b)
 speedy trial right and, 15.04(b)
 venue change required for, 20.03(b)
 False statements. *See* Perjury and falsehoods
 Family members. *See* Parents and guardian
 Fees and costs
 counsel fees, setting during client interview, 5.11
 court fees, proceeding without incurring. *See In forma pauperis* proceedings
 Felony cases
 arrest without warrant, 23.07
 disposition, differences between felonies and misdemeanors, 14.06(b), 38.03(c)
 Fields, searches, 23.15(c)
 Findings of fact and conclusions of law
 bench trial, 35.08
 suppression hearing, 22.06
 Fines and forfeitures
 guilty plea, potential penalties, 14.06(a)
 forfeiture statutes, 14.07
 Fingerprints and fingerprinting
 adult court prosecution, consideration in opposing waiver for, 13.02
 arrest, taking after. *See* Arrest
 derivative evidence rule, 23.37
 expungement or sealing of records, 3.09, 37.03, 39.08
 prosecution experts, subpoenaing reports by, 8.19(a)(7)
 police reports, 8.19(a)(7)

- records
 - adult court prosecution, considerations
 - in opposing waiver for, 13.02
 - discovery, police reports, 8.19(a)(7)
 - expungement or sealing, 3.09, 37.03, 39.08
 - police procedures, 3.09
 - suppression as fruits of unlawful
 - detention or arrest, 23.37(e)
- Fire officials, searches by, 23.20
- Flashlights, automobile searches, stops, and impoundments, 23.16
- Flight
 - arrest, stop, or frisk based upon, 23.11(b)
 - bail, factors in setting, 4.27(a), (b)
 - defense witnesses, failure to appear or flight of, 10.02, 10.07
 - risk of, as basis for pretrial detention, 4.17, 4.21(a)
- Force, factor in voluntariness of statements, 24.04(a)
- FOILS, 9.07(f)
- Forfeiture of property. *See* Fines and forfeitures
- Forms
 - confessions, forms and reports for, 8.19(a)(6)
 - instructions to jury, form books, 36.02
 - petitions, short forms, 17.03(b)
 - release of records and information form, 5.11
 - verdict forms, written, 36.18
- Freedom of Information laws, 9.07(f)
- Frisk. *See* Searches and seizures
- Fruits
 - “cat out of the bag” doctrine, 24.19
 - confessions and statements, 23.37(c), 23.38, 23.39, 24.18, 24.19
 - Fourth Amendment violations. *See* Searches and seizures
 - identification evidence, 23.37, 23.38, 25.06, 25.07
- Frye* test for admissibility of expert testimony, 33.11
- Furtherance of justice, dismissal in the, 37.02(e)
- Furtive gestures, as basis for arrest, stop, or search, 23.11(c), 23.34
- Future dangerousness. *See* Dangerousness
- G**
- Gangs. *See* Youth gangs
- Gerstein* proffers, 4.28(a), 8.19(b)(3)
- Gestures, furtive, as basis for arrest, stop, or search, 23.11(c), 23.34
- Good order and peace, character evidence, 33.17
- Governmental action, threats of, as coercing self-incrimination, 24.04(c)
- Governmental privilege, in discovery, 9.10(c)
- Grand jury transcripts, discovery of, 9.07(c)
- Group foster care, 38.03(a)
- Group homes
 - placement in as disposition, 38.03(a), (c)
 - pretrial detention in, 3.11, 4.07(a), 4.17, 4.21(e)
- Guardian *ad litem*
 - appointment, 2.03
- Guardian and ward. *See* Parents and guardians
- Guilty pleas
 - generally, 14.01-14.31
 - adult criminal cases compared, 14.01
 - advantages of. *See* sentencing advantages, *infra*
 - advisability of
 - generally, 14.03-14.12
 - likelihood of winning trial, 14.04
 - potential disadvantages of plea. *See* disadvantages of, *infra*
 - sentencing advantages of plea. *See* sentencing advantages of, *infra*
 - when prosecution has undercharged, 14.12
 - when respondent detained pending trial, 14.11
 - advising client. *See* counseling client, *infra*
 - Alford* pleas, 14.22(a)
 - appeals
 - pre-plea errors, 14.10, 14.30
 - validity of plea, 14.30
 - arraignment, entry at, 4.13
 - client’s control over decision whether to plead guilty, 14.01, 14.12, 14.19, 14.23(a)
 - collateral review, 14.31
 - colloquy, 14.23, 14.26(c)
 - consolidation of charges for, 18.01, 18.02(h), 18.06
 - counseling client
 - generally, 14.19
 - advising client of risk of detention
 - pending disposition, 14.23(c)
 - counseling client about appearance and demeanor at plea hearing, 14.23(d)
 - explaining relative roles of client and counsel, 14.19
 - preparing client for plea colloquy, 14.23
 - record of advice given to client, 14.21
 - unrealistically optimistic clients, 14.22(b)
 - delinquency cases compared with adult criminal cases, 14.01
 - detention
 - pending disposition, 14.23(c), 14.26(d)
 - pending trial, 14.06(c)(3), 14.11, 14.26(d)
 - disadvantages of guilty plea
 - appellate review, limitations upon,

14.10
civil disabilities, 14.07
employment, effects upon, 14.07
forfeiture of property, 14.07
immigration consequences, 14.07
occupational licenses, effects upon,
14.07
predicate for enhanced penalties for
future offenses, 14.07
probation or parole revocation, 14.07
disposition, advantages of. *See* sentencing
advantages of, *infra*
diversion and. *See* sentencing advantages of,
supra
double jeopardy following, 14.12
“innocent” clients and *Alford* pleas, 14.22(a)
negotiations with prosecutor
generally, 14.13-14.18
benefits the prosecutor can confer,
14.06(c), 14.16
conditional plea bargaining, 14.06(c)(2)
conditions precedent of effective
negotiation, 14.16
multiple charges, 18.01; 18.02(g), (h);
18.06
opening discussions with prosecutor,
14.14
plea agreement, drafting, 14.18
preparing for plea negotiations, 14.16
techniques of plea negotiations, 12.05,
14.17
timing of negotiations, 14.15
written plea agreements, 14.18
parent of respondent
discussing plea with, 14.20, 14.21
preparing parent for plea hearing, 14.24
presence at plea hearing, 14.26(a)
role in plea decision, 14.01
plea bargaining. *See* negotiations with
prosecutor, *supra*
plea colloquy, 14.23, 14.26(c)
plea hearing
parties at, 14.26(a)
plea colloquy, 14.26(c)
preparing respondent for. *See*
counseling client, *supra*
putting plea agreement on the record,
14.26(b)
procedures, 14.26
responses of counsel if plea “breaks
down,” 14.27
scheduling of, 14.25, 15.01
pre-sentence report
proceeding to immediate disposition
without, 14.06(c)(1), 14.26(d)
procedure when case adjourned for pre-
sentence report, 14.28
risk that judge will penalize respondent for
opting for trial, 14.05
sentencing advantages
generally, 14.01, 14.05, 14.06(a)-
14.06(c)(4)
advantages, types of, 14.06(b)
analyzing sentencing advantages,
14.06(a)
mechanisms for obtaining, 14.06(c),
14.09
stipulated trial as alternative, 14.10, 30.02(c)
terminology, 14.02
timing of plea, 14.06(c)(3), 14.09, 14.25, 15.01
withdrawal or vacating of plea
invalid guilty plea, motion to vacate,
14.29(b)
prohibitions against evidentiary use of
withdrawn or vacated
plea in subsequent trial,
14.29(c)
valid guilty plea, motion to withdraw, 14.29(a)

Guns
ballistics. *See* Ballistics
unlicensed handgun, inference from possession
of, 35.06(a)

H
Habeas corpus, writs of
generally, 39.03(b)
habeas corpus ad testificandum, writs of, 10.03
police delay in bringing accused to court or
juvenile facility, 3.15
post-adjudication remedy, 39.03
pretrial detention period and, 4.25
Hair, samples, police reports on, 8.19(a)(7)
Handguns, inference from possession of unlicensed,
35.06(a)

Health
mental. *See* Mental health
physical. *See* Physical condition
Hearing officers, findings of and double jeopardy,
17.08(h)

Hearings
adult court transfer hearings. *See* Adult court,
transfer or waiver to
arraignment. *See* Arraignment
detention. *See* Detention
dispositional. *See* Dispositions
evidentiary. *See* Evidentiary hearings
guilty plea hearings. *See* Guilty pleas
initial. *See* Initial hearings
motions hearings, generally, 2.01(e), 16.01-

- 16.07
- preliminary hearings. *See* Probable-cause hearings
- pretrial. *See* Pretrial hearings
- probable-cause. *See* Probable-cause hearings
- suppression of evidence. *See* Suppression hearings
- transcripts. *See* Transcription of proceedings
- Hearsay
 - adult court transfer hearings, 13.16
 - co-conspirator statements, 30.04
 - co-respondent's statements implicating respondent, 30.06
 - Confrontation Clause and, 30.04
 - defined, 30.04
 - dispositional hearings, 38.20
 - prior testimony, 30.04
 - prosecutor's claim of surprise and, 31.14
 - suppression hearings, 22.03(a), (e)
- Hold orders
 - custody orders, 4.26(a)(1), (2); 4.27(e)
 - extradition. *See* Extradition to another state
- Homes and housing
 - detention. *See* Detention
 - group homes. *See* Group homes
 - private facilities. *See* Private residential facilities
 - searches. *See* Searches and seizures
- Honesty, character evidence, 33.17
- Hospital records
 - complainant's records, 8.19(c)(6), 9.07(c)
 - respondent's records, 8.19(c)(5), 9.07(c), 12.03
- Hostile witnesses
 - generally, 33.25
 - probable-cause hearings, 4.34
 - prosecutions tender of witness, 31.13
- Hot pursuit, search without warrant, 23.19, 23.20
- Housing. *See* Homes and housing
- Hypothetical questions, expert witnesses, 31.09, 33.14, 38.21
- I**
- Identification evidence
 - defenses at trial, 6.02(b), 25.08, 31.05
 - identification procedures
 - advising client about, 3.19(d), 5.10
 - counsel's attendance, 3.22
 - lineups, 25.01, 25.03(b)
 - photographic identification procedures, 25.01, 25.03(c)
 - right to counsel at, 3.19(d), 25.06
 - show-ups, 25.01, 25.03(a)
 - identification witnesses
 - cross-examining at trial, 31.05
 - interviewing, 3.22
 - police reports, 8.19(a)(5)
 - suppression of
 - generally, 25.01-25.08
 - due process grounds, 25.02-25.05
 - Fourth Amendment violations, 23.37, 25.07
 - right to counsel, violations of, 25.06
 - Illegally seized property. *See* Searches and seizures
 - Illiterate respondents, suppression of statements, 24.05(b)
 - Illness
 - counsel's or respondent's illness, mistrial motion, 34.11(a)
 - mental illness. *See* Mentally ill or intellectually disabled persons
 - Immigration consequences of delinquency adjudication, 14.07
 - Impeachment
 - court witnesses, 31.13, 33.25
 - hostile witnesses, 31.13, 33.25
 - own witness
 - defense, by, 31.13, 33.24
 - prosecution, by, 31.14
 - prior convictions or prior bad acts, impeachment with
 - generally, 30.07(b)-(d)
 - defense witnesses, 10.01, 10.09(d), 30.07(d)
 - prosecution witnesses, 27.12(a)(2), 30.07(c), 31.11
 - respondents, 30.07(b), 33.06
 - prior inconsistent statements, impeachment with
 - defense witnesses, 4.35, 8.10, 9.13, 10.09(e), 27.12(b), 33.03
 - prosecution witnesses
 - generally, 31.10
 - accomplices, 31.03
 - obtaining prior statements for impeachment, 4.29; 4.32; 4.34; 8.11-8.15; 8.19(a), (b); 9.07(c); 22.02; 22.04(c), (d); 27.12(a)(1)
 - respondent
 - generally, 10.10, 33.06, 33.09(a)
 - counsel's interview notes, 5.05
 - pre- or post-arrest silence, 24.23, 33.06, 33.09(a)
 - suppressed statements, 24.22, 33.06, 33.09(a)
 - reputation for dishonesty
 - impeaching prosecution witness with, 31.12
 - respondent impeached with, 33.06
 - Impoundment of vehicles. *See* Automobile stops,

searches, and impoundments
In forma pauperis. *See* Indigents
 Incapacity, mental. *See* Competency or capacity
 Incarceration
 Post-adjudication. *See* Placement
 pre-adjudication. *See* Detention
 Incident reports. *See* Complaint reports
 Incompetency
 diminished capacity defense, 12.06, 33.21
 infancy defense, 14.04(b), 17.04(b)
 respondent, of. *See* Incompetency to stand trial;
 Infancy defense
 witnesses, of. *See* Child witnesses
 Incompetency to stand trial
 generally, 12.16-12.20
 defense experts. *See* Mental health
 finding of, result of, 12.18
 inadvisability of raising in delinquency case,
 12.19
 mental health examinations, 12.15(a), (b)
 procedures for raising and litigating claim,
 12.04, 12.20
 standard for determining, 12.17
 Inconsistent statements, prior. *See* Impeachment
 Indigents
 bail and, 4.27(c)
 counsel, right to court appointment of
 appeals, 39.02(b)
 initial hearing, 4.03
 procedures for appointing, 4.04
 trial and pretrial proceedings, 4.03
 discovery in cases of, 9.09(b)(8)
 expert witnesses
 procedures for obtaining, 11.01,
 11.03(b), 12.09, 13.06
 right to, 11.03(a), 13.06, 38.09
 investigators, right to state funding for, 8.04
 social workers, right to state funding for, 38.10
 subpoenas *in forma pauperis*, 10.04, 10.05
 transcripts, right to state funds for, 4.31(d), 4.37,
 27.09, 39.02(b)
 Infancy defense, 17.04(b)
 Inferences. *See* Presumptions and inferences
 Informal discovery. *See* Discovery
 Informants. *See* Police; Searches and seizures
 Informer's privilege, 9.10(a)
 Interests of justice, dismissal in the, 37.02(e)
 Initial appearance. *See* initial hearings
 Initial hearings
 generally, 2.01(b), 4.01-4.38
 appointment of counsel, 4.04
 Arraignment, 4.03. 4.12-4.14
 bail, 4.27
 continuances, 4.06, 4.38
 critical stage, *Massiah* doctrine, 24.13(a)
 detention hearings. *See* Detention hearings
 parent/guardian's presence at, 4.12
 pre-hearing interviews. *See* Interviews
 preparation for, 3.25, 4.06-4.11
 pretrial detention. *See* Detention
 probable-cause hearings. *See* Probable-cause
 hearings
 right to counsel, 4.03
 time limit for holding hearing, 4.25
 Initial pleadings. *See* Petitions
 Injured clients
 advice to police regarding, 3.20
 interviewing client about custodial mistreatment,
 5.09
 medical records, 8.19(c)(5)
 telephone conversation with, 3.19(e)
 Innocence, presumption of
 generally, 35.03; 35.06(c), (f)
 acquittal motions and, 32.01-32.02
 bail and, 4.15
 closing argument, 35.02, 36.12
 jury instructions, 36.04, 36.06
 Insanity defense
 generally, 12.21-12.24
 burden of proof, 35.05, 35.06(c)
 deadline for giving notice of, 4.14, 9.11-9.12,
 12.04
 defense experts. *See* Mental health
 inadvisability of raising in delinquency case,
 12.23
 judicial interposition of, 12.24
 presumption of sanity, 35.06(c)
 standard for, 12.22
 Inspections
 automobiles. *See* Automobile stops, searches,
 and impoundments
 searches, generally. *See* Searches and seizures
 Instructions to jury. *See* Jury trials
 Insufficient evidence. *See* Evidence
 Intake process, Probation department, 3.12, 3.26-3.28
 Interlocutory appellate review. *See* Appeal and review
 Interpreters, at trial, for respondent, 27.01
 Interrogation. *See* Arrest; Confessions
 Interrogatories, 9.07(d)
 Interstate Compact, 4.26(b)
 Interviews
 adverse witnesses. *See* Investigation
 client interview. *See* Client interviews
 defense witnesses. *See* Investigation
 investigative interviews of witnesses. *See*
 Investigation
 parent of the respondent
 attorney-client privilege, explaining,

5.11
convincing parent to consent to
 respondent's pretrial release,
 4.08
facts, interviewing about, 5.11
fee-setting, 5.11
initial hearing, before, 4.08
presence during interview of client, 5.03
telephone conversation with parent of
 newly arrested client, 3.13,
 3.17, 3.19(f), 3.21, 3.23
 release of information form, 5.11
Intoxication. *See* Alcohol and drugs
Inventory search
 accused incident to arrest, of, 23.08(c)
 impounded automobile, of, 23.25
Investigation
 generally, 8.01-8.19
 adult court transfer or waiver hearing, for, 13.02,
 13.03, 13.08
 adverse witnesses, investigative interviews of
 generally, 8.11
 adult co-perpetrators, 8.15
 instructed to refuse to talk with defense,
 8.11, 8.13, 8.14, 9.07(d)
 juvenile co-respondents, 8.15
 need for investigator or other observer at
 interview, 8.12(b), 8.14
 police officers, 8.14
 rapport-building, 8.12(c), 8.13
 taking statement from adverse witness,
 8.12, 8.14
 client interview. *See* Client interviews
 defense theory of case, using to guide
 investigation, 6.02-6.03, 8.02
 defense witnesses
 generally, 8.09
 need to avoid taking notes or statements
 in certain jurisdictions, 8.10
 techniques for interviewing, 8.09
 detention, investigative needs as grounds for
 release of respondent from, 4.21(d)(3)
 documents to obtain
 list of documents to obtain, 8.19
 methods for obtaining, 8.17
 timetable for obtaining, 8.16
 guilty pleas
 obtaining information needed to assess,
 14.03-14.12
 preparing for plea bargaining, 14.16
 interviews
 adverse witnesses. *See* adverse
 witnesses, *supra*
 client. *See* Client interviews
 defense witnesses. *See* defense
 witnesses, *supra*
 parent of respondent. *See* Interviews
investigators
 indigents, right to state funding, 8.04,
 11.03
 need for, in interviews of adverse
 witnesses, 8.12(b), 8.14
 public defender offices, arranging
investigative services for, 6.06
 use of, 8.04
jury selection, investigation of prospective
jurors, 21.04
materials to obtain
 list of materials to obtain, 8.19
 methods for obtaining, 8.17-8.18
 timetable for obtaining, 8.16
mentally ill or intellectually disabled
respondents,
 12.03, 12.08-12.10
police reports
 list of reports to obtain, 8.19
 methods for obtaining, 8.17
 timetable for obtaining, 8.16
reenactment of pertinent events, 8.05
real evidence
 generally, 8.18
 chain of custody, 8.18
 methods for obtaining, 8.17-8.18
 procedures for preserving, 8.18
 types of real evidence to obtain, 8.19
scene of crime, inspecting, 8.05
statements, taking from adverse witnesses, 8.12,
8.14
subpoenas
 constitutional and statutory standards,
 10.04-10.05
 duces tecum, 8.17
 indigents, right to process at public
 expense, 10.05
 procedures, 10.03, 10.04, 10.06-10.07
theory of case, using to guide investigation,
6.02, 6.03, 8.02
timetable, 8.03, 8.16
transfer or waiver hearings, investigation to
prepare for, 13.02, 13.03, 13.08
venue change, based on impediments to,
20.03(a)
venue change motion, investigation for hearing
on, 20.03(b)
Involuntary statements. *See* Confessions
J
Jails. *See* Prisons and jails
Jeopardy, prior. *See* Double jeopardy

Joinder and severance

- charges or counts
 - generally, 18.01-18.06
 - consolidation, motions for, 18.06
 - deciding whether to oppose joinder of counts, 18.02
 - misjoinder, motions to challenge, 18.03-18.04
 - severance, motions for, 18.05
- evidentiary hearing on severance motion, 16.01
- respondents
 - generally, 18.07-18.11
 - Bruton* doctrine, 18.08(a), 18.10(a)
 - consolidation, motions for, 18.11
 - deciding whether to oppose joint trial, 18.08
 - misjoinder, motions to challenge, 18.09
 - severance, motions for, 18.10

Joint trials, opening statements, 29.03(c)

Judges

- bench trial. *See* Bench trials
- improper conduct, objections to, 34.09
- recusal. *See* Recusal or disqualification of judge
- selection of judge to take guilty plea, 14.06(c)(3), 14.09

Juries. *See* Jury trials

Jurisdiction of court

- age requirements, 17.04
- motions to set aside adjudication for lack of jurisdiction, 37.02(b)

Jury trials

- closing arguments in, 36.10-36.12
- defense strategies and techniques in, 27.05(b)
- deliberations of jury, 36.14-36.17
- election or waiver of jury trial, 21.02
- evidentiary issues, litigating out of earshot of jury, 30.02(a)(2)
- exhibits sent out with jury, 36.14
- failure of jury to agree, 36.14-36.17
- instructions to jury
 - alternative proposed charges, 36.06
 - burden of proof, 36.04, 36.06
 - conference on, 36.02, 36.08
 - defense requests for, 36.06, 36.07
 - dynamite charge, 36.16
 - lesser included offenses, 36.05
 - missing witness instruction, 10.08, 36.06
 - objections to court's charge, 36.09, 36.13
 - omissions or errors in, 36.03, 36.13
 - plain errors, 36.03, 36.13
 - preparing and presenting defense requests, 36.07
 - requests for charge, 36.02-36.09
 - respondent's right not to testify, 33.05
 - rules governing, 36.03, 36.06
 - supplemental, during deliberations, 36.15
 - written, 36.14
- jeopardy, attachment of, 17.08(b)(1)
- judge's communication with jurors outside of counsel's presence, 27.02

jurors

- challenges to selection procedures, 21.03, 28.02
- class, systematic exclusion of, 21.03(b), 28.02
- investigation of prospective jurors, 21.04
- prejudicial publicity and, 20.03(b), 28.03(a), 34.11(a)
- mistrial, grounds for, 34.11(a)
- motions challenging jury selection and handling, 21.03
- polling, 36.18
- right to jury trial, 21.01
- sequestration, 27.05(a)(1), 36.14
- unique aspects of, 27.05
- venire
 - challenges to, 21.03
 - investigation of, 21.04
- verdict, 36.18
- voir dire* examination of prospective jurors
 - generally, 28.01-28.09
 - Batson* rule, 28.03(b)
 - challenges for cause, 28.03(a), 28.05
 - defense uses of, 28.04
 - disarming surprise evidence and prejudicial disclosures, 28.07
 - educational uses of, 28.06
 - forewarning jurors of conduct by defense counsel that they may dislike, 28.08
 - peremptory challenges, 28.03(b), 28.05
 - picking jurors for the defense, 28.09
 - procedure, generally, 28.03
 - purpose of, 28.04
 - racial discrimination in prosecutor's use of peremptory challenges, 28.03(b)
 - relationship established with jurors during, 28.08
 - selection of jurors, 28.09
 - waiver or election of jury trial, 21.02
 - witness's out-of-court communication with juror, 34.11(a)

Juvenile offenders prosecuted as adults. *See* Adult court,

transfer or waiver to

K

Knock and announce requirement, searches, 23.21

L

Lack of jurisdiction. *See* Jurisdiction of court

Larceny cases, cross-examination of complainants, 31.04

Lesser included offenses, 36.05

License checks at roadblocks and checkpoints, 23.29

Lie detector tests. *See* Polygraph tests

Lighting conditions, records of, 8.19(c)(3)

Limitation of actions. *See* Statutes of limitations

Lineups and show-ups. *See* Identification evidence

Locating arrested respondents, 3.03-3.12, 3.14, 3.20

Lockers searched by school officials, 23.35

Lockups, pretrial detention in, 4.18

Logbook, police, 3.04

M

Mandamus, writs of

interlocutory review by appellate court, 10.07,
26.01, 26.02

probable-cause hearings, review of rulings at,
4.31(e)

Maps as defense exhibits, preparing, 8.19(c)(2)

Massiah doctrine. *See* Confessions

Masters, judicial review of findings of, 17.08(h)

Material witness procedures, 9.07(d), 9.09(b)(7), 9.10(a),
10.02

Media coverage

files and photos of news media, 8.19(c)(8)

prejudicial publicity

challenges for cause, basis for, 28.03(a)

challenges to venire, basis for, 21.03(a)

change of venue, basis for, 20.03(b)

mistrial motion, 34.11(a)

public trials, 27.08

Medical examinations. *See* Mental health; Physical
examinations

Medical records

complainant's records, 8.19(a)(1), (c)(6)

discovery of, 9.07(c)

respondent's records, 8.19(c)(5), 12.03

Memoranda. *See* Briefs and memoranda

Mental capacity. *See* Competency or capacity; Mental
health

Mental health

complainant or prosecution witness, motion for
psychiatric evaluation of, 9.07(d)

court mental health personnel

cross-examining at dispositional
hearing, 38.21

defense counsel's meetings with, 38.06,
38.12

examination of respondent, 38.04(b),
38.05(a), 38.06-38.07

defense mental health experts

retaining for disposition, 12.07-12.08,
38.09, 38.22

retaining early in proceedings, 12.01,
12.08

retaining for hearing on transfer or
waiver to adult court, 13.14

retaining for trial, 12.08-12.10

selecting expert, 11.02, 12.10

state funding for, 11.03(a), 12.09, 13.06,
38.09

diminished capacity, 12.06, 33.21

examinations

generally, 12.09, 12.11-12.15

defense arguments against, 12.12-12.14

defense requests for, 12.08-12.09, 38.09

disposition, examinations for, 38.04(b),
38.05(a), 38.06-38.07, 38.09

Fifth Amendment protections, 12.15(a),
13.14, 38.07

judicial power to order, 12.02, 12.11

procedural protections at, 12.15

records, 8.19(b)(4), 12.03, 38.11, 38.22

incompetency to stand trial. *See* Incompetency
to stand trial

insanity defense. *See* Insanity defense

mentally ill or intellectually disabled clients

confessions and statements by, 12.04,
12.10, 24.03, 24.05(b),

24.10(a), (b), 24.16

unique aspects of representing, 12.01-
12.07

Miranda rights. *See* Confessions

Misidentification. *See* Identification evidence

Misjoinder. *See* Joinder and severance

Missing-witness doctrine

generally, 10.08

jury instruction on, 36.06

preparing to use against prosecution, 10.08(c)

preventing use against defense, 10.08(b)

prosecutor's tender of witness to avoid, 31.13

Mistrial, motions for

bench trials, 34.11(b)

continuance impracticable, 34.11(a)

double jeopardy implications, 17.08(e),
34.11(d), 36.17

grounds for, 34.11(a)

jury unable to agree on verdict, 36.17

prejudicial impact of inadmissible disclosure,
34.02, 34.11(a), (c)

procedures, 34.11(c)

prosecutorial misconduct, 34.09, 34.11(a)

reprosecution following, 17.08(e)

strategy in requesting, 34.11(c)

timing of, 34.11(c)
 Moral turpitude, crimes of, as ground for deportation, 14.07
 Motions practice
 generally, 7.01-7.09
 arguing motions, 16.03-16.07
 filing of motions, procedural and tactical considerations
 deadlines for filing, 2.01(e), 4.14, 7.05
 deciding whether to litigate in motion or at trial, 7.03
 oral and written motions, choosing between, 7.04
 requirements for form and content, 7.06
 hearings on motions
 generally, 2.01(e), 16.01
 evidentiary hearings generally, 16.01
 non-evidentiary motions arguments, 16.03-16.07
 suppression hearings. *See* Suppression hearings
 interlocutory review, 7.03(a), 26.01-26.02
 types of motions to consider filing
 generally, 7.02
 acquittal, motions for. *See* Acquittal, motions for
 bill of particulars, motion for, 9.07(a)
 change of venue, motions for. *See* Venue, change of
 continuances, motions for. *See* Continuances
 depositions, motion for leave to take, 9.07(e)
 directed verdict, motions for *See* Acquittal, motions for
 discovery motions. *See* Discovery
 dismissal, motions for. *See* Dismissal
 double jeopardy, motions to dismiss on grounds of. *See* Double jeopardy
 expungement, motions for, 37.03, 39.08
 in limine motions, 7.03(c), 30.02(a), 34.04
 jury selection, motions to challenge procedures for. *See* Jury trials
 mistrial, motions for. *See* Mistrial, motions for
 new trial, motions for. *See* New Trial, motions for
 Petition, challenges to. *See* Petitions
 recusal of judge, motions for. *See* Recusal or disqualification of judge
 severance of counts or respondents. *See* Joinder and severance
 Speedy trial motions. *See* Speedy trial motions
 state-paid assistance and process, motions for, 4.31(d), 4.37, 8.04, 9.09(b)(8), 10.04, 10.05, 11.03(a), 13.06, 27.09, 38.09-38.10, 39.02(b)
 suppression motions. *See* Confessions; Identification Evidence; Searches and seizures
 venue, motions for change of. *See* Venue, change of
 Motor vehicles and motorists *See* Automobile stops, searches, and impoundments
 “Mug shots.” *See* Photographs
N
 Napue doctrine, 9.09(b)(5), 31.03
 Narcotics cases reports, 3.08. 8.19(a)(7)
 Narrative theory
 nature of narrative, 6.06(a), 6.06(c)
 role in case planning, 6.06
 special features in jury-trial setting, 6.06(d)
 structure and process of narrative, 6.06(c)
 uses of narrative in litigation, 6.06(b)
 Negotiations with prosecutor
 dismissal of case, regarding, 9.06
 plea bargaining, 14.06(c)(1)-(3), 14.13-14.18
 disposition, regarding, 38.13
 transfer of respondent to adult court, regarding, 13.03
 Neurologists, 12.10
 New trial, motions for
 grounds for motion
 defects in charging paper, 37.02(b)
 errors in pretrial proceedings or at trial, 37.02(a)
 inconsistent verdicts, 36.18
 insufficiency of evidence, 37.02(d)
 justice, interests of, 37.02(e)
 lack of jurisdiction, 37.02(b)
 Napue doctrine, 9.09(b)(5), 31.03
 newly discovered evidence, 37.02(c)
 unconstitutionality of statute, 37.02(b)
 verdict against the weight of the evidence, 37.02(d)
 procedural requirements for motions, 37.02
 Newly discovered evidence, motion for new trial, 37.02(c)
 News media coverage. *See* Media coverage
 911 calls, 8.19(a)(3)
 No-knock search warrant, 23.21
 Not guilty pleas, entry at arraignment, 4.13
 Notice

alibi defense, 4.14, 9.11-9.12
fair notice, right to, 4.12, 9.09(b)(2)
insanity defense, 4.14, 9.11-9.12, 12.04
notification of charges at arraignment, 4.12
variance between Petition and proof at trial,
35.07

O

Objections

anticipatory objections, 34.04
closing arguments, to, 36.11
contemporaneous. *See* Contemporaneous
objection rules
continuing, 34.06
evidence, to, 30.02, 34.01-34.10
judge's conduct, to, 34.09
jury instructions, to, 36.09, 36.13
motions *in limine*, 7.03(c), 30.02(a), 34.04
motions to strike, 34.08
opening statements, to, 29.02
prejudicial evidence, to, 30.02
proffer, when prosecutor objects to defense
evidence, 34.10
prosecutor's conduct, to, 34.09
sidebar conferences, 30.02(a)(2), 34.01, 34.03-
34.04, 34.09

Open fields, searches, 23.15(c)

Opening statements

generally, 29.01-29.03
argumentative, 29.01
defense
bench trial, 29.03(b)
jury trial, 29.03(a)
objections to prosecution evidence before, 29.01
prosecution, 29.02
scope, permissible, 29.01
splitting between joined respondents, 29.03(c)

P

Parent-child privilege, 5.03(a)-(b)

Parents and guardians

child and not parent as client, 2.03, 4.04, 5.03(b)
conflict of parent's with child's interests, 4.04
consent to search of premises, 23.18(b)
detention, role of parent in securing release of
child, 3.21, 4.08
dispositions, role of parent, 38.05(b), 38.27
guardian *ad litem*. *See* Guardian *ad litem*
guilty pleas, role of parent, 14.01, 14.20, 14.21,
14.24, 14.26(a), (c)
interrogation, rights to parental notice and
presence, 3.06, 24.14
interviewing client without parent present, 5.03
interviewing the parent. *See* Interviews
parent-child privilege, 5.03(a)-(b)
presence at court hearings, right to, 4.12,

14.26(a), 27.03

probation intake process, role of parent, 3.12,
3.26-3.28

release of information form, 5.11

rights of child not waivable by, 2.03, 14.01

Parole. *See* Probation and Parole

Partial responsibility defense. *See* Diminished capacity
defense

Particulars, bills of, 9.07(a), 17.03(c)

Peace and good order, character evidence, 33.17

Perjury and falsehoods

burden of proof, 35.04

fabrication as theory of defense

generally, 6.02(a)-(b)

rape cases, 31.06

reputation for dishonesty, impeachment with
prosecution witnesses, 31.12

respondent, 33.06

respondent's perjury as aggravating factor in
disposition, 14.05

right against prosecutor's presentation of,
9.09(b)(5)

warrant affidavit, in, as invalidating warrant,
23.17(c)

Permission. *See* Consent

Permissive inferences. *See* Presumptions and inferences
Petitions

amendment of petition to conform to proof,
35.07

bill of particulars, 9.07(a), 17.03(c)

motions to dismiss

generally, 2.01(d), 4.23, 17.01-17.08

double jeopardy, 17.08

facial insufficiency, 17.03

failure to state an offense, 17.03

jurisdiction, lack of, 17.04

misjoinder of counts or respondents,
18.03, 18.09

speedy trial, for denial of, 15.04

statute of limitations, 17.07

technical grounds for dismissal, 17.06

venue, improper, 17.05, 20.02

want of prosecution, 15.03

Photographs, 3.09

arrest photographs

expungement, 37.03, 39.08

obtaining to prepare for trial, 8.19(a)(4)
police procedures, 3.09

"mug shots." *See* arrest photographs, *supra*

obtaining to prepare for trial, 8.19(a)(4), (a)(9),
(c)(1), (c)(8), 9.07(c)

physical injuries of client reporting police
brutality, 5.09

suppression of photographic identification. *See*

Identification evidence
 Phrases. *See* Words and phrases
 Physical examinations
 complainant, defense motions for physical examination of, 9.07(d)
 respondent
 arranging examination of respondent who reports police brutality, 5.09
 constitutional limits on examinations by investigative officers, 23.14
 Physical force, suppression of confessions or statements, 24.04, (a)
 Physical restraints used during trial, 27.01
 Pictures. *See* Diagrams or sketches; Photographs
 Place or location
 crime, place of. *See* Scene of the crime trial. *See* Venue
 Placement
 confinement to respondent's own home, 38.03(c)
 determinate placement, 14.06(b), 38.03(c)
 extension of term of incarceration, 39.06
 facilities for placement
 adult prison, 38.03(c)
 confinement to respondent's own home, 38.03(c)
 group home, 38.03(c)
 private residential facility, 38.03(c)
 state-run juvenile facilities, 38.03(c)
 types of placement
 determinate, 14.06(b), 38.03(c)
 indeterminate, 14.06(b), 38.03(c)
 parole and parole revocation, 39.05
 probation revocation following, 39.04
 release pending appeal, 39.02(c)
 Plain feel doctrine, 23.10
 Plain touch doctrine, 23.10
 Plain view exception to warrant requirement, search and seizure, 23.12, 23.22(b)
 Plea bargaining *See* Guilty pleas
 Pleadings. *See* Petitions
 Pleas
 arraignment, entry at, 4.12-4.14
 guilty pleas. *See* Guilty pleas
 incompetency. *See* Incompetency to stand trial
 insanity. *See* Insanity defense
 special pleas, 4.13, 4.14
 Police
 activities after arrest
 generally, 3.03-3.11
 identification procedures, 3.03, 3.05, 25.01
 interrogation, 3.05, 3.06, 3.08
 physical examinations of respondent, 3.05, 23.14
 blotter, 3.04, 3.08, 8.19(a)(11)
 brutality, 3.19(e), 5.09
 commanding officers, 3.14, 3.18, 5.09
 counsel's dealings with, 3.14, 3.15, 3.17, 3.18, 3.20, 3.22, 3.23, 3.30, 3.32, 3.33, 8.14
 departmental regulations, 8.19(a)(10), 31.02
 discretion, 3.07, 3.10
 interrogation *See* Arrest; Confessions
 log, 3.04
 phone and radio communication tapes, discovery of, 8.19(a)(3)
 protecting arrested client
 abuse, from, 5.09
 identification procedures, from, 3.05, 3.17, 3.19(d), 3.20, 3.22, 3.23, 5.10
 interrogation, from, 3.05; 3.08; 3.17; 3.19(b), (f); 3.20; 3.22; 3.23; 5.10
 regulations, 8.19(a)(10), 31.02
 reports, 3.08, 8.03, 8.16-8.17, 8.19(a)
 restrictions upon activity
 Due Process Clause, 8.14, 9.09(a), (b)(6), (b)(7); 23.14, 24.03-24.05
 Fourth Amendment. *See* Searches and seizures
 Fifth Amendment. *See* Confessions
 Sixth Amendment. *See* Confessions; Identification evidence
 spies, 9.10(a), 10.08(c), 23.32, 24.13
 witnesses
 interviewing, 8.14
 suppression hearing, cross-examining at, 6.02(c), 22.04(c), (e)
 trial, cross-examining at, 31.02
 Polygraph tests
 administration by police, constitutional limitations upon, 23.14
 use by defense
 motions for diversion, 19.03(a)
 negotiations with prosecutor, 9.06
 Poor persons. *See* Indigents
 Posttrial motions. *See* Expungement motions; New trial, motions for
 Prejudicial publicity. *See* Media coverage
 Preliminary hearings. *See* Probable-cause hearings
 Prerogative writs, 26.01-26.02
 Presence of respondents. *See* Respondents
 Presentence reports. *See* Dispositions; Guilty pleas
 Presumptions and inferences
 generally, 35.06
 constitutionality of, 35.06(f)
 definitions

inferences, 35.06(a)
 presumptions, 35.06(b)-(e)
 innocence, presumption of. *See* Innocence,
 presumption of
 jury instructions, 36.04, 36.06
 missing witness inference. *See* Missing witness
 doctrine
 sanity, presumption of, 35.06(c)
 Pretext or sham police actions. *See* Searches and seizures
 Pretrial conferences, 27.10
 Pretrial detention. *See* Detention
 Pretrial hearings. *See* Detention hearings; Initial
 hearings; Motions practice; Probable-cause
 hearings; Suppression hearings
 Pretrial motions. *See* Motions practice
 Preventive detention. *See* Detention
Prima facie evidence, 28.03(b), 35.06(d)
Prima facie motions. *See* Acquittal, motions for
 Prior convictions or bad acts
 admissibility of evidence of, generally, 30.07(a)
 character evidence and, 30.07(a), 33.08, 33.17,
 33.20
 detention, consideration of, 4.07(a), 4.10, 4.16,
 4.17, 4.19, 4.20, 4.21(b)(1)
 discovery of records of, 9.07(c), 27.12(a)(2)
 impeachment use. *See* Impeachment
 Prior inconsistent statements. *See* Impeachment
 Prior jeopardy. *See* Double jeopardy
 Prior juvenile adjudications. *See* Prior crimes or offenses
 Prior statements
 inconsistent. *See* Prior inconsistent statements
 respondents'. *See* Statements
 witnesses'. *See* Statements
 Prison without walls, 38.03(c)
 Prisons and jails
 detention in adult jail, 4.18
 incarceration in adult prison
 adult court, juveniles transferred to,
 13.01, 13.02
 juvenile court, juveniles prosecuted in,
 38.03(c)
 records, discovery of, 9.07(c)
 Privacy, expectations of. *See* Searches and seizures
 Privileges
 attorney-client. *See* Attorney-client privilege
 governmental privilege, in discovery, 9.10(c)
 informer's privilege, 9.10(a)
 parent-child privilege, 5.03(a)-(b)
 self-incrimination privilege. *See* Self-
 incrimination, privilege against
 Probable cause
 finding of, as predicate for detention. *See*
 Probable-cause hearings
 search and seizure, for. *See* Searches and

 seizures
 Probable-cause hearings
 generally, 4.01, 4.28-4.38
 adverse witnesses, calling, 4.34
 affidavits as basis for probable-cause
 determination, 4.07(b), 4.22, 4.28(a)
 constitutional requirement of, 4.22, 4.28(a)
 continuances, 4.38
 counsel at, right to, 4.31(b)
 cross-examining prosecution witnesses, 4.31(c),
 4.32, 4.33
 defensive conduct of, 4.29, 4.32-4.36
 defense witnesses, 4.31(c), 4.34, 4.35
 discovery, use for, 4.29, 4.32, 4.34
 impeachment, cross-examining prosecution
 witnesses for, 4.29, 4.32
 inadmissible evidence, objecting to, 4.36
 preparation for, 4.07(b), 4.29
 procedure, generally, 4.31(a)
 remedies for denial of rights at hearing, 4.31(e)
 right to probable-cause determination, 4.28
 rights at hearing, 4.31(c)
 transcript, 4.31(d), 4.37, 8.19(b)(1)
 waiver, 4.30
 Probation and parole
 detention hearings
 effects of respondent's probation or
 parole status on detention
 determination,
 4.26(a)(3)
 lobbying probation officer before
 hearing, 4.11
 report of probation officer, obtaining,
 4.11
 role of probation officer at hearing,
 4.19-4.20
 dispositions
 conditions of probation, 38.03
 counseling client and parent before
 meeting with probation officer,
 38.05(a)-(b)
 cross-examining probation officer,
 38.21
 lobbying probation officer, 38.06, 38.12,
 38.13
 probation as disposition, 38.03(c)
 report of probation officer, obtaining,
 38.08
 role of probation officer, 38.04(a),
 38.19, 38.25
 intake process of Probation Department, 3.12,
 3.26-3.28
 monitoring client's adjustment on, 39.04
 revocation proceedings

parole, 39.05
 probation, 39.04
 Proceeds of crime, forfeiture of, 14.07
 Process. *See* Compulsory process
 Production of documents, requests for
 Prohibition, writs of
 interlocutory review by appellate court, 26.01-26.02
 probable-cause hearings, remedy for denial of rights at, 4.31(e)
 Promises of leniency, suppression of confessions or statements, 24.04(c)
 Proof. *See* Evidence
 Property seized illegally. *See* Searches and seizures
 Prosecution of case, dismissal for want of, 15.03
 Prosecutors
 adult court transfer or waiver to, role of prosecutor, 13.01, 13.03, 13.04
 Brady doctrine, 9.09(a), 9.09(b)(6)
 discovery potential of discussions with, 9.06
 improper argument by, 34.11(a), 36.11
 instructing witnesses to refuse to talk with defense, 8.13, 9.09(b)(6)
 misconduct by, 34.11(a), 36.11
 Napue doctrine, 9.09(b)(5), 31.03
 negotiations with. *See* Negotiations
 objections to unrecordable conduct by, 34.09
 presenting perjured testimony, 9.09(b)(5)
 provoking defense mistrial motion, double jeopardy implications, 17.08(e), 34.11(d)(1)
 suppression of evidence favorable to defense, 9.09(b)(5), 9.09(b)(6)
Pro se proceedings, and waiver of right to counsel, 4.05
 Psychiatric and psychological examinations. *See* Mental health
 Psychiatrists and psychologists. *See* Mental health
 Public defenders' caseloads, methods for coping with heavy, 6.06
 Public trial, 27.08
 Publicity. *See* Media coverage
Q
 Qualification of expert witnesses, 33.12(a), 33.12(b)
 Quash subpoena, motion to, 10.04
 Quieting witness, objections to evidence, 34.02
R
 Rape cases, generally, 31.06
 Real evidence
 generally, 8.18
 chain of custody, 8.18
 methods for obtaining, 8.17-8.18
 procedure for preserving, 8.18
 types of real evidence to obtain, 8.19
 Real property bond as security for bail, 4.27(d)
 Record of proceedings. *See* Transcription of proceedings
 Recusal or disqualification of judge
 generally, 20.04-20.07
 ground for, 20.05, 20.07
 impartial judge, right to, 20.04
 procedure, generally, 20.06
 strategy, generally, 20.07
 suppression hearing, trial judge presided over, 22.07
 Redirect examination of witnesses
 rehabilitating witness impeached with prior conviction, 10.09(d)
 scope permitted, 31.01(a)
 Reenactments
 defense investigations, 8.05
 police investigations, 3.05
 Referees, judicial review of findings, and double jeopardy, 17.08(h)
 Reimbursement or restitution, 38.03(c), 39.04
 Releases of Information, obtaining from client, 5.11, 38.08
 Remand. *See* Detention
 Reports. *See* Experts
 Reprosecution. *See* Double jeopardy
 Reputation for dishonesty
 impeaching prosecution witness with, 31.12
 respondent impeached with, 33.06
 Requests for jury instructions. *See* Jury trials
Res judicata, successive post disposition proceedings not barred by, 39.03(a)
 Respondent
 clothing. *See* Clothing of respondents
 conferring with defense counsel during trial, 10.10, 27.02, 33.09(b)
 co-respondents. *See* Co-respondents
 dispositions, at. *See* Dispositions
 disruptive courtroom behavior, 27.01
 dress for trial, 10.11, 27.01, 27.05(b)
 illness of, as ground for mistrial, 34.11(a)
 indigent. *See* Indigents
 interpreter for. *See* Interpreters
 interviewing. *See* Client interviews
 official records pertaining to, discovery of, 9.07(c)
 physical restraints during trial, 27.01
 preparation
 dispositional proceedings, for, 38.05(a), 38.07, 38.26
 plea hearing, for. *See* Guilty pleas
 trial, for, 10.10
 presence of respondent
 suppression hearing, at, 22.03(b)
 trial, at, 27.01
 prior adjudications or prior bad acts of. *See*

- Impeachment; Prior convictions or bad acts
- records of respondent, 8.19(a)(2)-(7), (a)(11), (c)(3)-(4), (c)(7); 9.07(c); 38.08; 38.11
- restraints on, in courtroom, 27.01
- statements by, discovery of, 9.07(c)
- testimony of
 - adult court transfer hearing, 13.14
 - considerations in having respondent testify, respondent's choice, 33.06
 - corroborating, 33.10
 - cross-examination, 33.06, 33.09(a)
 - direct examination, 33.08
 - dry run of testimony, 10.09-10.10
 - impeachment of. *See* Impeachment
 - preparing to testify, 5.12, 10.09-10.10
 - right not to testify, 33.05
 - suppression hearing, 22.05(a)
 - timing of testimony, 10.10, 33.02(a)
- Restitution, 38.03(c), 39.04
- Review, appellate. *See* Appeal and review
- Revocation of probation. *See* Probation and parole
- Rights card, 3.22(b), 5.10
- Right to counsel. *See* Counsel, right to
- Right-to-treatment doctrine, 13.15, 39.07
- Risk of flight. *See* Detention
- Roadblocks, license checks, 23.29
- Rule on witnesses, 22.03(c), 27.11, 31.09
- S**
- Sanity. *See* Incompetency to stand trial; Insanity
- defense; Mental health
- Scene of the crime
 - defense photographs, diagrams, and maps, 8.19(c)(1), (2)
 - inspection by counsel, personal, 8.05
 - police photographs and diagrams, 8.19(a)(9)
 - police property reports, 8.19(a)(8)
- Scheduling trial. *See* Trial date
- School release, pretrial detention alternatives, 4.21(e)
- Schools
 - defense arguments based on respondent's school performance
 - detention hearings, 4.09; 4.17; 4.21(a), (b)(2)
 - dispositional hearings, 38.11, 38.22
 - motions for diversion, 19.03(b)
 - motions to suppress statements, 8.19(c)(4), 24.05(b), 24.10(b)
 - probation intake process, 3.28
 - probation revocation hearings, 39.04
 - transfer or waiver to adult court, 13.08
 - interrogation by school officials, 24.06, 24.12
 - performance in school. *See* defense arguments based on respondent's school

- performance, *supra*
- records of respondent, obtaining
 - detention hearing, for, 4.07(a), 4.09
 - disposition, for, 38.08, 38.11
 - Individual Educational Placement (IEP), 38.08
 - mentally ill or intellectually disabled clients, in cases of, 12.03
 - motion to suppress statements, for, 8.19(c)(4), 24.10(b)
 - release executed by parent, 5.11, 28.08
 - trial, to support alibi defense for, 8.19(c)(7)
- school officials as defense witnesses
 - character witnesses at trial, 33.19
 - dispositional hearing, 38.22
 - hearing on motion to suppress statements, 24.10(b)
- searches and seizures by school officials, 23.33-23.36
- Scientific tests
 - cautions to client regarding, 3.19(d), 5.10
 - chain of custody of defense evidence, 8.18
 - defense discovery, 8.19(a)(7), 9.07(c), 9.09(b)(7)
 - defense experts
 - physical evidence for testing by, submitting, 8.18
 - retaining, 6.02(b), 11.01-11.03
 - testimony of, presenting, 33.11-33.15
 - working with, 11.04, 33.16
 - defense theories in cases of prosecution based on scientific evidence, 6.02(b)
 - monitoring police technicians, 3.22
 - police procedures, 3.05, 23.14
 - protecting arrested client against, 3.05; 3.17; 3.19(d), (f); 3.20; 3.22; 5.10
- Sealing of juvenile records, 3.09, 39.08
- Searches and seizures
 - generally, 23.01-23.40
 - abandoned objects, 23.13
 - arrest
 - generally, 23.04-23.07
 - arrest entry of premises, 23.19
 - defined, 23.04(d), 23.06
 - dispatch or bulletin as basis for, 23.31
 - failure to respond to inquiry as basis for, 23.11(b)
 - flight as basis for, 23.11(b)
 - furtive gestures as basis for, 23.11(c)
 - high crime neighborhood as basis for, 23.11(a)
 - informant's tip as basis for, 23.32
 - postarrest custodial treatment, 23.14

- probable cause for, 23.07, 23.11
- searches incident to arrest, 23.08, 23.26, 23.37(a)
- standards for obtaining arrest warrant, 23.07
- standards for warrantless arrest, 23.07, 23.11
- Terry* stop distinguished, 23.04-23.06
- arrest warrants
 - police entry of premises pursuant to, 23.19
 - standards for issuance, 23.07
- articulable suspicion, 23.04(c), 23.09, 23.10, 23.11
- automobiles, search or seizure of
 - generally, 23.23-23.30
 - automobile exception to warrant requirement, 23.24
 - border searches, 23.29, 23.30
 - containers in automobiles, seizures or searches of, 23.08(b), 23.24, 23.25, 23.26
 - evidentiary searches, 23.24
 - impoundment, 23.24, 23.25
 - inventory searches, 23.08(c), 23.25
 - license checks at roadblocks and checkpoints, 23.29
 - plain view doctrine, 23.22(b)
 - privacy expectation in, 23.23
 - sobriety tests at roadblocks and checkpoints, 23.29
 - Terry* stops and attendant searches, 23.27
 - traffic stops and attendant searches, 23.28-23.29
 - Vehicle Identification Number (VIN) inspections, 23.23
- binoculars and flashlights, 23.16
- body searches and extractions, 23.12, 23.14
- border searches, 23.29, 23.30
- buildings, entry or search of
 - knock and announce requirements, 23.21
 - manner of entry, 23.21
 - persons found on premises, detention and search of, 23.22(c)
 - plain view doctrine, application, 23.22(b)
 - protective sweep of premises, 23.22(d)
 - rules governing, generally, 23.16-23.22
 - scope of search within, 23.17(g), 23.22(a)
 - “search” defined, 23.16
 - search warrants, 23.17
- warrantless entries
 - generally, 23.16, 23.18-23.20
 - arrest entries, 23.19
 - consent, 23.18
 - exigent circumstances, 23.20
- confessions and statements as fruits of, 23.37, 24.18
- consent
 - third parties, authority to consent, 23.18(b)
 - voluntariness of, 23.18(a)
- constitutional protections, overview of, 23.02
- containers
 - automobile, searches or seizures incident to search or seizure of, 23.08(b), 23.24, 23.25, 23.26
 - person, searches or seizures incident to search or seizure of the, 23.08(b), 23.12
 - privacy expectation in, 23.15(d)
- curtilage, 23.15(c)
- derivative evidence principle, 23.37-23.40
- “dropsie” cases, 23.13
- electronic devices to extend senses, 23.02(c), 23.16
- exigent circumstances, 23.19, 23.20
- expectation of privacy
 - generally, 23.15(a)
 - automatic standing, 23.15(e)
 - automobiles, privacy expectation in, 23.23
 - containers, privacy expectation in, 23.15(d)
 - curtilage, 23.15(c)
 - multifamily apartment complexes, 23.15(c)
 - open fields, 23.15(c)
 - premises, privacy expectation in, 23.15(b)
- flashlights and binoculars, 23.16
- frisks. *See Terry* stops and frisks, *infra*
- fruits of
 - generally, 23.37-23.40
 - confessions and statements as fruits, 23.37(c), 23.38, 23.39, 24.18, 24.19
 - derivative evidence principle, 23.27
 - identification evidence as fruits, 23.37, 23.38, 25.06, 25.07
 - taint, 23.17(d), 23.38-23.40
- hot pursuit, 23.19, 23.20
- identification evidence as fruits of, 23.37, 23.38, 25.06, 25.07
- index of fact situations raising issues, 23.03

informants, 23.32
 knock and announce requirements, 23.21
 open fields, 23.15(c)
 physical examinations, 23.14
 plain view exception, 23.12, 23.13, 23.15(c),
 23.16, 23.17(g), 23.20, 23.22(b)
 pretextual activity by police, 23.06(d), 23.07,
 23.08(a), 23.10, 23.25, 23.26, 23.28
 privacy. *See* expectation of privacy, *supra*
 private individuals, searches by, 23.36
 probable cause, 23.07, 23.11, 23.17
 protecting arrested client against, 3.05; 3.17;
 3.19(d), (f); 3.20; 3.22; 5.10
 protective sweeps, 23.22(d)
 rebuttal of respondent's testimony with illegally
 seized evidence, 33.06, 33.09(a)
 school searches and seizures
 generally, 23.33-23.36, 24.06
 Fourth Amendment protections in
 school setting, 23.33
 lockers or desks, searches of, 23.35
 school officials collaborating with
 police, 23.36
 searches of the person, 23.34
 search warrants
 affidavits, 23.17(a), (c)
 bare bones affidavits, 23.17(a)
 deliberate falsehoods in affidavits,
 23.17(c)
 exceptions to requirement of, 23.16,
 23.18-23.20
 executing warrant, scope of search,
 23.17(g)
 impeaching affidavits, 23.17(c)
 known criminal averment, 23.17(a)
 magistrate, neutral and detached,
 23.17(e)
 manner of entry, 23.21
 multiunit warrant applications, 23.17(b),
 (g)
 no-knock warrant, 23.21
 person issuing, 23.17(e)
 persons found on the premises,
 detention and search of,
 23.22(c)
 protective sweep of premises, 23.22(d)
 reckless disregard for truth in affidavits,
 23.17(c)
 specificity of, 23.17(f)
 tainted evidence as basis for, 23.17(d),
 23.40
 standing. *See* expectation of privacy, *supra*
 state-law restrictions on searches and seizures,
 7.09; 23.02(b), (c)
 stop and frisk. *See* Terry stops and frisks, *infra*
 taint of unlawful search or seizure
 flagrancy of police conduct, 23.39
 prosecutor's burden of disproving, 23.38
 subsequent police actions, 23.40
 warrants based on tainted evidence,
 23.17(d), 23.40
Terry stops and frisks
 failure to respond to inquiry as basis for,
 23.11(b)
 flight as basis for, 23.11(b)
 frisk, defined, 23.10
 furtive gestures as basis for, 23.11(c)
 high crime neighborhood as basis for,
 23.11(a)
 informant's tip as basis for, 23.32
 standards for frisk, 23.04(c), 23.10
 stop, defined, 23.04(c), 23.06
 warrantless searches, general principles, 23.16
 warrants. *See* arrest warrants; search warrants,
supra
 Searches incident to arrest, generally, 23.07, 23.08,
 23.26
 Self-defense, burden of proving, 35.05
 Self-incrimination, privilege against
 confessions and statements. *See* Confessions
 defense discovery, lack of reciprocity argument
 and, 9.02
 impeachment of respondent with statements
 taken in violation of, 33.06, 33.09(a)
 mental health examinations and, 12.15, 13.14,
 38.07
 prosecutorial discovery and, 9.12, 27.12(b)
 respondent's right not to testify, 33.05, 36.04,
 36.06(f)
 tests and examinations that elicit testimonial
 communications, 23.14
 Sentencing. *See* Dispositions
 Sequestering jury, 36.14
 Sequestering witnesses, 22.03(c), 27.11, 31.09
 Serology experts, 8.19(a)(7), 31.06
 Service of process, 10.05-10.06
 Severance. *See* Joinder and severance
 Sexual offenses
 blood tests, 8.19(a)(7), 31.06
 cross-examination of complainant, 31.06
 defenses, 31.06
 exculpatory personality traits, 33.21
 police reports, obtaining, 8.19(a)(7)
 Shelter houses, 4.18, 4.21(e)
 Show-ups. *See* Identification evidence
 Sidebar conferences, 30.02(a)(2), 34.01, 34.03-34.04,
 34.09
 Silence in face of accusation, evidence of respondent's,

3.19(b), 24.23, 33.06, 33.09(a)

Site visits. *See* Scene of the crime

Sketches. *See* Diagrams or sketches

Slating. *See* Booking

Sobriety tests at roadblocks and checkpoints, 23.29

Social reasons, dismissal for, 37.02(e)

Social work and social workers
 mental health matters. *See* Mental health
 retaining to assist in preparation for disposition,
 6.06, 38.10, 38.14

Special pleas, entry at arraignment, 4.13, 4.14

Speedy trial
 generally, 15.01-15.04
 constitutional speedy-trial rights and standards,
 15.04(b)
 dispositional hearings, 38.15
 motions
 court dates, to advance, 15.01, 15.03,
 15.04
 dismiss, to, 15.03-15.04
 forfeited, to treat issues as, 15.03
 release respondent from detention, to,
 15.03, 15.04(b)
 statutory speedy-trial rights and standards,
 15.04(a)
 want of prosecution, dismissal for, 15.03

State constitutional guarantees, citing in motions, 7.09

Statements
 discovery of. *See* Discovery
 impeachment with. *See* Impeachment
 suppression of. *See* Confessions; Searches and
 seizures

Statutes of limitations, 17.07

Stipulated trials, 14.10, 30.02(c)

Stipulations
 generally, 30.02
 pretrial conferences, 27.10
 qualifications of expert witnesses, 33.12(b)
 trials, stipulated, 14.10, 30.02(c)

Stops. *See* Searches and seizures

Subpoenas
 generally, 8.17, 10.02-10.08
 constitutional and statutory standards, 10.04-
 10.05
 defense witnesses, 10.02-10.03
 duces tecum, 6.03, 8.17, 38.08
 in forma pauperis, 10.04, 10.05
 missing-witness inference and, 10.08
 persons subject to, 10.03
 physical evidence, 8.17
 probable-cause hearings, right to compulsory
 process for, 4.31(c)
 procedures
 obtaining, 10.04
 serving and enforcing, 10.06-10.07
 quashing, 10.04
 right to compulsory process, 10.05
 service of, 10.06

Substance abuse. *See* Alcohol and drugs

Successive prosecutions. *See* Double jeopardy

Suppression hearings
 generally, 22.01-22.07
 appeal of judge's ruling on motion
 generally, 22.07
 guilty plea, after, 14.10, 22.07
 arguments on the motion, 22.06
 burdens of production and persuasion, 22.03(d),
 23.38
 continuance request by prosecutor, 22.03(a)
 cross-examining prosecution witnesses,
 22.03(e), 22.04
 defense goals and strategies at, 22.02, 22.04,
 22.05
 defense witnesses, testimony by, 22.05
 disclosure of informants' names, 9.10(a),
 23.32(e)
 discovery of prior statements of prosecution
 witnesses, 22.03(f)
 discovery, use of hearing for, 22.02, 22.04(b)
 findings of fact and conclusions of law, 22.06
 hearsay, 22.03(e)
 informants' names, disclosure of, 9.10(a),
 23.32(e)
 laying foundation for impeachment of
 prosecution witnesses at trial, using
 hearing for, 22.02, 22.04(c)
 presence of respondent, waiving in identification
 suppression hearing, 22.03(b)
 prosecutor not ready to proceed, 22.03(a)
 recusal of trial judge who presided at, 22.07
 re-opening, based on new facts emerging at trial,
 22.07
 respondent, testimony by, 22.05(a), 33.06,
 33.09(a)
 rule on witnesses, 22.03(c)
 timing of, 22.01
 waiving respondent's presence at identification
 suppression hearing, 22.03(b)
 witnesses, rule on, 22.03(c)

Suppression of evidence
 confessions, suppression of. *See* Confessions
 hearings on suppression motions. *See*
 Suppression hearings
 identification evidence, suppression of. *See*
 Identification evidence
 motions practice, procedural aspects of. *See*
 Motions practice; Suppression hearings
 prosecutor, by, 8.13; 9.09(b)(6), (b)(7)

- statements, suppression of. *See* Confessions
- tangible evidence, suppression of. *See* Searches and seizures
- Supreme Court review, 39.02(a), 39.03(a)
 - See also* Appeal and review
- Surety bond as security, in bail, 4.27(d)
- Surprise by and impeachment of own witness
 - defense witnesses, 33.24
 - prosecution witnesses, 31.14
- Surrender of “wanted” clients, 3.29-3.33
- Surveillance. *See* Electronic surveillance; Searches and seizures
- Suspended judgments, 38.03(c)
- T**
- Tacit admissions, 3.19(b), 24.23, 33.06, 33.09(a)
- Taint of unlawful search or seizure. *See* Confessions; Identification evidence; Searches and seizures
- Tangible evidence, suppression of. *See* Searches and seizures
- Tape recordings of 911 calls and police radio communications, 8.19(a)(3)
- Teachers. *See* Schools
- Telephone calls
 - arrest precinct station, to, 3.14, 3.17
 - detention facility officials, to, 3.17, 3.24, 5.09
 - detectives, to, 3.14, 3.20
 - initial hearing, before, 4.09
 - investigating officers, to, 3.17, 3.18, 3.20, 3.23, 3.30
 - locating respondent, 3.13-3.14, 3.20
 - parent of respondent
 - initial call from, 3.13
 - follow-up calls to, 3.17, 3.21, 3.23, 3.25
 - placement facilities, administrators of, 39.07
 - police, to, keeping records of, 3.15
 - post-arrest period, 3.13-3.21, 3.23-3.25
 - privacy of conversation with respondent, 3.19(a)
 - prosecutor’s staff, to, 3.14, 3.30
 - records of calls, 3.15
 - respondent in custody, 3.16-3.19
 - “wanted” clients, 3.29-3.31
- Televised publicity. *See* Media coverage
- Terminology. *See* Words and phrases
- Terry stops and frisks. *See* Searches and seizures
- Testimony of witnesses. *See* Witnesses
- Tests and testing
 - lie detector. *See* Polygraph tests
 - psychological tests adapted specifically to young children, 12.10
 - scientific. *See* Scientific tests
 - sobriety tests at roadblocks and checkpoints, 23.29
- Textbooks, use in cross-examination of expert, 31.09, 33.16
- Theft cases, cross-examination of complainants, 31.04
- Theory of the case
 - generally, 6.02-6.04
 - client, explaining theory to, 10.10
 - defense witnesses, explaining theory to, 10.09(a)
 - expert witnesses, explaining theory to, 11.04(a)
 - explaining theory of the case
 - client, to, 10.10
 - defense witnesses, to, 10.09(a)
 - expert witnesses, to, 11.04(a)
 - formulating theory, 6.02
 - identification of respondent as perpetrator,
 - typical theories for refuting, 6.02(b)
 - inconsistent, as grounds for severance of co-respondents, 18.08(f), 18.10(c)
 - jury instructions on, 36.03, 36.04, 36.06
 - prosecution’s assertion that crime was committed, typical theories for refuting, 6.02(a)
 - using defense theory as guide
 - dispositional hearings, 38.19, 38.21-38.23
 - investigation, 6.02, 6.03, 8.02
 - motions practice, 6.02(d), 6.03, 6.04, 22.02, 22.04
 - probable-cause hearings, 6.02(d)
 - trial preparation, 6.02(d), 6.03
- Time and date
 - advancement of pretrial hearing or trial, 15.01
 - alibi notice, deadlines for filing, 4.14
 - continuances. *See* Continuances
 - crime, date of
 - age of respondent at time, as
 - jurisdictional requirement, 17.04
 - averment absent from petition, 17.03(b), 17.07
 - incompetency claim, timing of notice of, 12.04
 - insanity defense, timing of notice of, 12.04
 - juvenile court jurisdiction, ages for, 17.04
 - motions, deadlines for filing of, 4.14, 7.05, 17.01
 - plea hearings, timing of, 14.09, 14.25
 - speedy trial guarantees. *See* Speedy trial
 - suppression hearings, timing of, 22.01, 25.01
 - statutes of limitations, 17.07
 - trial. *See* Trial dates
- Traffic stops. *See* Automobile stops, searches, and impoundments; Searches and seizures
- Training schools, state, 38.03(a), (c); 39.07
- Transcripts
 - accuracy, 39.02(c)
 - appellate process, 39.02(b), (c)
 - grand jury, discovery motion, 9.07(c)

- indigent respondents, 4.31(d), 4.37, 27.09, 39.02(b)
- preliminary hearings, 8.19(b)(1)
- probable-cause hearings, 4.31(d), 4.37, 8.19(b)(1)
- trials, 27.09
- Transfers
 - adult court, to. *See* Adult court, transfer or waiver to
 - adult prison, transfer of adjudicated delinquent to, 38.03(c)
 - juvenile detention facilities, abuse necessitating transfer, 5.09
 - venue, change of. *See* Change of venue
- Trial
 - generally, 2.01(f), 27.01-27.13
 - bench trials. *See* Bench trials
 - case-stated basis, trial on, 30.02(c)
 - dates. *See* Trial dates
 - detention pending trial. *See* Detention
 - fair trial. *See* Fair trial
 - folder or brief, preparation of, 27.06
 - incompetency. *See* Incompetency to stand trial
 - jury trials. *See* Jury trials
 - new trial. *See* New trial, motions for
 - opening statements. *See* Opening statements
 - place or location. *See* Venue, change of; Venue requirements
 - preparation for trial, generally, 6.01-6.06
 - pretrial detention. *See* Detention
 - sidebar conference *See* Sidebar conferences
 - transcript. *See* Transcripts
 - trial folder (trial brief), 27.06
- Trial dates
 - generally, 4.14, 15.01, 15.03
 - arraignment, setting at, 4.14
 - continuances. *See* Continuances
 - dismissal for want of prosecution, 15.03
 - motion to advance, 15.01
 - speedy trial. *See* Speedy trial
- Trial folder (trial brief), 27.06
- Trickery, statements obtained by, 24.04(d)
- Truth serums, 23.14
- U**
 - Unconstitutional statute, grounds for setting aside adjudication, 37.02(b)
- V**
 - Vacating plea. *See* Guilty pleas
 - Variance between allegations or particulars and proof at trial, 9.07(a), 35.07
 - Vehicle identification number (VIN) inspection, 23.23
 - Vehicles. *See* Automobile stops, searches, and impoundments; Searches and seizures
 - Venire. *See* Jury trials
 - Venue, change of
 - generally, 20.03
 - affidavits, 16.01, 20.03(b)
 - evidentiary hearings, 16.01, 20.03(b)
 - fair trial grounds, 20.03(b)
 - grounds for
 - defense access to witnesses, 20.03(a)
 - fair trial, 20.03(b)
 - prejudicial publicity, 20.03(b)
 - publicity, prejudicial, 20.03(b)
 - witnesses, defense access to, 20.03(a)
 - Venue requirements
 - generally, 20.01-20.02
 - failure of Petition to allege facts establishing venue, 17.05, 20.02
 - motion to dismiss for improper venue, 20.02
 - Verdict
 - generally, 36.16-36.18
 - acquittal. *See* Acquittal
 - directed. *See* Directed verdict
 - inability of jury to agree, 36.14-36.17
 - logically inconsistent verdicts, 36.18
 - new trial motion based on verdict against the weight of the evidence, 37.02(d)
 - polling the jury, 36.18
 - postverdict proceedings, 37.01-37.03
 - recording, 36.18
 - return of, 36.18
 - signed written verdict forms, 36.18
 - Victim impact statements, 14.06(c)(3), 38.04(a)
 - VIN (vehicle identification number) inspection, 23.23
 - Voir dire*
 - examination of prospective jurors. *See* Jury trials
 - examination of witnesses
 - generally, 30.02(a)(2), 34.05
 - challenging competency of child witnesses, 30.05
 - challenging prosecution's claim of surprise, 31.14
 - discovery potential of, 34.05
 - excluding jury during, 30.02(a)(2)
 - eyewitness identification cases, 25.01
 - objections to evidence, 34.05
 - preliminary questions of fact, 30.02(a)(2), 34.05
 - suppression of evidence, 22.01, 25.01, 30.02(a)(2)
 - Voluntariness
 - consent to search. *See* Searches and seizures
 - statements. *See* Confessions
 - waivers of *Miranda* rights. *See* Confessions
- W**
 - Waiver
 - arraignment, waiver of presence of

parent/guardian, 4.12

- counsel, right of. *See* Counsel, right to
- dispositional hearing, waiver of, 38.18
- forfeiture of claims by failing to preserve them
 - generally, 34.01, 36.03, 36.09, 39.03(a)
 - grounds for relief from forfeiture, 7.05
- guilty pleas
 - explaining waivers of rights to client, 14.23(a)
 - rights waived by, 14.10, 14.26(c)
- jury trial, 21.02
- Miranda* rights, 24.10
- petition, waiver of formal reading of, 4.12
- pre-sentence report, waiver of, 14.06(c)(1), 37.01
- presence of respondent at identification
 - suppression hearing, waiver of, 22.03(b)
- presumption against waiver of rights, 24.13(c)
- probable-cause hearing, waiver of right to, 4.30
- pro se* proceedings, waiver of right to counsel and, 4.05
- transfer to adult court, waiver of hearing on. *See* Adult court, transfer or waiver to

“Wanted” clients, 3.29-3.33

Want of prosecution, dismissal for, 15.03

Ward and guardian. *See* Parents and guardians

Warrants

- arrest. *See* Arrest warrants; Searches and seizures
- bench warrants. *See* Bench warrants
- search warrants. *See* Searches and seizures

Weather conditions, obtaining records of, 8.19(c)(3)

Withdrawal of plea. *See* Guilty pleas

Witnesses

- accomplices as
 - corroboration of accomplice’s incriminating testimony required to support adjudication, 35.04
 - defense witnesses, as, 10.12, 33.23
 - prosecution witnesses, as, 31.03, 35.04, 36.04
- admonishment of, 34.02
- adverse. *See* Adverse witnesses
- alibi, 8.03, 33.22
- arrest for failure to appear when subpoenaed, 10.07
- assault complainants, 31.07
- character witnesses
 - expert evidence of personality traits, 33.21
 - form of examination, 33.17, 33.18
 - preparing to testify, 33.20
 - qualification of, 33.18
 - rebuttal by prosecution, 33.17
 - rules governing testimony, 33.17
 - selection of, 33.19
- child witnesses
 - competency to testify, 30.05
 - defense cross-examination of, 31.08
 - exclusion of parent of child prosecution witness, 27.11
- complainants, 31.04-31.08
- co-respondents as, 10.12, 30.06, 31.03, 33.23, 35.04, 36.04
- court witnesses, 31.13, 33.25
- cross-examination. *See* Cross-examination
- defense
 - generally, 33.01-33.25
 - compulsory process to obtain, 4.31(c), 10.04-10.05
 - disclosure of pretrial statements of, 27.12(b), 33.03
 - dispositional hearing, at, 38.09-38.11, 38.19, 38.22-38.23
 - dry run of examination, 10.09(c)
 - explanation of role to, 10.09(a)
 - failure to appear or flight of, 10.02, 10.07
 - impeachment of. *See* Impeachment
 - interviews of, 8.09, 8.10
 - keeping track of, 8.08, 10.02
 - missing-witness inference, 10.08(a), (b)
 - order of testimony, 33.02(a)
 - planning testimony of, 33.02
 - preparing to testify, 10.09
 - presenting testimony of, 33.02
 - probable-cause hearing
 - presenting, 4.34, 4.35
 - right to present, 4.31(c)
 - right to present, 9.09(b)(4), 33.04
 - selection of, 10.01
 - subpoena of, 10.02
 - suppression hearing, 22.05
 - surprise by, 33.24
 - unavailable, 10.02, 10.07, 15.02
- depositions, 9.07(e), 10.02
- detention of material witnesses, 9.07(d), 9.09(b)(7), 9.10(a), 10.02
- discovery of prior convictions of prosecution witnesses, 9.07(c), 9.09(b)(5), 27.12(a)(2)
- discovery of prior statements of
 - defense witnesses, 27.12(b)
 - prosecution witnesses, 9.07(c), 9.09(b)(5), 22.03(f), 27.12(a)(1)
- expert
 - character evidence, 33.21

cross-examination of, 31.09, 33.16, 38.21
 defense experts, 11.01-11.04, 33.11-33.16, 38.22-38.23
 education of counsel by, 11.04(a), 31.09
 hypothetical questions, 33.14, 38.21
 personality evidence, 33.21
 preparing defense experts, 11.04(b), 33.16
 prosecution experts, 31.09
 qualification of, 33.12(a), 33.12(b)
 report, 11.04(b), 33.15
 reputable texts, use of, in cross-examining, 31.09, 33.16
 rule on witnesses, exemption from, 27.11, 31.09
 stipulation to qualifications of, 33.12(b)
 structure of testimony, 33.13
 subpoena of, 10.03
 hostile, 4.34, 31.13, 33.25
 identification witnesses
 cross-examining at trial, 31.05
 suppression of testimony of. *See*
 Identification evidence
 impeachment of. *See* Impeachment
 interviews of. *See* Interviews; Investigation
 juror, communication of witness with, ground
 for mistrial, 34.11(a)
 keeping track of, 8.08, 10.02
 list of prosecution witnesses, 9.07(b), 17.06
 locating, 8.03, 8.06, 8.07
 material witness, detention of, 9.07(d),
 9.09(b)(7), 9.10(a), 10.02
 missing witness inference, 10.08, 31.13, 36.06
 order of testimony of defense witnesses,
 33.02(a)
 orders that witnesses talk to defense, 8.13,
 9.07(d), 9.09(b)(6)
 perjured testimony. *See* Perjury and falsehoods
 police. *See* Police
 prior convictions of. *See* Impeachment
 prior inconsistent statements by. *See*
 Impeachment
 probable-cause hearing. *See* Probable-cause
 hearings
 prosecution witnesses
 generally, 31.01-31.14
 cross-examination. *See* Cross-
 examination
 discovery
 prior convictions, 9.07(c),
 9.09(b)(5), 27.12(a)(2)
 prior statements, 9.07(c),
 9.09(b)(5), 22.03(f),
 27.12(a)(1)
 impeachment. *See* Impeachment
 list of, respondent's right to, 9.07(b),
 17.06
 missing-witness inference, 10.08(a), (c),
 36.06
 probable-cause hearing, 4.29; 4.31(a),
 (c), 4.32; 4.33
 suppression hearing, 22.02; 22.03(c),
 (f); 22.04
 surprise, prosecutor's claim of, 31.14
 quieting, when objection made, 34.02
 rape complainants, 31.06
 reputation for untruthfulness, 31.12, 33.06
 respondent as. *See* Respondent
 rule on witnesses, 22.03(c), 27.11
 subpoenas. *See* Subpoenas
 suppression hearing. *See* Suppression hearings
 surprise and impeachment of own witness
 defense witnesses, 33.24
 prosecution witnesses, 31.14
 taking statements from, 8.10-8.12
 tender of, by prosecution, 31.13
 theft victim, 31.04
 unavailable, and Confrontation Clause
 exceptions, 30.04
 venue change and, 20.03, 20.03(a)

Words and phrases
 delinquency cases, terminology of, 2.02, 4.01,
 14.02, 17.02, 38.03(c)
 double jeopardy, same offense, 17.08(b)
 hearsay, 30.04
 lesser included offenses, 36.05
 interrogation, 24.08(b)
 plea colloquy, 14.26(c)

Work camps, 38.03(a)

Work product doctrine
 generally, 9.10(b), 9.13
 asserted by prosecution, 9.10(b)
 protection against discovery by prosecution,
 5.05, 8.10, 9.13, 16.04, 27.12(b), 33.03,
 33.24

Work release, pretrial detention alternatives, 4.21(e)

Writs
 certiorari, 39.02(a), 39.03(a)
 coram nobis, 39.03(a)
 habeas corpus. *See* *Habeas corpus*, writs of
 habeas corpus ad testificandum, 10.03
 mandamus. *See* *Mandamus*, writs of
 prohibition. *See* *Prohibition*, writs of

Written interrogatories. *See* Interrogatories

Y

Youth gangs
 pretrial detention and membership in, 4.21(d)(1)

members, interrogation of, 3.05
Youth Services Division, police department, 3.05, 3.14