

COMPARATIVE ANALYSIS
OF
AMERICAN BAR ASSOCIATION
STANDARDS FOR
CRIMINAL JUSTICE
WITH
KANSAS
LAWS, RULES AND LEGAL PRACTICE

BY THE JUDICIAL COUNCIL
ADVISORY COMMITTEE ON THE
STANDARDS FOR CRIMINAL JUSTICE

ALEX HOTCHKISS, CHAIRMAN
LEE HORNBAKER
E. EDWARD JOHNSON
JOHN C. TILLOTSON
PAUL E. WILSON

✓ INCLUDING 1974 SUPPLEMENT PREPARED
BY THE JUDICIAL COUNCIL ADVISORY
COMMITTEE ON THE STANDARDS FOR
CRIMINAL JUSTICE

ALBERT B. FLETCHER, JR., CHAIRMAN
LEE HORNBAKER
E. EDWARD JOHNSON
JOHN C. TILLOTSON
PAUL E. WILSON

FOREWORD

This work comparing the Kansas Criminal Code and case law with the American Bar Association Standards for Criminal Justice has been prepared and published through the efforts of five men, under the sponsorship of the Kansas Judicial Council. With the capable leadership of Judge Hotchkiss, the members have explored and commented on nearly every phase of criminal procedure. Each has worked enthusiastically and diligently, sacrificing weekends and evenings, to complete this voluminous project within a narrow time allotment. The state of Kansas is fortunate to count among its attorneys such men as Judge Hotchkiss, Lee Hornbaker, Ed Johnson, John Tillotson and Professor Paul Wilson, who have responded willingly and worked tirelessly upon this worthwhile effort to improve the administration of criminal justice in Kansas.

A grant of federal assistance to the Judicial Council under the provisions of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, through the generosity of the Governor's Committee on Criminal Administration, and a grant from the American Bar Association, have made it possible to defray the costs of this project. For these contributions the people of the state of Kansas should be grateful.

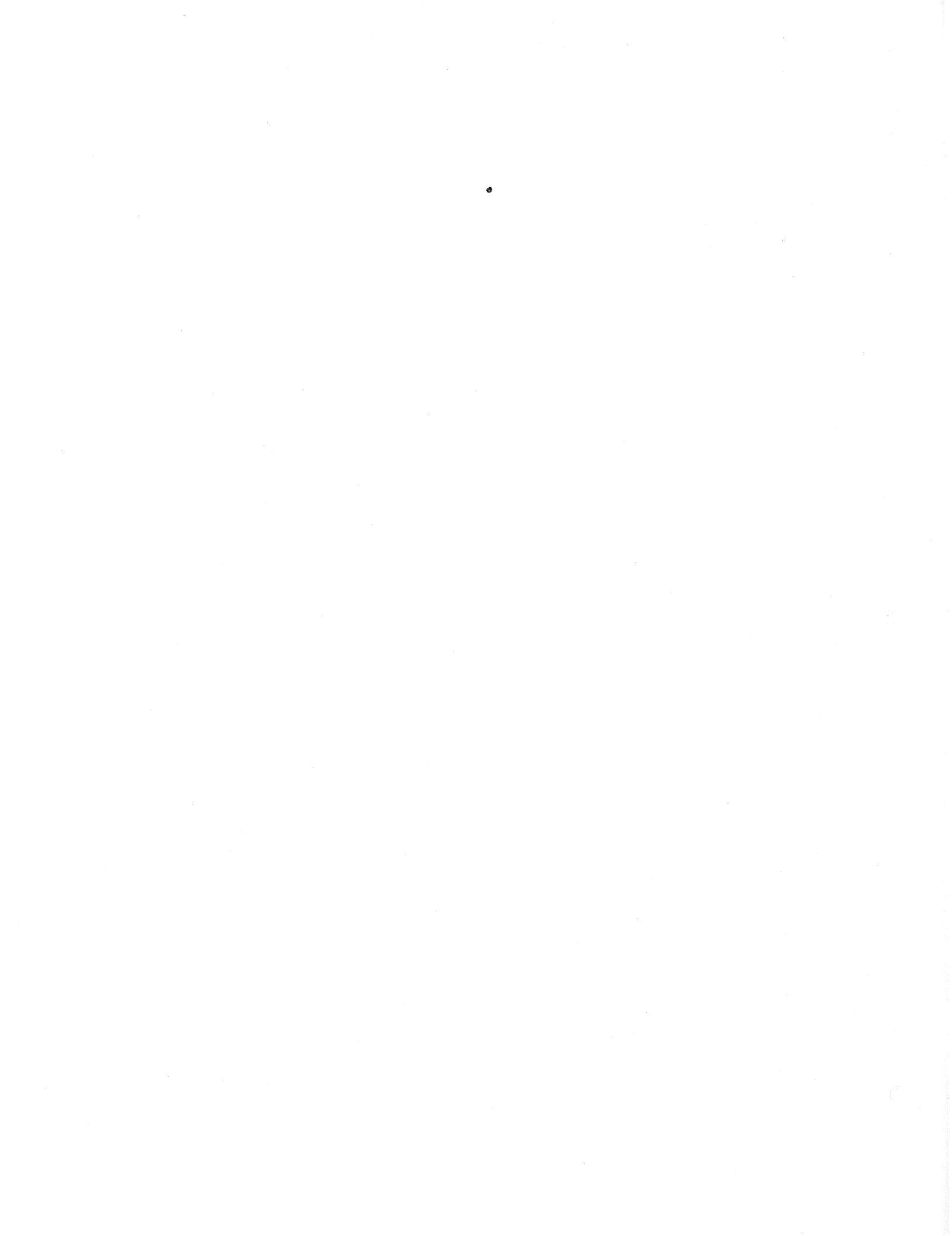
ALFRED G. SCHROEDER, Chairman
The Judicial Council of the
State of Kansas

SUPPLEMENTAL FOREWORD

The Comparative Analysis of the American Bar Association Standards for Criminal Justice with Kansas Law, Rules and Legal Practice has been supplemented and brought up-to-date since its original publication in 1972 by the continued work of Lee Hornbaker, Edward Johnson, John Tillotson and Professor Paul Wilson under the capable leadership of Judge Albert B. Fletcher, Jr., since the untimely demise of Judge Alex Hotchkiss on May 9, 1973. The committee has responded willingly and worked tirelessly upon this worthwhile supplemental effort to improve the administration of criminal justice in Kansas, made possible by an additional grant of federal assistance to the Judicial Council under the provisions of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, through the generosity of the Governor's Committee on Criminal Administration.

March, 1975

ALFRED G. SCHROEDER, Chairman
The Judicial Council of the
State of Kansas



PREFACE

Similar to action taken in several other states and as a part of the American Bar Association program of implementation of the Standards, this Comparative Analysis of American Bar Association Standards for Criminal Justice with Kansas Law, Rules and Legal Practice has been prepared. All of the Standards have been covered except Fair Trial and Free Press and the Urban Police Function, which are not directly a part of the judicial process.

The project was sponsored by the Kansas Judicial Council. A committee of five appointed by it was charged with the responsibility of preparation of the material. The council also supplied the services of Linda D. Elrod who was specially assigned as research assistant for this project and rendered valuable aid in the major portion of the work. The helpful services of Randy M. Hearrell, research assistant for the Judicial Council, also have been made available and utilized to a substantial extent.

The form of the composition has been to set out the separated provisions of the Standards, and immediately thereafter the comparable Kansas Code provisions, if any, followed by comment. Included in the Kansas Code designation are applicable constitutional provisions, statutes and rules of court. The comment includes references to the decision law, both federal and state, together with recognized practice authorities and aids such as Pattern Instructions for Kansas and the like.

Although intended as a permanent general reference work for use by all interested in the field of criminal law, its initial purpose was for use as a text for the State Judicial Conference of October, 1972. Thus pressure for timely completion required several all-day sessions of the committee, commencing with April 10, 1972, and continuing to September 1, 1972. This does not include the many additional hours of services performed by the individual members of the committee in making the original draft on the subjects separately assigned to each. This was followed by a review and consideration and final draft of the material at the sessions of the full committee.

I express my personal thanks to Paul E. Wilson, Kane Professor of Law, the University of Kansas, Lawrence, Kansas; Lee Hornbaker, Attorney at Law, Junction City, Kansas; E. Edward Johnson, Assistant U. S. Attorney, Topeka, Kansas; and John C. Tillotson, Attorney at Law, Leavenworth, Kansas, the other members of this committee whose devotion to duty and dedication to this cause made possible the completion of this project.

September 1, 1972

Alex Hotchkiss
Chairman, Judicial Council
Advisory Committee on the
Standards for Criminal Justice

SUPPLEMENTAL PREFACE

In September, 1972 the Comparative Analysis of the American Bar Association Standards for Criminal Justice with Kansas Laws, Rules and Legal Practice was published by the Judicial Council Advisory Committee on the Standards for Criminal Justice under the guidance of the late Alex Hotchkiss.

Since its first printing the laws and rules of criminal procedure in Kansas have changed dynamically. The changes are reflected in the enclosed pages. They replace the pages presently in the text.

A welcome addition to the text is an index compiled by Linda D. Elrod, associate professor of law at Washburn University and edited by Randy M. Hearrell, research assistant for the Judicial Council. This index gives ready reference to the standards and the applicable Kansas law.

The committee does not anticipate another revision of the text and therefore suggests that said text should be kept current by counsels notations.

I express my personal thanks to Paul E. Wilson, Kane Professor of Law, The University of Kansas, Lawrence, Kansas; Lee Hornbaker, attorney-at-law, Junction City, Kansas; E. Edward Johnson, assistant U.S. attorney, Topeka, Kansas, and John C. Tillotson, attorney-at-law, Leavenworth, Kansas, the other members of this committee whose dedication has made possible this revision.

ALBERT B. FLETCHER, JR., Chairman
Judicial Council Advisory Committee
on the Standards of Criminal Justice

T A B L E O F C O N T E N T S

INDEX	1
TABLE OF CODE PROVISIONS CITED	38
TABLE OF CASES CITED	49
THE PROSECUTION FUNCTION	I
THE DEFENSE FUNCTION	II
PRETRIAL RELEASE	III
PROVIDING DEFENSE SERVICES	IV
SPEEDY TRIAL	V
DISCOVERY & PROCEDURE BEFORE TRIAL	VI
JOINDER AND SEVERANCE	VII
PLEAS OF GUILTY	VIII
TRIAL BY JURY	IX
SENTENCING ALTERNATIVES AND PROCEDURES	X
PROBATION	XI
APPELLATE REVIEW OF SENTENCES	XII
CRIMINAL APPEALS	XIII
POST-CONVICTION REMEDIES	XIV
ELECTRONIC SURVEILLANCE	XV
THE FUNCTION OF THE TRIAL JUDGE	XVI

I N D E X

A

ABUSE OF PROCESS, See POST CONVICTION REMEDIES
ACCESS TO DEFENDANT, See DEFENDANT AND DEFENSE COUNSEL
ACCUSED PERSON, See DEFENDANT
ACQUITTAL,
 Motion for judgment, IX-22
ADDITIONAL JUDGE, See TRIAL JUDGE
ADEQUACY OF COUNSEL, See DEFENSE COUNSEL
ADVISORY COUNCIL ON PROFESSIONAL CONDUCT, II-5
 Communications, II-5
AFFIDAVIT,
 Counsel, ability to employ, IV-26
 appeal, XIII-20
 Information accompanying, I-35
 Post-conviction relief, supporting, XIV-18
ALIBI, See DEFENDANT
ALLOCUTION, See SENTENCE
ALTERNATE JURORS, See JURY
ANNULMENT OF CONVICTIONS, XI-14
APPEALS,
 Appellant, burden, XIII-15
 request for dismissal, XIII-19
 Appointment of counsel, II-52
 Argument limited, XIII-21
 Bail, XIII-8,13,14, See also BAIL
 Bond, XIII-13
 Clerk of court, duties, XIII-7
 Collateral attack, XIII-1
 Counsel, See DEFENSE COUNSEL
 Custody of defendant, XIII-8
 Decision, XIII-11
 Deterrent to taking, XIII-12
 District court, appeal, IX-3; XIII-6
 Docketing, See TRIAL CALENDAR; Appeals
 Expediting, XIII-20
 Guilty, plea of, XIII-1
 Incompetency, finding, XIII-5
 Inducement to taking, XIII-12,13
 Information, certification, IX-4
 Interlocutory appeals, XIII-5,6,7
 application by prosecution, XIII-6,7
 finding of incompetency, XIII-5
 Judgments, final, XIII-3,5
 Limitations, XIII-3
 Matter of right, XIII-1
 Memorandum opinions, XIII-22
 Municipal courts, IX-3

APPEALS (cont.)

Nolo contendere, plea of, appeal from, XIII-1
Notice of appeal, XI-4; XIII-1,9
Notice of calendaring, See TRIAL CALENDAR
Plea of guilty, appeal from, XIII-1
Preappeal screening, XIII-14
Procedural devices, XIII-15
Processing appeals, XIII-17
Prosecution appeals, XIII-17
 effect, XIII-6
 grounds, XIII-6
 reservation of question, XIII-8
Purpose of review, XIII-2
Record on appeal, XIII-19; See also RECORD
Release after conviction, XIII-13,15,16; See also RELEASE
 pending appeal, XIII-13,15,16
 recognizance, instead of bail, XIII-8
Review of judgment, XIII-1
Rules of Supreme Court, See SUPREME COURT
Review of sentence, XII-1
Screening panels, XIII-21
 procedures, XIII-21
Sentence,
 not appealable, XIII-4
 imposition suspended, XIII-4,9
State appeals, See Prosecution appeals, supra
Statutory right, XIII-1
Stay of execution, XIII-15
Stay of further proceedings, IX-3
Structure of appellate court, XIII-2
Supervision of convicted during preparation of case, XIII-17
Supreme Court, See SUPREME COURT
Time limitation, XIII-3,9
Transition from trial court to appellate, XIII-9
Verdict of guilty, XIII-4

APPEARANCE BOND

Contents, III-2
Definition, III-6
Execution, III-2
Sureties, III-3

APPEARANCE, FIRST

Counsel appointed prior, III-13
Definition, III-5
Inform accused of charge, III-15
Nature, III-14
Procedure, III-14
Record made, III-15
Release, III-2,13
Role of magistrate, III-3

APPELLATE REVIEW, See APPEALS, POST-CONVICTION REMEDIES
APPOINTMENT OF COUNSEL, See DEFENSE COUNSEL; appointment
ARGUMENTS TO JURY, See JURY
ARRAIGNMENT,

 Appointment of counsel, IV-19
 Commencement of time, V-5
 Delay, V-6
 Felony, V-5
 Plea entered, see PLEAS
 Prosecution attorney, role, I-39; See also PROSECUTING ATTORNEY
 Release, III-13
 Time, V-5

ARREST,

 Probationers, XI-17
 Search upon valid, III-9

ASSIGNED COUNSEL SYSTEM, See DEFENSE COUNSEL
ATTORNEY GENERAL,

 Chief law enforcement official, I-9
 Habeas corpus, receipt of notice, XIV-4
 Public interest, consultation, I-10
 Prosecutor, I-23,24

ATTORNEYS, See DEFENSE COUNSEL and PROSECUTING ATTORNEY

B

BAIL,

 Appeal, XIII-8
 inducement, XIII-13,14
 nominal, XIII-8
 Appearance bond, III-6
 Definition, III-5,6
 Exceptions, V-1
 Execution of unsecured bond, III-21
 Inducement to appeal, XIII-13,14
 Money, III-21
 requirements on setting, III-21
 usage, III-21
 Nature of charge as affecting, III-22
 Nonmonetary conditions, III-2
 Persons bailable, III-1
 Post-conviction relief, XIV-22,23
 Purpose, III-21
 Recognizance, release, III-2; V-15
 Release, III-1; V-2; See also RELEASE
 Unusual risks, V-1

BAILIFF,

 Excusing jury, IX-11
 Prejudicial statement to jury, IX-35

BILL OF RIGHTS, KAN. CONST., V-1; IX-1

BOARD OF PROBATION AND PAROLE, X-8,39,42; XI-10,18,19; XIV-9; IX-39

BOND, See also APPEARANCE BOND,
Appeal, See APPEALS
Execution of unsecured, III-21
Forfeiture for failure to appear, III-5
BURDEN OF PROOF, See EVIDENCE

C

CALENDAR, TRIAL, See TRIAL CALENDAR
CANONS OF ETHICS, See CODE OF PROFESSIONAL RESPONSIBILITY
CHALLENGES TO JURORS, See JURY
CHARGE,
 Bail, effect, III-22
 Consideration, VII-12
CITATION, See also NOTICE TO APPEAR
 Definition, III-5
 In lieu of arrest or continued custody, III-7
 Mandatory, III-7
 Permissive, III-8
 Use, III-6,7
CITY ATTORNEY, I-9
CLERKS OF DISTRICT COURT, V-2
 Duties on appeal, XIII-7
CODE OF PROFESSIONAL RESPONSIBILITY,
 Adherence, II-1
 Unprofessional conduct, I-3; II-2
 agree in advance of crime to serve as counsel, II-25
 agree to obtain publication rights from client, II-20
 argue facts outside the record, I-53,55; II-53
 compensate a witness, not an expert, I-28; II-29
 compensation for other than service, II-17
 conflict of interest, I-4; II-20,21
 conflict of loyalty, II-22
 contingent fee in criminal case, II-19
 definition, I-3; II-1
 defend case if prosecutor is partner, II-18
 delay, intentional, I-21,29; II-4
 disruptive behavior, II-37
 divide fee with nonlawyer, II-18
 evidence, failure to disclose, I-18,41
 false, I-50; II-29,31,42
 illegal means to obtain, I-25
 inadmissible, I-51; II-42
 misstatement of, I-54
 prejudicial tangible, I-52; II-43
 express personal belief of guilt or innocence, I-54; II-46
 ex parte discussions, unauthorized, I-20
 extrajudicial statements, I-5
 failure to disclose evidence, I-18,41

CODE OF PROFESSIONAL RESPONSIBILITY, (cont.)

Unprofessional conduct

false evidence, I-50
false statement, knowledge, I-18; II-1
false testimony, use, I-18
fees, excessive, I-29; II-18,31
illegal investigation, II-28
impermissible comments, I-51
information, withholding, I-25, II-16
institute criminal charges w/o probable cause, I-37
misconduct, I-20
misrepresentation, intentional, I-18,22; II-1,3
obstruct communications between counsel and defendant, I-25
promises to defendant, I-26,44
referrals by agreement with law enforcement personnel, II-9
risks, overstatement or understatement, II-33
simulating legal process, I-26
suppression of evidence, I-25; II-16; VI-24
unlawful conduct, II-25

COLLATERAL ATTACK, XIII-1

COLLATERAL PROCEEDINGS,
Counsel, IV-18,23

COMMITMENT, X-58

COMMUNICATIONS, PRIVILEGED, II-12

COMPENSATION,

Counsel, See DEFENSE COUNSEL

Jury, See JURY

CONFINED DEFENDANTS: See DEFENDANTS; Detained or in custody

CONFLICT OF INTEREST, I-4, SEE CODE OF PROFESSIONAL RESPONSIBILITY;
unprofessional conduct

CONSTITUTIONAL LAW, V-1,2,11

CONTEMPT,

Failure to answer jury summons, IX-10

CONTINUANCE,

Defendant, request, II-4; V-4,8

Delay, by prosecutor, I-39

Length, V-3

Preliminary hearing, I-40

Prisoner, when, V-13

Prosecution, request, I-39; V-8

time to prepare, V-9

unavailability of materials, V-8

Public interest requires, V-3

CONVICTION,

Annulment, XI-14

Appellate review, XIII-1

Release after, XIII-13,16

COUNSEL FOR ACCUSED, See DEFENSE COUNSEL

COUNSEL FOR STATE, See PROSECUTING ATTORNEY

COUNTY ATTORNEY, See PROSECUTING ATTORNEY

COUNTY ATTORNEYS' ASSOCIATION, I-10

COUNTY COMMISSIONERS,

 Control over prosecution of case, I-2

 Funding of county attorney's office, I-15

COURT CALENDAR, See TRIAL CALENDAR

COURTS,

 Congestion and delay, V-1

 duties of court, V-2

 extension of time limitation, See TRIAL; time limitations

 prosecuting attorney, role, See PROSECUTING ATTORNEY

 unreasonable delay, V-14

 Days of, V-5

 Decorum in courtroom, I-46; II-36,37

CRIMES,

 Alternative on sentencing, X-2

 Classification, X-2,3

 Commission while awaiting trial, III-24

 Commission while on parole, X-31

CRIMINAL RECORD, effects avoided, XI-14

CUSTODY OF DEFENDANT, See DEFENDANT, and TRIAL CALENDAR; Scheduling; custody

D

DEFENDANT

 Absence

 commencement of trial, VIII-1

 effect on time limit, V-9

 Access to counsel, II-7,14; IV-30

 Alibi, plea, VI-21,22

 Appeal,

 custody of defendant, VII-8

 decision, II-51

 Assistance of counsel, eligibility, IV-24,25,26

 fraud, IV-27

 Bail, release, III-1; V-2; See also BAIL

 Clothing, IX-19

 try on, VI-18

 Competency, VI-23

 Constructive custody, XIII-5

 Conviction,

 opportunity to plead, IX-49

 reduction, X-38

 Codefendant, out of court statement, VII-10

 Corporation, VIII-1

 Counsel, See also DEFENSE COUNSEL

 assistance, IV-24,25,26

 offer, IV-30

 opportunity to confer, III-16; VIII-3

 reimbursement not required if indigent, IV-27

 right, IV-1; XVI-15

 waiver, IV-31

DEFENDANT (cont.)

Credit for custody, X-17,33,34
 pretrial detention, III-27
 time served, X-36,37,59
Custody, III-18; V-2,6; See also TRIAL CALENDAR; Scheduling, application to modify release conditions, III-25
Custody and restraint, IX-19; XVI-27
Decisions, II-34
Demand for trial, V-11
Detained, time for trial, III-25
Discharge, V-4,15
Disclosures to prosecution, VI-18
Disruptive, XVI-41
Failure to appear, III-4
Felony charge, IV-1
Financial inability to pay, See Indigent, infra
Fingerprints, VI-18
First appearance of, See APPEARANCE, FIRST
Handwriting, VI-18,19
Incompetency, See also TRIAL; time limitations;
 to stand trial, IX-35
Incarcerated, appearance in court, IX-19
Indigent, IV-1,24
 appointment of counsel, II-8; III-14; IV-1,2,18,19
 reimbursement not required, IV-27
 fraud, IV-27,29
 transcript of preliminary examination, IV-8
Informed of charge by judge, III-15
Insanity defense, VI-23
Jeopardy, defense, VII-8,9
Joinder, VII-2,4; See also JOINDER; Defendants
 delay, when, V-10
 discretion of court, VII-2,4
 double jeopardy, when, VII-5,6
 failure to prove grounds, VII-11
 failure to join, VII-3
 motion to join, VII-4
 separate trials, when, VII-10
Jointly charged with another, XVI-15
Line-up, appearance, VI-18,19
Loss of liberty, criteria for counsel appointment, IV-17
Medical or scientific reports, VI-20
Misconduct, XVI-42
Nature of defense, VI-21
Notice to appear, VI-18
Opportunity to confer with counsel, III-16; VIII-3
Photographs, VI-18
Physical examination, VI-18
Plea, See PLEAS
Pleading, VIII-1

DEFENDANT (cont.)

Presence,
 arraignment, VIII-1
 trial, IX-19
 pretrial conference, XI-31
Prior convictions, IX-21
Prior criminal record affecting release, III-18
Probable cause to charge, I-36
Pro se appearance, XVI-37
Release on recognizance, III-5,19; V-15; See also RELEASE
Request, failure, IV-31
Restraint, IX-19
Review of release decision, III-25
Right to counsel, see Counsel, supra and DEFENSE COUNSEL
Seating, See TRIAL, seating
Severance, VII-6,10; XVI-19; See also SEVERANCE: Defendants
 right, VII-7,9
Speaking for identification, VI-18,19
Special defense, notice, VI-23
Specimens of blood, hair, etc., VI-18,19
Standby counsel to represent, XVI-39
Testimony, II-44,45
Time to prepare for trial, VIII-4
Unavailability, See TRIAL; Time limitations, excluded periods
Voluntary absence, VIII-1; IX-30,31
DEFENSE COUNSEL, See also PROSECUTING ATTORNEY
 Access to defendant, II-7,14; IV-30
 Adequacy, II-54; IV-2
 Advise defendant or rights, II-23
 aspects of case, II-33
 Appeal, II-50,51; XIII-18; See also APPEALS
 assignment of counsel, II-52; IV-22; XIII-18
 collateral proceedings, IV-23
 conduct, II-52
 duty in re, XIII-11
 explain advantages, II-50
 post-conviction remedies, II-54
 record, II-53
 review prospects, XIII-11
 withdrawal of counsel, II-52; XIII-18,19
 Appointment, III-13; IV-1,17,19
 duration, IV-20
 Arguments to jury, See JURY
 Arraignment, IV-19
 Availability, IV-30
 Assigned counsel system, IV-2,4,8
 assignment by district court rule, IV-9
 board of trustees, IV-4
 compensation of counsel, IV-10,11
 conflict by public defender, IV-4

DEFENSE COUNSEL (cont.)

 eligibility of counsel to serve in, IV-9
 filing of claims, IV-9,12,13
 procedure, IV-12
 public defender, conflict, IV-4
 rotation selection, IV-10
 services auxiliary, IV-6
 expert testimony, IV-6
 investigatory, IV-6
 other, IV-6
 systematic assignment, IV-8

Career service, IV-14

Code of professional responsibility, See CODE OF PROFESSIONAL RESPONSIBILITY

Collateral proceedings, role, IV-18

Communications, privileged, II-11,12

Compensation of counsel for indigents, IV-13

Competence, II-13

Conduct of case, II-13,14

Confidential relationship with client, II-11

Conflict of interest, See CODE OF PROFESSIONAL RESPONSIBILITY

Court, duty, II-27

Decisions, II-34

Defender systems, IV-14

Delays, avoidance, II-3

Discovery, compliance, II-32; VI-2,25

Disposition without trial, II-35

District Defender, IV-5,6,14,15

Duration of representation, IV-2,20

Duty to keep client informed, II-23,26,35

Effectiveness, See Adequacy, supra

Evidence, See EVIDENCE

Extradition, See EXTRADITION

Facilities, conference, II-14; IV-16

Fees, excessive, See CODE OF PROFESSIONAL RESPONSIBILITY

Felony defendant, IV-17

Guilty defendant, II-45

Interest of client paramount, II-7

Investigatory duty, II-27
 illegal investigation, II-28

Jury, See JURY

Litigation, control, II-32

Multiple defendants, conflict, II-21,36

Nature of defense, VI-21

Notification of need, IV-20

Obligations, II-27

Opening statement, II-41

Opportunity to confer with client, III-16; VIII-3

Parole and probation revocation hearing, IV-19

DEFENSE COUNSEL, (cont.)

Panel to Aid Indigent Defendants, IV-2,4,8
 appointment of counsel, IV-1,17,19,21
 board of supervisors, IV-5
 compensation, IV-2,10,11,13
 duty of appointee, IV-21
 compilation of list, IV-9
 filing of claims, IV-11
 proration, IV-11
 judges, duty, IV-2,3
 procedure, IV-12
 rotation of names, IV-10
 substitution of counsel, IV-25

Plea, aid in, VIII-3

Plea discussions, VIII-11; See also PLEA DISCUSSIONS

Post conviction motions, II-48; IV-19; See also HABEAS CORPUS

Preparation for trial, II-28,28; VI-2

Privileged communications with accused, II-5,7,55

Professional representation, II-1; IV-4

Public statements, II-5

Public defender system, IV-2,3,14
 board of supervisors, IV-5
 career, IV-14
 conflicts, IV-4
 fulltime personnel, IV-16
 facilities, IV-16

Punctuality, II-3

Referral service for criminal cases, II-8
 prohibited referrals, II-9

Relationship with client, II-2,11

Role of, II-1

Sentencing, X-49; See also SENTENCE
 familiarity with alternatives, II-49

Surety, See SURETY

Supporting services, IV-6

Unlawful conduct, anticipation, II-24

Voir dire, role, I-48

Withdrawal, II-45,52; IV-23

DEFENSE SERVICES, IV-6; See DEFENSE COUNSEL

DELAYS,
 Avoiding, II-3
 Continuances, See CONTINUANCES
 Necessary, V-3
 Preliminary hearing, I-40

DELIBERATIONS OF JURY, See JURY

DETAINED DEFENDANT, See DEFENDANT

DETAINERS,
 Agreement, V-11
 Contents, V-12,13
 Uniform mandatory disposition of detainees act, V-11,12,13; X-49

DISCHARGE OF JURY, See JURY
DISCHARGE OF DEFENDANT, See DEFENDANT
DISCOVERY,
 Additional material after, VI-25
 Calendar control, See TRIAL CALENDAR
 Compliance with, I-41; II-32
 Court, role, See TRIAL JUDGE
 Counsel, meetings, VI-1
 Custody of discovered materials, VI-25
 Defendant, disclosures, VI-18,19
 Disclosure, continuing duty, VI-25
 Electronic surveillance, VI-28; See also ELECTRONIC SURVEILLANCE
 Excision, VI-26,27
 Exploratory state, VI-29,30
 Failure to disclose, I-43
 In camera proceedings, VI-26
 Investigation of case, VI-24
 Omnibus hearing, VI-31
 Omnibus stage, VI-29
 Pleas, See PLEAS
 Post-conviction relief, XIV-25,26
 Pretrial conference, VI-32
 Pretrial procedure, VI-1
 Procedure, VI-29
 Prosecuting attorney, role, See PROSECUTING ATTORNEY
 Protective orders, VI-26
 Regulation, VI-24
 Sanctions for failure to comply, VI-28
 Scope, VI-1
 Trial, See TRIAL
 Violation of discovery rules, VI-28
DISPOSITION WITHOUT TRIAL, See TRIAL
DISTRICT ATTORNEY, See PROSECUTING ATTORNEY
DISTRICT COURT CLERKS, See CLERKS OF DISTRICT COURT
DISTRICT DEFENDER, See DEFENSE COUNSEL
DOCKET, See TRIAL CALENDAR
DOUBLE JEOPARDY, See JEOPARDY

E

ELECTRONIC SURVEILLANCE,
 Administrative regulations, XV-21
 Application,
 contents, form, XV-2,11
 custody, XV-17
 destruction, XV-17
 facts, XV-11
 retained, XV-17
 specification of offense under investigation, XV-11
 under oath, XV-2,11
 written, XV-2,11

ELECTRONIC SURVEILLANCE (cont.)

Attorney general, application, XV-1
Civil sanctions, XV-6
Consent, XV-9
Contents of communications, XV-19, 20
County attorney, application, XV-1
Crimes for which used, XV-2, 7
Criminal sanctions, XV-4, 5
Custody of recorded material, XV-18
Definition, XV-3
Designated offenses, XV-13, 14
Destruction on order of court, XV-18
Disclosure of contents, XV-19
Emergency situations, use, XV-10
Enforcement, XV-5
Evidentiary sanctions, XV-6, 7
Ex parte order, XV-1
Immunity, XV-5
Inventory of applications made, XV-19
Judicial discretion to deny application, XV-14
Judicial order, XV-10
Judicial reports, XV-20
Law enforcement officer, XV-2
Magistrate, XV-2
Motion to suppress, XV-7
National security, XV-8
Objectives, XV-1
Orders allowing, XV-2
 content, XV-15
 custody, XV-17
 destruction, XV-17
 extension of time, XV-15
 form, XV-15
 retained, XV-17
 return, XV-18
 termination, XV-15
 time limit, XV-2, 16
Other offenses, XV-14
Overhearing with consent, XV-9
Overhearing w/o consent, XV-10
Preuse notice, when, XV-7
Privileged communications, XV-17
Probable cause, XV-12, 13
Prosecutive reports, XV-20
Public facilities, XV-16
Public reports, XV-20
Record, XV-18
Recordings, custody, sealing, XV-18
Reports of judicial officer, XV-20

ELECTRONIC SURVEILLANCE (cont.)

Reports of prosecutor, XV-20

Return on order, XV-18

Sealing of recording, XV-18

Use of contents, XV-19

Without consent, when proper, XV-10

ENDORSEMENT OF NAMES OF WITNESSES, VI-3,5,21,22

ETHICAL CONSIDERATIONS, See CODE OF PROFESSIONAL RESPONSIBILITY
EVIDENCE,

Alibi, VI-24

Comment by judge, IX-27

Confession of codefendant, VI-7

Disclosure, I-41

Display, I-52

False, II-16

Grand Jury, I-33

Inadmissible, II-42

Information or indictment, I-35

Insanity, VI-23

Jury, request to review, IX-29

Misstatement, I-54

Negating guilt, I-33; V-12

Obtained illegally, I-25

Plea discussion, Inadmissible, VIII-13

Presentation, I-50; II-41

Prior convictions, IX-21

Rules applicable, VI-17; IX-35

Sentence, issues, X-54

Summary, IX-27

Suppression, I-25; VI-24

Tangible, display, I-50,51; II-43

Witness, to impeach, VI-10

Withdraw plea not admissible, VIII-9

EXCESSIVE FEE, See FEES, and CODE OF PROFESSIONAL RESPONSIBILITY
EXPERT WITNESS, See WITNESS

EXCISION, See DISCOVERY

EXTRADITION, IV-18,19

F

FACILITIES, I-21; II-14; XVI-7,8

FACTUAL BASIS FOR PLEA, See PLEAS

FAILURE TO APPEAR, III-4

FEDERAL CRIMINAL JUSTICE ACT, IV-7

FEES, II-16,17,18

Contingent fee in criminal case, II-19

Division of fee with nonlawyer, II-18,19

Excessive, II-16,17,18; See also CODE OF PROFESSIONAL
RESPONSIBILITY

FEEES, (cont.)
 Expert, excessive, I-29; II-31
 Filing, post-conviction relief, XIV-19
 Other than professional service, II-17
 Payment by one for defense of another, II-22

FELONY,
 Arraignment, V-5; See also ARRAIGNMENT
 Fine, IX-18
 Classification, X-2
 Pleas, VIII-5
 Presence of defendant, VIII-1
 Trial by jury, IX-1
 Trial to court, IX-6
 Unclassified, X-3

FINES, X-1,65
 Collection, X-67
 Effect of nonpayment, X-1,21,65,66
 corporation, X-67
 Imposition, considerations, X-19,20
 Installment payments, X-19
 Maximum, X-18,21
 Offenses for which proper, X-18
 Schedule, IX-22

FINAL JUDGMENT,
 Affirmative defense, XIV-35,38
 Renewal of prosecution proceedings not foreclosed, XIV-40
 Review, XIV-32

FIRST APPEARANCE, See APPEARANCE, FIRST

FORFEITURE OF BOND, III-4

G

GOVERNOR, power to substitute counsel, I-22,23

GRAND JURY,
 Argument, I-32
 Evidence presented, I-33
 Presentations, I-32
 Prosecuting attorney, duties in re, I-31,32,33,34,35
 Recommendations, I-33
 Record made, I-32
 Relations of prosecutor, I-31
 Witnesses, I-34,35

GUILTY PLEA, See PLEAS

H

HABEAS CORPUS,
 Abuse of process, XIV-12
 Appeal, not substitute, XIV-35,36
 Appellate review, XIV-31,34
 disposition, XIV-34

HABEAS CORPUS, (cont.)
Application, XIV-13
 disposition, XIV-20, 21
 false allegation, XIV-18
 filing, XIV-13
 fees, XIV-19, 20
 form, XIV-15, 16, 17
 preparation, XIV-13
 processing, XIV-20
 repetitive, XIV-38
 screening, XIV-21
 service, XIV-13, 14
 supporting affidavits, XIV-18
 verification, XIV-18
Appointment of counsel, XIV-23, 24
Attorney general, receipt of notice, XIV-4
Bail, XIV-22, 23
Board of probation and parole, XIV-9
Burden of proof, XIV-29
Calendar priority, XIV-22
Characterization of proceedings, XIV-3
Civil action, XIV-3
Collateral attack on judgment required, XIV-3
Counsel, XIV-23, 24, 33
County Attorney, notice, XIV-4
Credit for time served, XIV-41
Custody requirement, XIV-10
Defendant, in custody, IV-18, 22; XIIII-4
Defender project, XIV-14
Discovery, XIV-25, 26
Dismissal on pleadings, XIV-22
Dispositive orders, XIV-30
Evidence rules, XIV-28
Evidentiary hearing, XIV-19
Filing, XIV-13
Final judgment, review, XIV-32
Fees, XIV-19
Findings, explicit, XIV-29
Grounds, XIV-7, 8
Interlocutory order, XIV-33
Judgments, finality, XIV-35
Jurisdiction, XIV-5, 31
Masters, judicial officers, XIV-20
Motions, XIV-2
Opinions of trial court, XIV-30, 31
Parties, XIV-27
Plenary hearing, XIV-27
Postponed appeals, XIV-9

HABEAS CORPUS, (cont.)

Premature application, XIV-9
Preliminary judicial screening, XIV-21
Presence of applicant and counsel, XIV-27
Prisoners,
 access to legal resources, XIV-13,14
 access to notary public, XIV-18
 inmate counseling, XIV-14
Probation, parole revocation irregularities, XIV-9
Process, appellate, XIV-33
Public defender to advise, XIV-10
Record of prior proceedings needed, XIV-24
Release on recognizance, XIV-23
Repetitive applications, XIV-38
Requirement of custody, XIV-10
Resentencing, XIV-41
Responsive pleadings, XIV-22
Scope of remedy, XIV-7
Second or successive motions, XIV-38
Sentence on reprocsecution, XIV-40
Stale claims, XIV-12
Statute of limitations, XIV-11
Stay of execution, XIV-23
Substitute for appeal, XIV-36
Summary disposition w/o plenary hearing, XIV-25
Timely appeal, jurisdictional, XIV-10
Unitary post-conviction remedy, XIV-1
Venue, See VENUE
Withdrawal of appointed counsel, XIV-25
Writ, XIV-1
HABITUAL CRIMINAL ACT, X-27
 Increased term, X-27,29
 Maximum term, X-28
HABITUAL OFFENDERS, X-27
HANDBOOKS,
 Jurors, IX-18
 Prosecutor, I-16

I

ILLEGAL SENTENCE, See SENTENCE

IMMUNITY,

 Grant, I-35

 Prosecutor's power to grant, I-26,27

IMPOSITION OF SENTENCE, See SENTENCE

 Required for probation, XI-2

IMPRISONMENT,
Classification of crimes, X-3
Failure to pay fine, X-21
Maximum term, X-5,22
Minimum term, X-24,25,26
Special term, X-23
Total confinement, X-13

IN CAMERA PROCEEDINGS, VI-27

INCARCERATION, See IMPRISONMENT

INCOMPETENCY, See DEFENDANT

INDICTMENT, See INFORMATION

INFORMATION,
Scope of evidence, I-35
Verification, I-35

INHERENT POWER OF JUDICIARY, XVI-19

INSTRUCTIONS TO JURY, See JURY

INTERLOCUTORY APPEALS, See APPEALS

INTERLOCUTORY ORDER, See ORDER

JEOPARDY, VII-5,6; IX-32

JOINDER,
Defendants, VII-2,4
Failure to prove grounds, VII-11
Guilty plea, effect, VII-5
Motion of court, VII-12
Offenses, VII-1,2
Separate trial, VII-3
Waiver, VII-4

JOURNAL ENTRY, III-27; X-34

JUDGES, See TRIAL JUDGE

JUDGMENTS,
Rendered in open court, X-56

JUDICIAL ADMINISTRATOR,
Assessing claims for payment, IV-12,13
Duties, V-2
Panel to aid indigents, IV-5
Payment of counsel, IV-29
Statistical information collected, XIII-22

JUDICIAL MISFEASANCE, XVI-49

JUDICIAL OFFICER, See MAGISTRATE or TRIAL JUDGE

JUDICIAL REAPPORTIONMENT ACT, XVI-8

JURISDICTION,
Appellate, XIV-31
Post-conviction relief, XIV-5

JURY,
Alternate or additional, IX-17
Appeal, IX-4
Arguments, I-49,54,55; II-46; XVI-32
 facts outside the record, I-55; II-48
 inflammatory, I-55; II-47
 personal opinions, I-54; II-46

JURY, (cont.)

Assistance of judge, XVI-30
Challenges to array, IX-12
Challenges for cause, IX-14,15,16
Challenges, peremptory, IX-16,17
Common law background, IX-2,3
Communication,
 after verdict, I-49; II-40
 before trial, I-48; II-39
 during trial, I-49; II-40
 during deliberations, XVI-27
Compensation, IX-18
Constitutional guarantee, IX-1
Contempt for failure to answer questions, IX-10
Deliberations, IX-28
 additional instructions, IX-29
 communication with jury, IX-30
 deadlock, IX-31; XVI-34
 length, IX-31
 materials to jury room, IX-28
 request to review evidence, IX-29
Denial, IX-2
Discharge, I-49; IX-32
Disqualification, IX-9
Evidence,
 comment by judge, IX-27
 intervention of judge, XVI-30
 prior convictions presented, IX-21
Examination, See Voir Dire
Exclusion from panel, IX-8
Excused persons, IX-10,11
 bailiff not allowed to excuse, IX-11
Exemption from panel, IX-10
Felony case, right, IX-1
Function of trial, IX-5
Impartiality, IX-15,32
Instructions, IX-24; XVI-33
 conference, IX-25
 copies, IX-24
 forcing type not allowed, IX-31
 objections, IX-25
 oral, IX-18
 pattern instructions, IX-24
 record, IX-26
 waiver of defects or omissions, IX-25
 when given, IX-24,25
 written required, IX-24

JURY, (cont.)
 Interview, after verdict, II-41
 Jeopardy, when, IX-32
 Judge, questions, IX-13
 Misconduct, IX-35
 Misdemeanors, not required, IX-3, 6
 Municipal, right, IX-3
 Notetaking, IX-20, 21
 Number, IX-1, 4.5
 Orientation of jurors, IX-18
 Polling, IX-33
 Post-trial interviews, II-41
 Presence of defendant, See DEFENDANT
 Pretrial investigation, I-47; II-38
 Procedures of, IX-19
 Prospective jurors, list, IX-11
 Purpose, IX-2
 Qualifications, IX-9
 Relations, I-48; II-39; XVI-25, 26
 Request, IX-3
 Right of appeal if not allowed, IX-3
 Right, IX-1
 Selection, I-47; II-37; IX-7; XVI-25
 fair cross section, IX-7, 9
 irregularities, IX-13
 random process, IX-8
 sentence, role, X-2
 Sequestration, XVI-35
 Sickness of juror, IX-32
 Trial procedures, IX-9
 Trial de novo, IX-3
 Unanimity, IX-1
 Verdict, I-56; IX-1, 23, 33, 34
 communication after, II-40; See also VERDICT
 Voir dire, I-47, 48; II-39; IX-13; XVI-25
 purpose, IX-13
 role of judge, IX-13; XVI-25
 scope, IX-13
 Waiver, IX-4, 6, 7
 Witnesses before, See WITNESSES
JURY COMMISSIONERS, IX-8, 9

L

LAW ENFORCEMENT OFFICER,
 Authority to arrest for felony bail violator, III-23
 Authority to release, III-6

LAW ENFORCEMENT OFFICER, (cont.)

Authority to take to medical facility, III-9,13
Detention, III-6
Notice to oppose release, III-17
Prosecutor, I-1
Protective custody, III-13
Release without warrant, III-6
Relations with prosecutor, I-17,18
Use of electronic surveillance, XV-2
LOCAL OPTION, counsel for indigents, IV-4

M

MAGISTRATE,

Advise accused of rights, III-15
Appearance bond, amount, III-2-16
Duty to appoint counsel, I-39
Order for electronic surveillance, XV-2
Reasons for issuing warrant, III-12
Release of accused, III-13
 factors affecting, III-19,20
Warrant, issuance, III-23

MASTERS, XIV-20

MEDICAL EXAMINATION, sentencing, X-17
MINIMUM STANDARDS FOR PROBATION SERVICES, XI-20

MISCONDUCT IN COURT,

Censure by judge, XVI-39
Detering, XVI-31
Pro se defendant, XVI-42
Sanctions, XVI-36
Spectators, XVI-42

MISDEMEANOR,

Classification, X-3,4
Information in district court, I-36
Presence of defendant, VIII-2
Unclassified, X-4

MODIFICATION OF SENTENCE, See SENTENCE

MOTIONS,

Correct, set aside or vacate sentence, XIV-2
Electronic surveillance, suppression, XV-7
Judgment of acquittal, IX-22,23
Post-conviction, II-48; XIV-2,13
Renewal of motions, IX-23
Submission, without papers, XVI-17
Second or successive alleging same, XIV-38

MULTIPLE OFFENSES, See OFFENSES, Multiple

N

NATIONAL SECURITY, electronic surveillance, XV-8
NEWS MEDIA,

Arrangements for trial, XVI-43
NOLO CONTENDERE, See PLEAS
NOLLE PROSEQUI, reasons, I-45
NOTICE OF APPEAL, XIII-1,9; See also, APPEALS
NOTICE TO APPEAR,
Defined, III-5
Misdemeanor, III-6,7
Traffic cases, III-7

O

OFFENSES,
Consolidation, VII-12
Discretion of court, VII-2
Failure to join related, VII-3
Joinder, VII-1
Multiple, X-29
sentencing, X-30,48
Plea to other than charged, VIII-3
Related, defined, VII-3
OMNIBUS HEARING, VI-31
OPENING STATEMENTS, See also PROSECUTING ATTORNEY AND DEFENSE COUNSEL,
Defense, II-41
Prosecution, I-50
ORDERS,
Electronic surveillance, XV-2,15,17; See ELECTRONIC SURVEIL-
LANCE; Orders
Interlocutory, XIV-33
ORDER TO APPEAR,
definition, III-5
OVERHEARING, See ELECTRONIC SURVEILLANCE

P

PANEL TO AID INDIGENT DEFENDANTS, See DEFENSE COUNSEL
PAROLE ELIGIBILITY,
Determination, X-6
PAROLE OFFICERS, X-40
PEREMPTORY CHALLENGES, See JURY, Challenges, peremptory
PERJURY, XIV-18
Counsel aid, II-45
PERSONS IN NEED OF CARE, III-9,10

PERSONAL RECOGNIZANCE, See also RELEASE
 Definition, III-5
 Release, III-19; V-15

PLEAS,
 Acceptance, VIII-2,4
 Accuracy, VIII-6
 Acting on, VIII-1
 Alibi, VI-22
 Alternatives, VIII-1
 Consideration in final disposition, VIII-7
 Continuance, discretionary, VIII-4; See also CONTINUANCE
 Counsel, appointment, See DEFENSE COUNSEL, Appointment
 Court, role in accepting; See TRIAL JUDGE
 Defendant, VIII-1; XVI-22
 Discussions, See PLEA DISCUSSIONS
 Factual basis, finding, VIII-6
 Guilty, VIII-1
 accused denies guilt, II-34
 appeal, XIII-1
 exception - jurisdiction, XIII-4
 discovery, VI-30
 duty of counsel to investigate, II-27
 effect of joinder, VIII-5
 Insanity, VI-23
 Nolo contendere, VIII-1,2
 appeal from, XIII-1
 record, I-45
 Other offenses, VIII-3
 Procedure, VIII-4
 Receipt, VIII-1
 Record of proceedings, VIII-7; XVI-23
 Trial, acceptance, VIII-2
 Venue, waiver by, VIII-3
 Voluntariness, VIII-5
 Waiver to formal charge of offense not yet charged, VIII-3
 Waiver of notice, VIII-3
 Withdrawal of, I-44; VIII-8,9

PLEA DISCUSSIONS, I-42,44; II-35; VIII-10; XVI-21
 Accused, dealing directly, I-42
 Agreement, joinder, VII-5
 Admissible, VIII-13
 Availability of prosecutor, I-42; VIII-3,10
 Binding on court, XVI-21
 Conduct, II-35
 Consent of accused, II-35
 presence, I-43
 Counsel for defendant, VIII-11

PLEA DISCUSSIONS, (cont.)
 Disclosure, VIII-6
 Disposition when accused maintains innocence, I-43
 Evidence of, inadmissible, VIII-13
 False representations, I-43; II-36
 Fulfillment, I-44
 Propriety, VIII-10
 Prosecutor's role, I-42; VIII-3,10
 Sentence, promise, I-44

POLICE, See LAW ENFORCEMENT OFFICER

POST-CONVICTION REMEDIES, II-54; See also HABEAS CORPUS
 Abuse of process, XIV-12
 Counsel for accused, IV-23

POST-TRIAL MOTIONS, See MOTIONS

PRE-FIRST APPEARANCE INQUIRY, III-18

PRELIMINARY HEARING, I-39,40,41

PRESENTENCE REPORT, X-17,39,42,43,44,54; See also SENTENCE AND PROBATION

PRESENTENCE INVESTIGATION, X-15,41

PRETRIAL CONFERENCE, VI-31,32

PRETRIAL DETENTION, II-12

PRETRIAL RELEASE, See RELEASE

PRIVILEGED COMMUNICATIONS, II-12

PRISONERS,
 Agreement on Detainers, See DETAINERS
 Censoring mail, II-15
 Certificate of demand for trial, V-11
 Computation of time for trial, V-14
 Continuance, V-13, See also CONTINUANCE
 Custodial office, surrender, V-13
 Demand for trial, V-11
 Inmate counseling, XIV-14
 Interference with communications, II-15
 Legal resources, access, XIV-13,14
 Notary public, access, XIV-18
 Prosecuting attorney, obligation, V-11
 Speedy trial, right, V-11
 Time for trial, V-14
 Uniform mandatory disposition of detainees act, See DETAINERS

PROBABLE CAUSE, I-35

PROBATION,
 Annulment of conviction, XI-14
 Arrest of probationer, XI-17
 Board of Probation and Paroles, See BOARD OF PROBATION AND PAROLE
 Collateral services, XI-21
 Conditions, XI-2,10
 determination, XI-11

PROBATION, (cont.)

 Conditions, (cont.)

 implementation, XI-10
 imposition, XI-10
 length, X-9; XI-2
 modification, XI-12
 nature, XI-11
 supervision, X-8; XI-2
 termination, XI-13
 written copy to convicted, XI-10

 Confinement, XI-5

 Criminal record, effect, XI-14

 Criteria for granting, XI-5

 Definition, XI-1

 Desirability, XI-4

 Detention of probationer without bail, XI-17

 Final judgment, treated, XI-3

 Imposition of sentence required, XI-2

 Length of supervision, XI-2

 Minimum standards, XI-20

 Modification, X-9

 Nature of sentence, XI-1

 Presentence report, XI-6

 availability, XI-6,9

 content, XI-7

 challenge, XI-9

 disclosure, XI-9

 preparation, XI-9

 purpose, XI-7

 resources, XI-6

 scope, XI-7

 supplementary, XI-8

 use, XI-6

 Probation department administration, XI-18,19

 collateral services, XI-21

 funding, XI-18,19

 officers, X-40,63; XI-10

 personnel, XI-18,19

 education, XI-22

 qualifications, XI-22

 salaries, XI-23

 services, XI-18,19

 Proceedings following commission of crime by probationer,XI-17

 Purpose, XI-5

 Revocation, X-9; XI-3,15,17

 nature of proceedings, XI-18

 Sanctions for violation of conditions, XI-15

 Sentence, X-7; XI-1

 Supervision of probationers, XI-2

 Termination, XI-13

 Violation of conditions, X-9,63; XI-16

PROHIBITING OF WRONGFUL ACTS PENDING TRIAL, III-23
PROSECUTING ATTORNEY,

Administrator of justice, I-2
Appeals, XIII-5,6,8
Arraignment, role in, I-39; See also ARRAIGNMENT
Attorney general, See ATTORNEY GENERAL
Basis for selection, See Competence, infra
Calendar, See TRIAL CALENDAR
Canons of ethics, duty to follow, I-18,19; See also CODE OF PROFESSIONAL RESPONSIBILITY
City attorney, I-9
Code of professional responsibility, See also CODE OF PROFESSIONAL RESPONSIBILITY
Commencement of prosecution, I-30
Compensation, I-13
Competence, as basis for selection, I-13
Complaint, evaluation, I-30,31
Conduct of case, See DISCRETIONARY DECISIONS
Conflicts of interest, See CODE OF PROFESSIONAL RESPONSIBILITY
Contacts with judges, I-19,20
Continuance as delay, I-39; See also CONTINUANCE
Continuing education, I-17
 handbook, I-16
 training programs, I-17
Court, relation, I-18
County attorney, I-1,9
 bond, I-11
 compensation, I-14
 discretion in conduct of cases, I-2,10
 duties, I-1
 organization, I-8
 personnel, I-14,15
 qualifications, I-11
 relations with police, I-18
 statutory office, I-1
 term of office, I-11
Courtroom decorum, See COURTS
Criminal charges,
 bringing, I-37
 discretionary decision, I-30,37,38
 more than evidence supports, I-38
 prompt disposition, I-20
Decision to prosecute, I-30,31,37
Delay, reason, I-31; V-2
 unreasonable, V-14
Disability, I-22

PROSECUTING ATTORNEY (cont.)

Discovery, See also DISCOVERY
compliance, I-41; VI-3
continuing duty to disclose, VI-3
 discretionary, VI-15
 on request, VI-25
electronic surveillance, VI-11
endorsement of names of witnesses, VI-3,5
experts, statement, VI-8
evidence negating guilt, VI-12
good faith effort to produce, VI-14
grand jury minutes, VI-7,10
information tending to negate guilt, VI-12
material held by government official, VI-14
matters not subject to disclosure, VI-15
 informants, VI-16
 national security, VI-17
 work product, VI-15
production of accused's statements, VI-5,6
 co-defendant if joint trial, VI-7
 witness, VI-5
record of prior convictions to be used, VI-10
responsibility to court, VI-2
tangible evidence, VI-9
witness' statement, VI-3,5
written or recorded statements, VI-6

Discretionary decisions, I-2,10
 charging of accused, I-2,10
 conduct of case, I-2
 dismissal of case, I-30
 factors affecting disposition, I-36
 noncriminal disposition, I-36
 prosecution, I-38

Disruptive behavior, I-46

District Attorney, I-9
 compensation, I-13,14
 criteria for selection, I-13
 deputies, I-12
 full-time position, I-12
 party designation, I-14
 personnel, I-16
 qualifications, I-12
 resignation during campaign, I-13
 term of office, I-12

Duties, I-2; V-2
 advise court on status of case, III-25
 chief law enforcement official, I-2
 improve the law, I-8
 prosecute for county, I-1

PROSECUTING ATTORNEY (cont.)

Election, I-13,14
Evidence, See EVIDENCE
Expert witness, See WITNESSES
Extrajudicial statements, See CODE OF PROFESSIONAL RESPONSIBILITY
Evaluation of complaints, I-30,31
Facilities, I-21
Full-time occupation, I-12
Function, I-1
Funding, I-21
Grand jury, See GRAND JURY
Handbook, I-16
Immunity, power to grant, I-26,27
 witness before grand jury, I-35
Information, scope of evidence required, I-35
Interview of witnesses, See WITNESSES
Investigative function, I-15,24
Judges, contact, I-19
Jurors, See JURY
Jury, See JURY
Law enforcement officer, See LAW ENFORCEMENT OFFICER
Magistrate, duties, See MAGISTRATE
Nolo contendere, See PLEAS
Nolle prosequi, reasons, I-45
Office, I-1
Opening statement, scope, I-50
Organization of office, I-8,9,10
 authority vested in public official, I-8
 compensation commensurate with responsibility, I-13
 competence as basis for selection, I-13
 coordination of policies, I-10
 inter-relationship of prosecutorial offices, I-9
 population as factor in determining, I-9
 special assistants, I-14
 statewide system, I-9
 supporting staff, I-11,15,21
Police relations, I-17
Plea discussions, See PLEA DISCUSSIONS
Pleas, See PLEAS
Preliminary hearing, I-39; See also PRELIMINARY HEARING
Preparation of case, I-47
Presentence report, incomplete, I-57
Prisoner, obligations, V-11,12
Procedures, I-16
Public statements, I-5
Publicity, I-5,6,7; XVI-8
Punctuality, I-21,46

PROSECUTING ATTORNEY (cont.)

Relations with jury, I-48; See also JURY
Removal, I-22
Reports, V-2
Sentencing,
 assisting court, X-49
 disclosure of evidence favorable to convicted, X-51
 evidence on issue, I-56
 recommendations, I-50
 record, checked for accuracy, X-50,51
 role, I-56,57
Substitution of special counsel, I-22,23
Supersession, I-22,23
Training programs, I-17
Unprofessional conduct, See CODE OF PROFESSIONAL RESPONSIBILITY
Verdict, comment, I-56; See also VERDICT
Witnesses, See WITNESSES
PROTECTIVE CUSTODY, III-13
PUBLIC DEFENDER SYSTEM, See DEFENSE COUNSEL
PUBLICITY, I-5,6,7; II-5
PUNCTUALITY, I-21,46; II-3; XVI-3

R

RECORD, X-57
 Accuracy, X-51,52
 Appeal, XII-3; XIII-19
 expense, XIII-20
 indigent, XIII-19
 preparation, XIII-19
 reproduction, XIII-18
 Contents, X-57,58
 Defendant testifying against advice of counsel, II-45
 Eavesdropping, XV-18
 First appearance, III-15
 Grand jury testimony, I-32
 Jury instructions, IX-26
 Nolle prosequi disposition, I-45
 Omnibus hearing, VI-31
 Plea entry, VIII-7
 Pretrial conference, VI-31,32
 Proceedings, XVI-10
 Prior proceedings, XIV-24
 References, XIV-24
 Reflect adverse rulings, II-37
 Sentencing proceeding, X-57,58
REFERRAL SERVICE; II-8,9

RELEASE,
 After conviction, X^{III}-15,16
 Appeal, X^{III}-8
 Bail, defined, III-5
 Commission of crime, III-24
 Conditions, III-2,20
 money bail, III-2,21
 nonmonetary conditions, III-2,20
 order to appear, III-2
 own recognizance, III-2
 other, III-2,3
 reasonableness, III-20
 Decision, III-19
 Factors to consider, III-3,18
 Failure to appear, III-4
 First appearance or arraignment, III-13
 Judicial officer, III-13
 Law enforcement officer, III-6
 Nonappearance, risk of, III-19
 Offenses bailable, III-1
 Order to appear, III-19
 Policy favoring, III-1,17
 Pretrial decision, III-18; XVI-15
 Prosecutor's role, I-39
 Recognizance, defined, III-5,19; V-15
 presumption in favor of release, III-19
 prosecutor should determine, III-17
 Review of decision, III-25
 Revocation of, III-24
 Violations of conditions, III-23,24
REPORTER, COURT, X-57; XVI-10
RESENTENCING, X-38
RESPONSIVE PLEADING IN HABEAS CORPUS, XIV-22
REVOCATION OF SENTENCE, X-9
RIGHT TO SPEEDY TRIAL, See TRIAL

S

SCREENING OF APPEALS, See APPEALS

SEARCHES, III-9

SENTENCE,

 Allocution, right, II-50; X-53
 Alternatives, X-1,4
 Appellate review, XII-1
 availability, XII-2
 conditions, XII-2

SENTENCE, (cont.)

Appellate review, (cont.)

counsel, XII-2

court, XII-2,4,5

dispositions possible, XII-5

procedures, XII-2

purpose, XII-1

record on appeal, XII-3

scope, XII-4

Authority, X-1

Concurrent terms, X-29,31

federal and state, X-34

Consecutive terms, X-30,31

Counsel, role, X-49,52,53

Credit for time in custody, X-34,35,36,37

procedure for awarding, X-17,59

Crimes, alternatives for sentencing, X-2

Criteria for sentencing, X-68

information on offenders, X-70

orientation for new judge, X-69

sentencing counsel, X-68

visitation of facilities, X-70

Evidence, on issue, See EVIDENCE

Fines, See FINES

Habitual offenders, X-27

imposition of longer term, permissive, X-29

maximum term, outside limit, X-27,28

severity of offenses as guide to increased term, X-27

Illegal grounds for relief, XIV-7

Imposition of sentence, X-55

required for probation, XI-2

Imprisonment, See IMPRISONMENT

Judge, role, XVI-47; See also TRIAL JUDGE

Jury, role, X-2

Legislative determinations, X-18

Life sentence, X-25

Modification, X-9,12,63,65

Multiple offenses, X-29,33

concurrent terms, X-29

consecutive, X-30

consolidation for sentencing, X-48

different states, X-33

Multiple sentences, X-32

Partial confinement, X-11,12,65

Presentence report, X-17,39,54

availability, X-44

conference, X-45,54

disclosure, X-43,44,45

SENTENCE, (cont.)

 Presentence report, (cont.)
 investigation, X-15, 39, 40, 41
 preparation, X-42
 statutory authorization, X-42
 Private facilities for convicted, X-15
 Probation, sentence, X-7, 8; See also PROBATION
 supervised, X-11
 Procedures, X-47
 docket, X-48
 Proceedings, X-53
 Prosecutor's role, I-56, 57; X-50, 51
 Record, X-57
 checked for accuracy by counsel, X-51, 52
 contents, X-57, 58
 Reduction of conviction, X-38
 Reduction of sentence, X-60, 61
 Reprosecution, sentence, XIV-40
 Resentencing, X-38; XIV-41
 Review of, XII-1; See APPEALS
 Revocation, X-9, 64
 Sentence not involving confinement, X-64
 Special facilities, X-15
 Special requirements, X-55
 Suspended, X-9, 64
 Termination, X-62, 63
 Total confinement, X-13; See also IMPRISONMENT
 SERVICE OF CRIMINAL PROCESS, III-12
 SEVERANCE, VII-9
 Barring subsequent trial, VII-8
 Defendants, VII-10
 Discretionary, VII-9, 10
 Double jeopardy, VII-6, 8
 Evidence, separable, VII-9
 Motion of court, VII-12; XVI-19
 Offenses, VII-9
 Pretrial motion, VII-7
 Prosecutor's right, VII-8
 Statements of co-defendant, VII-10
 Right, VII-7, 9
 Timeliness of motion, VII-6, 7
 Waiver, VII-7
 SHERIFF, duties in re prisoners, XVI-14
 SPEEDY TRIAL, See TRIAL
 STATUTE OF LIMITATIONS, XIV-11
 STAY OF EXECUTION, XIV-23; See APPEALS
 SUMMARY CALENDAR, XII-21; See APPEALS
 SUMMARY DISPOSITION, XIV-25

SUMMONS,

Application, III-12
Authority to issue, III-10
Definition, III-5,6
In lieu of arrest warrant, III-10
Mandatory issuance, when, III-11
Reasons for not issuing stated, III-12
Service, III-12

SUPREME COURT,

Appeal, II-51; XIII-2,6,18
Jurisdiction, XIII-2
Memorandum opinions, XIII-22
Rules, IV-10; XIII-18

SURETIES,

Attorney prohibited, II-24; III-22
Bond executed, III-3
Compensated, prohibition, III-22

T

TIME FOR TRIAL, See TRIAL

TRIAL,

Accelerated for detained defendant, III-25
Bill of rights, V-1
Calendar control, See TRIAL CALENDAR
Continuance of, V-3; See also CONTINUANCE
Court days, V-5
Delay, reason, V-3
Detention at trial nonprejudicial, III-26
Discharge of defendant, V-3,15
Disposition without, II-35
Limits of speedy trial, V-3
Planning stage, VI-29
Presence of defendant, IX-19, See also DEFENDANT, presence
Seating of accused, IX-19
Speedy trial, right, V-1,15
 defense, V-11
Time, V-5; VI-29
Time limitations,
 commencement, V-5,6
 computation, III-26; V-3,4
 arraignment, V-6
 date of mistrial, V-7
 date of order granting new trial, V-8
 filing date of charge, V-6
defendant, imprisoned, V-14
defendant, in custody, V-6
delay caused by defendant, V-6

TRIAL, (cont.)

Time limitations, (cont.)
 demand by defendant not required, V-5
 demand by prisoner required, V-11
 discharge for delay, III-26; V-15
 excluded periods,
 absence or unavailability of defendant, V-9
 co-defendants, V-9
 competency hearing, V-7
 congested trial calendar, V-7
 continuance, V-8
 dismissal, V-9
 incompetency, V-7
 joinder with co-defendant, time not run, V-10
 other proceedings with defendant, V-7
 refiling, V-9
 extension of time, V-4
 competency determination, V-4
 mistrial declared, V-4
 other cases pending, V-4
 release on recognizance, V-15
 reversal of conviction on appeal, V-4
 unavailable material evidence, V-4

TRIAL CALENDAR,

Continuances, V-3; See also CONTINUANCES
Control, I-45; V-2; VI-29
Criminal docket, XVI-18,19
Disposition of cases, V-2
Docketing of cases for appeal, XIII-15,18
Notice of calendaring of appeal, XIII-21
Post-conviction relief, priority, XIV-22
Priorities, V-1
Role of prosecutor, I-45
Scheduling, V-1,2

TRIAL JUDGE, See also MAGISTRATE

Additional judge, appointment, IV-21; XVI-7
Advise accused of right to appeal, IV-21
Appeal, duty to accused, II-51; XIII-11,12
Attorneys, See DEFENSE COUNSEL and PROSECUTING ATTORNEY
Censure, sanction, XVI-44
Commitment of convicted to state hospital, X-46
Compensation of defense counsel, IV-7
Conduct, rules, XVI-35

TRIAL JUDGE, (cont.)

Contempt power,
 admonition, XVI-43
 inherent power of court, XVI-43
 notice of charge, XVI-46
 notice of intent to use, XVI-45
 opportunity to be heard, XVI-46
 referral to another judge, XVI-46

Counsel,
 arguments of, XVI-31, 32
 colloquy between, XVI-36
 duty of judge with respect to, XVI-31
 foreign jurisdiction, XVI-16
 misconduct, correcting, XVI-37, 38
 nonresident, XVI-17
 objections, XVI-31
 protecting accused's right, XVI-15
 rulings on requests, XVI-31, 33
 respect for obligation, XVI-31
 waiver, IV-32

Defendants, See DEFENDANTS

Demeanor, XVI-3

Disability, XVI-49

Disciplining of judges, XVI-49

Discovery, VI-2; XVI-17

Disqualification for bias, XVI-6, 7

District Judges' Association, XVI-9

Docket, responsibility, I-45; V-2; VI-29; X-48; XVI-18, 19

Electronic surveillance, issuing order, XV-2

Evidence, comment, IX-27

Ex parte discussion pending case, prevention, XVI-4

Facilities, XVI-7, 8

Incapacity, IX-21

Impartiality, duty to maintain, XVI-4

Imposition of sentence, X-47, 55

Inherent power of judiciary, XVI-9

Judicial Reapportionment Act, XVI-8

Jury, See also JURY
 arguments, XVI-32
 assistance, XVI-30
 challenges, acting, IV-12, 14
 communications with, record, XVI-27
 conference, XVI-25
 control, XVI-25
 deadlock, XVI-34
 deliberations, assistance, XVI-34
 evidence, intervention in taking, XVI-30

TRIAL JUDGE (cont.)
Jury, (cont.)
 excusing of jurors, IX-11
 instructions, XVI-33
 additional, IX-29
 advising counsel which will be given, IX-25
 preliminary, IX-26
 less than twelve, IX-7
 relations, XVI-25, 26
 selection of panel, XVI-25
 sequestration, XVI-25
 voir dire examination, IX-13; XVI-25
List of attorneys for assignment to indigents, IV-2
Maintaining courtroom decorum, XVI-35, 36
Misconduct in court,
 censure, XVI-39
 defendant, pro se, XVI-42
 deterring, XVI-31
 sanctions, XVI-36
Misfeasance and nonfeasance, XVI-49
Motions, submission without papers, XVI-17
Obligations, XVI-2, 3, 4, 7, 10
Orientation, XVI-69
Panel to aid indigent defendants, role, IV-2, 3
Personality and appearance, XVI-2, 3
Pleas,
 acceptance of guilty or nolo contendere, VIII-4; XVI-21
 factual basis, XVI-23
 voluntariness, VIII-4; XVI-22
 agreements not binding on judge, XVI-21
 compliance with local requirements, XVI-23
 consideration in final disposition, VIII-7
 disclosure of agreements, VIII-12
 granting charge or sentence concessions, VIII-7
 inform accused of maximum and minimum sentences, VIII-4
 presence of accused, XVI-24
 record of proceedings, VIII-7; XVI-23
 responsibility, VIII-11
 role in actual discussion, XVI-20
 state reasons for acceptance, XVI-23
 withdrawal of, allowing, VIII-8, 9
Post-conviction remedies, XVI-48
Presentence report, authorized, IV-6; X-42
Pretrial duties, XVI-12
 attorney from other jurisdiction, XVI-16
 docket, XVI-18
 inquiries about jail population, XVI-14
 procedures, XVI-17
 protection of accused's right to counsel, XVI-15
 publicity, preventing prejudicial, XVI-18

TRIAL JUDGE (cont.)

 Pretrial duties, (cont.)
 ruling on pretrial release, XVI-15
 severance, XVI-19
 warrants, issuance or review, XVI-12,13
 Probation, XI-1,13
 conditions, X-8
 termination, XI-13
 Publicity, prejudicial, XVI-18
 Punctuality, important, XVI-3
 Record of proceedings, XVI-10
 Recusation,
 circumstances requiring, XVI-15
 opportunity to, XVI-6
 Reduction of sentence, X-60
 Release, pretrial decision, XVI-15
 Reporter, court, XVI-10
 Responsibilities, general, XVI-1
 Retirement, XVI-50
 Rule making power, V-2
 Sanctions for misconduct, XVI-36
 Sentence,
 authority, X-1
 discretionary, X-5
 findings on issues, X-55
 habitual criminal, X-29
 modification, X-12,63
 power to determine, XVI-47
 power to increase, X-61
 precise form, X-56
 record, recite reasons for selecting, X-55
 reduction, X-30,61,62
 review, XII-4,5
 termination, X-62
 Severance, motion of court, XVI-19
 Sheriff, list of prisoners, XVI-14
 Staff, XVI-7,8,9
 Substitution of, IX-21
 Trial procedures, XVI-25
 Verdict, judicial comment, XVI-35
 Voir dire examination, II-39; IX-13; XVI-25
 Warrants, issuance, XVI-12,13
 Witness,
 custody and restraint, XVI-27,28
 examination of, controlling, XVI-29

U

UNIFORM MANDATORY DISPOSITION OF DETAINERS ACT, See DETAINERS

V

VENUE,
 entrance of plea as waiver, VIII-3
VERDICT, IX-1, 23, 33, 34
 Comment, I-56; IX-33; XVI-35; II-40
 Impeachment, IX-34, 35
 Less than unanimous, IX-5
 Polling jury, IX-33
 Unanimity required, IX-1
 Validity, IX-34
VOIR DIRE, I-47, 48; II-39; IX-13; XVI-25
VOLUNTARINESS OF PLEA, See PLEAS

W

WAIVER, V-15; See also specific sections
WARDEN,
 Duty to inform prisoner of untried indictment, V-12
WARRANT,
 Application, III-12
 Issuance, III-7, 8, 11; XIV-12
 Search on, XVI-13
 Upon violation of conditions for release, III-23
WITNESSES,
 Appearance in court, IX-19, 20
 Cautioned as to self-incrimination, II-30
 Communications with, obstructions, I-25; II-30
 Confrontation, IX-35
 Cross-examination, I-53; II-44
 Custody and restraint, IX-19
 Expenses, I-27
 Examination, I-52; II-43; XVI-29
 Expert, relations of counsel, I-28, 29; II-31
 Grand jury, inquiry, I-34, 35
 Interview by prosecutor, I-27, 28
 Privilege not to answer, I-53; II-44
 Prospective, II-30
 Questions, improper, I-54

TABLE OF CODE PROVISIONS CITED

KANSAS CONSTITUTION:

Art. 3, sec. 1,2,3	XIII-2
Art. 4, sec. 2	I-12
Art. 9	III-1
Art. 9, sec. 2	I-1
Bill of Rights, sec. 5	IX-1
Bill of Rights, sec. 10	V-1

KANSAS STATUTES ANNOTATED:

7-104	XVI-16, 17
7-111 (1) (2)	XVI-38, 39
7-124 S. Ct. Rule No. 201	XVI-39
S. Ct. Rule No. 202 (c)	XVI-38
7-125 S. Ct. Rule No. 501	I-3; II-26
S. Ct. Rules No. 601 to 629	XVI-2
Canon 1	II-15
DR 1-101 (A) (5)	II-4
DR 1-102 (A) (1)	II-25, 28
DR 1-102 (A) (2)	II-25, 28
DR 1-102 (A) (3)	I-25; II-25, 28
DR 1-102 (A) (4)	I-22, 25, 26; II-1, 25, 28
DR 1-102 (A) (5)	II-25, 28
DR 1-102 (A) (6)	II-28
DR 2-103 (C) (D) (E)	II-9, 10
DR 2-105	II-7
DR 2-106	II-17, 18
DR 2-106 (C)	II-19
DR 2-107	II-19
DR 3-102	II-19
Canon 4	II-11, 23
DR 4-101 (C) (3)	II-26
DR 5-101 (A)	II-20
DR 5-102	I-27
DR 5-103	I-5
DR 5-104 (B)	II-20
DR 5-105 (A)	II-21
DR 5-105 (B)	II-21, 36
DR 5-105 (C)	I-4; II-21, 36
DR 5-105 (D)	II-21
DR 5-105 (A), (B)	II-22
Canon 6	II-24, 49, 51, 54, 57
DR 6-101 (A)	II-14
DR 6-101 (A) (2)	I-47, II-38

7-125, DR 6-101 (A) (3)	II-53
DR 6-102 (A) (2)	II-28
Canon 7	II-7, 24, 48, 49, 51, 54, 57
DR 7-101 (A) (8)	II-33
DR 7-101 (B)	II-14
DR 7-101 (B) (1)	II-34
DR 7-102	I-51
DR 7-102 (A) (1)	I-21; II-4, 32
DR 7-102 (A) (3)	I-18
DR 7-102 (A) (4)	I-18; II-29, 42, 45
DR 7-102 (A) (5)	I-18, 43; II-1, 3, 29, 36, 42
DR 7-102 (A) (6)	I-18; II-16, 29, 31, 42
DR 7-102 (A) (7)	II-25, 29, 42
DR 7-102 (A) (8)	II-2, 29, 33, 42
DR 7-102 (B)	II-42
DR 7-103	I-2
DR 7-103 (A)	I-34, 37, 38
DR 7-103 (B)	I-41, 42; VI-12
DR 7-106 (C) (1)	I-50, 54; II-41, 42, 43, 44
DR 7-106 (C) (2)	I-53; II-43, 44
DR 7-106 (C) (3)	I-54; II-47; XVI-33
DR 7-106 (C) (4)	I-54; II-47; XVI-33
DR 7-106 (C) (5)	II-37
DR 7-106 (C) (6)	I-19, 46; II-37
DR 7-106 (C) (7)	I-46; II-37, 46
DR 7-107	I-5, 6, 7, 8; II-5
DR 7-107 (B)	I-6
DR 7-108	I-49
DR 7-108 (A)	II-33, 39
DR 7-108 (B) (1)	II-40
DR 7-108 (D)	I-50; II-40
DR 7-108 (E)	I-47, II-38
DR 7-109	VI-24
DR 7-109 (A)	I-25, II-30
DR 7-109 (C)	I-28, 29; II-29, 31
DR 7-110	I-19, 20
DR 9-101 (C)	II-17
8-5, 127 (a)	III-7, 9
8-5, 127 (b)	III-7, 8, 9
8-5, 127 (c)	III-7, 9
8-5, 127 (d)	III-7, 9
8-5, 127 (e)	III-7, 8, 9
8-5, 129 (a)	III-7

19-701	.	.	.	.	.	.	.	.	.	.	.	.	I-9,	11
19-702	.	.	.	.	.	.	.	.	.	.	.	.	I-1,	40
19-703	.	.	.	.	.	.	.	.	.	.	.	.	I-1,	41
19-704	.	.	.	.	.	.	.	.	.	.	.	.	I-18	
19-706 (b)	.	.	.	.	.	.	.	.	.	.	.	.	I-15	
19-711	.	.	.	.	.	.	.	.	.	.	.	.	I-22	
19-723	.	.	.	.	.	.	.	.	.	.	.	.	I-15	
19-724	.	.	.	.	.	.	.	.	.	.	.	.	I-23	
19-1901	.	.	.	.	.	.	.	.	.	.	.	.	X-70	
19-1904	.	.	.	.	.	.	.	.	.	.	.	.	XVI-14	
19-1905	.	.	.	.	.	.	.	.	.	.	.	.	XVI-14	
20-101	.	.	.	.	.	.	.	.	.	.	.	.	XIII-3	
20-301	.	.	.	.	.	.	.	.	.	.	.	.	IX-4	
20-318	.	.	.	.	.	.	.	.	.	.	V-2,	XVI-19		
20-329	.	.	.	.	.	.	.	.	.	.	.	.	X-48	
20-902	.	.	.	.	.	.	.	.	.	.	.	.	X-58	
20-903	.	.	.	.	.	.	.	.	.	.	.	.	XVI-10	
20-906	.	.	.	.	.	.	.	.	.	.	.	.	XVI-11	
20-1202	.	.	.	.	.	.	.	.	.	.	.	.	XVI-43	
20-1203	.	.	.	.	.	.	.	.	.	.	.	.	XVI-44,	46
20-1206	.	.	.	.	.	.	.	.	.	.	.	.	XVI-47	
20-2301	.	.	.	.	.	.	.	.	.	.	.	.	X-41	
20-2609	.	.	.	.	.	.	.	.	.	.	.	.	XVI-50	
20-2610	.	.	.	.	.	.	.	.	.	.	.	.	XVI-50	
21-2805	.	.	.	.	.	.	.	.	.	.	.	.	XIV-18	
21-3108 (1) (C)	.	.	.	.	.	.	.	.	.	.	.	.	IX-33	
21-3108 (2)	.	.	.	.	.	.	.	.	.	.	.	VII-4,	6,	8
21-3108 (2) (a)	.	.	.	.	.	.	.	.	.	.	.	.	VII-5	
21-3108 (5)	.	.	.	.	.	.	.	.	.	.	.	.	XIII-13	
21-3401	.	.	.	.	.	.	.	.	.	.	.	.	XVI-48	
21-3421	.	.	.	.	.	.	.	.	.	.	.	.	XVI-48	
21-3801	.	.	.	.	.	.	.	.	.	.	.	.	XVI-48	
21-3813	.	.	.	.	.	.	.	.	.	.	.	.	III-5	
21-3820	.	.	.	.	.	.	.	.	.	.	.	.	I-26	
21-4001	.	.	.	.	.	.	.	.	.	.	.	XV-4,	5,	9
21-4002	.	.	.	.	.	.	.	.	.	.	.	.	XV-9	
21-4501	.	.	X-3,	4,	5,	6,	13,	22,	23,	24,	25;	XVI-48		
21-4501 (a)	.	.	.	.	.	.	.	.	.	.	.	.	X-2	
21-4502	.	.	.	.	.	.	.	X-4,	5,	6,	13,	22,	23,	24
21-4503	.	.	.	.	.	.	.	.	.	.	.	X-4,	18,	19
21-4503 (3)	.	.	.	.	.	.	.	.	.	.	.	.	X-22	
21-4504	.	.	.	.	.	.	.	IX-22;	X-14,	24,	28,	29,	55	
21-4601	.	.	.	.	.	.	.	.	X-6,	11,	13,	15;	XI-5	
21-4602 (1)	.	.	.	.	.	.	.	.	.	.	.	X-2,	19	
21-4602 (3)	.	.	.	.	.	.	.	.	.	.	.	.	XI-2	
21-4603	.	.	.	.	.	.	X-2,	19,	26,	61,	62;	XI-2;	XII-1	

21-4603	(1)	X-4, 19, 21, XIII-3
21-4603	(1) (b)	X-19
21-4603	(1) (c)	X-8, 15; XI-1
21-4603	(1) (d)	X-8, 15
21-4603	(1) (e)	XIII-10
21-4603	(3)	XIII-3, 10
21-4604	I-57; X-15, 41, 42, 43, 59; XI-5, 6, 7, 8, 9	
21-4605	I-57; II-50; X-44, 45; XI-7, 9	
21-4606	VIII-8; X-7, 26	
21-4607	VIII-8; X-19, 20, 21	
21-4608		VIII-3
21-4608	(1)	X-30, 32
21-4608	(2) (3) (4)	X-31, 32
21-4608	(3) (d) (4)	X-33
21-4608	(5)	X-34
21-4610	X-9, 10, 11, 15, 63; XI-11, 12	
21-4611	X-10, 12, 64; XI-3, 13	
21-4614	III-27; X-35, 56, 60	
21-4616		XI-14
22-2103		VI-2
22-2104		XIV-4
22-2202	(1)	III-6
22-2202	(13)	III-5
22-2202	(16)	III-6
22-2210	(7)	I-44
22-2301		I-30, 31
22-2302		III-11, 12; XVI-12
22-2303		XVI-13
22-2303	(1)	I-36
22-2305	(4)	III-12
22-2406		III-7
22-2408		III-5
22-2408	(1)	III-7, 8
22-2420	(3)	XVI-27
22-2501		III-9
22-2502		XVI-13
22-2514		XV-2, 4, 7, 10, 12
22-2515	XV-2b, 4, 7, 10, 12, 13, 14, 15, 16, 18	
22-2516		XV-2g, 4, 7, 10, 12
22-2517		XV-2g, 4, 7, 10, 12
22-2518		XV-2g, 4, 7, 10, 12
22-2519		XV-3, 4, 7, 10, 12
22-2710		IV-19

22-2801	III-1, 17, 18
22-2802	.	.	.	.	.	.	III-2,	3,	4,	17,	18,	19,	21,	23;	V-2	
22-2802	(1)	.	.	.	.	.	.	.	.	.	.	.	.	.	.	III-6, 20; VI-19; XVI-15
22-2802	(3)	.	.	.	.	.	.	.	.	.	.	.	.	.	.	III-22
22-2802	(4)	.	.	.	.	.	.	.	.	.	.	.	.	.	.	III-22; V-2
22-2802	(6)	.	.	.	.	.	.	.	.	.	.	.	.	.	.	III-25
22-2802	(7)	.	.	.	.	.	.	.	.	.	.	.	.	.	.	III-24, 25
22-2803	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	III-25
22-2804	(1)	.	.	.	.	.	.	.	.	.	.	.	.	.	.	XIII-13
22-2804	(2)	.	.	.	.	.	.	.	.	.	.	.	.	.	.	XIII-15
22-2805	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	IX-20
22-2901	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	III-19
22-2901	(1) and (2)	.	.	.	.	.	.	.	.	.	.	.	.	.	.	III-6, 13
22-2901	(3)	.	.	.	.	.	.	.	.	.	.	.	.	.	.	III-17
22-2902	(1)	.	.	.	.	.	.	.	.	.	.	.	.	.	.	III-15
22-2902	(2)	.	.	.	.	.	.	.	.	.	.	.	.	.	.	I-40
22-2905	(2)	.	.	.	.	.	.	.	.	.	.	.	.	.	.	I-36
22-3005	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	I-32
22-3006	(2)	.	.	.	.	.	.	.	.	.	.	.	.	.	.	I-32
22-3007	(1) (2)	.	.	.	.	.	.	.	.	.	.	.	.	.	.	I-32
22-3008	(4)	.	.	.	.	.	.	.	.	.	.	.	.	.	.	I-35
22-3009	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	I-34
22-3011	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	I-35
22-3012	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	VI-7
22-3101	(1)	.	.	.	.	.	.	.	.	.	.	.	.	.	.	I-24
22-3102	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	I-26
22-3201	(6)	.	.	.	.	.	.	.	.	.	.	.	.	.	.	VI-3, 13
22-3202	(1)	.	.	.	.	.	.	.	.	.	.	.	.	.	.	VII-1, 3
22-3202	(3)	.	.	.	.	.	.	.	.	.	.	.	.	.	.	VII-3
22-3203	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	VII-4, 12
22-3204	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	VII-3, 10, 11; XVI-19
22-3208	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	VII-7
22-3208	(1)	.	.	.	.	.	.	.	.	.	.	.	.	.	.	VIII-1
22-3208	(3) (5)	.	.	.	.	.	.	.	.	.	.	.	.	.	.	VII-6
22-3210	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	VIII-2, 5
22-3210	(1) (2) (3) (6)	.	.	.	.	.	.	.	.	.	.	.	.	.	.	XVI-22
22-3210	(4)	.	.	.	.	.	.	.	.	.	.	.	.	.	.	VIII-6; XVI-23
22-3210	(5)	.	.	.	.	.	.	.	.	.	.	.	.	.	.	VIII-7; XVI-24
22-3210	(7)	.	.	.	.	.	.	.	.	.	.	.	.	.	.	VIII-9; XVI-20
22-3212	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	VI-13, 15
22-3212	(1) (a) and (d)	.	.	.	.	.	.	.	.	.	.	.	.	.	.	VI-6, 13
22-3212	(1) (b)	.	.	.	.	.	.	.	.	.	.	.	.	.	.	VI-8
22-3212	(1) (c)	.	.	.	.	.	.	.	.	.	.	.	.	.	.	VI-7
22-3212	(2)	.	.	.	.	.	.	.	.	.	.	.	.	.	.	VI-9, 16
22-3212	(3) (4) (6)	.	.	.	.	.	.	.	.	.	.	.	.	.	.	VI-21

22-3212 (5)	VI-27
22-3212 (7)	I-41; II-32; VI-25, 28
22-3213	VI-4, 5, 6, 8
22-3213 (3)	VI-27
22-3216 (1)	XV-8
22-3217	VI-29, 32; VIII-12; XVI-18
22-3218	VI-23
22-3219	VI-23
22-3303	X-35
22-3401	III-26; V-1, 3
22-3401 (1) and (2)	III-26
22-3402	V-4, 7, 10
22-3402 (1)	III-26; V-6, 7, 8, 9, 16
22-3402 (2)	III-26
22-3402 (3)	V-7
22-3402 (3) (c)	V-9
22-3402 (3) (d)	V-8
22-3402 (4)	V-5
22-3403 (1)	XVI-24
22-3403 (2)	IX-1, 7
22-3403 (3) (5)	IX-7
22-3404 (1) (5)	IX-6
22-3404 (2)	IX-3, 6; XVI-24
22-3404 (3)	IX-4
22-3404 (4)	IX-3
22-3404 (5)	XVI-24
22-3405	VIII-2; IX-20
22-3406	VIII-4
22-3407	IX-12
22-3408 (1)	IX-11
22-3408 (3)	I-48; II-39; IX-13, XVI-25
22-3410	IX-14, 15
22-3411	IX-1, 17
22-3412	IX-16, 17
22-3414 (3)	IX-25, 26, 27; XVI-31, 33
22-3417	VII-7
22-3419 (1)	IX-22, 23
22-3419 (2)	IX-23
22-3419 (3)	IX-24
22-3420 (1) (2)	XVI-26
22-3420 (3)	IX-30; XVI-33, 34
22-3420 (4)	IX-32
22-3421	IX-33
22-3422	II-50; X-53
22-3423	IX-33
22-3424	X-56

22-3424 (3)	XIII-4, 10
22-3424 (5)	XIII-10, 11
22-3425	X-20, 66, 67, 68
22-3425 (2)	X-21
22-3426	X-58
22-3429	X-15, 46
22-3430	X-16, 17
22-3431	X-17
22-3432	X-59
22-3501	X-38
22-3504	XII-1
22-3601	XIII-1, 4, 5, 10
22-3602	XIII-6
22-3603	XIII-6; XV-8
22-3604 (1)	XIII-9, 13
22-3608	XI-3; XIII-4, 9, 10; XIV-10
22-3609	IX-4
22-3707	XI-19
22-3716	X-64; XI-4, 15, 16
22-3716 (1)	XI-17
22-3716 (2)	IV-19; XI-18
22-3717	X-25
22-3801	X-67, 68
22-4301	V-10, 11; X-49
22-4301 (b)	V-12
22-4302	V-12
22-4303	V-13, 15
22-4401	V-11
22-4401 III (a)	V-13
22-4401 III (b) (c)	V-12
22-4401 IV (e)	V-15
22-4401 V (a)	V-14
22-4501	II-13; IV-2, 3, 4, 9, 10
22-4501 et seq.	II-6; IV-2, 15
22-4502	II-8; IV-9, 20, 21
22-4503	I-39; II-14; III-14, 15, 16; IV-1, 17, 20, 21, 23, 30; VIII-4; XVI-15, 39
22-4504	IV-24, 27; XVI-15
22-4505	II-52; IV-21; XIII-11, 12, 20
22-4506	IV-19, 22, 23
22-4507	IV-11
22-4508	IV-7
22-4510	IV-25; XVI-15

22-4511	IV-23, 25; XVI-15
22-4513	IV-27, 28, 29, 30
22-4514	IV-5
22-4517	IV-1, 2, 3, 4, 6, 15, 16; XVI-39
22-4518	IV-2, 15
22-4536	IV-13
43-155	IX-8
43-156	IX-8, 10
43-158	IX-9
43-159	IX-11
43-161	IX-9, 10
43-162	IX-8
43-168	IX-21
43-171	IX-19
59-2908	III-10
60-253	XIV-20
60-402	VI-16, 17; IX-35
60-420	XVI-28
60-421	VI-10; XVI-28
60-422	XVI-28
60-426	II-55; XV-17
60-426 (a)	II-11, 12, 13
60-426 (b) (1)	II-26
60-427	XV-17
60-428	XV-17
60-429	XV-17
60-433	VI-17
60-436	IV-16
60-437	II-11
60-441	IX-34, 35
60-444	II-41
60-609	XIV-6
60-1501	XIII-5; XIV-2, 20
60-1505	XIV-32
60-1507	II-54; IV-18, 22; XIII-1, 4; XIV-1, 2, 3, 4, 5, 7, 8, 9, 11, 12, 19, 25, 26, 27, 30, 31, 32, 35, 38, 39; XVI-12, 48
60-1507 (a) (e)	XIV-1
60-2101	XIV-34
60-2105	XIV-35
60-2701	XVI-11
60-2702	X-48; XIV-2, 3, 4, 8, 9, 11, 17, 19, 21, 22, 23, 24, 25, 27, 28, 29, 30, 31, 32, 33, 36, 38; XVI-19, 29, 48
60-4610 (a)	X-10

62-802	VI-5
62-1304	II-51; IV-2, 18, 31
62-3101, sec. 1	IV-25
62-3103, sec. 3	IV-26
62-3104 (4)	IV-1, 21, 22
62-3107, sec. 7	IV-7, 25
62-3108, sec. 8	IV-23, 25
62-3109, sec. 9	IV-21
62-3110, sec. 10	IV-25, 28, 29
75-116	I-23
75-702	I-9, 23; XIV-5
75-711	I-11
75-712	I-11
75-3207	IV-5
75-5214	IX-39; XI-19, 21
75-5215	X-40
75-5216	X-41
78-101	II-24; III-22

LAWS OF 1972:

Ch. 71, sec. 2	I-12
Ch. 71, sec. 6	I-21
Ch. 71, sec. 6 (a)	I-16
Ch. 71, sec. 6 (b)	I-12
Ch. 71, sec. 6 (d)	I-16
Ch. 98, sec. 1	XVI-7
Ch. 122, par. 2	I-27
Ch. 122	XV-5
Ch. 241, sec. 27	III-10
Ch. 291	IV-11
Ch. 317	XI-14, 15
Ch. 392, sec. 15	XVI-49

SUPREME COURT RULES:

6 (i)	XIII-19
6 (m)	XVI-11
9	XIII-20
10 (c) (g)	XIII-21
17	XIII-6, 7, 8
18	I-10
117	XVI-29
119	V-2; XVI-19

SUPREME COURT RULES (cont.):

120	X-48
121 . . XIV-2, 3, 4, 8, 9, 11, 12, 17, 19, 20, 21, 22,	
23, 24, 25, 27, 28, 29, 30, 31, 32, 33, 36, 38	
121 (f)	XVI-48
201	XVI-39
202 (c)	XVI-38
213	XIV-14
401	IV-12
402	IV-12
403	IV-13
404	IV-13
501	I-3; II-26
501 Canon 1	II-15
DR 1-101 (A) (5)	II-4
DR 1-102 (A) (1)	II-25, 28
DR 1-102 (A) (2)	II-25, 28
DR 1-102 (A) (3)	I-25; II-25, 28
DR 1-102 (A) (4)	I-22, 25, 26; II-1, 25, 28
DR 1-102 (A) (5)	II-25, 28
DR 1-102 (A) (6)	II-28
DR 2-103 (C) (D)	II-9, 10
DR 2-105	II-7
DR 2-106	II-17, 18
DR 2-106 (C)	II-19
DR 2-107	II-19
DR 3-102	II-19
Canon 4	II-11, 23
DR 4-101 (C) (3)	II-26
DR 5-101 (A)	II-20
DR 5-102	I-27
DR 5-103	I-5
DR 5-104 (B)	II-20
DR 5-105 (A)	II-21
DR 5-105 (B)	II-21, 36
DR 5-105 (C)	I-4; II-21, 36
DR 5-105 (D)	II-21
DR 5-107 (A)	II-22
Canon 6	II-24, 49, 51, 54
DR 6-101 (A)	II-14
DR 6-101 (A) (2)	I-47; II-38
DR 6-101 (A) (3)	II-53
DR 6-102 (A) (2)	II-28

SUPREME COURT RULES (cont.):

Canon 7	II-7, 24, 48, 49, 51, 54
DR 7-101 (A) (8)	II-33
DR 7-101 (B)	II-14
DR 7-101 (B) (1)	II-34
DR 7-102	I-51
DR 7-102 (A) (1)	I-21; II-4, 32
DR 7-102 (A) (3)	I-18
DR 7-102 (A) (4)	I-18; II-29, 42, 45
501 DR 7-102 (A) (5)	I-18, 43; II-1, 3, 29, 36, 42
DR 7-102 (A) (6)	I-18; II-16, 29, 31, 42
DR 7-102 (A) (7)	II-25, 29, 42
DR 7-102 (A) (8)	II-2, 29, 33, 42
DR 7-102 (B)	II-42
DR 7-103	I-2
DR 7-103 (A)	I-34, 37, 38
DR 7-103 (B)	I-41, 42; VI-12
DR 7-106 (C) (1)	I-50, 54; II-41, 42, 43, 44
DR 7-106 (C) (2)	I-53; II-43, 44
DR 7-106 (C) (3)	I-54; II-47; XVI-33
DR 7-106 (C) (5)	II-37
DR 7-106 (C) (6)	I-19, 46; II-37
DR 7-106 (C) (7)	I-46; II-37, 46
DR 7-107	I-5, 6, 7, 8; II-5
DR 7-107 (B)	I-6
DR 7-108	I-49
DR 7-108 (A)	II-33, 39
DR 7-108 (B)	II-40
DR 7-108 (D)	I-50; II-40
DR 7-108 (E)	I-47; II-38
DR 7-109	VI-24
DR 7-109 (A)	I-25; II-30
DR 7-109 (C)	I-28, 29; II-29, 31
DR 7-110	I-19, 20
DR 9-101 (C)	II-17
601 to 629	XVI-2

TABLE OF CASES CITED

A

Alabama, Coleman v.	IV-22
Alderman v. United States	VI-11, 28
Alford, North Carolina v.	XVI-23
Allen, Illinois v.	IX-31, 32; XVI-41, 45
Anders v. California	II-52
Anders v. California	XIII-19
Andrews v. Hand	X-2
Apodaca v. Oregon	IX-5
Argersinger v. Hamlin	IV-17
Arizona, Miranda v.	I-29; II-8; IV-22, 31
Armstrong, State v.	IV-22, VI-10, XVI-40
Atchison, Topeka and Santa Fe, Bourne v.	IX-2

B

Baier v. State	XIII-5
Baker v. State	II-13
Baker, State v.	XVI-33
Barnes v. State	XVI-8
Barrett v. Hand	VI-5
Bartlett v. Heersche	XVI-25
Barton v. Barton	XVI-47
Bean, State v.	VI-5
Bean, State v.	XVI-1
Benefit Trust Life Ins. Co., Williams v.	IX-30
Benson v. State	XI-1, XII-1, XIII-4
Berryhill v. Page	XVI-40
Beto, Williams v.	II-2
Bimrod, Horton v.	XVI-14
Blakely, Smith v.	XVI-33
Blakesley v. State	XVI-17
Blanton, State v.	IX-6, 7
Blocker, State v.	II-41
Blockyou, State v.	II-52; IX-30, 32
Board of County Commissioners, Stahl v.	XIV-3
Bowler v. Warden, Maryland Penitentiary	II-2
Bowles, State v.	I-23
Bowman, State v.	IV-22
Boyd, State v.	IX-31
Bourne v. Atchison, Topeka and Santa Fe	IX-2

Brady v. Maryland	VI-13
Brayfield v. Brayfield	XVI-47
Brizendine v. State	XIV-10
Brockelman, State v.	V-1
Brooks, State v.	V-11
Brown, State v.	II-2, 27
Brown, State v.	XVI-11
Brown v. State	XIV-29
Browning, State v.	VII-12
Bruffett v. State	IV-2
Bruton v. United States	VI-7, VII-10
Burgess, State v.	III-4
Burke, Townsend v.	IV-22
Byrd, State v.	VIII-9, 11, 12, 13; XVI-20

C

Caldwell, State v.	VIII-3, 6, 8, 11, 12, 13; X-51, 54; XVI-21
Caldwell v. United States	II-8
Calhoun, State v.	II-2
California, Anders v.	II-52
California, Anders v.	XIII-19
California, Douglas v.	IV-23
California, Schmerber v.	VI-18, 19
Call v. State	XIV-40
Callan v. Wilson	IX-3
Campbell, State v.	IV-8
Campbell, State v.	VI-5, 8
Carey, State v.	XVI-14
Carithers v. State	XIV-36
Carlson, Phillips v.	IX-30
Chance v. State	XVI-40
Christian v. United States	IV-8
Cipolla v. State	XIV-36, 37
City of Wichita v. Stephens	XIII-8
Clift, State v.	IX-11
Cloonan, FDIC v.	VIII-2
Cloughley, Jacks v.	IX-30
Clowans, District of Columbia v.	IX-3
Coffeyville, State ex rel v.	I-30
Cole, Thornburgh v.	IX-33
Coleman v. Alabama	IV-22, 23
Coleman, State v.	VII-3

Coleman, State v.	IX-15
Collins v. State	XIII-11
Connell v. State Highway Commission	VI-32
Conway, Hess v.	XVI-39
Cook, State v.	XVI-14
Coover, State v.	V-8
Cotts, District of Columbia v.	IX-3
Cox v. Crouse	II-15
Cox v. Hand	IX-30
Cox v. State	XIV-34
Cox v. State	XIV-2, 39
Cox, State v.	II-15, VII-9
Cox, United States v.	XV-14
Cox v. State	VIII-5, 11
Crouse, Cox v.	II-15

D

Daegele, State v.	IV-23, XVI-17
Daegele, State v.	X-38, XIV-41
Davis v. State	XIV-11
Dawson, State ex rel v.	I-23
Dennis v. United States	VI-8
Devine v. United States	XVI-33
District of Columbia v. Clowans	IX-3
District of Columbia v. Cotts	IX-3
Dodson, State v.	VI-19
Douglas v. California	IV-23
Douglas, Morril v.	I-2
Duncan v. Louisiana	IX-2, 5
Dunham, State v.	VIII-9
Dye, State v.	IX-35

E

Eble v. State	I-2
Escobedo v. Illinois	I-29, II-8

F

Faidley, State v.	VI-18
FDIC v. Cloonan	VIII-2
Finch, State v.	I-9, 24
Finney, State v.	VIII-9
Florida, Williams v.	VI-23; IX-1, 2, 5
Foley v. Ham	I-1, 2
Foor v. State	XIV-9
Franklin, State v.	XVI-28, 43
Freeman, State v.	VI-19
Frey v. Willey	XVI-47
Frye, State v.	X-62
Fuller v. Oregon	IV-30
Furman v. Georgia	X-2
Furthmyer, State v.	VI-5

G

Georgia, Furman v.	X-2
Gideon v. Wainwright	IV-22, XVI-40
Gillies, Von Moultske v.	XVI-40
Gladden, Parker v.	IX-35
Glasser v. United States	II-22
Gleason, State v.	XVI-14
Goetz, State v.	V-1
Goodwin v. State	XIV-29
Granger, State v.	XVI-33
Gray, State v.	IX-32
Grider, State v.	VI-17
Griffin v. Illinois	XIII-1
Guffey, State v.	IX-13, 18; XVI-11

H

Ham, Foley v.	I-1, 2
Hamilton, State v.	VIII-5
Hamil, Argersinger v.	IV-17
Hamrick, State v.	XIV-9, XVI-34
Hand, Andrews v.	X-2
Hand, Barrett v.	VI-5
Hand, Cox v.	IX-30
Hand, Tibbett v.	XVI-24

Hanes, State v.	XIII-1
Hannon v. State	XIV-36
Haynes v. Haynes	XVI-47
Harding v. Henderson	XVI-39
Harrison, Wall v.	I-1
Heersche, Bartlett v.	XVI-25
Heinz v. Shawnee County	I-2
Hemminger, State v.	V-9, 11
Henderson, Harding v.	XVI-39
Henderson, State v.	II-2, 7, 27, 26, 46
Hendrix, State v.	XVI-6
Hess v. Conway	XVI-39
Hess, State v.	V-9
Hickerson, State v.	XIII-4
Hinkle, State v.	VI-19
Hinton, State v.	I-54
Hooey, Smith v.	V-11
Horton v. Bimrod	XVI-14
Howard v. Miller	XVI-27
Hudspeth, Miller v.	IV-2
Hughes v. State	XIV-36
Hulme v. Woleslagel	XVI-6
Hunt, State v.	IX-17
Hunter, Shepherd v.	II-28
Hupp, In re Estate of	XVI-6

I

Illinois v. Allen	IX-31, 32; XVI-41, 45
Illinois, Escobedo v.	I-29, II-8
Illinois, Griffen v.	XIII-1
Illinois, Kirby v.	IV-22
Illinois, McCroy v.	VI-16
Illinois, Williams v.	X-67
In re Estate of Hupp	XVI-6
In re Hanson	XVI-44
In re Jewett	XIV-6
In re Millington	XVI-44
In re Olander	XV-3
In re Estate of Williams	XVI-39

J

Jacks v. Cloughley	IX-30
Jackson, State v.	IX-21
Jackson v. State	XIV-39
Jackson v. State	XIV-41
Jackson v. State	X-36, 37

Jackson v. United States	II-2
James v. Strange	IV-29, 30
Jefferson, State v.	XVI-12
Jencks v. United States	VI-5
Jenkins v. State	VI-24
Jewett, In re	XIV-6
Johnson v. Louisiana	IX-5
Johnson v. Mississippi	XVI-46
Johnson, State v.	I-55
Johnson, State v.	X-42, XI-7, XIV-10, XVI-2
Johnson v. State	VIII-5, 11; XVI-22
Johnson v. Stucker	II-8, IV-23, XIV-9
Jones v. State	XVI-23
Jones, State v.	I-41, II-32
Jones, State v.	VI-6
Jones, State v.	IX-27

K

Kansas City, State ex rel v.	I-23
Katz v. United States	XV-7, XVI-13
Keehn, State v.	XVI-2
Kelly, State v.	IV-2
Kerns, State v.	I-2
Kilpatrick, State v.	I-2, VIII-11
Kind v. United States	V-8
King v. State	XIV-2
Kirby v. Illinois	IV-22
Knight v. State	VIII-2, 11
Komarek, State v.	XIV-26

L

LaValle, Roberts v.	IV-8
Lee v. State	XIV-19
Lee v. State	XIV-39
Leigh, State v.	II-23
Lemon, State v.	VI-6
LeVier v. Woodson	II-15
Leopard, State v.	XIII-10
Lightle, State v.	VI-9
Lloyd v. State	XVI-40

Lopez, People v.	VI-19
Lopez, State v.	I-56
Louisiana, Duncan v.	IX-2, 5
Louisiana, Johnson v.	IX-5
Lower, Tucker v.	VI-10

M

Machibroda v. United States	I-44
Madden, State v.	VII-7
Mader, State v.	VI-5
Majors, State v.	I-49
Martinez, Procumer v.	II-15
Martin, State v.	VII-3
Maryland, Brady v.	VI-13
Maxwell, State v.	VII-9, IX-31
Mayberry v. Pennsylvania	XVI-40, 47
McCollum, State v.	IV-22, V-8
McCollum, State v.	V-3
McCombs, State v.	XVI-14
McCroy v. Illinois	VI-16
McMillin, State v.	XVI-13
McVeigh, State v.	IV-8
Mempha v. Rhay	IV-22
Mendzlewski, State v.	VI-24
Metcalf, State v.	VI-6
Metcalf v. State	XIV-29
Miller, Howard v.	IX-30, XVI-27
Miller v. Hudspeth	IV-2
Miller v. State	XVI-12
Millington, In re	XVI-44
Miranda v. Arizona	I-29; II-8; IV-22, 31
Mississippi, Johnson v.	XVI-46
Mitchell, State v.	XIII-4
Momb, State v.	VII-5
Morril v. Douglas	I-2

N

Nall v. State	XIII-1
Neff, State v.	VII-2, 3, 7, 9
Nelson, State v.	XVI-39
Netherton, State v.	XVI-26
Nichols, State v.	VIII-10
North Carolina v. Alford	XVI-23
North Carolina v. Pearce	XVI-40, 41

O

Olander, In re	XV-3
Oregon, Apodca v.	IX-5
Oregon, Fuller v.	IV-30
Osbey, State v.	V-6
Otero, State v.	V-11, 13
Owens & Carlisle, State v.	X-2

P

Page, Berryhill v.	XVI-40
Parker v. Gladden,	IX-35
Patterson v. State	XVI-22, 30
Paxton, State v.	IX-16
Pearce, North Carolina v.	XIV-40, 41
Pennsylvania, Mayberry v.	XIV-40, 47
People v. Lopez	VI-19
Peterson v. State	VI-19
Petrin, State v.	V-9
Peyton v. Rowe	XIV-11
Phillips v. Carlson	IX-30
Phyphen, State v.	II-8
Pierson v. State	V-12, 15
Pierson, State v.	XVI-28
Pittsburg, State v.	XVI-47
Porter, State v.	IV-22
Potts, State v.	I-55, XVI-34
Prescher v. State	XIV-9
Procumer v. Martinez	II-15
Pruett, State v.	XVI-2

R

Ramsay's, Van Welden v.	VI-32
Rambo, State v.	IX-22
Reid v. State	IV-23
Reid, State v.	VIII-5, 6; XVI-23
Rhay, Mempha v.	IV-22
Richardson, State v.	XIV-8
Rider, State v.	VI-24
Roberts v. LaVallee,	IV-8
Roberts v. State	XIII-4
Robinson, State v.	VI-17

Rodgers v. State	XVI-48
Rose, State v.	XVI-44, 46
Roselli, State v.	XVI-19
Rowe, Payton v.	XIV-11

S

Sacher v. United States	XVI-37, 45
Sagebiel, State v.	IX-15
Sanders, State v.	V-6, 16
Schmerber v. California	VI-18, 19
Schroeder, State v.	IX-35
Scott, State v.	IX-27
Sells v. United States	VI-27
Sharp, State v.	VI-24
Shawnee County, Heinz v.	I-2
Shepherd v. Hunter	II-28
Sherman v. State	II-24
Shores v. State	II-13
Shores, State v.	XIV-10
Smith v. Blakely	XVI-33
Smith v. Hooey	V-11
Smith v. United States	V-8
Spain, State v.	VIII-11
Stahl v. Board of County Commissioners	XIV-3
Stanley v. State	V-2
Stanphill, State v.	V-13; IX-13, 14
State Highway Commission, Connel v.	VI-32
State v. Armstrong	IV-22, VI-10, XVI-40
State, Baier v.	XIII-5
State, Baker v.	II-13
State v. Baker	XVI-33
State, Barnes v.	XVI-8
State v. Bean	VI-5
State v. Bean	XVI-1
State v. Benson	XI-1, XII-1, XIII-4
State, Blakesley v.	XVI-17
State, Blanton v.	IX-6, 7
State v. Blocker	II-41
State v. Blockyou	II-52; IX-30, 32
State v. Bowles	I-23
State v. Bowman	IV-22
State v. Boyd	IX-31

State, Brizendine v.	XIV-10
State v. Brockelman	V-1
State v. Brooks	V-11
State v. Brown	II-2, 27
State v. Brown	XIV-29
State v. Brown	XVI-11
State v. Browning	VII-12
State, Bruffett v.	IV-2
State v. Burgess	III-4
State v. Byrd	VIII-9, 11, 12, 13; XVI-20
State v. Caldwell	VIII-3, 6, 8, 11, 12, 13; X-51, 54; XVI-21
State v. Calhoun	II-2
State, Call v.	XIV-40
State v. Campbell	IV-8
State v. Campbell	VI-5, VI-8
State v. Carey	XVI-13, 14
State, Carithers v.	XIV-36
State, Chance v.	XVI-40
State, Cipolla v.	XIV-36, 37
State v. Clift	IX-11
State ex rel v. Coffeyville	I-30
State v. Coleman	VII-3
State v. Coleman	IX-15
State, Collins v.	XIII-11
State v. Cook	XVI-14
State v. Coover	V-8
State v. Cox	II-15, VII-9
State, Cox v.	VIII-5, 11
State, Cox v.	XIV-34
State, Cox v.	XIV-2, 39
State v. Daegle	X-38, XIV-41
State v. Daegle	IV-23, XVI-17
State, Davis v.	XIV-11
State ex rel v. Dawson	I-23
State v. Dodson	VI-19
State v. Dunham	VIII-9
State v. Dye	IX-35
State, Eble v.	I-2
State v. Faidley	VI-18
State v. Finch	I-9, 24
State v. Finney	VIII-9
State, Foor v.	XIV-9
State v. Franklin	XVI-28, 43

State v. Freeman	VI-19
State v. Frye	X-62
State v. Furthmyer	VI-5
State v. Gleason	XVI-14
State v. Goetz	V-1
State, Goodwin v.	XIV-29
State v. Granger	XVI-33
State v. Gray	IX-32
State v. Grider	VI-17
State v. Guffey	IX-13, 18; XVI-11
State v. Hamilton	VIII-5
State v. Hamrick	XIV-9, XVI-34
State v. Hanes	XIII-1
State v. Hemminger	V-9, 11
State v. Hannon	XIV-36
State v. Henderson	II-2, 7, 26, 27, 46
State v. Hendrix	XVI-6
State v. Hess	V-9
State v. Hickerson	XIII-4
State v. Hinkle	VI-19
State v. Hinton	I-54
State, Hughes v.	XIV-36
State v. Hunt	IX-17
State, Jackson v.	X-36, 37
State, Jackson v.	XIV-39
State, Jackson v.	XIV-41
State v. Jackson	IX-21
State v. Jefferson	XVI-12
State, Jenkins v.	VI-24
State v. Johnson	X-42, XI-7, XIV-10, XVI-2
State v. Johnson	I-55
State, Johnson v.	VIII-5, 11; XVI-22
State ex rel v. Kansas City	I-23
State, Jones v.	XVI-23
State v. Jones	I-41, II-32
State v. Jones	VI-6
State v. Jones	IX-27
State v. Keehn	XVI-2
State v. Kelly	IV-2
State v. Kerns	I-2
State v. Kilpatrick	I-2, VIII-11

State, King v.	XIV-2
State, Knight v.	VIII-2, 11
State v. Komarek	XIV-26
State, Lee v.	XIV-19
State, Lee v.	XIV-39
State v. Leigh	II-23
State v. Lemon	VI-6
State v. Leopard	XIII-10
State v. Lightle	VI-9
State, Lloyd v.	XVI-40
State v. Lopez	I-56
State v. Madden	VII-7
State v. Mader	VI-5
State v. Majors	I-49
State v. Martin	VII-3
State v. Maxwell	VII-9, IX-31
State v. McCollom	IV-22, V-8
State v. McCollum	V-3
State v. McCombs	XVI-14
State v. McMillin	XVI-13
State v. McVeigh	IV-8
State v. Mendzlewski	VI-24
State v. Metcalf	VI-6
State, Metcalf v.	XIV-29
State, Miller v.	XVI-12
State v. Mitchell	XIII-4
State v. Momb	VII-5
State v. Nall	XIII-1
State v. Neff	VII-2, 3, 7, 9
State v. Nelson	XVI-39
State v. Netherton	XVI-26
State v. Nichols	VIII-10
State v. Osbey	V-6
State v. Otero	V-11, 13
State v. Owens & Carlisle	X-2
State, Patterson v.	XIV-22, 30
State v. Paxton	IX-16
State, Peterson v.	VI-19
State v. Petrin	V-9
State v. Phypen	II-8
State, Pierson v.	V-12, 15
State v. Pierson	XVI-28

State v. Pittsburg	XVI-47
State v. Porter	IV-22
State v. Potts	I-55, XVI-34
State, Prescher v.	XIV-9
State v. Pruett	XVI-2
State v. Pruett	XVI-4
State v. Rambo	IX-22
State, Reid v.	IV-23
State v. Reid	VIII-5, 6; XVI-23
State v. Richardson	XIV-8
State v. Rider	VI-24
State, Roberts v.	XIII-4
State v. Robinson	VI-17
State, Rodgers v.	XVI-48
State v. Rose	XVI-44, 46
State v. Roselli	XVI-19
State v. Sagebiel	IX-15
State v. Sanders	V-5, 16
State v. Schroeder	IX-35
State v. Scott	IX-27
State v. Sharp	VI-24
State, Sherman v.	II-24
State, Shores v.	II-13
State v. Shores	XIV-10
State v. Spain	VIII-11
State v. Stanley	V-2
State v. Stanphill	V-13; IX-13, 14
State v. Stephenson	I-50
State, Stewart v.	XIV-9
State v. Stiff	IX-28
State v. Stuart	IX-15
State v. Sullivan	I-41, II-22
State v. Theus	IX-12
State v. Thomas	IV-8, VII-1
State, Tipton v.	XIV-22
State v. Trinkle	I-37
State v. Troy	XIII-10
State, Tuscano v.	XIV-8, 36
State v. Walker	VI-19
State v. Ward	VII-6
State, Wasson v.	XIII-11
State v. Weigand	III-16, IV-22, VIII-4
State, Weigel v.	XVI-21

State v. Wheeler	XVI-2
State v. Welch	V-8, 9
State, White v.	XVI-21, VIII-9
State v. White	XIV-30
State v. Wigley	VI-6
State v. Wigley	XV-4
State, Williams v.	XIV-6, XVI-48
State v. Wilson	IX-28; XVI-26, 33
State, Winter v.	IV-2
State, Wisley v.	II-13
State, Witt v.	X-30
State v. Wright	IV-2
State v. Young	VI-6
State v. Young	II-22, 36
State, Young v.	XIV-36, 37
State v. Yurk	XIV-19, XVI-28
Stephens, City of Wichita v.	XIII-8
Stephenson, State v.	I-50
Stewart v. State	XIV-9
Stiff, State v.	IX-28
Strange, James v.	IV-29, 30
Stuart, State v.	IX-15
Stucker, Johnson v.	II-8; IV-23; XIV-9
Sullivan, State v.	I-41, II-22

T

Taglianetti v. United States	VI-28
Theus, State v.	IX-12
Thomas, State v.	IV-8, VII-1
Thornburg v. Cole	IX-33
Tibbett v. Hand	XVI-24
Tipton v. State	XIV-22
Townsend v. Burke	IV-22
Trinkle, State v.	I-37
Troy, State v.	XIII-10
Tucker v. Lower	VI-10
Tuscano v. State	XIV-8, 36

U

United States, Alderman v.	VI-11, 28
United States, Bruton v.	VI-7, VII-10
United States, Caldwell v.	II-8
United States, Christian v.	IV-8
United States v. Cox	XV-14
United States, Dennis v.	VI-8
United States, Devine v.	XVI-33
United States, Glasser v.	II-22
United States, Jackson v.	II-2
United States v. Jencks	VI-5
United States, Katz v.	XV-7, XVI-13
United States v. Kind	V-8
United States, Machibroda v.	I-44
United States, Sacher v.	XVI-37, 45
United States, Sells v.	VI-27
United States v. Smith	V-8
United States, Taglianetti v.	VI-28
United States v. Von Der Heide	II-2
United States v. Wade	IV-22
United States, Wood v.	II-2
United States v. Yates	XI-5

V

Van Welden v. Ramsay's, Inc.	VI-32
Von Der Heide, Unitedes States v.	II-2
Von Moultske v. Gillies	XVI-40

W

Wade, United States v.	IV-22
Wainwright, Gideon v.	IV-22, XVI-40
Wainwright, Walker v.	XIV-11
Walker, State v.	VI-19
Walker v. Wainwright	XIV-11
Wallace v. Webber	XVI-44, 46
Wall v. Harrison	I-1
Ward, State v.	VII-6

Warden, Maryland Penitentiary, Bowler v.	II-2
Wasson v. State	XIII-11
Webber, Wallace v.	XVI-44, 46
Weigand, State v.	IV-22, III-16, VIII-4
Weigel v. State	VIII-11, XVI-21
Welch, State v.	V-8, 9
Wheeler, State v.	XVI-2
White v. State	XIV-30
White, State v.	VIII-9, XVI-21
Wigley, State v.	VI-6
Wigley, State v.	XV-4
Willey, Frey v.	XVI-47
Williams, In re Estate of	XVI-39
Williams v. Benefit Trust Life Ins. Co.	IX-30
Williams v. Beto	II-2
Williams v. Florida	IX-1, 2, 5
Williams v. Illinois	X-67
Williams v. State	XIV-6, XVI-48
Wilson, Callan v.	IX-3
Wilson, State v.	IX-28, XVI-26, 33
Winter v. State	II-13, IV-2
Wisely v. State	II-13
Witt v. State	X-30
Wolesslagel, Hulme v.	XVI-6
Woodson, LeVier v.	II-15
Wood v. United States	II-2
Wright, State v.	IV-2

Y

Yates v. United States	XI-5
Young, State v.	II-22, 36
Young, State v.	VI-6
Young v. State	XIV-36, 37
Yurk, State v.	XIV-19, XVI-28