

EVIDENCE



11th Edition

By:

Jack Kenney

October 2022

Indiana Public Defender Council
309 West Washington Street
Suite 401
Indianapolis, IN 46204
Phone: 317-232-2490
FAX: 317-232-5524

ACKNOWLEDGMENTS

The author wishes to thank Juli Byrne for the final formatting of this handbook. Please bring errors, omissions, and suggestions for improvement to the author's attention at the IPDC.

DISCLAIMER

All information in this handbook is subject to change, and should only be used as a starting point for further investigation and study of current law and practice.



October 2022

Copyright © 2019 Indiana Public Defender Council. All rights reserved. Reproduction and resale of this manual is prohibited.

EVIDENCE

Summary Table of Contents

CHAPTER 1 – RULES OF EVIDENCE GENERALLY

I. SCOPE - RULE 101	101-1
A. OFFICIAL TEXT:	101-1
B. THE APPLICATION OF THE EVIDENCE RULES TO VARIOUS PROCEEDINGS.....	101-1
C. APPLICATION OF EVIDENTIARY RULES WITH STATUTES OR COMMON LAW- RULE 101(b).....	101-11
II. PURPOSE - RULE 102.....	102-1
A. OFFICIAL TEXT:	102-1
B. PURPOSE OF EVIDENCE RULES	102-1
C. CONSTRUCTION.....	102-1
III. RULINGS ON EVIDENCE - RULE 103	103-1
A. OFFICIAL TEXT:	103-1
B. REQUIREMENTS FOR REVERSIBLE ERROR	103-1
C. ROLE OF JUDGE	103-14
D. HEARING OF JURY- RULE 103(d)	103-14
E. FUNDAMENTAL ERROR - RULE 103(e).....	103-14
IV. PRELIMINARY QUESTIONS - RULE 104	104-1
A. OFFICIAL TEXT:	104-1
B. QUESTIONS OF ADMISSIBILITY - RULE 104(a).....	104-1
C. RELEVANCE THAT DEPENDS ON A FACT - RULE 104(b).....	104-3
D. CONDUCTING A HEARING SO THAT THE JURY CANNOT HEAR IT - RULE 104(c).....	104-5
E. CROSS-EXAMINING A DEFENDANT IN A CRIMINAL CASE - RULE 104(d)	104-5
1. Limited cross-examination	104-5
2. Use of testimony at trial	104-5
F. EVIDENCE RELEVANT TO WEIGHT AND CREDIBILITY - RULE 104(e).....	104-6
V. LIMITING EVIDENCE THAT IS NOT ADMISSIBLE AGAINST OTHER PARTIES OR FOR OTHER PURPOSES - RULE 105	105-1
A. OFFICIAL TEXT:	105-1
B. PARTY MUST REQUEST LIMITING INSTRUCTION.....	105-1
C. COURT MAY GIVE LIMITING INSTRUCTION ON ITS OWN MOTION	105-3
D. LIMITING INSTRUCTION.....	105-4
E. CONFESSIONS AND STATEMENTS	105-6
VI. REMAINDER OF OR RELATED WRITING OR RECORDED STATEMENTS - RULE 106...	106-1
A. OFFICIAL TEXT:	106-1
B. DOCTRINE OR RULE OF COMPLETENESS	106-1
C. RULE OF COMPLETENESS SUBJECT TO OTHER EVIDENCE RULES AND REDACTION	106-3
D. LAYING FOUNDATION FOR ADMISSION OF EVIDENCE UNDER RULE 106.....	106-7

CHAPTER 2 – JUDICIAL NOTICE

I.	I.	JUDICIAL NOTICE - RULE 201	201-1
	A.	OFFICIAL TEXT:	201-1
	B.	JUDICIAL NOTICE OF FACTS	201-2
	C.	JUDICIAL NOTICE OF PUBLIC RECORDS	201-3
	D.	JUDICIAL NOTICE OF LAW: Rule 201(b)	201-6
	E.	TRIAL COURT’S DISCRETION	201-10
	F.	PROCEDURE FOR TAKING JUDICIAL NOTICE	201-10
	G.	SPECIAL PROCEEDINGS.....	201-13

CHAPTER 3 – BURDEN OF PROOF AND PRESUMPTIONS

I.	PRESUMPTIONS IN CIVIL CASES GENERALLY – RULE 301	301-1
	A. TEXT OF RULE:.....	301-1
	B. RULE 301 APPLIES TO CIVIL CASES	301-1
II.	BURDEN OF PROOF IN CRIMINAL CASES	301-1
	A. THE BURDEN OF PERSUASION.....	301-1
	B. THE BURDEN OF PRODUCTION (THE BURDEN OF GOING FORWARD WITH EVIDENCE)	301-1
	C. BURDEN OF PROOF IN PRETRIAL SUPPRESSION.....	301-2
	D. BURDEN OF PROOF AT TRIAL	301-3
	E. AFTER PRESENTATION OF EVIDENCE	301-16
III.	PRESUMPTIONS	301-19
	A. DEFINITIONS.....	301-19
	B. CONSTITUTIONAL LIMITATIONS IN CRIMINAL CASES	301-19
	C. SPECIFIC PRESUMPTIONS AND INFERENCES.....	301-22

CHAPTER 4 – RELEVANT EVIDENCE

I.	TEST FOR RELEVANT EVIDENCE - RULE 401	401-1
	A. OFFICIAL TEXT:	401-1
	B. DEFINITION OF RELEVANT EVIDENCE.....	401-1
II.	GENERAL ADMISSIBILITY OF RELEVANT EVIDENCE - RULE 402	402-1
	A. OFFICIAL TEXT:	402-1
	B. IRRELEVANT EVIDENCE GENERALLY INADMISSIBLE	402-2
	C. ADMISSIBILITY OF DIFFERENT TYPES OF EVIDENCE	402-2
III.	EXCLUDING RELEVANT EVIDENCE FOR PREJUDICE, CONFUSION, OR OTHER REASONS - RULE 403.....	403-1
	A. OFFICIAL TEXT:	403-1
IV.	CHARACTER EVIDENCE; CRIMES OR OTHER ACTS - RULE 404	404-1
	A. OFFICIAL TEXT:	404-1
	B. DEFINITION OF CHARACTER.....	404-1
	C. OBJECTIONS	404-2

D. RULE 404(a) EXCEPTIONS ALLOWING EVIDENCE OF CHARACTER.....	404-2
E. RULE 404(b) - OTHER CRIMES, WRONGS, OR ACTS.....	404-7
V. METHODS OF PROVING CHARACTER - RULE 405.....	405-1
A. OFFICIAL TEXT:.....	405-1
B. METHOD OF PROVING CHARACTER EVIDENCE.....	405-1
C. RULE 405(a) - SPECIFIC INSTANCES AVAILABLE TO REBUT REPUTATION AND OPINION EVIDENCE	405-1
D. RULE 405(b) - SPECIFIC INCIDENT EVIDENCE ADMISSIBLE TO PROVE CHARACTER WHEN CHARACTER ITSELF IS AN ISSUE.....	405-4
VI. HABIT; ROUTINE PRACTICE - RULE 406	406-1
A. OFFICIAL TEXT:	406-1
B. HABIT	406-1
VII. SUBSEQUENT REMEDIAL MEASURES - RULE 407.....	407-1
A. OFFICIAL TEXT:	407-1
B. GENERALLY APPLICABLE IN CIVIL CASES	407-1
VIII. COMPROMISE OFFERS AND NEGOTIATIONS - RULE 408.....	408-1
A. OFFICIAL TEXT:	408-1
B. PLEA OFFERS AND NEGOTIATIONS NOT ADMISSIBLE AT TRIAL.....	408-1
C. EXCEPTION - ADMISSIBLE FOR ANOTHER PURPOSE.....	408-1
IX. PAYMENT OR OFFER TO PAY MEDICAL OR OTHER EXPENSES - RULE 409	409-1
A. OFFICIAL TEXT:	409-1
B. PRE-TRIAL PAYMENTS INADMISSIBLE AT TRIAL	409-1
X. WITHDRAWN PLEAS AND OFFERS - RULE 410	410-1
A. OFFICIAL TEXT:	410-1
B. THE EVIDENCE RULE	410-1
C. STATUTORY EXCLUSIONARY RULES: SUBSTANTIVE LAW.....	410-4
D. RULE 410 AND STATUTORY PROTECTIONS APPLY ONLY TO DEFENDANT.....	410-6
E. CONSTITUTIONAL PROTECTION	410-6
XI. LIABILITY INSURANCE - RULE 411.....	411-1
A. OFFICIAL TEXT:	411-1
B. INSURANCE EVIDENCE.....	411-1
XII. SEX-OFFENSE CASES: THE VICTIM'S OR WITNESS'S BEHAVIOR OR PREDISPOSITION - RULE 412.....	412-1
A. OFFICIAL TEXT:.....	412-1
B. RULE 412 APPLIES OVER RAPE SHIELD STATUTE	412-2
C. PURPOSE OF RULE 412 AND STATUTE	412-2
D. APPLICATION AND LIMITATIONS	412-2
E. RULE 412 EXCEPTIONS.....	412-3
F. COMMON LAW EXCEPTIONS.....	412-6
G. CONSTITUTIONAL IMPLICATION	412-8
H. PRE-TRIAL NOTICE	412-12
I. HEARING ON ADMISSIBILITY - CONFIDENTIALITY	412-12
J. OFFER OF PROOF AT TRIAL REQUIRED TO PRESERVE ERROR	412-12

K. EXAMPLES OF EVIDENCE PROPERLY EXCLUDED.....	412-13
XIII. MEDICAL EXPENSES - RULE 413.....	413-1
A. OFFICIAL TEXT:.....	413-1
B. EFFECT OF RULE 413.....	413-1

CHAPTER 5 - PRIVILEGES

I. PRIVILEGES - RULE 501	501-1
A. OFFICIAL TEXT:	501-1
B. PROCEDURE.....	501-1
C. PURPOSE AND JUSTIFICATION FOR PRIVILEGES.....	501-6
D. Ind. Code § 34-46-3-1: ATTORNEYS, PHYSICIANS, CLERGY and SPOUSES.....	501-8
E. JOURNALISTS	501-15
F. PRIVILEGES LISTED IN Ind. Code 34-46-2	501-16
G. STATUTORY EXCEPTION FOR CHILD ABUSE.....	501-21
H. A COMMON LAW PRIVILEGE: INFORMANT'S IDENTITY.....	501-23
II. ATTORNEY-CLIENT PRIVILEGE AND WORK PRODUCT; LIMITATIONS ON WAIVER - RULE 502	502-1
A. OFFICIAL TEXT:	502-1
B. STATUTORY AUTHORITY FOR THE ATTORNEY-CLIENT PRIVILEGE	502-1
C. PREREQUISITES	502-2
D. WORK PRODUCT PRIVILEGE	502-5

CHAPTER 6 – WITNESSES

I. COMPETENCE - RULE 601.....	601-1
A. OFFICIAL TEXT:	601-1
B. PROCEDURE FOR DETERMINING WITNESS COMPETENCE	601-1
C. PERSONS INCOMPETENT BY STATUTE.....	601-3
D. PERSONS INCOMPETENT BY CASE LAW	601-4
E. INCOMPETENCY BY RULE	601-6
F. COMPETENCE ESTABLISHED BY CONSTITUTION	601-6
G. EFFECT OF INCOMPETENCE FINDING.....	601-6
II. REQUIREMENT OF PERSONAL KNOWLEDGE - RULE 602.....	602-1
A. OFFICIAL TEXT:	602-1
B. PERSONAL KNOWLEDGE MUST BE SHOWN BEFORE WITNESS TESTIFIES	602-1
C. USING RULE 602 TO EXCLUDE EVIDENCE AND TO LIMIT ITS IMPACT	602-2
D. EXCEPTIONS	602-3
E. VERIFIED PLEADINGS AND AFFIDAVITS AS EVIDENCE, TRIAL RULE 11.	602-4
F. HEARSAY- RULE 803	602-4
III. OATH OR AFFIRMATION - RULE 603	603-1
A. OFFICIAL TEXT:	603-1
B. REQUIREMENT OF OATH OR AFFIRMATION.....	603-1
C. SUFFICIENT ADMINISTRATION OF OATH	603-1
D. REFUSAL TO TAKE OATH, CONTEMPT	603-2
E. WAIVER	603-2

F. PERJURY DEFINED	603-2
IV. INTERPRETERS - RULE 604	604-1
A. OFFICIAL TEXT:	604-1
B. QUALIFICATIONS OF THE INTERPRETER.....	604-1
C. RELATED ISSUES	604-2
V. COMPETENCY OF JUDGE AS WITNESS - RULE 605	605-1
A. OFFICIAL TEXT:	605-1
B. TRIAL JUDGE BARRED FROM TESTIFYING.....	605-1
C. OTHER RELEVANT LAW	605-2
VI. COMPETENCY OF JUROR AS WITNESS - RULE 606	606-1
A. OFFICIAL TEXT:	606-1
B. TESTIFYING IN TRIAL: RULE 606(a).....	606-1
C. TESTIFYING IN POST-VERDICT PROCEEDINGS: 606(b).....	606-2
D. DURING TRIAL INQUIRIES OF JURORS NOT COVERED UNDER 606.....	606-5
E. INCONSISTENT CASE LAW	606-5
VII.WHO MAY IMPEACH - RULE 607	607-1
A. OFFICIAL TEXT:	607-1
B. ANY PARTY PERMITTED TO IMPEACH A WITNESS	607-1
C. ANTICIPATORY IMPEACHMENT- “DRAWING THE STING”	607-4
VIII. A WITNESS’S CHARACTER FOR TRUTHFULNESS OR UNTRUTHFULNESS - RULE 608	
608-1	
A. OFFICIAL TEXT:	608-1
B. IMPEACHMENT BY OPINION OR REPUTATION EVIDENCE - RULE 608(a).....	608-1
4. Evidence other than opinion or reputation	608-3
C. SPECIFIC INSTANCES OF CONDUCT - RULE 608(b).....	608-3
IX. IMPEACHMENT BY EVIDENCE OF A CRIMINAL CONVICTION - RULE 609	609-1
A. OFFICIAL TEXT:	609-1
B. GENERAL RULE- RULE 609.....	609-2
C. LIMIT ON USING THE EVIDENCE AFTER 10 YEARS - RULE 609(b).....	609-5
D. EFFECT OF A PARDON, ANNULMENT, OR CERTIFICATE OF REHABILITATION -	
RULE 609(c).....	609-6
E. JUVENILE ADJUDICATIONS - RULE 609(d).....	609-7
F. PENDENCY OF APPEAL - RULE 609(e).....	609-8
G. OPENING DOOR.....	609-8
H. USE OF UNCONSTITUTIONAL CONVICTIONS	609-9
I. JURY INSTRUCTIONS REGARDING IMPEACHMENT BY PRIOR CONVICTIONS...609-10	
X. RELIGIOUS BELIEFS OR OPINIONS - RULE 610	610-1
A. OFFICIAL TEXT:	610-1
B. RELIGIOUS BELIEF OF THE WITNESS - RULE 610	610-1
C. OTHER PROHIBITIONS ON USE OF RELIGION	610-2
XI. MODE AND ORDER OF EXAMINING WITNESSES AND PRESENTING EVIDENCE - RULE	
611	611-1
A. OFFICIAL TEXT	611-1

B. IN GENERAL - RULE 611	611-1
C. CONTROL BY COURT - RULE 611(a)	611-1
D. RULE 611(b): SCOPE OF CROSS EXAMINATION	611-6
E. RULE 611(C): LEADING QUESTIONS	611-11
XII. WRITING OR OBJECT USED TO REFRESH MEMORY - RULE 612	612-1
A. OFFICIAL TEXT	612-1
B. IN GENERAL: PRESENT RECOLLECTION REFRESHED	612-1
C. PRODUCTION OF DOCUMENT TO ADVERSE PARTY	612-3
D. TERMS OF PRODUCTION AND USE: RULE 612(b)	612-4
XIII. PRIOR STATEMENTS OF WITNESSES - RULE 613	613-1
A. OFFICIAL TEXT	613-1
B. SHOWING OR DISCLOSING THE STATEMENT DURING EXAMINATION: RULE 613(a)	613-1
C. EXTRINSIC EVIDENCE OF PRIOR INCONSISTENT STATEMENT: Rule 613(b)	613-2
D. REHABILITATION	613-6
E. LIMITING INSTRUCTION	613-6
F. IMPEACHMENT OF THE TESTIFYING DEFENDANT	613-7
XIV. CALLING AND INTERROGATION OF WITNESSES BY COURT AND JURY - RULE 614	614-1
A. OFFICIAL TEXT:	614-1
B. JUDGE'S AUTHORITY TO CALL WITNESSES: RULE 614(a)	614-1
C. JUDGE'S AUTHORITY TO ASK QUESTIONS OF WITNESSES: RULE 614(b)	614-2
D. OBJECTIONS: RULE 614(c)	614-4
E. QUESTIONS BY THE JURY: RULE 614(d)	614-4
XV. SEPARATION OF WITNESSES - RULE 615	615-1
A. OFFICIAL TEXT:	615-1
B. SEPARATION OF WITNESSES	615-1
C. PERSONS EXEMPT FROM SEPARATION ORDER	615-4
D. REMEDIES FOR VIOLATIONS	615-8
E. SEE IPDC <i>CRIMINAL TRIAL LAW MANUAL</i>	615-11
XVI. BIAS - RULE 616	616-1
A. OFFICIAL TEXT:	616-1
B. RELATED CONSIDERATIONS	616-1
C. TYPES OF BIAS OR INTEREST	616-3
XVII. UNRECORDED STATEMENTS DURING CUSTODIAL INTERROGATION - RULE 617	617-1
A. OFFICIAL TEXT:	617-1
B. Requirement of available recording of custodial statement, generally	617-2
C. Requirement of recording of custodial statement – place of detention	617-2
D. Authentication of the recording	617-2
E. Impeachment	617-2

CHAPTER 7 – OPINIONS AND EXPERT TESTIMONY

I. OVERVIEW	700-1
-------------------	-------

II. OPINION TESTIMONY BY LAY WITNESSES- RULE 701	701-1
A. OFFICIAL TEXT:	701-1
B. APPLIES ONLY TO LAY AND SKILLED WITNESSES	701-1
C. REQUIREMENTS.....	701-1
D. EFFECT OF LAY WITNESS OPINION	701-9
E. EXAMPLES OF OPINION TESTIMONY	701-9
III. TESTIMONY BY EXPERTS - RULE 702	702-1
A. OFFICIAL TEXT:	702-1
B. AN EXPERT MUST BE QUALIFIED	702-1
C. SCIENTIFIC REASONING OR METHODOLOGY MUST BE RELIABLE	702-6
IV. BASES OF OPINION TESTIMONY BY EXPERTS - RULE 703.....	703-1
A. OFFICIAL TEXT:	703-1
B. REQUIREMENT: FACTUAL FOUNDATION	703-1
C. TYPES OF FACTUAL FOUNDATIONS	703-1
D. CANNOT BE BASED ON UNRELIABLE DATA.....	703-7
V. OPINION ON ULTIMATE ISSUE - RULE 704.....	704-1
A. OFFICIAL TEXT:	704-1
B. ADMISSIBLE OPINIONS TO ULTIMATE ISSUES - RULE 704(a).....	704-1
C. INADMISSIBLE OPINIONS - RULE 704(b)	704-1
VI. DISCLOSURE OF FACTS OR DATA UNDERLYING EXPERT OPINION - RULE 705	705-1
A. OFFICIAL TEXT:	705-1
B. EFFECT OF RULE 705.....	705-1
C. AN EXPERT MAY BE REQUIRED TO DISCLOSE UNDERLYING FACTS OR DATA BEFORE GIVING AN OPINION	705-2
D. DISCLOSURE ON CROSS-EXAMINATION	705-3
E. FAILURE TO LAY FOUNDATION	705-3

CHAPTER 8 – HEARSAY EVIDENCE

I. RULE 801 - DEFINITIONS	801-1
A. OFFICIAL TEXT:	801-1
B. HEARSAY DEFINITION - RULE 801	801-2
C. EVIDENCE OFFERED FOR NON-HEARSAY PURPOSES UNDER 801(c)	801-6
D. RULE 801(d) NONHEARSAY STATEMENTS	801-12
II. THE RULE AGAINST HEARSAY - RULE 802.....	802-1
A. OFFICIAL TEXT:	802-1
B. THE PURPOSE OF EXCLUDING HEARSAY	802-1
C. CONSTITUTIONAL LIMITATIONS	802-1
III. HEARSAY EXCEPTIONS: AVAILABILITY OF DECLARANT IMMATERIAL - RULE 803	803-1
A. OFFICIAL TEXT:	803-1
B. RULE 803 GENERALLY	803-4
C. SPECIFIC EXCEPTIONS	803-5
D. STATUTORY EXCEPTION: Protected persons/ child hearsay I.C. 35-37-4-6	803-57
IV. HEARSAY EXCEPTIONS; DECLARANT UNAVAILABLE - RULE 804	804-1

A. OFFICIAL TEXT:	804-1
B. ADMITTING HEARSAY WHEN THE DECLARANT IS UNAVAILABLE	804-2
C. PROVING UNAVAILABILITY	804-3
D. HEARSAY EXCEPTIONS	804-8
V. HEARSAY WITHIN HEARSAY - RULE 805	805-2
A. OFFICIAL TEXT:	805-2
B. DEFINITION OF HEARSAY WITHIN HEARSAY	805-2
C. RATIONALE: NO PERSONAL KNOWLEDGE	805-2
D. HEARSAY WITHIN HEARSAY TEST	805-2
E. RELATIONSHIP TO RULE 801(d)	805-3
F. RELATIONSHIP TO RULE 403	805-3
G. DOUBLE HEARSAY IN OTHER PROCEEDINGS	805-4
VI. ATTACKING AND SUPPORTING THE DECLARANT’S - RULE 806	806-1
A. OFFICIAL TEXT:	806-1
B. RULE GOVERNS IMPEACHMENT AND REHABILITATION OF DECLARANT	806-1
C. CREDIBILITY	806-2
D. INCONSISTENT STATEMENTS	806-3
E. CROSS-EXAMINATION	806-3
F. RELATIONSHIP TO OTHER RULES	806-4
VII. APPELLATE REVIEW	806-5
A. DETERMINE IMPACT OF IMPROPERLY ADMITTED EVIDENCE ON JURY	806-5
B. UNOBJECTED-TO HEARSAY MAY CONTRIBUTE TO SUFFICIENCY OF THE EVIDENCE	806-5

CHAPTER 9 – AUTHENTICATION

I. REQUIREMENT OF AUTHENTICATION OR IDENTIFICATION - RULE 901	901-1
A. OFFICIAL TEXT:	901-1
B. CONDITION PRECEDENT TO ADMISSIBILITY - RULE 901(a)	901-2
C. READILY IDENTIFIABLE EVIDENCE	901-3
D. ITEMS NOT READILY IDENTIFIABLE - CHAIN OF CUSTODY	901-4
E. EXAMPLES OF PROPER METHODS OF AUTHENTICATION - RULE 901(b)	901-8
II. SELF AUTHENTICATION - RULE 902	902-1
A. OFFICIAL TEXT:	902-1
B. GENERALLY	902-2
C. DOMESTIC PUBLIC DOCUMENTS THAT ARE SEALED AND SIGNED - RULE 902(1)	902-3
D. DOMESTIC PUBLIC DOCUMENTS THAT ARE NOT SEALED BUT ARE SIGNED AND CERTIFIED—RULE 902(2)	902-6
E. FOREIGN PUBLIC DOCUMENTS - RULE 902(3)	902-6
F. CERTIFIED COPIES OF PUBLIC RECORDS—RULE 902(4)	902-6
G. OFFICIAL PUBLICATIONS - RULE 902(5)	902-6
H. NEWSPAPERS AND PERIODICALS - RULE 902(6)	902-7
I. TRADE INSCRIPTIONS AND THE LIKE - RULE 902(7)	902-7
J. ACKNOWLEDGED DOCUMENTS - RULE 902(8)	902-8
K. COMMERCIAL PAPER AND RELATED DOCUMENTS - RULE 902(9)	902-8

L. PRESUMPTIONS BY A FEDERAL OR INDIANA STATUTE RULE 902(10).....	902-8
M. CERTIFIED DOMESTIC RECORDS OF REGULARLY CONDUCTED ACTIVITY - RULE 902(11).....	902-9
N. CERTIFIED FOREIGN RECORDS OF REGULARLY CONDUCTED ACTIVITY - RULE 902(12).....	902-11
III. SUBSCRIBING WITNESS’S TESTIMONY UNNECESSARY - RULE 903	903-1
A. OFFICIAL TEXT:	903-1
B. DEFINING SUBSCRIBING WITNESS	903-1
C. FUNCTION OF RULE.....	903-1

CHAPTER 10 – CONTENTS OF WRITINGS, RECORDINGS AND PHOTOGRAPHS

I. INDIANA RULE OF EVIDENCE 1001	1001-1
A. OFFICIAL TEXT:	1001-1
B. THE “REQUIREMENT OF ORIGINAL” RULE (also known as the “BEST EVIDENCE RULE” or the “ORIGINAL DOCUMENTS RULE”)	1001-1
C. SPECIFIC EXAMPLES	1001-2
II. REQUIREMENT OF THE ORIGINAL - RULE 1002.....	1002-1
A. OFFICIAL TEXT:	1002-1
B. APPLICATION OF RULE 1002.....	1002-1
III. ADMISSIBILITY OF DUPLICATES - RULE 1003	1003-1
A. OFFICIAL TEXT:	1003-1
B. DUPLICATES	1003-1
IV. ADMISSIBILITY OF OTHER EVIDENCE OF CONTENTS - RULE 1004.....	1004-1
A. OFFICIAL TEXT:	1004-1
B. EXCEPTIONS TO THE REQUIREMENT OF THE ORIGINAL	1004-1
V. COPIES OF PUBLIC RECORDS TO PROVE CONTENT - RULE 1005	1005-1
A. OFFICIAL TEXT:	1005-1
B. RATIONALE BEHIND RULE 1005	1005-1
C. EFFECT OF RULE 1005.....	1005-1
D. RELATIONSHIP TO RULE 1003	1005-2
E. HABITUAL OFFENDER PROCEEDINGS	1005-2
F. ELECTRONIC SIGNATURES: BUREAU OF MOTOR VEHICLE RECORDS	1005-2
VI. SUMMARIES TO PROVE CONTENT - RULE 1006.....	1006-1
A. OFFICIAL TEXT:	1006-1
B. EFFECT OF RULE 1006.....	1006-1
C. FOUNDATION	1006-1
VII. TESTIMONY OR STATEMENT OF A PARTY TO PROVE CONTENT - RULE 1007	1007-1
A. OFFICIAL TEXT:	1007-1
B. ADMISSIONS ABOUT DOCUMENTS.....	1007-1
VIII. FUNCTIONS OF THE COURT AND JURY - RULE 1008.....	1008-1
A. OFFICIAL TEXT:	1008-1

B. WHO MAKES FACTUAL DETERMINATIONS	1008-1
1. Merits of the case	1008-1
2. Administration of the rule	1008-1
C. ISSUES FOR THE TRIAL JUDGE	1008-1
D. ISSUES FOR THE JURY (or finder of fact).....	1008-2

CHAPTER 11 – EVIDENCE RULES REVIEW COMMITTEE

I. EVIDENCE RULES REVIEW COMMITTEE - RULE 1101.....	1101-1
A. OFFICIAL TEXT:	1101-1