

# **Criminal Law Advocacy**



LexisNexis

# CRIMINAL LAW ADVOCACY

---

## *Trial Investigation and Preparation*

### VOLUME 1

Revision Author

**ROGER M. GOLDMAN**

*Professor of Law*

*St. Louis University School of Law*

Original Authors

**MARK J. KADISH**

*Member of the Georgia and Federal Bars*

**RHONDA A. BROFMAN**

*Member of the Georgia and Federal Bars*

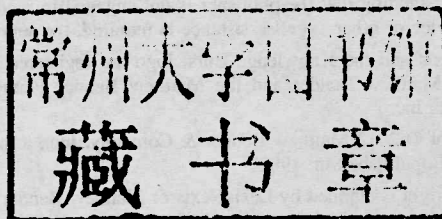
*Updated by Elizabeth L. Inglehart*

*Updated by Alison Garfield*

**2012**

*Filed Through:*

**RELEASE NO. 57, NOVEMBER 2012**



**LexisNexis®**

## QUESTIONS ABOUT THIS PUBLICATION?

For questions about the **Editorial Content** appearing in these volumes or reprint permission, please call:

Gary Laurie, J.D. at ..... 1-800-252-9257 (Ext. 2509)

Email: ..... Gary.A.Laurie@LexisNexis.com

Kathryn Calista, J.D. at ..... 1-800-424-4200 (Ext. 3465)

Email: ..... Kathryn.Calista@LexisNexis.com

For assistance with replacement pages, shipments, billing or other customer service matters, please call:

Customer Services Department at ..... (800) 833-9844

Outside the United States and Canada, please call ..... (518) 487-3000

Fax Number ..... (518) 487-3584

For information on other Matthew Bender publications, please call

Your account manager or ..... (800) 223-1940

Outside the United States and Canada, please call ..... (518) 487-3000

---

Library of Congress Card Number: 82-70639

ISBN: 978-0-8205-1198-6 (print)

ISBN: 978-1-5791-1239-4 (eBook)

---

Cite this publication as:

[Vol. no.] Kadish & Brofman, Criminal Law Advocacy § [sec. no.] (Matthew Bender)

Example:

1 Kadish & Brofman, Criminal Law Advocacy § 1.01 (Matthew Bender)

---

This publication is designed to provide authoritative information in regard to the subject matter covered. It is sold with the understanding that the publisher is not engaged in rendering legal, accounting, or other professional services. If legal advice or other expert assistance is required, the services of a competent professional should be sought.

LexisNexis and the Knowledge Burst logo are registered trademarks of Reed Elsevier Properties Inc., used under license. Matthew Bender and the Matthew Bender Flame Design are registered trademarks of Matthew Bender Properties Inc.

Copyright © 2012 Matthew Bender & Company, Inc., a member of LexisNexis. All Rights Reserved.  
Originally published in: 1982

No copyright is claimed by LexisNexis or Matthew Bender & Company, Inc., in the text of statutes, regulations, and excerpts from court opinions quoted within this work. Permission to copy material may be licensed for a fee from the Copyright Clearance Center, 222 Rosewood Drive, Danvers, Mass. 01923, telephone (978) 750-8400.

Editorial Offices  
121 Chanlon Rd., New Providence, NJ 07974 (908) 464-6800  
201 Mission St., San Francisco, CA 94105-1831 (415) 908-3200  
www.lexisnexis.com

MATTHEW  BENDER

# ***DEDICATION***

---

**To Frank Brogan**



# PREFACE

---

At the beginning of this project, we knew that our trial schedule would require us to find a talented lawyer to assist us in research and preparation of preliminary drafts. Frank Brogan joined us in April of 1981 for that purpose. Frank was from Clifton, New Jersey, where his father, William R. Brogan, has practiced law for many years. Frank graduated from the University of Georgia Law School.

For the five months that he was with us, we all came to respect and admire his talent and loyalty. Undoubtedly, he would have made his own mark, but on September 19, 1981, at the age of 26, we learned of his sudden and untimely death. Such things are senseless and seem so unfair, but to those of us who knew him and worked with him every day, he will be remembered as a kind and gentle person, and a dedicated lawyer, who devoted himself to this book as if it were his own.

The authors wish to thank our many friends and colleagues whose inspiration and help have contributed immeasurably. First, we must thank our associates, Marc Davis and Rosalyn Kadish, for their preparation of several chapters of this book and for their patience and perseverance while the authors left their caseload to them. With the untimely death of Frank Brogan, who assisted us in research and preliminary drafts, the authors enlisted the help of several colleagues so that our deadline could be met. Thus, we wish to thank Diane Marger, Judith Dickinson, and Robin Wyatt for their quick response, diligence and creativity. Many other members of the criminal defense bar made contributions by way of suggestions and permitting us to use their creative pleadings. Our appreciation and respect are extended to Edward T. M. Garland, John Hesmer, Steven Sadow, John R. Martin, Jeffrey Bogart, Nickolas Chilivis, Robert Altman, Michael McIntyre, Joseph Beeler, Frank Hester, Richard Rubin, Jack Goger and Richard Young. We also wish to thank Judge J. Owen Forrester of the United States District Court for the Northern District of Georgia, and Judge William Daniel of the Superior Court of Fulton County, Atlanta Judicial Circuit, for their assistance.

This book could not have been completed without the untiring efforts of Gail Stowers, who has typed this book at least three times. Of course, while she was engaged in this pursuit, we had to depend on Sarah Baker and Cathy Johns to shoulder the other secretarial burdens of our office. This they did splendidly.

The authors must also thank our Editor, Michael Eisenstein, for both his prodding and his patience. When Michael enlisted us to write this book, we had no idea what we were getting into. Now, more than a year later, having seen this project through, we believe that *Trial Investigation and Preparation* adds a new dimension to available professional literature designed to assist the practitioner.

We have tried to structure the book so that it would be helpful to both inexperienced and experienced practitioners. This was not an easy task. To accomplish this, the authors have attempted to achieve a balanced presentation that will enable the novice criminal defense lawyer to feel comfortable while at the same time giving the more experienced lawyer new insights into old problems.

This is a book about pretrial preparation. From our years of experience in handling federal and state criminal litigation, the successful defense of a criminal case begins with diligent preparation and investigation. Most successful criminal lawyers have not gained their reputation by pulling rabbits out of hats, but by painstaking analysis and hard work.

## PREFACE

We have endeavored to offer the reader a practical approach to solving problems in a criminal case, while at the same time providing counsel with the necessary precedent, statutes, and rules. Because state law is so diverse, we have emphasized federal practice. However, we have delved into state practice, at least with a general overview, when possible.

Although we did not intend to produce a “form” book, we have attempted to provide you with the most up-to-date and creative pleadings that we believe are available.

Finally, we have tried to give you the benefit of our experience in preparing simple and complex criminal cases for trial. As the years go by, practitioners sometimes become complacent, believing they have seen it all. But, our experience reveals that every criminal case, whether simple or complex, always has a nuance which requires creative trial preparation. It is this challenge that we hope will inspire our readers to continue to be members of the criminal defense bar. This book was designed to help you meet these new challenges. We wish you luck.

M.J.K.

R.A.B.

# **CRIMINAL LAW ADVOCACY**

---

## **VOLUME 1 TRIAL INVESTIGATION AND PREPARATION**

---

---

### **PART A PRE-TRIAL INVESTIGATIONS AND PREPARATION**

CHAPTER 1	Steps in the Criminal Process
CHAPTER 2	Counsel's Initial Interview With Client
CHAPTER 3	Fees and Employment Agreements
CHAPTER 4	Pretrial Ethical Considerations
CHAPTER 5	Bail
CHAPTER 6	Case Management
CHAPTER 7	Preliminary Hearings
CHAPTER 8	Investigation of the Case
CHAPTER 9	Discovery

---

### **PART B PRE-TRIAL MOTIONS AND HEARINGS**

CHAPTER 10	Misjoinder and Prejudicial Joinder
CHAPTER 11	Motions Challenging the Indictment
CHAPTER 12	Resisting Pretrial Disclosure on the Basis of the Fifth Amendment's Privilege Against Self-Incrimination
CHAPTER 13	Asserting Defendant's Right to a Speedy Trial
CHAPTER 14	Motions to Suppress Confessions, Statements, Lineups and Other Identifications
CHAPTER 15	Search and Seizure
CHAPTER 16	Miscellaneous Pretrial Motions
CHAPTER 17	Preparation for Arraignment
CHAPTER 19	[RESERVED]

---

### **PART C PREPARATION FOR CERTAIN OFFENSES AND DEFENSES**

CHAPTER 20	Pretrial Publicity
CHAPTER 21	Representing the Military Client
CHAPTER 22	Preparation of an Obscenity Case
CHAPTERS 23-29	[RESERVED]

---

## VOLUME 2 GUILTY PLEAS

CHAPTER 30	Introduction
CHAPTER 31	The Voluntariness Standard
CHAPTER 32	The Knowing Requirement
CHAPTER 33	The Factual Basis Requirement
CHAPTER 34	The Effect of a Guilty Plea
CHAPTER 35	Challenging Guilty Pleas
CHAPTER 37	The Role of the Parties in Entering a Plea
CHAPTER 38	Defendants Who Refuse to Admit Guilt: <i>Nolo Contendere</i> Pleas and <i>Alford</i> Pleas
CHAPTER 39	Plea Bargaining and Negotiation Skills
CHAPTER 40	Plea Bargaining and the Federal Sentencing Guidelines
APPENDIX 2	Guilty Pleas
CHAPTERS 41–49	[RESERVED]

---

## VOLUME 3 JURY SELECTION

CHAPTER 50	The Law of Jury Selection—An Overview
CHAPTER 51	[RESERVED]
CHAPTER 52	Strategic Goals in Jury Selection
CHAPTER 53	Preparation For Jury Selection
CHAPTER 54	Discrimination in Jury Selection
CHAPTER 55	Juror Misconduct
CHAPTER 56	Voir Dire Concerning the Conduct of the Trial
CHAPTER 57	Voir Dire Concerning Evidence
CHAPTER 58	Voir Dire For Specific Crimes and Defenses
CHAPTER 59	[RESERVED]

---

## VOLUME 3D TRIAL PROOF

CHAPTER 1D	Overview of the Criminal Trial Process
CHAPTER 2D	Voir Dire: An Overview
CHAPTER 3D	Evidentiary Implications of Opening Statement and Final Argument
CHAPTER 4D	Real and Demonstrative Evidence
CHAPTER 5D	Scientific Evidence: Presentation and Attack
CHAPTER 6D	Evidence and the Witness Examination Process
CHAPTER 7D	Privileges
CHAPTER 8D	Hearsay



- CHAPTER 9D Elements of Guilt: Challenging Prosecution Proof by Motion
  - CHAPTER 10D Presumptions and Burden of Proof
  - CHAPTER 11D Objections
  - CHAPTER 12D Rules of Evidence with Author Commentary
- 

## VOLUME 4E WITNESS EXAMINATION

- CHAPTER 1E Advocacy and Witness Examination
  - CHAPTER 2E Principles of Witness Examination
  - CHAPTER 2E-A Pretrial Witness Examination
  - CHAPTER 3E The Nature of Direct Examination
  - CHAPTER 4E Preparation for Direct Examination
  - CHAPTER 5E The Language of Direct Examination
  - CHAPTER 6E Presenting the Direct Case—Foundations for Evidence
  - CHAPTER 7E Techniques of Direct Examination
  - CHAPTER 8E Direct Examination of Specific Witnesses
  - CHAPTER 9E The Nature of Cross-Examination
  - CHAPTER 10E The Development of Effective Cross-Examination (Part 1)
- 

## VOLUME 5E WITNESS EXAMINATION

- CHAPTER 10E-A The Development of Effective Cross-Examination (Part 2)
  - CHAPTER 11E Exposing Mistaken Testimony on Cross-Examination
  - CHAPTER 12E Exposing Perjurious Testimony on Cross-Examination
  - CHAPTER 13E Cross-Examination of Specific Witnesses
  - CHAPTER 14E Character Evidence
  - CHAPTER 15E Objections During Witness Examination
- 

## VOLUME 6F ARGUMENT TO THE JURY

- CHAPTER 1F Introduction
- CHAPTER 2F The Opening Statement
- CHAPTER 3F Opening for the Prosecution
- CHAPTER 4F Opening for the Defense
- CHAPTER 4F-A The Law of Closing Argument
- CHAPTER 5F Closing Argument for the Defense
- CHAPTER 6F Eyewitness Identification
- CHAPTER 7F Closing Argument for the Prosecution
- CHAPTER 8F Retaliation and Prosecutorial Misconduct



# *Volume 1 Table of Contents*

A COMPLETE SYNOPSIS FOR EACH CHAPTER APPEARS AT  
THE BEGINNING OF THE CHAPTER

---

## **PART A                      PRETRIAL INVESTIGATIONS AND PREPARATION**

---

### **CHAPTER 1                Steps in the Criminal Process**

---

§ 1.01	General Chronology of Stages in Criminal Process
§ 1.02	Federal Misdemeanor Procedure
§ 1.03	Federal Felony Procedure
§ 1.04	State Petty Offense Procedure
§ 1.05	State Misdemeanor Procedure
§ 1.06	State Felony Procedure
Appendix 1-A	Cross-References to Other Criminal Law Advocacy Volumes

---

### **CHAPTER 2                Counsel's Initial Interview With Client**

---

§ 2.01	Counsel's Initial Involvement and Interview With an In-Custody Client
§ 2.02	Counsel's Initial Interview With the Non-Custodial Client
Appendix 2-A	Interview Sheet
Appendix 2-B	Entry of Appearance
Appendix 2-C	Bibliography
Appendix 2-D	Cross-References to Other Criminal Law Advocacy Volumes

---

### **CHAPTER 3                Fees and Employment Agreements**

---

§ 3.01	Setting Fees
§ 3.02	Fee Splitting and Division of Fees
§ 3.03	Fees Paid by Someone Other Than Client
§ 3.04	The Fee Agreement
§ 3.05	Use of Time Records
§ 3.06	Billing
§ 3.07	Ethical Consideration—Fees in Kind and Tainted Fees
Appendix 3-A	Sample Fee Agreement
Appendix 3-B	Bibliography
Appendix 3-C	Cross-Reference to Other Criminal Law Advocacy Volume

---

### **CHAPTER 4                Pretrial Ethical Considerations**

---

§ 4.01	Introduction
§ 4.02	Perjury and Subornation of Perjury
§ 4.03	Promising or Guaranteeing "Results" to a Client

---

## **Volume 1 Table of Contents**

§ 4.04	Refusing Cases
§ 4.05	Effective Assistance of Counsel
§ 4.06	Ethical Duties Where Client Is Insane or Addicted to Drugs
§ 4.07	Obstruction of Justice
§ 4.08	Restitution
§ 4.09	Knowledge of Future Crimes and the Attorney-Client Privilege
Appendix 4-A	Bibliography
Appendix 4-B	Cross-References to Other Criminal Law Advocacy Volumes

---

### **CHAPTER 5 Bail**

---

§ 5.01	Right to Bail Prior to Trial: An Overview
§ 5.02	Types of Release
§ 5.03	Criteria for Setting Bail or Release Conditions
§ 5.04	Procedures for Setting Bail
§ 5.05	Pre-Bail Procedure
§ 5.06	Bail Hearings
§ 5.07	Reduction of Bail
§ 5.08	Bail Forfeiture
§ 5.09	Other Potential Consequences for Defendant's Failure to Appear or Offenses Committed While on Release
Appendix 5-A	Bond Order
Appendix 5-B	Motion for Bond
Appendix 5-C	Motion for Bond
Appendix 5-D	Client Bail Interview Checklist
Appendix 5-E	Motion To Set Aside Bond Forfeiture
Appendix 5-F	Bibliography

---

### **CHAPTER 6 Case Management**

---

§ 6.01	Case Management: Definition and Importance
§ 6.02	Personnel
§ 6.03	Functions
§ 6.04	Tools
§ 6.05	Special Cases
Appendix 6-A	Bibliography
Appendix 6-B	Cross-References to Other Criminal Law Advocacy Volumes

---

### **CHAPTER 7 Preliminary Hearings**

---

§ 7.01	In General
§ 7.02	Pre-Hearing Preparation
§ 7.03	The Commitment Hearing

---

## ***Volume 1 Table of Contents***

§ 7.04	Alternatives to Grand Jury Action
§ 7.05	The Right to a Commitment Hearing
Appendix 7-A	Forms
Appendix 7-B	Bibliography
Appendix 7-C	Cross-References to Other Criminal Law Advocacy Volumes

---

### **CHAPTER 8      Investigation of the Case**

---

§ 8.01	Preliminary Steps
§ 8.02	Non-Expert Witnesses
§ 8.03	Expert Witnesses
§ 8.04	Inspecting Real Evidence and the Crime Scene
§ 8.05	The Polygraph
§ 8.06	Hypnosis: The Forensic Application of an Investigative Tool
§ 8.07	Truth Drugs
§ 8.08	The Psychological Stress Evaluator
§ 8.09	Investigation and Codefendants
§ 8.10	Preparing Evidence for Trial
§ 8.11	The Prosecution's Forensic Science Tools
§ 8.12	Forensic Application of DNA Technology
§ 8.13	Ineffective Assistance Claims Based Upon Counsel's Failure to Investigate
Appendix 8-A	Sample Agreement and Stipulation
Appendix 8-B	Bibliography
Appendix 8-C	Cross-References to Other Criminal Law Advocacy Volumes

---

### **CHAPTER 9      Discovery**

---

§ 9.01	Discovery Under Rule 16 of the Federal Rules of Criminal Procedure
§ 9.02	The Government Has Obligation to Disclose Brady Material
§ 9.03	Discovery Requests and Motions Other Than Rule 16
§ 9.04	The Use of the Freedom of Information Act (FOIA) in Discovery
§ 9.05	Criminal Discovery in State Courts
§ 9.06	Failure to Conduct Adequate Pretrial Discovery as the Basis for Ineffective Assistance of Counsel Claim
Appendix 9-A	Forms
Appendix 9-B	Checklist for Discovery Motions
Appendix 9-C	Bibliography

---

## *Volume 1 Table of Contents*

---

### **PART B**

### **PRETRIAL MOTIONS AND HEARING**

---

#### **CHAPTER 10**

#### **Misjoinder and Prejudicial Joinder**

---

- § 10.01            Generally
- § 10.02            Misjoinder
- § 10.03            Prejudicial Joinder of Counts
- § 10.04            Prejudicial Joinder of Defendants
- Appendix 10-A    Forms
- Appendix 10-B    Bibliography
- Appendix 10-C    Cross-References to Other Criminal Law Advocacy Volumes

---

#### **CHAPTER 11**

#### **Motions Challenging the Indictment**

---

- § 11.01            Constitutional Right to Federal Indictment
- § 11.02            Motions Challenging the Indictment
- § 11.03            Motion to Dismiss for Failure to State an Offense
- § 11.04            Motion to Dismiss for Failure to Allege Facts With Particularity
- § 11.05            Motions Related to Lesser Included Offenses
- § 11.06            Motions Challenging the Indictment Based on *Apprendi*
- § 11.07            Motion to Dismiss Based on “Duplicity” or “Multiplicity”
- § 11.08            Motion to Dismiss Based on the Composition of the Grand Jury
- § 11.09            Motion to Dismiss Based on Double Jeopardy as Bar to Retrial
- § 11.10            Other Grounds to Dismiss Indictment
- § 11.11            Failure to Challenge Indictment, as Grounds for Ineffective Assistance of Counsel Claim
- § 11.12            Federal Habeas Review of: Dismissal Motions; Ineffective Assistance Claims
- Appendix 11-A    Motion to Dismiss for Failure to State an Offense
- Appendix 11-B    Motion to Dismiss for Failure to Allege Facts with Particularity
- Appendix 11-C    Motion to Dismiss for Failure to Allege Dates, Times and Places of Alleged Acts
- Appendix 11-D    Motion to Clarify that Indictment Includes Lesser Included Offense of [name offense]; and to Provide Jury Instruction on Lesser Included Offense
- Appendix 11-E    Motion to Dismiss Indictment for Failure to Allege Amount
- Appendix 11-F    Motion to Dismiss Indictment for Multiplicity
- Appendix 11-G    Motion to Dismiss Indictment for Duplicity
- Appendix 11-H    Motion to Dismiss Indictment Based on Grand Jury Composition
- Appendix 11-I    Motion to Bar the Death Penalty Based on Double Jeopardy
- Appendix 11-J    Motion to Dismiss for Violation of Speedy Trial Act



---

## Volume 1 Table of Contents

---

### CHAPTER 12      Resisting Pretrial Disclosure on the Basis of the Fifth Amendment's Privilege Against Self-Incrimination

---

- § 12.01            In General
- § 12.02            Jurisdictional Application
- § 12.03            Doctrinal Inquiry
- § 12.04            Scope of the Privilege
- § 12.05            Grant of Immunity
- § 12.06            Disclosure of Grand Jury Proceedings

---

### CHAPTER 13      Asserting Defendant's Right to a Speedy Trial

---

- § 13.01            In General
- § 13.02            The Speedy Trial Act of 1974, as Amended, 18 U.S.C. § 3161*et seq*
- § 13.03            The Right to a Speedy Trial Under the Sixth Amendment
- § 13.04            Substantial Delay and Due Process
- Appendix 13-A    Bibliography
- Appendix 13-B    Cross-References to Other Criminal Law Advocacy Volumes

---

### CHAPTER 14      Motions to Suppress Confessions, Statements, Lineups and Other Identifications

---

#### PART A    CONFESSIONS AND OTHER STATEMENTS

- § 14.01            Suppression Based on Illegal Arrest
- § 14.02            Suppression Based on Sixth Amendment Right to Counsel
- § 14.03            Suppression of Confession as Involuntary in Violation of Due Process
- § 14.04            Suppression on Basis of *Miranda*
- § 14.05            The Exclusionary Rule and the Exceptions Which Permit Use of Unlawful Confessions and Statements

#### PART B    LINEUPS AND OTHER IDENTIFICATIONS

- § 14.06            Types of Identifications
- § 14.07            Constitutional Provisions Governing Identifications: Right to Counsel and Due Process
- § 14.08            Suppression of an Identification Based on the Right to Counsel
- § 14.09            Suppression of an Identification Based on Due Process
- § 14.10            Suppression of an In-Court Identification
- § 14.11            Identification and Harmless Error
- § 14.12            Compulsion of Defendant to Participate in Identification Procedure
- § 14.13            Suppression of Identifications Which Took Place Before Initiation of Formal Proceedings
- § 14.14            Suppression of Identifications Which Took Place After Initiation of Formal Proceedings
- § 14.15            Suppression of Photo Identifications



---

## Volume 1 Table of Contents

§ 14.16	Contesting the Identification at a <i>Wade</i> Hearing
---------	--

### PART C FORMS

§ 14.17	Sample Motions to Suppress Statements
---------	---------------------------------------

---

### CHAPTER 15 Search and Seizure

---

§ 15.01	The Fourth Amendment Precludes Unreasonable Searches and Seizures
§ 15.02	Violation of the Fourth Amendment Is Remedied by the Exclusionary Rule
§ 15.03	Searches and Seizures With a Warrant—Facial Defects
§ 15.04	Constitutionality of Warrantless Searches
§ 15.05	Arrest Warrant May Be Required
§ 15.06	Arrest and Detention Without a Warrant Can Sometimes Be Allowed
§ 15.07	The Warrant Requirement for Electronic Surveillance
§ 15.08	References

---

### CHAPTER 16 Miscellaneous Pretrial Motions

---

§ 16.01	Critical Pretrial Motions
§ 16.02	Pretrial Motions Checklist
§ 16.03	Motion Excluding Coconspirator's Declarations
§ 16.04	Motion To Produce Incarcerated Witness To Testify
§ 16.05	Motion for Disqualification
§ 16.06	Motion in Limine
§ 16.07	Motion for Continuance
§ 16.08	Motion for Mental Examination
§ 16.09	Failure to File Miscellaneous Pretrial Motions as a Basis for Finding a Violation of the Right to Effective Assistance of Counsel

Appendix 16-A	Miscellaneous Pretrial Motions
---------------	--------------------------------

Appendix 16-B	Bibliography
---------------	--------------

Appendix 16-C	Cross-References to Other Criminal Law Advocacy Volumes
---------------	---

---

### CHAPTER 17 Preparation for Arraignment

---

§ 17.01	Preparation for Arraignment
§ 17.02	Arraignment
§ 17.03	Plea Negotiations
§ 17.04	Withdrawal of a Guilty Plea
Appendix 17-A	Forms
Appendix 17-B	Bibliography
Appendix 17-C	Cross-References to Other Criminal Law Advocacy Volumes

---

## *Volume 1 Table of Contents*

---

### **CHAPTER 18      TRIAL PREPARATION CONSIDERATIONS FOR CERTAIN OFFENSES**

---

§ 18.01	Preparation of a Drug Courier Profile Case
§ 18.02	Reserved
§ 18.03	Defense of a RICO Case
§ 18.04	Reserved
§ 18.05	Special Considerations for Preparation of a Mail Fraud or Wire Fraud Case
Appendix 18-A	Bibliography
Appendix 18-B	Cross-References to Other Criminal Law Advocacy Volumes

---

### **CHAPTER 19      [RESERVED]**

---

---

### **PART C              PREPARATION FOR CERTAIN OFFENSES AND DEFENSES**

---

---

#### **CHAPTER 20      Pretrial Publicity**

---

§ 20.01	Managing Pretrial Publicity
§ 20.02	Motion to Change Venue
§ 20.03	Motion for a Continuance
§ 20.04	Motions Concerning Voir Dire
§ 20.05	Motions for Restrictions on the Press
§ 20.06	Motions for Restrictions on Parties and Counsel
§ 20.07	Motion for Severance
§ 20.08	Motion to Sequester Jury
§ 20.09	Jury Instructions
§ 20.10	Appeal for New Trial
§ 20.11	Motions to Dismiss Indictment
Appendix 20-A	Model Voir Dire Questions

---

#### **CHAPTER 21      Representing the Military Client**

---

§ 21.01	Understanding the Military Court System
§ 21.02	Pretrial Investigation
§ 21.03	The Commander's Prosecutorial Discretion
§ 21.04	Pretrial Procedures and the Rights of the Accused
§ 21.05	Special and General Courts-Martial Trial Procedures
§ 21.06	Summary Courts-Martial Trial Procedures
§ 21.07	Post-Trial Matters: Special and General Courts-Martial
§ 21.08	Appeals

# Volume 1 Table of Contents

## CHAPTER 22 Preparation of an Obscenity Case

§ 22.01	Statutes Relating to Obscene Material
§ 22.02	"Obscenity" Defined
§ 22.03	Seizure of Obscene Material
§ 22.04	Trial Considerations

## CHAPTERS 23-29 [RESERVED]