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THE RULES OF EVIDENCE
Fourth Edition

Olin Guy Wellborn III

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**CASES AND MATERIALS ON
THE RULES OF
EVIDENCE**

Fourth Edition

By

Olin Guy Wellborn III

*William C. Liedtke, Sr. Professor of Law
University of Texas*

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Preface

This book offers reasonably thorough materials that are at the same time brief enough that the whole subject can actually be covered in a four-credit course (or most of it in a three-credit course). Although some students may wish to consult a secondary text for further explanation or summary, these materials are meant to be self-sufficient when accompanied by a current copy of the Federal Rules of Evidence (and, where appropriate, the rules of a state).

Brevity has been achieved by case selection, by rigorous editing, by concise notes, and by focusing on primary materials. In the cases, citations and footnotes have been selectively removed without notation. Textual deletions are indicated by ellipses.

Each chapter covers an article of the Rules. Within chapters and sections, the materials follow the sequence of the Rules except in a few instances where logic required otherwise (e.g., Rules 412-415 are taken up in conjunction with Rules 404 and 405; the impeachment rules, 607-610 and 613, are not studied in sequence). With regard to privileges, since Article V of the Federal Rules contains no substantive provisions, the current Uniform Rules on the major privileges are presented.

The order of chapters is based upon many years of classroom experience. Relevancy and hearsay, the two most fundamental and pervasive topics, come first. Procedural provisions (Article I of the Rules) are treated next, basically as a compromise between the beginning (too early) and the end (too late). Next come the articles on oral testimony (VI and VII), followed by those on documents and other tangible evidence (IX and X). Privileges are considered last among the admissibility rules because of their peculiar nature. Finally come the chapters on presumptions and judicial notice, both of which concern substitutes for rather than admissibility of evidence.

Corrections, comments, and suggestions are welcome:
gwellborn@law.utexas.edu.

OLIN GUY WELLBORN III

Austin, Texas
March, 2007

Table of Cases

The principal cases are in bold type. Cases cited or discussed in the text are roman type. References are to pages. Cases cited in principal cases and within other quoted materials are not included.

- | | |
|---|--|
| <p>Acker, <i>United States v.</i>, 52 F.3d 509 (4th Cir.1995), 540</p> <p>Adcock, <i>United States v.</i>, 558 F.2d 397 (8th Cir.1977), 180</p> <p>Adkins v. Brett, 184 Cal. 252, 193 P. 251 (Cal.1920), 176</p> <p>Advent Systems Ltd. v. Unisys Corp., 925 F.2d 670 (3rd Cir.1991), 484</p> <p>Aguilar, United States v., 975 F.2d 45 (2nd Cir.1992), 261</p> <p>Agustino-Hernandez, <i>United States v.</i>, 14 F.3d 42 (11th Cir.1994), 221</p> <p>Air Land Forwarders, Inc. v. <i>United States</i>, 172 F.3d 1338 (Fed.Cir.1999), 215</p> <p>Air Safety, Inc. v. Roman Catholic Archbishop of Boston, 94 F.3d 1 (1st Cir.1996), 527</p> <p>Ajmal, <i>United States v.</i>, 67 F.3d 12 (2nd Cir.1995), 397</p> <p>Alexander v. Chapman, 289 Ark. 238, 711 S.W.2d 765 (Ark.1986), 397</p> <p>Alexander, <i>United States v.</i>, 326 F.2d 736 (4th Cir.1964), 516</p> <p>Allen, <i>In re</i>, 106 F.3d 582 (4th Cir.1997), 571</p> <p>Aloe Coal Co. v. Clark Equipment Co., 816 F.2d 110 (3rd Cir.1987), 447</p> <p>Alvarez, <i>United States v.</i>, 860 F.2d 801 (7th Cir.1988), 32</p> <p>Alvarez-Farfan, <i>United States v.</i>, 338 F.3d 1043 (9th Cir.2003), 498</p> <p>Amado-Nunez, <i>United States v.</i>, 357 F.3d 119 (1st Cir.2004), 644</p> | <p>Ambrosini v. Labarraque, 966 F.2d 1464 (D.C.Cir.1992), 484</p> <p>American Stores Co. v. Commissioner, 170 F.3d 1267 (10th Cir.1999), 645</p> <p>An Article of Drug, <i>United States v.</i>, 661 F.2d 742 (9th Cir.1981), 231</p> <p>Anderson v. Malloy, 700 F.2d 1208 (8th Cir.1983), 84</p> <p>Anderson v. State, 758 S.W.2d 676 (Tex.App.1988), 151</p> <p>Andrews v. State, 794 S.W.2d 46 (Tex.App.1990), 311</p> <p>Angelini, <i>United States v.</i>, 678 F.2d 380 (1st Cir.1982), 31</p> <p>Anglin, <i>United States v.</i>, 169 F.3d 154 (2nd Cir.1999), 136</p> <p>Apfelbaum, <i>United States v.</i>, 621 F.2d 62 (3rd Cir.1980), 32</p> <p>Apodaca, <i>United States v.</i>, 522 F.2d 568 (10th Cir.1975), 539</p> <p>Apostolic Church v. American Honda Motor Co., Inc., 833 S.W.2d 553 (Tex.App.1992), 631</p> <p>Arias, <i>United States v.</i>, 575 F.2d 253 (9th Cir.1978), 222</p> <p>Arkansas State Highway Com'n v. Schell, 13 Ark.App. 293, 683 S.W.2d 618 (1985), 478</p> <p>Armstrong, <i>State v.</i>, 232 N.C. 727, 62 S.E.2d 50 (N.C.1950), 375</p> <p>Arrasmith, <i>United States v.</i>, 557 F.2d 1093 (5th Cir.1977), 436</p> <p>Association Against Discrimination in Employment, Inc. v. City of Bridgeport, 647 F.2d 256 (2nd Cir.1981), 633</p> |
|---|--|

- Astorga-Torres, United States v., 682 F.2d 1331 (9th Cir.1982), 117
 ATD Corp. v. Lydall, Inc., 159 F.3d 534 (Fed.Cir.1998), 308
 Atherton v. Gaslin, 194 Ky. 460, 239 S.W. 771 (Ky.1922), 194
 Ault v. International Harvester Co., 117 Cal.Rptr. 812, 528 P.2d 1148 (Cal.1974), 91
 Auto Owners Ins. Co. v. Bass, 684 F.2d 764 (11th Cir.1982), 10
 Awon, United States v., 135 F.3d 96 (1st Cir.1998), 133
 Ayers, State v., 468 A.2d 606 (Me.1983), 232

 Bad Cob, United States v., 560 F.2d 877 (8th Cir.1977), 354
 Bahe, United States v., 128 F.3d 1440 (10th Cir.1997), 543
 Baker, United States v., 82 F.3d 273 (8th Cir.1996), 47, 211
 Baker, United States v., 855 F.2d 1353 (8th Cir.1988), 221
 Baker, United States v., 693 F.2d 183 (D.C.Cir.1982), 212
 Bakker, United States v., 925 F.2d 728 (4th Cir.1991), 525, 527
 Balfany, United States v., 965 F.2d 575 (8th Cir.1992), 202
 Balthazard, United States v., 360 F.3d 309 (1st Cir.2004), 109
 Balzano, United States v., 687 F.2d 6 (1st Cir.1982), 520
 BankAtlantic v. Blythe Eastman Paine Webber, Inc., 955 F.2d 1467 (11th Cir.1992), 345, 346
 Baptiste, United States v., 264 F.3d 578 (5th Cir.2001), 172
 Barber v. Page, 390 U.S. 719, 88 S.Ct. 1318, 20 L.Ed.2d 255 (1968), 235, 276
 Barnum v. State, 7 S.W.3d 782 (Tex.App.1999), 194
 Barone, United States v., 114 F.3d 1284 (1st Cir.1997), 255
 Bartelho, United States v., 129 F.3d 663 (1st Cir.1997), 45
 Bauer, State v., 146 Ariz. 134, 704 P.2d 264 (Ariz.App.1985), 174

 Bautista, United States v., 145 F.3d 1140 (10th Cir.1998), 65
 Beauchamp v. State, 870 S.W.2d 649 (Tex.App.1994), 168
 Beavers v. State, 709 P.2d 702 (Okla.Crim.App.1985), 172
 Beckham, United States v., 968 F.2d 47 (D.C.Cir.1992), 148, 276
 Beech Aircraft Corp. v. Rainey, 488 U.S. 153, 109 S.Ct. 439, 102 L.Ed.2d 445 (1988), 222, 321
 Beechum, United States v., 582 F.2d 898 (5th Cir.1978), 12
 Bejar-Matrecios, United States v., 618 F.2d 81 (9th Cir.1980), 14
 BE & K Const. Co. v. United Broth. of Carpenters and Joiners of America, AFL-CIO, 90 F.3d 1318 (8th Cir.1996), 13
 Bell v. State, 877 S.W.2d 21 (Tex.App.1994), 112
 Bello, United States v., 194 F.3d 18 (1st Cir.1999), 631, 640
 Bellucci, United States v., 995 F.2d 157 (9th Cir.1993), 109, 499
 Bemis v. Edwards, 45 F.3d 1369 (9th Cir.1995), 168
 Benavente Gomez, United States v., 921 F.2d 378 (1st Cir.1990), 308
 Benedetto, United States v., 571 F.2d 1246 (2nd Cir.1978), 379
 Benton, United States v., 637 F.2d 1052 (5th Cir.1981), 37
 Berroyer v. Hertz, 672 F.2d 334 (3rd Cir.1982), 385
 Berry v. State, 290 Ark. 223, 718 S.W.2d 447 (Ark.1986), 15
 Bethel Conservative Mennonite Church v. Commissioner, 746 F.2d 388 (7th Cir.1984), 633
 Betts, United States v., 16 F.3d 748 (7th Cir.1994), 350
 Beverly, United States v., 369 F.3d 516 (6th Cir.2004), 171
 Bey, United States v., 188 F.3d 1 (1st Cir.1999), 543
 Bhaya v. Westinghouse Elec. Corp., 922 F.2d 184 (3rd Cir.1990), 12

- Big Mack Trucking Co., Inc. v. Dickerson, 497 S.W.2d 283 (Tex.1973), 159
- Binzel, United States v., 907 F.2d 746 (7th Cir.1990), 498
- Blackburn v. State, 820 S.W.2d 824 (Tex.App.1991), 311
- Blackburn, United States v., 992 F.2d 666 (7th Cir.1993), 217
- Blackwell, United States v., 853 F.2d 86 (2nd Cir.1988), 9
- Bogosian v. Mercedes-Benz of North America, Inc., 104 F.3d 472 (1st Cir.1997), 90
- Boltz, United States v., 663 F.Supp. 956 (D.Alaska 1987), 100
- Bombard v. Fort Wayne Newspapers, Inc., 92 F.3d 560 (7th Cir.1996), 203
- Booz, United States v., 451 F.2d 719 (3rd Cir.1971), 206
- Bortnovsky, United States v., 879 F.2d 30 (2nd Cir.1989), 214
- Bourjaily v. United States, 483 U.S. 171, 107 S.Ct. 2775, 97 L.Ed.2d 144 (1987), 159, 165, 276, 315
- Bowden v. McKenna, 600 F.2d 282 (1st Cir.1979), 13
- Boyd, United States v., 566 F.2d 929 (5th Cir.1978), 109
- Brackeen, United States v., 969 F.2d 827 (9th Cir.1992), 355
- Bramble, United States v., 641 F.2d 681 (9th Cir.1981), 631
- Branham, United States v., 97 F.3d 835 (6th Cir.1996), 148, 513
- Brawner, United States v., 32 F.3d 602 (D.C.Cir.1994), 317
- Bridges v. State, 247 Wis. 350, 19 N.W.2d 529 (Wis.1945), 119
- Bridwell, United States v., 583 F.2d 1135 (10th Cir.1978), 317
- Bright v. Firestone Tire & Rubber Co., 756 F.2d 19 (6th Cir.1984), 13
- Bright, United States v., 588 F.2d 504 (5th Cir.1979), 32
- Briner, State v., 198 Neb. 766, 255 N.W.2d 422 (Neb.1977), 447
- Brink, United States v., 39 F.3d 419 (3rd Cir.1994), 136
- Brokenberry v. State, 788 S.W.2d 103 (Tex.App.1990), 26
- Brooks v. Holtz, 661 N.W.2d 526 (Iowa 2003), 314
- Brown v. State, 561 S.W.2d 484 (Tex.Crim.App.1978), 435
- Brown, United States v., 9 F.3d 907 (11th Cir.1993), 221
- Brown & Williamson Tobacco Corp. v. Jacobson, 827 F.2d 1119 (7th Cir.1987), 45
- Bruno, United States v., 383 F.3d 65 (2nd Cir.2004), 291
- Bruton v. United States, 391 U.S. 123, 88 S.Ct. 1620, 20 L.Ed.2d 476 (1968), 318
- Budden v. United States, 748 F.Supp. 1374 (D.Neb.1990), 229
- Bulthuis v. Rexall Corp., 789 F.2d 1315 (9th Cir.1985), 203
- Bunion v. Allstate Ins. Co., 502 F.Supp. 340 (E.D.Pa.1980), 20, 364
- Burkhart v. Washington Metropolitan Area Transit Authority, 112 F.3d 1207 (D.C.Cir.1997), 489
- Burnett v. State, 754 S.W.2d 437 (Tex.App.1988), 117
- Burns, State v., 978 S.W.2d 759 (Mo.1998), 60
- Bush v. Dictaphone Corp., 161 F.3d 363 (6th Cir.1998), 111
- Butler, United States v., 56 F.3d 941 (8th Cir.1995), 397
- Byrd, United States v., 750 F.2d 585 (7th Cir.1984), 539
- Caldwell v. District Court In and For City and County of Denver, 644 P.2d 26 (Colo.1982), 579
- California v. Green, 399 U.S. 149, 90 S.Ct. 1930, 26 L.Ed.2d 489 (1970), 275
- Call, United States v., 129 F.3d 1402 (10th Cir.1997), 13
- Callahan v. A.E.V., Inc., 182 F.3d 237 (3rd Cir.1999), 179

- Campbell, United States v., 73 F.3d 44 (5th Cir.1996), 315
- Canan, United States v., 48 F.3d 954 (6th Cir.1995), 273
- Cantellano, United States v., 430 F.3d 1142 (11th Cir.2005), 291
- Capps v. Commonwealth**, 560 S.W.2d 559 (Ky.1977), 329
- Carlock, United States v., 806 F.2d 535 (5th Cir.1986), 433
- Caro, United States v., 569 F.2d 411 (5th Cir.1978), 117
- Carpenter, United States v., 70 F.3d 520 (8th Cir.1995), 502
- Carter v. Hewitt, 617 F.2d 961 (3rd Cir.1980), 13
- Carter, State v., 72 Ohio St.3d 545, 651 N.E.2d 965 (Ohio 1995), 118
- Cartier v. Jackson, 59 F.3d 1046 (10th Cir.1995), 14, 516, 520
- Cash, United States v., 499 F.2d 26 (9th Cir.1974), 398
- Cassidy, United States v., 616 F.2d 101 (4th Cir.1979), 9
- Castillo, United States v., 140 F.3d 874 (10th Cir.1998), 540
- Castro-Ayon, United States v.**, 537 F.2d 1055 (9th Cir.1976), 121, 345, 382
- Casualty Ins. Co. of Cal. v. Salinas**, 160 Tex. 445, 333 S.W.2d 109 (Tex.1960), 174
- Catano, United States v., 65 F.3d 219 (1st Cir.1995), 109
- Caudle, United States v., 606 F.2d 451 (4th Cir.1979), 384, 395, 398
- Certain Underwriters at Lloyd's, London v. Sinkovich, 232 F.3d 200 (4th Cir.2000), 217
- Cestnik, United States v., 36 F.3d 904 (10th Cir.1994), 214
- Chambers v. State, 905 S.W.2d 328 (Tex.App.1995), 180
- Chapman, United States v., 866 F.2d 1326 (11th Cir.1989), 540
- Charmley v. Lewis, 302 Or. 324, 729 P.2d 567 (Or.1986), 83
- Charo, State v., 156 Ariz. 561, 754 P.2d 288 (Ariz.1988), 189
- Charter v. Chleborad**, 551 F.2d 246 (8th Cir.1977), 100, 350
- Chase, United States v., 340 F.3d 978 (9th Cir.2003), 598
- Cherry, United States v., 938 F.2d 748 (7th Cir.1991), 201
- Cherry, United States v., 217 F.3d 811 (10th Cir.2000), 264
- Chesapeake & Ohio Ry. Co. v. Kirwan, 120 F.R.D. 660 (S.D.W.Va.1988), 562
- Chesney, United States v., 86 F.3d 564 (6th Cir.1996), 47
- Christian, United States v., 786 F.2d 203 (6th Cir.1986), 317, 384
- Cibro Petroleum Products, Inc. v. Sohio Alaska Petroleum Co., 602 F.Supp. 1520 (N.D.N.Y.-1985), 20
- City & County of San Francisco v. Superior Court In and For City and County of San Francisco, 37 Cal.2d 227, 231 P.2d 26 (Cal.1951), 533, 599
- City of (see name of city)**
- Clark v. State**, 261 S.W.2d 339 (Tex.Crim.App.1953), 575
- Clark, United States v., 712 F.2d 299 (7th Cir.1983), 540
- Clay v. Johns-Manville Sales Corp., 722 F.2d 1289 (6th Cir.1983), 235
- Clutchette v. Rushen**, 770 F.2d 1469 (9th Cir.1985), 560
- Coates v. Johnson & Johnson, 756 F.2d 524 (7th Cir.1985), 527
- Coleman, United States v., 78 F.3d 154 (5th Cir.1996), 38
- Collicott, United States v., 92 F.3d 973 (9th Cir.1996), 321
- Collins By and Through Kay v. Seaboard Coast Line R. Co., 675 F.2d 1185 (11th Cir.1982), 312
- Com. v. ____ (see opposing party)**
- Com., Dept. of Highways v. Ward, 461 S.W.2d 380 (Ky.1970), 144

- Commodity Futures Trading Com'n v. Weintraub, 471 U.S. 343, 105 S.Ct. 1986, 85 L.Ed.2d 372 (1985), 571
- Complaint of (see name of party)**
- Conoco Inc. v. Department of Energy, 99 F.3d 387 (Fed.Cir.1996), 275
- Console, United States v., 13 F.3d 641 (3rd Cir.1993), 210
- Consolidation Coal Co., Complaint of, 123 F.3d 126 (3rd Cir.1997), 90
- Constancio v. State**, 98 Nev. 22, 639 P.2d 547 (Nev.1982), 543, 544
- Continental Oil Co. v. Simpson, 604 S.W.2d 530 (Tex.Civ.App.1980), 645
- Cooper v. Firestone Tire and Rubber Co., 945 F.2d 1103 (9th Cir.1991), 19
- Cooperativa de Ahorro y Credito Aguada v. Kidder, Peabody & Co., 993 F.2d 269 (1st Cir.1993), 644, 645
- Corley v. Burger King Corp., 56 F.3d 709 (5th Cir.1995), 159
- Cotlar v. State, 558 S.W.2d 16 (Tex.Crim.App.1977), 15
- Country Club Hills Homeowners Ass'n v. Jefferson Metropolitan Housing Authority, 5 Ohio App.3d 77, 449 N.E.2d 460 (1981), 633
- County Court of Ulster County, N. Y. v. Allen**, 442 U.S. 140, 99 S.Ct. 2213, 60 L.Ed.2d 777 (1979), 610
- Coy v. Iowa, 487 U.S. 1012, 108 S.Ct. 2798, 101 L.Ed.2d 857 (1988), 391
- Crabtree, United States v., 979 F.2d 1261 (7th Cir.1992), 483
- Crawford v. Washington**, 541 U.S. 36, 124 S.Ct. 1354, 158 L.Ed.2d 177 (2004) 255, 272, 275, 276, 277, 291
- Cromer, United States v., 389 F.3d 662 (6th Cir.2004), 291
- Crowley v. L.L. Bean, Inc., 303 F.3d 387 (1st Cir.2002), 121
- Cruz v. State, 645 S.W.2d 498 (Tex.App.1982), 644
- Cruz, United States v., 765 F.2d 1020 (11th Cir.1985), 168
- Cruz, United States v., 363 F.3d 187 (2nd Cir.2004), 445
- Culpepper, United States v., 834 F.2d 879 (10th Cir.1987), 10
- Curtis, United States v., 644 F.2d 263 (3rd Cir.1981), 32
- Dallas, City of v. Donovan**, 768 S.W.2d 905 (Tex.App.1989), 169
- D'Angelo v. United States, 456 F.Supp. 127 (D.Del.1978), 514
- Dartez v. Fibreboard Corp., 765 F.2d 456 (5th Cir.1985), 231
- Daubert v. Merrell Dow Pharmaceuticals, Inc., 43 F.3d 1311 (9th Cir.1995), 459, 477
- Daubert v. Merrell Dow Pharmaceuticals, Inc.**, 509 U.S. 579, 113 S.Ct. 2786, 125 L.Ed.2d 469 (1993), 315, 447
- Davignon v. Clemmey, 322 F.3d 1 (1st Cir.2003), 202
- Davis v. Alaska, 415 U.S. 308, 94 S.Ct. 1105, 39 L.Ed.2d 347 (1974), 383
- Davis v. Mobil Oil Exploration and Producing Southeast, Inc., 864 F.2d 1171 (5th Cir.1989), 159
- Davis v. Washington**, ___ U.S. ___, 126 S.Ct. 2266, 165 L.Ed.2d 224 (2006), 292
- Delvecchio, United States v., 816 F.2d 859 (2nd Cir.1987), 189
- Denius v. Dunlap, 330 F.3d 919 (7th Cir.2003), 633, 644
- Dennis, United States v., 625 F.2d 782 (8th Cir.1980), 12
- Dhinsa, United States v., 243 F.3d 635 (2nd Cir.2001), 263
- Diallo, United States v., 40 F.3d 32 (2nd Cir.1994), 315
- Dickerson, United States v., 873 F.2d 1181 (9th Cir.1988), 10
- Diehl v. Blaw-Knox, 360 F.3d 426 (3rd Cir.2004), 91

- Dietrich, *United States v.*, 854 F.2d 1056 (7th Cir.1988), 123
- DiNapoli, *United States v.*, 8 F.3d 909 (2nd Cir.1993), 235
- Dippin' Dots, Inc. v. Frosty Bites Distribution, LLC, 369 F.3d 1197 (11th Cir.2004), 630
- Doe v. *United States*, 976 F.2d 1071 (7th Cir.1992), 273
- Doerr, *United States v.*, 886 F.2d 944 (7th Cir.1989), 513
- Donlon, *United States v.*, 909 F.2d 650 (1st Cir.1990), 273
- Dougherty, *United States v.*, 895 F.2d 399 (7th Cir.1990), 308, 316
- Douglass v. *Hustler Magazine, Inc.*, 769 F.2d 1128 (7th Cir.1985), 15
- Dowling v. L. H. Shattuck, Inc., 91 N.H. 234, 17 A.2d 529 (N.H.1941), 447
- Dowling v. *United States*, 493 U.S. 342, 110 S.Ct. 668, 107 L.Ed.2d 708 (1990), 44
- Doyle v. *Ohio*, 426 U.S. 610, 96 S.Ct. 2240, 49 L.Ed.2d 91 (1976), 150, 344
- Drabik v. Stanley-Bostitch, Inc., 997 F.2d 496 (8th Cir.1993), 20
- Draiman, *United States v.*, 784 F.2d 248 (7th Cir.1986), 528
- Drake v. Holstead, 757 S.W.2d 909 (Tex.App.1988), 645
- Duderstadt Surveyors Supply, Inc. v. Alamo Exp. Inc., 686 S.W.2d 351 (Tex.App.1985), 645
- Duffy, *United States v.*, 454 F.2d 809 (5th Cir.1972), 509
- Durrani, *United States v.*, 659 F.Supp. 1183 (D.Conn.1987), 148
- Dykes v. Raymark Industries, Inc., 801 F.2d 810 (6th Cir.1986), 238
- Edward J., *United States v.*, 224 F.3d 1216 (10th Cir.2000), 202
- Edwards v. Hurtel, 724 F.2d 689 (8th Cir.1984), 645
- Eisenberg, *United States v.*, 807 F.2d 1446 (8th Cir.1986), 499
- Eisenstadt v. Centel Corp., 113 F.3d 738 (7th Cir.1997), 275
- Elam v. Soares, 282 Or. 93, 577 P.2d 1336 (Or.1978), 207
- Ellis, *United States v.*, 156 F.3d 493 (3rd Cir.1998), 165
- Emery, *United States v.*, 186 F.3d 921 (8th Cir.1999), 263
- Englund v. *State*, 946 S.W.2d 64 (Tex.Crim.App.1997), 523
- Enterline, *United States v.*, 894 F.2d 287 (8th Cir.1990), 221
- Erie R. Co. v. Tompkins, 304 U.S. 64, 58 S.Ct. 817, 82 L.Ed. 1188 (1938), 91
- Estate of (see name of party)**
- Estelle v. Smith, 451 U.S. 454, 101 S.Ct. 1866, 68 L.Ed.2d 359 (1981), 599
- Estes, *United States v.*, 793 F.2d 465 (2nd Cir.1986), 544
- Evans v. Wilson, 279 Ark. 224, 650 S.W.2d 569 (Ark.1983), 102
- Evanston Bank v. Brink's, Inc., 853 F.2d 512 (7th Cir.1988), 433
- Faigin v. Kelly, 184 F.3d 67 (1st Cir.1999), 9, 12, 13
- Farley v. Collins, 146 So.2d 366 (Fla.1962), 330
- Farr v. Zoning Bd. of Appeals of Town of Manchester, 139 Conn. 577, 95 A.2d 792 (Conn.1953), 522
- Farris, *Com. v.*, 251 Pa.Super. 277, 380 A.2d 486 (Pa.Super.-1977), 103
- Field v. Trigg County Hosp., Inc., 386 F.3d 729 (6th Cir.2004), 203
- Fielder v. Bosshard, 590 F.2d 105 (5th Cir.1979), 631
- Figures v. Board of Public Utilities of City of Kansas City, Kan., 967 F.2d 357 (10th Cir.1992), 221
- Filani, *United States v.*, 74 F.3d 378 (2nd Cir.1996), 410

- First Sec. Bank v. Union Pacific Railroad Co., 152 F.3d 877 (8th Cir.1998), 90
- Fisher v. State**, 7 Ark.App. 1, 643 S.W.2d 571 (1982), 502
- Fisher v. United States, 425 U.S. 391, 96 S.Ct. 1569, 48 L.Ed.2d 39 (1976), 562
- Fitch v. Maesch, 690 N.E.2d 350 (Ind.App.1998), 83
- Flaminio v. Honda Motor Co., Ltd., 733 F.2d 463 (7th Cir.1984), 90
- Fletcher v. Weir, 455 U.S. 603, 102 S.Ct. 1309, 71 L.Ed.2d 490 (1982), 151, 344
- Fluckey v. Chicago & Northwestern Transp. Co., 838 F.2d 302 (8th Cir.1988), 483
- Fonar Corp. v. General Elec. Co., 107 F.3d 1543 (Fed.Cir.1997), 210
- Francis v. Franklin**, 471 U.S. 307, 105 S.Ct. 1965, 85 L.Ed.2d 344 (1985), 617
- Francis, People v., 5 Cal.App.3d 414, 85 Cal.Rptr. 61 (1970), 375
- Frank, United States v.**, 11 F.Supp.2d 314 (S.D.N.Y.1998), 33
- Frazier, United States v., 213 F.3d 409 (7th Cir.2000), 166
- Frederick v. Kirby Tankships, Inc., 205 F.3d 1277 (11th Cir.2000), 317
- Frye v. United States, 293 F. 1013 (D.C.Cir.1923), 477
- Fusco v. General Motors Corp.**, 11 F.3d 259 (1st Cir.1993), 20, 309
- GAF Corp., United States v., 928 F.2d 1253 (2nd Cir.1991), 159
- Gaitan-Acevedo, United States v., 148 F.3d 577 (6th Cir.1998), 275
- Garcia, United States v.**, 7 F.3d 885 (9th Cir.1993), 385
- Garcia, United States v., 986 F.2d 1135 (7th Cir.1993), 260
- Garcia, United States v., 897 F.2d 1413 (7th Cir.1990), 255
- Garcia, United States v., 848 F.2d 1324 (2nd Cir.1988), 317
- Garcia, United States v., 672 F.2d 1349 (11th Cir.1982), 644
- Garner v. First Nat. City Bank, 465 F.Supp. 372 (S.D.N.Y.-1979), 645
- Garner, People v., 806 P.2d 366 (Colo.1991), 44
- Garner v. State of La., 368 U.S. 157, 82 S.Ct. 248, 7 L.Ed.2d 207 (1961), 645
- Gartmon, United States v., 146 F.3d 1015 (D.C.Cir.1998), 12
- Gates, United States v., 10 F.3d 765 (11th Cir.1993), 329
- Geders v. United States**, 425 U.S. 80, 96 S.Ct. 1330, 47 L.Ed.2d 592 (1976), 383, 398
- General Signal Corp. v. MCI Telecommunications Corp., 66 F.3d 1500 (9th Cir.1995), 14
- George, United States v., 778 F.2d 556 (10th Cir.1985), 32
- Getter v. Wal-Mart Stores, Inc., 66 F.3d 1119 (10th Cir.1995), 445
- Geuder v. State, 115 S.W.3d 11 (Tex.Crim.App.2003), 309
- Gilbert, United States v., 391 F.3d 882 (7th Cir.2004), 291
- Gilbreath v. Guadalupe Hosp. Foundation Inc., 5 F.3d 785 (5th Cir.1993), 598
- Gilliland, United States v.**, 586 F.2d 1384 (10th Cir.1978), 23
- Glass, United States v., 133 F.3d 1356 (10th Cir.1998), 598
- Gohring v. State, 967 S.W.2d 459 (Tex.App.1998), 203
- Goins, United States v., 593 F.2d 88 (8th Cir.1979), 255
- Golden, United States v., 671 F.2d 369 (10th Cir.1982), 172
- Gomez-Norena, United States v., 908 F.2d 497 (9th Cir.1990), 308, 311
- Gonzales-Benitez, United States v., 537 F.2d 1051 (9th Cir.-1976), 512, 514
- Goodlow, United States v., 105 F.3d 1203 (8th Cir.1997), 397

- Gotti, *United States v.*, 771 F.Supp. 535 (E.D.N.Y.1991), 574
- Gould, United States v.**, 536 F.2d 216 (8th Cir.1976), 633, 644
- Government of Virgin Islands v. Archibald*, 987 F.2d 180 (3rd Cir.1993), 305, 322, 378
- Government of Virgin Islands v. Carino*, 631 F.2d 226 (3rd Cir.1980), 63
- Government of Virgin Islands v. Knight*, 989 F.2d 619 (3rd Cir.1993), 431
- Government of Virgin Islands v. Pinney*, 967 F.2d 912 (3d Cir.1992), 47
- Grady, United States v.*, 665 F.2d 831 (8th Cir.1981), 32
- Graham v. State*, 643 S.W.2d 920 (Tex.Crim.App.1981), 117
- Grajales-Montoya, United States v.*, 117 F.3d 356 (8th Cir.1997), 528
- Grand Jury, In re*, 103 F.3d 1140 (3rd Cir.1997), 549
- Grand Jury Proceedings, In re*, 664 F.2d 423 (5th Cir.1981), 540
- Grand Jury Proceedings (Gregory P. Violette), In re*, 183 F.3d 71 (1st Cir.1999), 598
- Grand Jury Subpoena, In re*, 788 F.2d 1511 (11th Cir.1986), 560
- Grand Jury Subpoenas, In re*, 906 F.2d 1485 (10th Cir.1990), 552
- Grant, United States v.*, 56 M.J. 410 (U.S.C.A.A.F.2002), 215
- Gray v. Busch Entertainment Corp.*, 886 F.2d 14 (2nd Cir.1989), 317
- Greater Kansas City Laborers Pension Fund v. Thummel*, 738 F.2d 926 (8th Cir.1984), 515
- Green, People v.**, 629 P.2d 1098 (Colo.App.1981), 148
- Green, People v.*, 92 Cal.Rptr. 494, 479 P.2d 998 (Cal.1971), 329
- Green v. State*, 839 S.W.2d 935 (Tex.App.1992), 189
- Green v. State*, 840 S.W.2d 394 (Tex.Crim.App.1992), 315
- Green, United States v.*, 648 F.2d 587 (9th Cir.1981), 39
- Greene, United States v.**, 995 F.2d 793 (8th Cir.1993), 97
- Greenstreet v. Brown*, 623 A.2d 1270 (Me.1993), 96
- Grenada Steel Industries, Inc. v. Alabama Oxygen Co., Inc.*, 695 F.2d 883 (5th Cir.1983), 13, 91
- Grimes v. Employers Mut. Liability Ins. Co. of Wisconsin*, 73 F.R.D. 607 (D.Alaska 1977), 17
- Gryder, Estate of v. Commissioner*, 705 F.2d 336 (8th Cir.1983), 520
- Guerrero-Cortez, United States v.*, 110 F.3d 647 (8th Cir.1997), 45
- Gustafson v. State**, 267 Ark. 278, 590 S.W.2d 853 (Ark.1979), 358, 361, 362
- Haddock, United States v.*, 956 F.2d 1534 (10th Cir.1992), 516
- Hadland v. Schroeder*, 326 N.W.2d 709 (N.D.1982), 645
- Haggins v. Warden, Fort Pillow State Farm*, 715 F.2d 1050 (6th Cir.1983), 172
- Hale, United States v.*, 978 F.2d 1016 (8th Cir.1992), 276
- Hall, United States v.*, 653 F.2d 1002 (5th Cir.1981), 9
- Hamilton, United States v.*, 19 F.3d 350 (7th Cir.1994), 540
- Hancock v. Dodson*, 958 F.2d 1367 (6th Cir.1992), 598
- Haney v. Mizell Memorial Hosp.*, 744 F.2d 1467 (11th Cir.1984), 397
- Hannuksela, State v.*, 452 N.W.2d 668 (Minn.1990), 544
- Hanson v. Johnson**, 161 Minn. 229, 201 N.W. 322 (Minn.-1924), 107
- Hanson v. Waller*, 888 F.2d 806 (11th Cir.1989), 489
- Hardy v. Johns-Manville Sales Corp.*, 681 F.2d 334 (5th Cir.1982), 644
- Harley-Davidson Motor Co., Inc. v. Daniel*, 244 Ga. 284, 260 S.E.2d 20 (Ga.1979), 309

- Harrell v. State, 884 S.W.2d 154 (Tex.Crim.App.1994), 44
- Harris, United States v., 28 F.3d 1487 (8th Cir.1994), 447
- Harris v. H & W Contracting Co., 102 F.3d 516 (11th Cir.1996), 633
- Harris v. New York, 401 U.S. 222, 91 S.Ct. 643, 28 L.Ed.2d 1 (1971), 317
- Harvey, United States v., 117 F.3d 1044 (7th Cir.1997), 498
- Harvey, United States v., 547 F.2d 720 (2nd Cir.1976), 346
- Haskell v. United States Dept. of Agriculture, 930 F.2d 816 (10th Cir.1991), 222
- Havens Steel Co. v. Randolph Engineering Co., 813 F.2d 186 (8th Cir.1987), 633
- Hawkins, United States v., 59 F.3d 723 (8th Cir.1995), 168
- Hawkins, United States v., 358 U.S. 74, 79 S.Ct. 136, 3 L.Ed.2d 125 (1958), 539
- Hayes, United States v., 227 F.3d 578 (6th Cir.2000), 598
- Heflin v. Stewart County, Tenn., 958 F.2d 709 (6th Cir.1992), 489
- Heidebur, United States v., 122 F.3d 577 (8th Cir.1997), 38
- Hemingway v. Ochsner Clinic, 608 F.2d 1040 (5th Cir.1979), 231
- Henderson v. DeTella, 97 F.3d 942 (7th Cir.1996), 376
- Hendricks, United States v., 395 F.3d 173 (3rd Cir.2005), 291
- Hendrix v. Raybestos-Manhattan, Inc., 776 F.2d 1492 (11th Cir.1985), 235
- Henke, United States v., 222 F.3d 633 (9th Cir.2000), 151
- Henry v. Daytop Village, Inc., 42 F.3d 89 (2nd Cir.1994), 222
- Herman, United States v., 589 F.2d 1191 (3rd Cir.1978), 33
- Hernandez-Fundora, United States v., 58 F.3d 802 (2nd Cir.1995), 638
- Hickey, United States v., 917 F.2d 901 (6th Cir.1990), 337
- Hicks, United States v., 748 F.2d 854 (4th Cir.1984), 397
- Hill, United States v., 40 F.3d 164 (7th Cir.1994), 31
- Hilyer v. Howat Concrete Co., Inc., 578 F.2d 422 (D.C.Cir.1978), 168
- Hines v. Brandon Steel Decks, Inc., 886 F.2d 299 (11th Cir.1989), 229, 346
- Hines, State v., 130 Ariz. 68, 633 P.2d 1384 (Ariz.1981), 341
- Hines, United States v., 717 F.2d 1481 (4th Cir.1983), 501
- Hoffman v. Rengo Oil Co., 20 Mich.App. 575, 174 N.W.2d 155 (1969), 83
- Holland v. Commonwealth, 703 S.W.2d 876 (Ky.1985), 15
- Holt, United States v., 170 F.3d 698 (7th Cir.1999), 32
- Hong v. Children's Memorial Hosp., 993 F.2d 1257 (7th Cir.1993), 180
- Hoselton v. Metz Baking Co., 48 F.3d 1056 (8th Cir.1995), 214
- Housing Works, Inc. v. City of New York, 203 F.3d 176 (2nd Cir.2000), 631
- Houston Oxygen Co. v. Davis, 139 Tex. 1, 161 S.W.2d 474 (Tex.Com.App.1942), 166
- Howard, People v., 303 Ill.App.3d 726, 708 N.E.2d 1212 (1999), 49
- Howell, United States v., 285 F.3d 1263 (10th Cir.2002), 354
- Huber v. United States, 838 F.2d 398 (9th Cir.1988), 229
- Huddleston v. United States, 485 U.S. 681, 108 S.Ct. 1496, 99 L.Ed.2d 771 (1988), 44, 316
- Huffman v. Caterpillar Tractor Co., 908 F.2d 1470 (10th Cir.1990), 90
- Hunt v. State, 904 S.W.2d 813 (Tex.App.1995), 171
- Hygh v. Jacobs, 961 F.2d 359 (2nd Cir.1992), 489

- Hynes v. Coughlin, 79 F.3d 285 (2nd Cir.1996), 168
- Iaconetti, United States v., 406 F.Supp. 554 (E.D.N.Y.1976), 275
- Iconco v. Jensen Const. Co., 622 F.2d 1291 (8th Cir.1980), 483
- Idaho v. Wright, 497 U.S. 805, 110 S.Ct. 3139, 111 L.Ed.2d 638 (1990), 264, 273, 276, 304
- In Interest of John Doe, 918 P.2d 254 (Hawai'i App.1996), 66, 75
- In Interest of L.S., 748 S.W.2d 571 (Tex.App.1988), 201
- In re (see name of party)
- Ismoila, United States v., 100 F.3d 380 (5th Cir.1996), 214
- Jackson v. Crews, 873 F.2d 1105 (8th Cir.1989), 522
- Jackson, United States v., 88 F.3d 845 (10th Cir.1996), 117
- Jackson, United States v., 886 F.2d 838 (7th Cir.1989), 45
- Jackson, United States v., 780 F.2d 1305 (7th Cir.1986), 180
- Jacobini v. Hall, 719 S.W.2d 396 (Tex.App.1986), 102
- Jacobson v. Henderson, 765 F.2d 12 (2nd Cir.1985), 340
- Jaffee v. Redmond, 518 U.S. 1, 116 S.Ct. 1923, 135 L.Ed.2d 337 (1996), 591
- Jarrad, United States v., 754 F.2d 1451 (9th Cir.1985), 136
- Jenkins v. Anderson, 447 U.S. 231, 100 S.Ct. 2124, 65 L.Ed.2d 86 (1980), 151, 344
- Jewel v. CSX Transp., Inc., 135 F.3d 361 (6th Cir.1998), 142
- Joe, United States v., 8 F.3d 1488 (10th Cir.1993), 189, 201
- Johnson v. Chater, 108 F.3d 942 (8th Cir.1997), 646
- Johnson, People v., 409 Mich. 552, 297 N.W.2d 115 (Mich.1980), 33
- Johnson v. State, 579 P.2d 20 (Alaska 1978), 201
- Johnson, United States v., 722 F.2d 407 (8th Cir.1983), 222
- Johnson, United States v., 637 F.2d 1224 (9th Cir.1980), 493
- Johnson, United States v., 558 F.2d 744 (5th Cir.1977), 7
- Joice v. Missouri-Kansas-Texas R. Co., 354 Mo. 439, 189 S.W.2d 568 (Mo.1945), 97
- Joint Eastern Dist. and Southern Dist. Asbestos Litigation, In re, 995 F.2d 343 (2nd Cir.1993), 90
- Jones v. Lincoln Elec. Co., 188 F.3d 709 (7th Cir.1999), 308, 447
- Jones v. Southern Pacific R.R., 962 F.2d 447 (5th Cir.1992), 83
- Jones, United States v., 958 F.2d 520 (2nd Cir.1992), 514, 635, 644
- Jones, United States v., 663 F.2d 567 (5th Cir.1981), 108
- Jones, United States v., 580 F.2d 219 (6th Cir.1978), 638
- Joy, United States v., 192 F.3d 761 (7th Cir.1999), 174
- Judon, United States v., 567 F.2d 1289 (5th Cir.1978), 206
- Kaggen v. I.R.S., 71 F.3d 1018 (2nd Cir.1995), 592
- Kampiles, United States v., 609 F.2d 1233 (7th Cir.1979), 148
- Karnes, United States v., 531 F.2d 214 (4th Cir.1976), 405
- Kastner v. Wermerskirshen, 295 Minn. 391, 205 N.W.2d 336 (Minn.1973), 447
- Kellensworth v. State, 275 Ark. 252, 631 S.W.2d 1 (Ark.1982), 377
- Kelly v. Crown Equipment Co., 970 F.2d 1273 (3rd Cir.1992), 91
- Kemp v. Balboa, 23 F.3d 211 (8th Cir.1994), 334, 337
- Kendrick, United States v., 331 F.2d 110 (4th Cir.1964), 557
- Keogh v. Commissioner, 713 F.2d 496 (9th Cir.1983), 207, 210, 211
- Khan, United States v., 53 F.3d 507 (2nd Cir.1995), 501

- Kim, United States v., 595 F.2d 755 (D.C.Cir.1979), 211
- King, United States v., 713 F.2d 627 (11th Cir.1983), 12
- Kinser v. Gehl Co., 184 F.3d 1259 (10th Cir.1999), 19
- Kirk v. Raymark Industries, Inc., 61 F.3d 147 (3rd Cir.1995), 151
- Kloepfer v. Honda Motor Co., Ltd., 898 F.2d 1452 (10th Cir.1990), 433
- Knox, United States v., 124 F.3d 1360 (10th Cir.1997), 543
- Koessel, United States v., 706 F.2d 271 (8th Cir.1983), 32
- Koon, United States v., 34 F.3d 1416 (9th Cir.1994), 234, 235
- Kotsimpulos, State v., 411 A.2d 79 (Me.1980), 1
- Krajewski v. Western & Southern Life Ins. Co., 241 Mich. 396, 217 N.W. 62 (Mich.1928), 144
- Kumho Tire Co., Ltd. v. Carmichael, 526 U.S. 137, 119 S.Ct. 1167, 143 L.Ed.2d 238 (1999), 467, 477
- LaFlam, United States v., 369 F.3d 153 (2nd Cir.2004), 37
- Lampley, United States v., 68 F.3d 1296 (11th Cir.1995), 166
- Lapierre v. Sawyer, 131 N.H. 609, 557 A.2d 640 (N.H.1989), 84
- Lashmett, United States v., 965 F.2d 179 (7th Cir.1992), 345, 346
- Laster v. Celotex Corp., 587 F.Supp. 542 (S.D.Ohio 1984), 632
- Lawrence v. State, 457 S.W.2d 561 (Tex.Crim.App.1970), 395
- Lawson, United States v., 653 F.2d 299 (7th Cir.1981), 315
- Lease America Corp. v. Insurance Co. of North America, 88 Wis.2d 395, 276 N.W.2d 767 (Wis.1979), 14
- LeCompte, United States v., 131 F.3d 767 (8th Cir.1997), 54
- Leggett, United States v., 326 F.2d 613, 613 (4th Cir.), 423
- Legille v. Dann, 544 F.2d 1 (D.C.Cir.1976), 567, 572
- Lemire, United States v., 720 F.2d 1327 (D.C.Cir.1983), 211
- Lenarchick, State v., 74 Wis.2d 425, 247 N.W.2d 80 (Wis.1976), 173
- Levine, United States v., 546 F.2d 658 (5th Cir.1977), 511
- Lewis, United States v., 954 F.2d 1386 (7th Cir.1992), 206
- Lewis, United States v., 902 F.2d 1176 (5th Cir.1990), 117
- Lewis, United States v., 565 F.2d 1248 (2nd Cir.1977), 134
- Lieberman, United States v., 637 F.2d 95 (2nd Cir.1980), 213
- Lilley, United States v., 581 F.2d 182 (8th Cir.1978), 510
- Lilly v. Virginia, 527 U.S. 116, 119 S.Ct. 1887, 144 L.Ed.2d 117 (1999), 254, 276
- Lindstrom, United States v., 698 F.2d 1154 (11th Cir.1983), 371
- Ling, United States v., 581 F.2d 1118 (4th Cir.1978), 32
- Linn, United States v., 880 F.2d 209 (9th Cir.1989), 211
- Lis v. Robert Packer Hospital, 579 F.2d 819 (3rd Cir.1978), 385, 392
- Local 512, Warehouse and Office Workers' Union v. N.L.R.B., 795 F.2d 705 (9th Cir.1986), 109
- Local Union No. 59, Intern. Broth. of Elec. Workers, AFL-CIO v. Namco Elec., Inc., 653 F.2d 143 (5th Cir.1981), 222
- Logan, United States v., 121 F.3d 1172 (8th Cir.1997), 382
- Logerquist v. McVey, 196 Ariz. 470, 1 P.3d 113 (Ariz.2000), 477
- Lollar, United States v., 606 F.2d 587 (5th Cir.1979), 365
- Long, People v., 38 Cal.App.3d 680, 113 Cal.Rptr. 530 (1974), 14
- Longie, United States v., 984 F.2d 955 (8th Cir.1993), 201
- Lopez, United States v., 979 F.2d 1024 (5th Cir.1992), 380

- Lopez, United States v., 271 F.3d 472 (3rd Cir.2001), 136
- Loughan v. Firestone Tire & Rubber Co., 749 F.2d 1519 (11th Cir.1985), 83
- Lovejoy v. United States, 92 F.3d 628 (8th Cir.1996), 201
- Loyola-Dominguez, United States v., 125 F.3d 1315 (9th Cir.1997), 221
- Lozano v. Ashcroft, 258 F.3d 1160 (10th Cir.2001), 516
- Luce v. United States, 469 U.S. 38, 105 S.Ct. 460, 83 L.Ed.2d 443 (1984), 309, 354
- Lueben, United States v., 812 F.2d 179 (5th Cir.1987), 489
- Macias v. State, 776 S.W.2d 255 (Tex.App.1989), 201
- Mackey, United States v., 117 F.3d 24 (1st Cir.1997), 222
- Mac Tyres, Inc. v. Vigil, 92 N.M. 446, 589 P.2d 1037 (N.M.1979), 102
- Madden, United States v., 38 F.3d 747 (4th Cir.1994), 37
- Madera, United States v., 574 F.2d 1320 (5th Cir.1978), 514
- Madoch, United States v., 149 F.3d 596 (7th Cir.1998), 543
- Maggipinto v. Reichman, 481 F.Supp. 547 (E.D.Pa.1979), 500
- Mahlandt v. Wild Canid Survival & Research Center, Inc., 588 F.2d 626 (8th Cir.1978), 153**
- Malady, United States v., 960 F.2d 57 (8th Cir.1992), 366
- Maldonado-Rivera, United States v., 922 F.2d 934 (2nd Cir.1990), 165
- Malnar's Estate, In re, 73 Wis.2d 192, 243 N.W.2d 435 (Wis.1976), 610
- Mancusi v. Stubbs, 408 U.S. 204, 92 S.Ct. 2308, 33 L.Ed.2d 293 (1972), 235, 276
- Manfre, United States v., 368 F.3d 832 (8th Cir.2004), 167
- Mangan, United States v., 575 F.2d 32 (2nd Cir.1978), 496**
- Mann, United States v., 161 F.3d 840 (5th Cir.1998), 234
- Marashi, United States v., 913 F.2d 724 (9th Cir.1990), 539, 543
- Marcantoni, United States v., 590 F.2d 1324 (5th Cir.1979), 518, 521**
- Marles v. State, 919 S.W.2d 669 (Tex.App.1996), 45
- Marrowbone, United States v., 211 F.3d 452 (8th Cir.2000), 172, 173
- Marsee v. United States Tobacco Co., 866 F.2d 319 (10th Cir.1989), 484
- Marshall v. Bramer, 828 F.2d 355, 140 L.Ed.2d 180 (6th Cir.1987), 631
- Marshall v. Commonwealth Aquarium, 611 F.2d 1 (1st Cir.1979), 193
- Marshall, United States v., 75 F.3d 1097 (7th Cir.1996), 111
- Maryland v. Craig, 497 U.S. 836, 110 S.Ct. 3157, 111 L.Ed.2d 666 (1990), 391
- Massachusetts v. Westcott, 431 U.S. 322, 97 S.Ct. 1755, 52 L.Ed.2d 349 (1977), 633
- Mastrangelo, United States v., 693 F.2d 269 (2nd Cir.1982), 263
- Matlock, United States v., 109 F.3d 1313 (8th Cir.1997), 124
- Matlock, United States v., 415 U.S. 164, 94 S.Ct. 988, 39 L.Ed.2d 242 (1974), 144
- Matter of (see name of party)**
- Maule, State v., 35 Wash.App. 287, 667 P.2d 96 (1983), 366
- Maxon, State v., 110 Wash.2d 564, 756 P.2d 1297 (Wash.-1988), 545, 549**
- Mays, United States v., 69 F.3d 116 (6th Cir.1995), 111
- McClure v. State, 575 S.W.2d 564 (Tex.Crim.App.1979), 110**
- McConnell Const. Co. v. Insurance Co. of St. Louis, 428 S.W.2d 659 (Tex.1968), 521
- McCraw v. Maris, 837 S.W.2d 646 (Tex.App.1990), 180