

Guide to New York Evidence



Always check:

www.nycourts.gov/judges/evidence/index.shtml
for the latest updates.

Updated 5/6/2024

May 2024 Updates

The following rule was added:

4.35.3. Identification made for the first-time in-court

The following rules were updated, as explained in an endnote to each rule:

1.07 (Court Control over the Presentation of Evidence)

5.03 (Attorney-client privilege)

7.01 (Opinion of Expert Witness)

7.21 (DNA Evidence)

8.02 (Admissibility Limited by Crawford)

Federal Rules v Guide to NY Evidence

Comparison of the Federal Rules of Evidence (FRE) & Guide to NY Evidence There are more rules in the Guide to NY Evidence. Below is a list from NY Courts showing the parallel FRE rules.	
FEDERAL RULES OF EVIDENCE	GUIDE TO NY EVIDENCE
ARTICLE I. GENERAL PROVISIONS	
101. Scope; Definitions	1.01. Scope
102. Purpose	1.02. Purpose & Construction
103. Rulings on Evidence	12.01. Preservation & Appellate Review
104 (a) & (c). Preliminary Questions; In General 104 (b). Relevance that depends on a fact	1.09. Court determination of Preliminary Questions 4.05. Conditional Relevance (Subject to Connection)
105. Limiting Evidence That Is Not Admissible Against Other Parties or for Other Purposes	4.07. Limited Admissibility of Relevant Evidence
106. Remainder of or Related Writings or Recorded Statements	4.03. Completing & Explaining Relevant Evidence
ARTICLE II. JUDICIAL NOTICE	
201. Judicial Notice of Adjudicative Facts	2.01. Judicial Notice of Facts
ARTICLE III. PRESUMPTIONS IN CIVIL CASES	
301. Presumptions in Civil Cases Generally	3.01. Presumptions in Civil Cases
302. Applying State Law to Presumptions in	N/A

Civil Cases	
ARTICLE IV. RELEVANCE AND ITS LIMITS	
401. Test for Relevant Evidence	4.01. Relevant Evidence
402. General Admissibility of Relevant Evidence	
403. Excluding Relevant Evidence for Prejudice, Confusion, Waste of Time, or Other Reasons	4.06. Exclusion of Relevant Evidence
404. Character Evidence; Other Crimes, Wrongs, or Acts	4.07.1.Character Evidence 8.39. Reputation Evidence
405. Methods of Proving Character	
406. Habit; Routine Practice	4.07.2. Habit Evidence
407. Subsequent Remedial Measures	4.19. Subsequent Remedial Measures
408. Compromise Offers and Negotiations	4.16. Offers to Compromise
409. Offers to Pay Medical and Similar Expenses	4.18. Payment of Medical Expenses
410. Pleas, Plea Discussions, and Related Statements	4.32 Evidence of Plea & Ancillary Statements
411. Liability Insurance	4.15. Liability Insurance
412. Sex-Offense Cases: The Victim’s Sexual Behavior or Predisposition	4.22. Complainant’s Sexual Conduct or Dress
413. Similar Crimes in Sexual-Assault Cases	4.28. Evidence of Crimes and Wrongs (Molineux)
414. Similar Crimes in Child Molestation Cases	
415. Similar Acts in Civil Cases Involving Sexual Assault or Child Molestation	
ARTICLE V. PRIVILEGES	
501. Privilege in General	Article 5 (Privileges)
502. Attorney-Client Privilege and Work Product; Limitations on Waiver	5.03. Attorney (Privilege)
ARTICLE VI. WITNESSES	

601. Competency to Testify in General	6.01. Competency of a Witness to Testify 6.02.1. Dead Man's Statute
602. Need for Personal Knowledge	6.07. Non-expert Limited to Personal Knowledge
603. Oath or Affirmation to Testify Truthfully	6.05 Oath or Affirmation to Testify
604. Interpreter	6.04. Interpreter
605. Judge's Competency as a Witness	6.02.3. Incompetency of Judge as Witness
606. Juror's Competency as a Witness	6.02.5. Competency of Juror as Witness or to Impeach a Verdict
607. Who May Impeach a Witness	6.11. Impeachment, When Authorized and Provable by Extrinsic Evidence
608. A Witness's Character for Truthfulness or Untruthfulness	6.23. Impeachment by Reputation for Untruthfulness and Rebuttal
609. Impeachment by Evidence of a Criminal Conviction	6.19. Impeachment by Prior Conviction
610. Religious Beliefs or Opinions	6.21. Impeachment by Religious Belief
611. Mode and Order of Examining Witnesses and Presenting Evidence	1.07. Court Control over Presentation of Evidence
612. Writing Used to Refresh a Witness's Memory	6.09. Refreshing Witness Recollection
613. Witness's Prior Statement	6.15 .Impeachment by Inconsistent Statement
614. Court's Calling or Examining a Witness	1.11. Court Power to Call or Examine Witnesses
615. Excluding Witnesses	6.03. Exclusion of Witness & Ban on Discussing Testimony

	6.03.1 Exclusion of Disruptive Defendant
ARTICLE VII. OPINIONS AND EXPERT TESTIMONY	
701. Opinion Testimony by Lay Witnesses	7.03. Opinion of Lay Witness
702. Testimony by Expert Witnesses	7.01. Opinion of Expert Witness
703. Bases of an Expert's Opinion Testimony	
704. Opinion on an Ultimate Issue	
705. Disclosing the Facts or Data Underlying an Expert's Opinion	
706. Court-Appointed Expert Witnesses	

ARTICLE VIII. HEARSAY	
801. Definitions That Apply to This Article; Exclusions from Hearsay	8.00. Definition of Hearsay
802. The Rule Against Hearsay	8.01. Admissibility of Hearsay
803. Exceptions to the Rule Against Hearsay — Regardless of Whether the Declarant Is Available as a Witness	Article 8
804. Hearsay Exceptions; Declarant Unavailable	
805. Hearsay Within Hearsay	8.21. Hearsay in Hearsay
806. Attacking and Supporting the Declarant's Credibility	8.22. Impeachment of Hearsay Declarant
807. Residual Exception	8.01(c). (No "residual exception" in NY)
ARTICLE IX. AUTHENTICATION AND IDENTIFICATION	
901. Authenticating or Identifying Evidence	9.01. Authenticating & Identifying Evidence, In General 9.02. Methods of Authentication &

	Identification
902. Evidence That Is Self-Authenticating	9.03. Self-authenticating Evidence
903. Subscribing Witness's Testimony	9.02(2). Methods of Authentication & Identification
ARTICLE X. CONTENTS OF WRITINGS, RECORDINGS, AND PHOTOGRAPHS	
1001. Definitions That Apply to This Article	10.01. Definitions [re: Best Evidence Rule]
1002. Requirement of the Original	10.03. Best Evidence Rule
1003. Admissibility of Duplicates	10.05. Exception for Certain Reproductions + Copies
1004. Admissibility of Other Evidence of Content	10.07. Exception when Original Missing or Collateral
1005. Copies of Public Records to Prove Content	-----
1006. Summaries to Prove Content	10.11. Exception for Summary of Voluminous Material
1007. Testimony or Statement of a Party to Prove Content	10.09. Exception for Admission of Contents
1008. Functions of the Court and Jury	Article I (Court's Role)
ARTICLE XI. MISCELLANEOUS RULES	
1101. Applicability of the Rules	-----
1102. Amendments	-----
1103. Title	1.00 Title

[Article 1. General Provisions & Court's Role](#)

TABLE OF CONTENTS

*Click on "Article 1 Rules " for a pdf document of all Article 1 rules.
Click on the name of the rule for an individual pdf document.
Click on "docx" for an individual Word document.*

The rules are generally listed in alphabetical order.

[ARTICLE 1 RULES](#)

(Last update: May 2023)

For a list of new & updated rules, see [GNYE History](#)

GENERAL RULES

<u>1.00.</u>	<u>TITLE</u>	<u>docx</u>
<u>1.01.</u>	<u>SCOPE</u>	<u>docx</u>
<u>1.02.</u>	<u>PURPOSE & CONSTRUCTION</u>	<u>docx</u>

COURT'S ROLE

<u>1.07.</u>	<u>COURT CONTROL OVER PRESENTATION OF EVIDENCE</u>	<u>docx</u>
<u>1.09.</u>	<u>COURT DETERMINATION OF PRELIMINARY QUESTIONS</u>	<u>docx</u>
<u>1.11.</u>	<u>COURT POWER TO CALL OR EXAMINE WITNESSES</u>	<u>docx</u>
<u>1.13.</u>	<u>COURT RECONSIDERATION OF AN EVIDENCE RULING</u>	<u>docx</u>

[Article 2. JUDICIAL NOTICE](#)

TABLE OF CONTENTS

*(Click on "Article 2 Rules" for a pdf document of Article 2 rules;
Click on the name of the rule for an individual pdf document;
Click on "docx" for an individual Word document)*

[ARTICLE 2 RULES](#)

Last update: December 2022
For a list of updated rules, see [Guide History](#)

<u>2.01.</u>	<u>JUDICIAL NOTICE OF FACTS</u>	<u>docx</u>
<u>2.03.</u>	<u>JUDICIAL NOTICE OF LAW (CPLR 4511)</u>	<u>docx</u>
<u>2.05.</u>	<u>JUDICIAL NOTICE OF MAP INFORMATION (CPLR 4532-b)</u>	<u>docx</u>

[Article 3. PRESUMPTIONS & INFERENCES, and PRIMA FACIE EVIDENCE](#)

TABLE OF CONTENTS

*(Click on "Article 3 Rules" for a pdf document of all Article 3 rules.
Click on the name of the rule for an individual pdf document;
Click on "docx" for an individual Word document)*

[ARTICLE 3 RULES](#)

Last update: December 2023
For a list of updated rules, see [Guide History](#)

PRESUMPTIONS & INFERENCES

<u>3.01.</u>	<u>PRESUMPTIONS IN CIVIL PROCEEDINGS</u>	<u>docx</u>
<u>3.02.</u>	<u>RES IPSA LOQUITUR (Inference of Negligence in Civil Proceedings)</u>	<u>docx</u>
<u>3.03.</u>	<u>PRESUMPTIONS IN CRIMINAL PROCEEDINGS ACCORDED PEOPLE</u>	<u>docx</u>
<u>3.05.</u>	<u>PRESUMPTIONS IN CRIMINAL PROCEEDINGS ACCORDED DEFENDANT</u>	<u>docx</u>
<u>3.07</u>	<u>PRESUMPTION OF REGULARITY</u>	<u>docx</u>

PRIMA FACIE EVIDENCE

The heading of each Prima Facie Evidence rule is the same as the heading of the applicable statutory section; the format respecting subdivisions and paragraphs is the same as in the applicable statutory section; and the section number includes this Guide's article number (3) and the last two numbers of the applicable statutory section; e.g. "CPLR 4521 is "Guide to New York Evidence rule 3.21."

<u>3.21.</u>	<u>LACK OF RECORD (CPLR 4521)</u>	<u>docx</u>
------------------------------	---	-----------------------------

<u>3.22</u>	<u>ANCIENT FILED MAPS, SURVEYS & RECORDS AFFECTING REAL PROPERTY (CPLR 4522)</u>	<u>docx</u>
<u>3.23.</u>	<u>SEARCH BY TITLE INSURANCE OR ABSTRACT COMPANY (CPLR 4523)</u>	<u>docx</u>
<u>3.24.</u>	<u>CONVEYANCE OF REAL PROPERTY WITHOUT THE STATE (CPLR 4524)</u>	<u>docx</u>
<u>3.25.</u>	<u>COPIES OF A STATEMENTS UNER ARTICLE 9 OF UCC [9-523] (CPLR 4525)</u>	<u>docx</u>
<u>3.26.</u>	<u>MARRIAGE CERTIFICATE (CPLR 4526 and DRL 14-A)</u>	<u>docx</u>
<u>3.27.</u>	<u>DEATH OR OTHER STATUS OF A MISSING PERSON (CPLR 4527)</u>	<u>docx</u>
<u>3.28.</u>	<u>WEATHER CONDITIONS (CPLR 4528)</u>	<u>docx</u>
<u>3.29.</u>	<u>INSPECTION CERTIFICATE ISSUED BY UNITED STATES DEPARTMENT OF AGRICULTURE (CPLR 4529)</u>	<u>docx</u>
<u>3.30</u>	<u>POPULATION CERTIFICATE [CPLR 4530]</u>	<u>docx</u>
<u>3.31.</u>	<u>AFFIDAVIT OF SERVICE OR POSTING NOTICE BY PERSON UNAVAILABLE AT TRIAL (CPLR 4531)</u>	<u>docx</u>
<u>3.33-a.</u>	<u>PRIMA FACIE PROOF OF DAMAGES [CPLR 4533-a]</u>	<u>docx</u>
<u>3.34.</u>	<u>STANDARD OF MEASUREMENT USED BY SURVEYOR (CPLR 4534)</u>	<u>docx</u>
<u>3.41.</u>	<u>PROOF OF PROCEEDINGS BEFORE JUSTICE OF THE PEACE (CPLR 4541)</u>	<u>docx</u>
<u>3.60.</u>	<u>CERTIFICATES CONCERNING JUDGMENTS OF CONVICTION AND FINGERPRINTS (CPL 60.60)</u>	<u>docx</u>

Article 4. RELEVANCE AND ITS LIMITS

TABLE OF CONTENTS

Click on "Article 4 Rules" for a pdf document of all Article 4 rules.

Click on the name of the rule for an individual pdf document.

Click on "docx" for an individual Word document.

The rules are generally listed in alphabetical order within each category.

ARTICLE 4 RULES

(Last update: May 2024)

For a list of new & updated rules see [GNYE History](#)

DEFINITIONS

4.01.	RELEVANT EVIDENCE	docx
4.02.	DIRECT AND CIRCUMSTANTIAL EVIDENCE DEFINED	docx
	RELEVANCE, IN GENERAL	
4.03.	COMPLETING AND EXPLAINING RELEVANT EVIDENCE	docx
4.05.	CONDITIONAL RELEVANCE (SUBJECT TO CONNECTION)	docx
4.06.	EXCLUSION OF RELEVANT EVIDENCE	docx
4.07.	LIMITED ADMISSIBILITY OF RELEVANT EVIDENCE	docx
	SPECIFIC TYPES OF RELEVANT EVIDENCE	
4.07.1.	CHARACTER EVIDENCE	docx

	(see also GNYE rule 8.39 [Reputation Evidence] and GNYE rule 6.23 [Impeachment by Reputation for Untruthfulness & Rebuttal])	
4.07.2.	HABIT EVIDENCE	docx
4.08.	OPENING THE DOOR TO EVIDENCE	docx
SPECIFIC TYPES OF RELEVANT EVIDENCE APPLIED PRINCIPALLY IN CIVIL PROCEEDINGS		
4.12	CONTRACTS IN SMALL PRINT [CPLR 4544]	docx
4.15.	LIABILITY INSURANCE	docx
4.16.	OFFERS TO COMPROMISE (CPLR 4547)	docx
4.17.	PAYMENT BY JOINT TORTFEASOR (CPLR 4533-b)	docx
4.18.	PAYMENT OF MEDICAL EXPENSES	docx
4.19.	SUBSEQUENT REMEDIAL MEASURE	docx
SEPCIFIC TYPES OF RELEVANT EVIDENCE APPLIED PRINCIPALLY IN CRIMINAL PROCEEDINGS		
4.20	BRUTON: DEFENDANT'S STATEMENT IMPLICATES CODEFENDANT	docx
4.21.	CHEMICAL TEST (DRUGS OR ALCOHOL IN BLOOD) (CPL 60.75; VTL 1195[1])	docx
4.22.	COMPLAINANT'S SEXUAL CONDUCT OR DRESS (CPL 60.42; 60.43; 60.48)	docx
4.23.	CONNECTING PHYSICAL EVIDENCE TO DEFENDANT	docx
4.24.	CONSCIOUSNESS OF GUILT	docx
4.26.	CULPABILITY OF A THIRD PARTY	docx
4.27.	DEFENDANT'S TESTIMONY RE: INTENT, KNOWLEDGE, MOTIVE	docx
4.30.	EVIDENCE OF DRUGS DESTROYED PER COURT ORDER (CPL 60.70)	docx
4.32.	EVIDENCE OF PLEA AND ANCILLARY STATEMENTS	docx
4.33.	EXCEPTION OR PROVISIO	docx

<u>4.34</u>	<u>GANG MEMBERSHIP AND ACTIVITY</u>	<u>docx</u>
<u>4.35.</u>	<u>IDENTIFICATION OF A DEFENDANT (CPL 60.25; 60.30)</u>	<u>docx</u>
<u>4.35.1</u>	<u>IDENTIFICATION; COMPOSITE SKETCH</u>	<u>docx</u>
<u>4.35.3</u>	<u>IDENTIFICATION; FIRST TIME-IN COURT</u>	<u>docx</u>
<u>4.36.</u>	<u>INTOXICATION OF DEFENDANT (Penal Law 15.25; 15.05[3])</u>	<u>docx</u>
<u>4.37.</u>	<u>MENTAL DISEASE OR DEFECT DEFENSE</u>	<u>docx</u>
<u>4.38.</u>	<u><i>MOLINEUX</i>; EVIDENCE OF CRIMES AND WRONGS</u>	<u>docx</u>
<u>4.39.</u>	<u>MOTIVE TO COMMIT AN OFFENSE</u>	<u>docx</u>
<u>4.40.</u>	<u>POSSESSION OF CONDOMS (CPL 60.47)</u>	<u>docx</u>
<u>4.42</u>	<u>POSSESSION OF OPIOID ANTAGONISTS (CPLR 4519-a; CPL 60.49)</u>	<u>docx</u>
<u>4.44.</u>	<u>PROOF OF PREVIOUS CONVICTION; WHEN ALLOWED (CPL 60.40[3])</u>	<u>docx</u>
<u>4.46.</u>	<u>STATEMENTS OF DEFENDANT, CORROBORATION (CPL 60.50)</u>	<u>docx</u>

[Article 5. PRIVILEGES](#)

TABLE OF CONTENTS

*(Click on "Article 5 Rules" for a pdf document of all Article 5 rules;
Click on the name of the rule for an individual pdf document;
Click on "docx" for an individual Word document)*

At present, each rule in this Guide to New York Evidence article 5 (Privileges), except for Parent-Child privilege, includes verbatim a section in CPLR article 45. To facilitate conformity with the CPLR sections, the heading of each section in this article is the same as the heading in the applicable CPLR section; the format respecting subdivisions and paragraphs is the same as in the applicable CPLR section; and the Guide's section number includes the last two numbers of the applicable CPLR article 45 section; e.g. "CPLR 4502 Spouse" is "Guide to New York Evidence rule 5.02 Spouse."

ARTICLE 5 RULES

Last update: December 2023

For a list of updated rules, see [Guide History](#)

5.01.	SELF-INCRIMINATION (CPLR 4501)	docx
5.02.	SPOUSE (CPLR 4502)	docx
5.03.	ATTORNEY (CPLR 4503)	docx
5.04.	PHYSICIAN, DENTIST, PODIATRIST, CHIROPRACTOR, AND NURSE (CPLR 4504)	docx
5.05.	CONFIDENTIAL COMMUNICATION TO CLERGY PRIVILEGED (CPLR 4505)	docx
5.07.	PSYCHOLOGIST (CPLR 4507)	docx
5.08.	SOCIAL WORKER (CPLR 4508)	docx
5.09.	LIBRARY RECORDS (CPLR 4509)	docx
5.10.	RAPE CRISIS COUNSELOR OR DOMESTIC VIOLENCE ADVOCATE (CPLR 4510)	docx
5.48.	ELECTRONIC COMMUNICATION OF PRIVILEGED INFORMATION (CPLR 4511)	docx
5.50	PARENT-CHILD PRIVILEGE	docx

[Article 6. Witnesses & Impeachment](#)

TABLE OF CONTENTS

(Click on "Article 6 Rules" for a pdf document of all Article 6 rules;
Click on the name of the rule for an individual pdf document;
Click on "docx" for an individual Word document)

The rules are generally listed in alphabetical order.

[ARTICLE 6 RULES](#)

(*Last update: December 2023.*)

For a list of updated rules, see [GNYE History](#)

	COMPETENCY OF A WITNESS	
<u>6.01.</u>	<u>COMPETENCY OF A WITNESS TO TESTIFY (CPLR 4512; 4513)</u>	<u>docx</u>
<u>6.02.</u>	<u>COMPETENCY OF PREVIOUSLY HYPNOTIZED WITNESS</u>	<u>docx</u>
<u>6.02.1.</u>	<u>INCOMPTENCY OF A WITNESS TO TESTIFY TO A TRANSACTION OR COMMUNICATION WITH A DECEASED OR PERSON WITH MENTAL ILLNESS (a/k/a: Dead Man's Statute (CPLR 4519))</u>	<u>docx</u>
<u>6.02.3</u>	<u>INCOMPETENCY OF JUDGE AS WITNESS</u>	<u>docx</u>
<u>6.02.5</u>	<u>COMPETENCY OF JUROR AS WITNESS OR TO IMPEACH A VERDICT</u>	<u>docx</u>
	EXCLUSION OF A WITNESS	
<u>6.03.</u>	<u>EXCLUSION OF WITNESS & BAN ON DISCUSSING TESTIMONY</u>	<u>docx</u>
<u>6.03.1</u>	<u>EXCLUSION OF DISRUPTIVE DEFENDANT</u>	<u>docx</u>
	PREREQUISITES TO TESTIMONY	

<u>6.04.</u>	<u>INTERPRETER FOR WITNESS OR PARTY</u>	<u>docx</u>
<u>6.05.</u>	<u>OATH OR AFFIRMATION TO TESTIFY (CPLR 2309; CPL 60.20[2]; Family Court Act 152[b])</u>	<u>docx</u>
	TESTIMONY OF A WITNESS	
<u>6.06.</u>	<u>SCOPE AND MANNER OF EXAMINATION OF WITNESSES</u>	<u>docx</u>
<u>6.07.</u>	<u>NONEXPERT LIMITED TO PERSONAL KNOWLEDGE</u>	<u>docx</u>
<u>6.09.</u>	<u>REFRESHING WITNESS RECOLLECTION</u>	<u>docx</u>
<u>6.10.</u>	<u>TESTIMONY OF ACCOMPLICE; CORROBORATION (CPL 60.22)</u>	<u>docx</u>
	MISSING WITNESS	
<u>6.10.1</u>	<u>MISSING WITNESS</u>	<u>docx</u>
	IMPEACHMENT OF A WITNESS	
<u>6.11.</u>	<u>IMPEACHMENT: WHEN AUTHORIZED & PROVABLE BY EXTRINSIC EVIDENCE</u>	<u>docx</u>
<u>6.12.</u>	<u>IMPEACHMENT OF ALIBI</u>	<u>docx</u>
<u>6.12.1</u>	<u>IMPEACHMENT BY BENEFIT TO WITNESS</u>	<u>docx</u>
<u>6.13.</u>	<u>IMPEACHMENT BY BIAS, HOSTILITY, INTEREST</u>	<u>docx</u>
<u>6.14.</u>	<u>IMPEACHMENT BY EVIDENCE IMPROPERLY OBTAINED</u>	<u>docx</u>
<u>6.15.</u>	<u>IMPEACHMENT BY INCONSISTENT STATEMENT (CPLR 4514; CPL 60.35)</u>	<u>docx</u>
<u>6.15.1</u>	<u>IMPEACHMENT OF HEARSAY DECLARANT</u>	<u>docx</u>
<u>6.16.</u>	<u>IMPEACHMENT OF LAW ENFORCEMENT OFFICER</u>	<u>docx</u>
<u>6.17.</u>	<u>IMPEACHMENT BY MISCONDUCT</u>	<u>docx</u>
<u>6.19.</u>	<u>IMPEACHMENT BY PRIOR CONVICTION</u>	<u>docx</u>
<u>6.20.</u>	<u>IMPEACHMENT BY RECENT FABRICATION</u>	<u>docx</u>
<u>6.21.</u>	<u>IMPEACHMENT BY RELIGIOUS BELIEF</u>	<u>docx</u>
<u>6.23.</u>	<u>IMPEACHMENT BY REPUTATION</u>	<u>docx</u>
<u>6.25</u>	<u>IMPEACHMENT BY SILENCE</u>	<u>docx</u>

[Article 7. OPINION EVIDENCE](#)

TABLE OF CONTENTS

(Click on "Article 7 Rules" for a pdf document of all Article 7 rules;
Click on the name of the rule for an individual pdf document;
Click on "docx" for an individual Word document)

[ARTICLE 7 RULES](#)

(Last update: May 2023)

For a list of new & updated rules, see [Guide History](#)

IN GENERAL

<u>7.01.</u>	<u>OPINION OF EXPERT WITNESS</u>	<u>docx</u>
<u>7.03.</u>	<u>OPINION OF LAY WITNESS</u>	<u>docx</u>

EXPERT TESTIMONY - SYNDROME EVIDENCE

<u>7.06.</u>	<u>ABUSED PERSON SYNDROME</u>	<u>docx</u>
<u>7.08.</u>	<u>CHILD ABUSE SYNDROME</u>	<u>docx</u>
<u>7.10.</u>	<u>RAPE TRAUMA SYNDROME</u>	<u>docx</u>

EXPERT TESTIMONY - IN SPECIFIC INSTANCES

<u>7.13.</u>	<u>DRUG CASE</u>	<u>docx</u>
<u>7.15.</u>	<u>FALSE CONFESSION</u>	<u>docx</u>
<u>7.17.</u>	<u>IDENTIFICATION</u>	<u>docx</u>

EXPERT TESTIMONY - SCIENTIFIC AREAS

<u>7.19.</u>	<u>SCIENTIFIC EVIDENCE, In General</u>	<u>docx</u>
<u>7.21.</u>	<u>DNA EVIDENCE</u>	<u>docx</u>

[Article 8. Hearsay](#)

TABLE OF CONTENTS

(Click on "Article 8 Rules" for a pdf document of all Article 8 rules;
Click on the name of the rule for an individual pdf document;
Click on "docx" for an individual Word document)

The rules are generally in alphabetical order

[ARTICLE 8 RULES](#)

(Last update: May 2023)

For a list of new & updated rules, see [Guide History](#)

See Guide to NY Evidence article 3 (Prima Facie Evidence) for further exceptions to the rule against the admission of hearsay *for the records deemed prima facie evidence of their contents.*

<u>8.00.</u>	<u>DEFINITION OF HEARSAY</u>	<u>docx</u>
<u>8.01.</u>	<u>ADMISSIBILITY OF HEARSAY</u>	<u>docx</u>
<u>8.02.</u>	<u>ADMISSIBILITY LIMITED BY CONFRONTATION CLAUSE (CRAWFORD)</u>	<u>docx</u>
<u>8.03.</u>	<u>ADMISSION BY A PARTY</u>	<u>docx</u>
<u>8.05.</u>	<u>ADMISSION BY ADOPTED STATEMENT OR SILENCE</u>	<u>docx</u>
<u>8.07.</u>	<u>ANCIENT DOCUMENTS</u>	<u>docx</u>
<u>8.08.</u>	<u>BUSINESS RECORD</u>	<u>docx</u>
<u>8.09.</u>	<u>COCONSPIRATOR STATEMENT</u>	<u>docx</u>
<u>8.11.</u>	<u>DECLARATION AGAINST PENAL OR PECUNIARY INTEREST</u>	<u>docx</u>
<u>8.13.</u>	<u>DECLARATION OF FUTURE INTENT</u>	<u>docx</u>
<u>8.15.</u>	<u>DYING DECLARATION</u>	<u>docx</u>

<u>8.17.</u>	<u>EXCITED UTTERANCE</u>	<u>docx</u>
<u>8.19.</u>	<u>FORFEITURE BY WRONGDOING</u>	<u>docx</u>
<u>8.21.</u>	<u>HEARSAY IN HEARSAY</u>	<u>docx</u>
<u>8.23.</u>	<u>JUDICIAL ADMISSIONS: INFORMAL & FORMAL</u>	<u>docx</u>
<u>8.24.</u>	<u>MARKET REPORTS</u>	<u>docx</u>
<u>8.25.</u>	<u>PAST RECOLLECTION RECORDED</u>	<u>docx</u>
<u>8.27.</u>	<u>PEDIGREE</u>	<u>docx</u>
<u>8.29.</u>	<u>PRESENT SENSE IMPRESSION</u>	<u>docx</u>
<u>8.31.</u>	<u>PRIOR CONSISTENT STATEMENT</u>	<u>docx</u>
<u>8.33.</u>	<u>PRIOR INCONSISTENT STATEMENT</u>	<u>docx</u>
<u>8.35.</u>	<u>PRIOR JUDGMENT OF CONVICTION</u>	<u>docx</u>
<u>8.36.</u>	<u>PRIOR TESTIMONY IN A CIVIL PROCEEDING</u>	<u>docx</u>
<u>8.36.1</u>	<u>PRIOR TESTIMONY IN A CRIMINAL PROCEEDING</u>	<u>docx</u>
<u>8.37.</u>	<u>PROMPT OUTCRY</u>	<u>docx</u>
<u>8.39.</u>	<u>REPUTATION EVIDENCE</u> (see <i>also</i> rule 4.07.1 [Character Evidence] & rule 6.23 [Impeachment by Reputation for Untruthfulness & Rebuttal])	<u>docx</u>
<u>8.41.</u>	<u>STATE OF MIND</u>	<u>docx</u>
<u>8.43.</u>	<u>STATEMENT FOR DIAGNOSIS OR TREATMENT</u>	<u>docx</u>
<u>8.45.</u>	<u>STATEMENT OF PAIN, ILLNESS, OR CONDITION BY AN UNAVAILABLE DECLARANT</u>	<u>docx</u>
<u>8.47.</u>	<u>VERBAL ACT</u>	<u>docx</u>

[Article 9. AUTHENTICITY AND IDENTIFICATION](#)

TABLE OF CONTENTS

(Click on "Article 9 Rules" for a pdf document of all Article 9 rules.

Click on the name of the rule for an individual pdf document;

Click on "docx" for an individual Word document)

[ARTICLE 9 RULES](#)

([Last update: December 2022](#))

For a list of updated rules, see [Guide History](#)

<u>9.01.</u>	<u>AUTHENTICATING AND IDENTIFYING EVIDENCE, IN GENERAL</u>	<u>docx</u>
<u>9.05.</u>	<u>METHODS OF AUTHENTICATION AND IDENTIFICATION</u>	<u>docx</u>
	SELF-AUTHENTICATING EVIDENCE	
<u>9.08.</u>	<u>SELF-AUTHENTICATING EVIDENCE</u>	<u>docx</u>
	AUTHENTICATION OF OTHER EVIDENCE	
<u>9.09</u>	<u>ADMISSIBILITY OF GRAPHIC, NUMERICAL, SYMBOLIC, OR PICTORIAL REPRESENTATION OF MEDICAL OR DIAGNOSTIC TESTS (CPLR 4532-a)</u>	<u>docx</u>
<u>9.13.</u>	<u>PHOTOGRAPHS</u>	<u>docx</u>
<u>9.14.</u>	<u>VIDEO RECORDING</u>	<u>docx</u>

[Article 10. BEST EVIDENCE RULE](#)

TABLE OF CONTENTS

(Click on "Article 10 Rules" for a pdf document of all Article 10 rules.

Click on the name of the rule for an individual pdf document;

Click on "docx" for an individual Word document)

[ARTICE 10 RULES](#)

<u>10.01.</u>	<u>DEFINITIONS</u>	<u>docx</u>
<u>10.03.</u>	<u>BEST EVIDENCE RULE</u>	<u>docx</u>
<u>10.05.</u>	<u>EXCEPTION FOR CERTAIN REPRODUCTIONS+COPIES</u>	<u>docx</u>
<u>10.07.</u>	<u>EXCEPTION WHEN ORIGINAL LOST OR COLLATERAL</u>	<u>docx</u>
<u>10.09.</u>	<u>EXCEPTION FOR ADMISSION OF CONTENTS</u>	<u>docx</u>
<u>10.11.</u>	<u>EXCEPTION FOR VOLUMINOUS MATERIAL</u>	<u>docx</u>

[Article 11. REAL & DEMONSTRATIVE EVIDENCE](#)

TABLE OF CONTENTS

(Click on "Article 11 Rules" for a pdf document of all Article 11 rules.

Click on the name of the rule for an individual pdf document;

Click on "docx" for an individual Word document)

[ARTICLE 11 RULES](#)

(Last update: May 2023)

For a list of new & updated rules, see [Guide History](#)

<u>11.01.</u>	<u>REAL EVIDENCE</u>	<u>docx</u>
<u>11.03.</u>	<u>DEMONSTRATIVE EVIDENCE</u>	<u>docx</u>
<u>11.05.</u>	<u>ANATOMICALLY CORRECT DOLLS</u>	<u>docx</u>
<u>11.07.</u>	<u>CHILD'S AGE</u>	<u>docx</u>
<u>11.09.</u>	<u>DEMONSTRATION OR EXPERIMENT</u>	<u>docx</u>
<u>11.10.</u>	<u>EXHIBITS TO THE JURY</u>	<u>docx</u>
<u>11.11.</u>	<u>PERSONAL APPEARANCE, CONDITION, OR CAPABILITY EXHIBITED</u>	<u>docx</u>
<u>11.15.</u>	<u>VIEWING OF PREMISES</u>	<u>docx</u>

[Article 12. Appellate Review](#)

TABLE OF CONTENTS

(Click on "Article 12 Rules" for a pdf document of all Article 12 rules.

Click on the name of the rule for an individual pdf document.

Click on "docx" for an individual Word document.

[ARTICLE 12 RULES](#)

<u>12.01.</u>	<u>PRESERVATION OF ERROR FOR APPELLATE REVIEW</u>	<u>docx</u>
<u>12.05.</u>	<u>EFFECT OF ERRONEOUS RULING</u>	<u>docx</u>

Alphabetical List of Rules

INDEX

Click on the title of the rule for a pdf document.

Click on the section number for a Word document.

<u>Abused Person Syndrome</u>	<u>7.06</u>
<u>Accomplice Testimony; Corroboration</u>	<u>6.09</u>
<u>Admissibility of graphic, numerical, symbolic or pictorial representations of medical or diagnostic tests</u>	<u>9.09</u>
<u>Admission by Adopted Statement or Silence</u>	<u>8.05</u>
<u>Admission by a Party</u>	<u>8.03</u>
<u>Adopted Statement, Admission by</u>	<u>8.05</u>
<u>Alcohol (or Drugs) in Blood, Evidence of</u>	<u>4.21</u>
<u>Alibi, Impeachment of</u>	<u>6.26</u>
<u>Anatomically Correct Dolls</u>	<u>11.05</u>
<u>Ancient Documents</u>	<u>8.07</u>
<u>Ancient Filed Maps, Surveys and Records Affecting Real Property</u>	<u>3.22</u>
<u>Appearance, Condition, or Capability Exhibited</u>	<u>11.11</u>
<u>Attorney Privilege</u>	<u>5.03</u>
<u>Authenticating and Identifying Evidence, In General</u>	<u>9.01</u>
<u>Authentication & Identification, Methods of</u>	<u>9.02</u>
<u>Authentication & Identification, Self-Authenticating</u>	<u>9.03</u>
<u>Best Evidence</u>	<u>10.03</u>
<u>Best Evidence Definitions</u>	<u>10.01</u>
<u>Best Evidence Exception for Admissions</u>	<u>10.09</u>
<u>Best Evidence Exception for Reproductions & Copies</u>	<u>10.05</u>
<u>Best Evidence Exception for Voluminous Material</u>	<u>10.11</u>
<u>Best Evidence Exception when Original Lost or Collateral</u>	<u>10.07</u>
Battered Women's Syndrome, see Abused Person Syndrome	
<u>Bias, Hostility, Interest, Impeachment by</u>	<u>6.13</u>

<u>Bills for Service or Repairs not in excess of \$2,000</u>	<u>3.33-a</u>
<u>Bruton: Defendant's statement implicates codefendant</u>	<u>4.20</u>
<u>Business Record</u>	<u>8.08</u>
<u>Certificates Concerning Judgments of Conviction & Fingerprints</u>	<u>3.60</u>
<u>Character Evidence</u> (see rule 8.39 [Reputation Evidence] & rule 6.23 [Impeachment by Reputation for Untruthfulness & Rebuttal])	<u>4.07.1</u>
<u>Child Abuse Syndrome</u>	<u>7.08</u>
<u>Child's Age, Determined</u>	<u>11.07</u>
<u>Child's Competency to Testify</u>	<u>6.05</u>
<u>Circumstantial and Direct Evidence Defined</u>	<u>4.02</u>
<u>Clergy Privilege</u>	<u>5.05</u>
<u>Coconspirator Statement</u>	<u>8.09</u>
<u>Confrontation Clause, Hearsay Admissibility Limited by Crawford</u>	<u>8.02</u>
<u>Compency of Judge as Witness</u>	<u>6.02.3</u>
<u>Competency of Juror as Witness or to Impeach a Verdict</u>	<u>6.02.5</u>
<u>Competency of Witness to Testify</u>	<u>6.01</u>
<u>Competency of Witness when Previously Hypnotized</u>	<u>6.02</u>
<u>Complainant's Sexual Conduct or Dress</u>	<u>4.22</u>
<u>Completing and Explaining Relevant Evidence</u>	<u>4.03</u>
<u>Conditional Relevance (Subject to Connection)</u>	<u>4.05</u>
<u>Condoms, Possession of</u>	<u>4.40</u>
<u>Confession or Admission; Corroboration</u>	<u>4.46</u>
<u>Connecting Physical Evidence to Defendant</u>	<u>4.23</u>
<u>Consciousness of Guilt</u>	<u>4.24</u>
<u>Contracts in Small Print</u>	<u>4.12</u>
<u>Conveyance of Property without the State</u>	<u>3.24</u>
<u>Corroboration of Accomplice Testimony</u>	<u>6.09</u>
<u>Corroboration of Defendant's Statements</u>	<u>4.46</u>
<u>Court Control Over Presentation of Evidence</u>	<u>1.07</u>
<u>Court Determination of Preliminary Questions</u>	<u>1.11</u>
<u>Court Power to Call and Examine Witnesses</u>	<u>1.09</u>

<u>Court Reconsideration of an Evidence Ruling</u>	<u>1.13</u>
<u>Culpability of a Third Party</u>	<u>4.26</u>
<u>Dead Man's Statute</u>	<u>6.02.1</u>
<u>Death or Other Status of a Missing Person</u>	<u>3.27</u>
<u>Declaration Against Interest</u>	<u>8.11</u>
<u>Declaration of Future Intent</u>	<u>8.13</u>
<u>Defendant's Testimony Re: Intent, Knowledge, Motive</u>	<u>4.27</u>
<u>Demonstrations and Experiments</u>	<u>11.09</u>
<u>Demonstrative Evidence</u>	<u>11.03</u>
<u>Diagnosis or Treatment, Statement thereof</u>	<u>8.43</u>
<u>Direct and Circumstantial Evidence Defined</u>	<u>4.02</u>
<u>DNA Evidence</u>	<u>7.21</u>
<u>Domestic Violence Advocate</u>	<u>5.10</u>
<u>Drugs (or Alcohol) in Blood, Evidence of Chemical Test</u>	<u>4.21</u>
<u>Drugs, Destroyed Per Court Order, Evidence of</u>	<u>4.30</u>
<u>Dying Declaration</u>	<u>8.15</u>
<u>Erroneous Ruling, Effect</u>	<u>12.05</u>
<u>Evidence of Chemical Tests (Alcohol or Drugs in Blood)</u>	<u>4.21</u>
<u>Evidence of Crimes & Wrongs (Molineux)</u>	<u>4.38</u>
<u>Evidence of Pleas and Ancillary Statements</u>	<u>4.32</u>
<u>Evidence Ruling, Court Reconsideration of</u>	<u>1.13</u>
<u>Exception or Proviso</u>	<u>4.33</u>
<u>Excited Utterance</u>	<u>8.17</u>
<u>Exclusion of Relevant Evidence</u>	<u>4.06</u>
<u>Exclusion of Disruptive Defendant</u>	<u>603.1</u>
<u>Exclusion of Witness & Ban on Discussing Testimony</u>	<u>6.03</u>
<u>Exhibition of a Person's Appearance, Condition, or Capability</u>	<u>11.11</u>
<u>Exhibits Given to the Jury</u>	<u>11.10</u>
<u>Experiment & Demonstrations</u>	<u>11.09</u>

<u>Expert Testimony, Drug Transaction</u>	<u>7.13</u>
<u>Expert Testimony, Reliability of Confessions</u>	<u>7.15</u>
<u>Expert Testimony, Reliability of Identifications</u>	<u>7.17</u>
<u>Expert Witness, Opinion</u>	<u>7.01</u>
<u>Extrinsic Evidence</u>	<u>6.11</u>
<u>False Confession, Expert Testimony</u>	<u>7.15</u>
<u>Formal & Informal Judicial Admissions</u>	<u>8.23</u>
<u>Forfeiture by Wrongdoing</u>	<u>8.19</u>
<u>Future Intent, Declaration of</u>	<u>8.13</u>
<u>Gang Membership & Activity</u>	<u>4.34</u>
<u>Habit</u>	<u>4.07.2</u>
<u>Hearsay</u>	<u>Art 8</u>
<u>Hearsay Admissibility Limited by Confrontation Clause</u>	<u>8.02</u>
<u>Hearsay Definition</u>	<u>8.00</u>
<u>Hearsay in Hearsay</u>	<u>8.21</u>
<u>Hypnotized Witness</u>	<u>6.02</u>
<u>Identification, Expert Testimony</u>	<u>7.17</u>
<u>Identification of a Defendant</u>	<u>4.35</u>
<u>Identification; Composite Sketch</u>	<u>4.35.1</u>
<u>Identification; First Time-In Court</u>	<u>4.35.3</u>
<u>Impeachment by Benefit to Witness</u>	<u>6.12</u>
<u>Impeachment by Bias, Hostility, Interest</u>	<u>6.13</u>
<u>Impeachment by Improperly Obtained Evidence</u>	<u>6.14</u>
<u>Impeachment by Inconsistent Statement</u>	<u>6.15</u>
<u>Impeachment by Misconduct</u>	<u>6.17</u>
<u>Impeachment by Prior Conviction</u>	<u>6.19</u>
<u>Impeachment by Recent Fabrication</u>	<u>6.20</u>

<u>Impeachment by Religious Belief</u>	<u>6.21</u>
<u>Impeachment by Reputation</u>	<u>6.23</u>
<u>Impeachment by Silence</u>	<u>6.25</u>
<u>Impeachment of Alibi</u>	<u>6.26</u>
<u>Impeachment of Hearsay Declarant</u>	<u>6.27</u>
<u>Impeachment of Law Enforcement Officer</u>	<u>6.29</u>
<u>Impeachment When Authorize & Provable by Extrinsic Evidence</u>	<u>6.11</u>
<u>Interpreter for Witness or Party</u>	<u>6.04</u>
<u>Inconsistent Statement, Impeachment by</u>	<u>6.15</u>
<u>Inconsistent Statement, Prior Statement's Admissibility</u>	<u>8.33</u>
<u>Informal & Formal Judicial Admissions</u>	<u>8.23</u>
<u>Inspection Certificate Issued by US Dept of Agriculture</u>	<u>3.29</u>
<u>Intent, Knowledge, Motive; Defendant's Testimony of</u>	<u>4.27</u>
<u>Intoxication of Defendant, Effect on Liability</u>	<u>4.36</u>
<u>Joint Tortfeasor, Payment by</u>	<u>4.17</u>
<u>Judicial Admissions: Informal & Formal</u>	<u>8.23</u>
<u>Judge as Witness, Incompency of</u>	<u>6.02.3</u>
<u>Judicial Notice of Facts</u>	<u>2.01</u>
<u>Judicial Notice of Law</u>	<u>2.03</u>
<u>Judicial Notice of Map Information</u>	<u>2.05</u>
<u>Knowledge, Intent, Motive; Defendant's Testimony of</u>	<u>4.27</u>
<u>Lack of Record</u>	<u>3.21</u>
<u>Lay Witness, Opinion</u>	<u>7.03</u>
<u>Liability Insurance</u>	<u>4.15</u>
<u>Library Privilege</u>	<u>5.09</u>
<u>Limited Admissibility of Relevant Evidence</u>	<u>4.07</u>
<u>Market Reports</u>	<u>8.24</u>

<u>Marriage Certificate</u>	<u>3.26</u>
<u>Mental Disease or Defect Defense</u>	<u>4.37</u>
<u>Methods of Authentication & Identification</u>	<u>9.02</u>
<u>Missing Witness</u>	<u>6.10</u>
<u>Motive, Intent, Knowledge; Defendant's Testimony of</u>	<u>4.27</u>
<u>Molineux: Evidence of Crimes & Wrongs</u>	<u>4.38</u>
<u>Motive to Commit an Offense</u>	<u>4.39</u>
<u>Oath or Affirmation for Witness to Testify</u>	<u>6.05</u>
<u>Offers to Compromise</u>	<u>4.16</u>
<u>Opening the Door to Evidence</u>	<u>4.08</u>
<u>Opinion of Expert Witness</u>	<u>7.01</u>
<u>Opinion of Lay Witness</u>	<u>7.03</u>
<u>Opioid Aantagonist, Possession of</u>	<u>4.42</u>
<u>Pain, Illness, or Condition; Statement by Unavailable Source</u>	<u>8.45</u>
<u>Parent-child Privilege</u>	<u>5.50</u>
<u>Past Recollection Recorded</u>	<u>8.25</u>
<u>Payment by Joint Tortfeasor</u>	<u>4.17</u>
<u>Payment of Medical Expenses</u>	<u>4.18</u>
<u>Pedigree</u>	<u>8.27</u>
<u>Person's Appearance, Condition, or Capability Exhibited</u>	<u>11.11</u>
<u>Personal Knowledge Testimony</u>	<u>6.07</u>
<u>Photographs</u>	<u>9.13</u>
<u>Physical Evidence, Connecting to Defendant</u>	<u>4.23</u>
<u>Physician Privilege</u>	<u>5.04</u>
<u>Pleas and Ancillary Statements, Evidence of</u>	<u>4.32</u>
<u>Population Certificate</u>	<u>3.30</u>
<u>Possession of Condoms, Receipt into Evidence</u>	<u>4.40</u>
<u>Possession of Opioid Aantagonist, Receipt into Evidence</u>	<u>4.42</u>
<u>Preliminary Questions, Court Determination of</u>	<u>1.11</u>

<u>Present Sense Impression</u>	<u>8.29</u>
<u>Presentation of Evidence, Court Control Over</u>	<u>1.07</u>
<u>Preservation of Error for Appellate Review</u>	<u>12.01</u>
<u>Presumptions in Civil Proceedings</u>	<u>3.01</u>
<u>Presumptions in Criminal Proceedings Accorded People</u>	<u>3.03</u>
<u>Presumptions in Criminal Proceedings Accorded Defendant</u>	<u>3.05</u>
<u>Presumption of Regularity</u>	<u>3.07</u>
<u>Previous Conviction, When Proof Allowed</u>	<u>4.44</u>
Prima Facie Evidence	Art 3
<u>Prior Consistent Statement</u>	<u>8.31</u>
<u>Prior Conviction, Impeachment by</u>	<u>6.19</u>
<u>Prior Crimes and Wrongs (Molineux)</u>	<u>4.28</u>
<u>Prior Inconsistent Statement</u>	<u>8.33</u>
<u>Prior Judgment of Conviction</u>	<u>8.35</u>
<u>Prior Testimony in Civil Proceeding</u>	<u>8.36</u>
<u>Prior Testimony in Criminal Proceeding</u>	<u>8.37</u>
Privileges	Art 5
<u>Privileged Communications; Electronic Communication thereof</u>	<u>5.48</u>
<u>Process server - Affidavit of Service or Posting by Person Unavailable at Trial</u>	<u>3.20</u>
<u>Proof of Proceeding before Justice of Peace</u>	<u>3.41</u>
<u>Prompt Outcry</u>	<u>8.38</u>
<u>Psychologist Privilege</u>	<u>5.07</u>
<u>Purpose & Construction of the Guide to NY Evidence</u>	<u>1.01</u>
<u>Rape Crisis Counselor</u>	<u>5.10</u>
<u>Rape Trauma Syndrome</u>	<u>7.10</u>
<u>Real Evidence</u>	<u>11.01</u>
<u>Refreshing Witness Recollection</u>	<u>6.08</u>
<u>Relevant Evidence</u> (see also GNYE rule 4.07.1 [Character Evidence] & GNYE rule 6.23 [Impeachment by Reputation for Untruthfulness & Rebuttal])	<u>4.01</u>
<u>Relevant Evidence, Completing and Explaining</u>	<u>4.03</u>

<u>Relevant Evidence, Exclusion of</u>	<u>4.07</u>
<u>Relevant Evidence, Restricted Admissibility of</u>	<u>4.09</u>
<u>Relevant Evidence, Subject to Connection</u>	<u>4.05</u>
<u>Reputation Evidence</u>	<u>8.39</u>
<u>Res Ipsa Loquitor</u>	<u>3.02</u>
<u>Scientific Evidence</u>	<u>7.19</u>
<u>Scope & Manner of Examination of Witnesses</u>	<u>6.10</u>
<u>Scope of the Guide to NY Evidence</u>	<u>1.03</u>
<u>Search by Title Insurance or Abstract Co.</u>	<u>3.23</u>
<u>Self-Authenticating Evidence</u>	<u>9.03</u>
<u>Self-Incrimination Privilege</u>	<u>5.01</u>
<u>Sexual Conduct or Dress of Complainant</u>	<u>4.22</u>
<u>Silence, Admission</u>	<u>8.05</u>
<u>Silence, Impeachment by</u>	<u>6.25</u>
<u>Social Worker Privilege</u>	<u>5.08</u>
<u>Spousal Privilege</u>	<u>5.02</u>
<u>Standard of Measurement Used by Surveyor</u>	<u>3.34</u>
<u>State of Mind</u>	<u>8.41</u>
<u>Statement for Diagnosis or Treatment</u>	<u>8.43</u>
<u>Statement of Pain, Illness, or Condition by Unavailable Declarant</u>	<u>8.45</u>
<u>Subject to Connection - Conditional Relevance</u>	<u>4.05</u>
<u>Subsequent Remedial Measure</u>	<u>4.19</u>
<u>Third Party Culpability</u>	<u>4.26</u>
<u>Title of the Guide to NY Evidence</u>	<u>1.00</u>
<u>UCC - Copies of Statements under article 9 of the UCC</u>	<u>3.25</u>
<u>Verbal Act</u>	<u>8.47</u>
<u>Viewing Premises</u>	<u>11.15</u>

<u>Video Recordings</u>	<u>9.14</u>
<u>Weather Certificate</u>	<u>3.28</u>
<u>Witness, Competency to Testify</u>	<u>6.01</u>
<u>Witness, Competency When Previously Hypnotized</u>	<u>6.02</u>
<u>Witness, Court Power to Call and Examine</u>	<u>1.07</u>
<u>Witness, Exclusion of</u>	<u>6.03</u>
<u>Witness, Missing</u>	<u>6.10</u>
<u>Witness, Oath or Affirmation to Testify</u>	<u>6.05</u>
<u>Witness, Refreshing Recollection</u>	<u>6.08</u>
<u>Witness, Scope & Manner of Examination</u>	<u>6.10</u>

[Index to Statutes Incorporated In a Rule](#)

INDEX TO STATUTES INCORPORATED IN A RULE		
Click on the title of the rule for a pdf document.		
Click on the section number for a Word document.		
	CIVIL PRACTICE LAW & RULES	
CPLR 2309 (CPL 60.20 [2]; Family Court Act § 152 [b])	Oath or Affirmation for Witness to Testify	6.05
CPLR 4110-c. (CPL 270.50)	Viewing Premises	11.15
CPLR 4501 US Const 4th Amend; NY Const, art 1, § 6	Self-Incrimination Privilege	5.01
CPLR 4502	Spousal Privilege	5.02
CPLR 4503	Attorney Privilege	5.03
CPLR 4504	Physician Privilege	5.04
CPLR 4505	Clergy Privilege	5.05
CPLR 4507	Psychologist Privilege	5.07
CPLR 4508	Social Worker Privilege	5.08
CPLR 4509	Library Privilege	5.09
CPLR 4510	Rape Crisis Counselor or Domestic Violence Advocate	5.10
CPLR 4511	Judicial Notice of Law	2.03
CPLR 4512 4513	Competency of a Witness to testify	6.01
CPLR 4514 (CPL 60.35[2])	Impeachment by Inconsistent Statement	6.15
CPLR 4515	Opinion of Expert Witness	7.01

CPLR 4516	Child's Age, Determined	11.07
CPLR 4517	<u>Prior Testimony in a Civil Proceeding</u>	8.36
CPLR 4518	Business Record	8.08
CPLR 4519	<u>Dead Man's Statute</u>	6.02.1
CPLR 4519-a	Opioid Antagonists, Possession of; Receipt into Evidence	4.42
CPLR 4521	Lack of Record	3.21
CPLR 4522	<u>Ancient Maps, Survey, Property Records</u>	3.22
	<u>Ancient Documents</u>	8.07
CPLR 4523	<u>Search by Title Insurance or Abstract Co.</u>	3.23
CPLR 4524	<u>Conveyance of Real Property without the State</u>	3.24
CPLR 4525	<u>UCC - Copies of Statements under article 9 of the UCC (9-523)</u>	3.25
CPLR 4526 (DRL 14-a[4])	Marriage Certificate	3.26
CPLR 4527	<u>Death or Other Status of a Missing Person</u>	3.27
CPLR 4528	<u>Weather Certificate</u>	3.28
CPLR 4529	<u>Inspection Certificate issued by US Department of Agriculture</u>	3.29
CPLR 4530	Population Certificate	3.30
CPLR 4531	<u>Process Server - Affidavit of Service or Posting Notice by Person Unavailable at Trial</u>	3.31
CPLR 4532	<u>Self-Authenticating Evidence</u>	9.08
CPLR 4532-a	Admissibility of graphic, numerical, symbolic or pictorial representations of medical or diagnostic tests	9.09
CPLR 4532-b	Judicial Notice of Map Information	2.05

CPLR 4533	<u>Market Reports</u>	8.24
CPLR 4533-a	Bills for Services or Repairs	3.33-a
CPLR 4533-b	Payment by Joint Tortfeasor	4.17
CPLR 4534	Surveyor - Standard of Measurement Used by Surveyor	3.34
CPLR 4536 & 4537	Methods of Authentication & Identification	9.07
CPLR 4538	<u>Self-Authenticating Evidence</u>	9.08
CPLR 4539	Best Evidence: Exception for Certain Reproductions	10.05
CPLR 4540; 4540-a; 4542	<u>Self-Authenticating Evidence</u>	9.08
CPLR 4541	Proof of Proceeding before Justice of the Peace	3.41
CPLR 4543	Authenticating or Identifying Evidence; In General	9.01
CPLR 4544	Contracts in Small Print	<u>4.12</u>
CPLR 4547	Offers to Compromise	4.16
CPLR 4548	<u>Privileged communications; Electronic Communication thereof</u>	5.48
	CRIMINAL PROCEDURE LAW	
CPL 60.20 [2]. (CPLR 2309; Family Court Act § 152 [b])	Oath or Affirmation for Witness to Testify	6.05
CPL 60.22	Accomplice Testimony; Corroboration	6.10
CPL 60.25 60.30	Identification of a Defendant	4.35
CPL 60.35(2) (CPLR 4514)	Impeachment by Inconsistent Statement	6.15
CPL 60.40(3)	Previous Conviction When Proof Allowed	4.44
CPL 60.42 60.43 60.48	Complainant's Sexual Conduct or Dress	4.22

CPL 60.44	Anatomically Correct Dolls	11.05
CPL 60.47	Condoms, Possession of; Receipt into Evidence	4.40
CPL 60.49	Opioid Antagonists, Possession of; Receipt into Evidence	4.42
CPL 60.50	Corroboration of Defendant's Statements	4.46
CPL 60.60	Certificates of Judgments of Conviction and Fingerprints	3.60
CPL 60.70	Drugs Destroyed per Court Order, Evidence of	4.30
CPL 60.75 (VTL 1195[1])	Alcohol or Drugs in Blood, Evidence of Chemical Tests	4.21
CPL 270.50 (CPLR 4110-c)	Viewing Premises	11.15
CPL 310.20(1)	Exhibits Given to the Jury	11.10
	DOMESTIC RELATIONS LAW	
DRL 14-a[4] (CPLR 4526)	Marriage Certificate	3.26
	PENAL LAW	
Penal Law 15.25 15.05(3)	Intoxication of Defendant; Effect on Liability	4.36
	Family Court Act	
Family Court Act § 152 [b] (CPLR 2309; CPL 60.20 [2])	Oath or Affirmation for Witness to Testify	6.05
	Vehicle & Traffic Law	
VTL 1195(1) (CPL 60.75)	Alcohol or Drugs in Blood, Evidence of Chemical Tests	4.21