

**Note:** This Table of Contents contains all sections found in the Criminal Law Handbook. Some of these sections are used only in the Handbook, not for briefs in the LRC. **Please do not select highlighted sections when creating profile forms.**

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### **§54-1 Forfeiture**

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#### **(b) Application of the Forfeiture Rule**

##### **(1) No Trial Objection; Delayed Trial Objection; Withdrawn Objection**

###### **(a) Issue Forfeited**

###### **(b) Issue Not Forfeited**

##### **(2) Issue Raised in a Pretrial Motion in Limine**

##### **(3) Issue Not Raised in a Post-Trial Motion; Post-Trial Motion Untimely**

###### **(a) Issue Forfeited**

###### **(b) Issue Not Forfeited**

##### **(4) Issue Not Raised in the Trial Court; Issue Raised for the First Time on Direct Appeal; Issues Not Subject to Forfeiture**

###### **(a) Issue Forfeited**

###### **(b) Issue Not Forfeited**

##### **(5) Objection on a Specific Ground; Objection on an Inconsistent or Different Ground**

###### **(a) Generally**

###### **(b) Issue Forfeited**

###### **(c) Issue Not Forfeited**

##### **(6) General Objection**

###### **(a) Generally**

###### **(b) Issue Forfeited**

###### **(c) Issue Not Forfeited**

##### **(7) Agreed to or Invited Error; Stipulated Evidence**

###### **(a) Generally**

###### **(b) Issue Forfeited**

###### **(c) Issue Not Forfeited**

##### **(8) Basis for Objection Is Trial Judge's Conduct**

##### **(9) Forfeiture During Appeal – Issue Not Raised in Original Appellate Brief; Issue Not Raised in Reply Brief; Issue Not Raised in Petition for Rehearing; Issue Not Raised in Petition for Leave to Appeal**

###### **(a) Issue Forfeited**

###### **(b) Issue Not Forfeited**

##### **(10) Forfeiture in Collateral Proceedings**

###### **(a) Issue Forfeited**

###### **(b) Issue Not Forfeited**

##### **(11) Forfeiture by the State**

###### **(a) Issue Forfeited**

###### **(b) Issue Not Forfeited**

##### **(12) Other Considerations**

###### **(a) Issue Forfeited**

###### **(b) Issue Not Forfeited**

#### **(c) Forfeiture Not Applicable – Voidness and Constitutionality**

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#### **(a) Generally**

#### **(b) Clear and Obvious Error**

- (c) Closely Balanced Prong
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- (e) Application of Plain Error Rule
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    - (a) Plain Error
    - (b) No Plain Error
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    - (a) Plain Error
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    - (a) Plain Error
    - (b) No Plain Error
  - (4) Trial Judge's Remarks
    - (a) Plain Error
    - (b) No Plain Error
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    - (a) Plain Error
    - (b) No Plain Error
  - (6) Sentencing Errors
    - (a) Plain Error
    - (b) No Plain Error
  - (7) Other
    - (a) Plain Error
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**§54-3 Harmless Error and Structural Error**

- (a) Generally
- (b) Structural Error
- (c) Non-Structural Constitutional Error – Harmless Beyond a Reasonable Doubt Standard
- (d) Factors in Harmless Error Analysis
  - (1) Whether the Evidence is Overwhelming or Closely Balanced
    - (a) Harmless Error
    - (b) Not Harmless Error
  - (2) Whether the Error Could Have Affected the Witness's Credibility in a Case in Which Credibility is Crucial to the Verdict
    - (a) Harmless Error
    - (b) Not Harmless Error
  - (3) Whether the Error Is of a Substantial or Insubstantial Nature
    - (a) Harmless Error
    - (b) Not Harmless Error
  - (4) Whether the Properly Admitted Evidence Is Similar to or Cumulative of the Erroneously Admitted or Erroneously Excluded Evidence
    - (a) Harmless Error
    - (b) Not Harmless Error
  - (5) Whether Corrective Action Occurred
    - (a) Harmless Error
    - (b) Not Harmless Error
  - (6) Whether the Error Was Repeated or an Isolated Incident

- (a) Harmless Error
- (b) Not Harmless Error
- (7) Whether the Error Was Emphasized or Highlighted
  - (a) Harmless Error
  - (b) Not Harmless Error
- (8) Whether the Cumulative Errors Were Prejudicial
  - (a) Harmless Error
  - (b) Not Harmless Error
- (9) Other
  - (a) Harmless Error
  - (b) Not Harmless Error

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  - (c) Felony Based on Prior Conviction
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**§56-3 Competency of Witnesses**

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(4) Impeaching a Witness

(a) Generally

(b) Bias, Interest, Motive

(c) Prior Statement

(d) "Immoral" Conduct

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(2) Evidence's Probative Value Versus Its Prejudicial Effect

(3) Qualifying and Non-Qualifying Convictions

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(i) Insinuations

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