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PART I
CRIMINAL INVESTIGATION
AND APPREHENSION

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Arrest, Search, and Seizure

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Chapter 3
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Chapter 5
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Appeal

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EVIDENCE

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**Chapter 14**

**Other Crimes, Wrongs, Or Acts Evidence**

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**Chapter 19**

**Sufficiency of Evidence to Convict**

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CONSTITUTIONAL RIGHTS OF ACCUSED

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Chapter 24
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Right To Counsel

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27.31 General Principles

| Paragraph | Description |
|-----------|-------------|
| 27.311   | In general |

| Paragraph | Description |
|-----------|-------------|
| 27.312   | In exercising right to cross examine witnesses, defendant must comply with established rules of procedure and evidence |
| 27.313   | No right to cross-examine on irrelevant matters |
| 27.314   | No right to cross-examine when probative value outweighed by prejudicial effect or other countervailing considerations |
| 27.315   | No right to cross-examine when such cross-examination would be repetitive, obfuscatory, or prejudicial |
| 27.316   | No right to cross-examination that is repetitive and only marginally relevant |
| 27.317   | Fact that rules of evidence prohibit cross-examination does not necessarily defeat right to engage in that cross-examination under confrontation clause |
| 27.318   | Fundamental inquiry is whether defendant had "opportunity" for effective cross-examination |
| 27.319   | Other general principles |
| 27.3191  | Right to confront and cross-examine is not absolute and may bow to accommodate other legitimate interests in criminal trial process |

27.32 Witness’s Invocation Of Fifth Amendment Privilege On Cross-Examination

27.33 Cross-Examination Of Sexual Assault Victim Regarding Prior Sexual Conduct

| Paragraph | Description |
|-----------|-------------|
| 27.331   | In general |

| Paragraph | Description |
|-----------|-------------|
| 27.332   | Cross-examination regarding prior untruthful allegations of sexual assault |
| 27.333   | Cross-examination designed to elicit alternative source of victim’s knowledge of sexual matters |
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27.34 Regarding Matters Affecting Credibility (e.g., Witness’s Bias Or Motive For Testifying)

| Paragraph | Description |
|-----------|-------------|
| 27.341   | In general |

| Paragraph | Description |
|-----------|-------------|
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| Paragraph | Description |
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Chapter 29
Right to be Free from Double Jeopardy

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Purpose Of Double Jeopardy Clause; Interests Embodied In, And Served By,
Double Jeopardy Clause

Scope Of Double Jeopardy Protection In General

In general
Scope of protection against multiple punishments

What Constitutes Jeopardy

Meaning of "jeopardy"

Denotes risk associated with proceedings essentially criminal in nature

Means "exposure to the risk of determination of guilt"

General principles for determining whether proceeding, and/or sanction imposed as result of it, is civil (i.e., remedial) or criminal (i.e., punitive) in nature

In general
Nature of proceeding determined by substance, not form or label

When authority to impose sanction is conferred upon administrative agency, that is prima facie evidence that Congress intended provide civil sanction

Whether particular proceeding, or sanction imposed as a result of it, is criminal or civil is, at least initially, a matter of statutory construction

Propriety of considering actual conditions of confinement and implementation of statute to determine whether confinement scheme is civil or criminal in nature

Proceeding found to be civil cannot be deemed punitive "as applied" to single individual

When tax imposed upon illegal activity is criminal punishment (see sec. 29.773)

Parole is not punishment

Determining whether particular procedure or sanction is civil (i.e., remedial) or criminal (i.e., punitive) in nature

Juvenile court sanction for violation of dispositional order
Prosecution for municipal ordinance violation
University disciplinary proceeding
Prison disciplinary proceeding
Sexually violent person (chap. 980) proceeding

Court must have jurisdiction (see sec. 29.31)

Civil forfeiture proceeding does not ordinarily place defendant in jeopardy

Jeopardy "means exposure to the risk of determination of guilt"

When Jeopardy Attaches (see sec. 29.362)

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Determination whether second judgment violates double jeopardy turns on whether defendant had legitimate expectation of finality in first judgment
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PART V
CRIMES AND DEFENSES

Chapter 31
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Crimes Against Life

Part A: Crimes Committed
Before January 1, 1989

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This provision outlines the penalties for violating laws governing state or county institutions. Details on specific violations are organized under the following sections:

- **35.67 Aiding Escape From Mental Institutions**
- **35.68 Denial Of Right To Counsel**
- **35.69 Premature Disclosure Of Search Warrant**

### Crimes Affecting Administration Of Government (Federal Offenses And Offenses In Other States)

This section covers various crimes affecting the administration of government, including federal offenses and offenses in other states. It is divided into several subsections:

- **35.71 Making False Statement In Matter Within Jurisdiction Of Federal Department Or Agency**
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    - **35.7112 "Any department or agency of the United States" does not include judicial branch**
    - **35.7113 "Materiality" of statement**
    - **35.7114 "Exculpatory no" is not exempted from purview of statute creating this offense**
  - **35.712 Defenses to this offense**
    - **35.7121 Fact that alleged false statement consisted merely of an "exculpatory no" is no defense to this offense**
  - **35.713 Other matters**
    - **35.7131 "Materiality" of statement must be submitted to jury; it is not a question of law for judge to resolve**
    - **35.7132 "Exculpatory no" doctrine rejected**

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  - **35.721 Elements of this offense**
    - **35.7211 "Knowingly"**
    - **35.7212 "Corruptly"**
    - **35.7213 Nexus between obstructive act and official proceeding**
  - **35.722 Instructing of this offense**
  - **35.723 Other matters**
    - **35.7231 This crime does not encompass lying to investigating officers who were not acting as arm of grand jury, whom grand jury had not subpoenaed or otherwise directed to appear, or whom the defendant knew would provide his statements to the grand jury**

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- **35.74 Criminal Violation Of Constitutional Rights (see sec. 38.48)**

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|---------|-------------|
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| 36.184 | Penalty enhancer for second or subsequent controlled substances offenses (Wis. Stat. § 961.48, formerly 161.48). |
| 36.1841 | Prior conviction(s) that subjects defendant to this penalty enhancer is not element of offense that must be proved at trial beyond a reasonable doubt. |
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Chapter 37
Traffic Crimes

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### 38.2 Crimes Against Sexual Morality Or Decency

#### 38.21 Crimes Which Affect The Family

- **Bigamy**
- **Incest**

#### 38.22 Crimes Involving Children

- **Enticing a child for immoral purposes**
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  - **Instructing on this offense as charged offense**
  - **Content of instruction**
  - **Sufficiency of evidence to convict**
- **Indecent behavior with a child**
  - **Elements of this offense**
  - **Sufficiency of evidence to convict**
  - **Other matters**
  - **Statute of limitations for this offense**
- **Sexual intercourse with child**
  - **Elements of this offense**
  - **Charging this offense**
  - **No need to allege precise time of offense**
  - **Sufficiency of evidence to convict**
  - **No need to prove precise time of offense**
- **Statute of limitations for this offense**

#### 38.23 Fornication; Adultery; Gratification

- **Fornication**
- **Adultery**
  - **Adultery is crime "against" spouse**
- **Sexual gratification**
  - **Constitutionality of statute creating this offense**

#### 38.24 Crimes Involving Obscenity

- **Lewd and lascivious behavior**
- **Constitutionality of statute creating this offense**
- **Obscene material or performance**
- **Constitutionality of statute creating this offense**
  - **In general**
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| 38.2431 | Constitutionality of statute creating this offense |
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| 38.244 | Obscene material or performance |
| 38.245 | Making lewd, obscene or indecent drawings |
| 38.246 | Exposing minors to harmful materials |
| 38.2461 | Constitutionality of statute creating this offense |
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PART VI
OTHER PROCEEDINGS AND MATTERS

Chapter 41
Probation and Parole; Extended Supervision

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