

ALPHABETICAL INDEX

A

Absent witness	3.500
Abuse prevention order, violation of an	6.720
Accessory before the fact	4.100
Accessory liability	4.100, 4.200
Accident	9.100
Accident, leaving the scene of an	5.180
Admission by defendant (humane practice)	3.560
Admission by silence	3.520
Affray	6.100
Aiding and Abetting (formerly Joint Venture).....	4.200
Alcohol, furnishing to a minor	7.410
Alcohol intoxication	9.180
Alibi	9.120
Alternate juror, seating of	2.480
Ammunition	
possession of	7.625
Animals, cruelty to	7.270
Announced witness does not testify	2.400
Annoying telephone calls	6.660
Another, defense of	9.260
Arson	5.35, 5.36
Burning Insured Property.....	8.120
Burning Personal Property, Motor Vehicle, etc.....	8.140
Assault.....	6.120
Assault on family or household member.....	6.270
Assault and battery	6.140
Assault and battery causing serious bodily injury	6.160
Assault and battery on a child under 14 causing bodily injury.....	6.220
Assault and battery on an elder or disabled person	6.280, 6.281, 6.282
Assault and battery on family or household member	6.275
Assault and battery on a person protected by an abuse prevention order.....	6.180
Assault and battery on a police officer or public employee	6.210
Assault and battery on a pregnant woman	6.200
Assault and battery by means of a dangerous weapon	6.300
Assault and battery by means of a dangerous weapon causing serious injury	6.320
Assault and battery by means of a dangerous weapon on a child under 14	6.340
Assault and battery by means of a dangerous weapon on a person protected by an abuse prevention order	6.360
Assault and battery by means of a dangerous weapon on a pregnant woman	6.380
Assault and battery, indecent	6.500
Assault and battery on a child under fourteen, indecent	6.520
Attaching wrong plates to conceal identity	5.100
Attempt	4.120
Authority or license	3.160
B	
Bad acts by defendant, other	3.760
Bail jumping	7.100
Battery	6.140
Before and after supplemental instructions	2.440
Bench conferences	1.220
Bets, registering	7.440

Betting, use of telephone for	7.520
Blood alcohol test	5.300
Boat, operating under the influence.....	5.700, 5.710
Breaking and entering	8.100
Breathalyzer	5.300
Building, larceny by stealing in a	8.540
Burden of proof	1.120, 1.140, 2.160
Burglariou tools, possession of	8.180
Burning insured property	8.120
Burning personal property, motor vehicle, etc.	8.140
C	
Carrying certain dangerous weapons	7.680
Carrying a dangerous weapon when arrested	7.700
Carrying a firearm	7.600
Cemetery, wilful or wanton destruction of	8.300
Character of defendant	3.800
Character witness, impeachment of defense	3.800
Charges, withdrawn	1.320
Check, larceny by	8.460
Child	
furnishing alcohol to.....	7.410
pornography, possession of.....	7.540
under 14, assault and battery with a dangerous weapon on	6.340
under 14, indecent assault and battery on	6.520
under 16, enticing of	6.560
under 18, reckless endangerment of	6.540
witness	3.540
Church or synagogue, wilful or wanton destruction of	8.300
Circumstantial evidence	2.240
Civil rights violations	6.620
Closing arguments not evidence	1.120, 2.220
Co-conspirator hearsay exception	4.160
Codefendant	
case withdrawn against	1.320
evidence admitted only against	1.300
guilty plea by	1.320
Codefendants	1.300
joint representation of	2.340
Coercion	9.240
Common nightwalker	7.120
Complaint	
multiple charges	2.300
multiple incidents in single count	2.300
not evidence	1.120, 2.160
Complaint, first	3.660
Compounding or concealing a felony	4.140
Compulsion	9.240
Concealing	
a felony	4.140
a stolen motor vehicle or motor vehicle thief	8.200
Confessions and admissions (humane practice)	3.560
Consciousness of guilt	3.580
Conspiracy	4.160
Controlled substance	
distribution of, or possession with intent to distribute, a	7.800

possession of	7.820
park zone drug violation.....	7.870
school zone drug violation	7.860
Conviction of crime, impeachment by prior	3.680
Corporate criminal responsibility	4.180
Counsel	
arguments and statements not evidence	1.120, 2.220
discharge of	2.380
function of	2.140
joint representation of codefendants	2.340
questions and objections not evidence	1.120, 1.140, 2.220
reprimand of	2.360
Credibility of witnesses	2.260
Crime, impeachment by prior conviction of	3.680
Cruelty to animals.....	7.270
Custodial interference by relative	6.400
Customer of prostitute	7.480
D	
Dangerous weapon	
assault and battery with a	6.300
assault with a	6.120
carrying certain dangerous weapons	7.680
carrying a dangerous weapon when arrested	7.700
Daytime, definition of	8.100
Deadlocked jury	2.460
Deaf juror, interpreter assistance to	1.275
Defendant	
admission by silence	3.520
alibi of	9.120
confessions and admissions (humane practice)	3.560
consciousness of guilt	3.580
corporate	4.180
does not testify	3.600
entrapment of	9.140
flight or concealment by	3.580
identification of	9.160
insanity	9.200
intent	3.120
intoxication with alcohol or drugs	9.180
knowledge	3.140
license or authority	3.160
mental impairment short of insanity	9.220
mug shots	3.720
other bad acts by	3.760
prior consistent and inconsistent statements	3.700
prior conviction of a crime	3.680
prior trial	3.780
pro se	2.380
reputation of	3.800

Defenses

accident	9.100
alibi	9.120
defense of another	9.260
defense of property	9.260
duress	9.230
entrapment	9.140
identification	9.160
insanity	9.200
lack of criminal responsibility	9.200
intoxication with alcohol or drugs	9.180
mental impairment short of insanity	9.220
necessity	9.240
parental discipline	9.250
self-defense	9.260
Deriving support from earnings of a prostitute	7.140
Destruction of house of worship, cemetery or school, wilful or wanton	8.300
Destruction of property, wanton.....	8.260
Destruction of property, wilful and malicious	8.280
Direct and circumstantial evidence	2.240
Disabled, assault and battery on	6.280, 6.281, 6.282
Disabling an ignition interlock device.....	5.530
Discussion prohibited.....	1.130
Disorderly conduct	7.160
Disseminating obscene matter	7.180
Distribution of a controlled substance	7.800
Disturbing the peace	7.200
Drug intoxication	9.180
Drug violation, park zone.....	7.870
Drug violation, school zone	7.860
Drugs, see Controlled substance	
Drugs, operating a motor vehicle under the influence of	5.400
Duress	9.230

E

Elder, assault and battery on	6.280, 6.281, 6.282
Embezzlement, larceny by	8.480
Endangering a child while operating with a blood alcohol level of .08% or greater	5.305
Endangering a child while operating under the influence of intoxicating liquors	5.315
Enticing a child under 16	6.560
Entrapment	9.140
Escape.....	7.220
Evidence	
absent witness	3.500
admission by silence	3.520
admitted against one defendant only	1.300
blood alcohol test	5.300
breathalyzer test	5.300
burden of proof	1.120, 1.140, 2.160
business records.....	3.840
character and reputation of defendant	3.800
child witness	3.540
circumstantial evidence.....	2.240
closing arguments not evidence	1.120
co-conspirator hearsay exception	4.160
complaint not evidence	1.120, 2.160

confessions and admissions (humane practice)	3.560
consciousness of guilt	3.580
Evidence, cont.	
credibility of witnesses	2.260
defendant's not testifying	3.600
depositions	2.220
direct and circumstantial evidence	2.240
excluded question	3.620
expert witness	3.640, 5.300, 7.180
field sobriety tests	5.310
flight or concealment	3.580
first complaint	3.660
inadmissible evidence	3.620
inferences	3.100
joint venturer hearsay exception, see Aiding and Abetting	
judicial notice	2.220, 8.100
mug shots	3.720
objections to evidence	1.120, 1.140, 2.140
opening statements not evidence	1.120, 2.220
other bad acts by defendant	3.760
presumption	3.240
prima facie evidence	3.260
prior consistent statements	3.700
prior conviction of crime	3.680
prior inconsistent statements	3.700
reasonable doubt	2.180, 2.200
reputation of defendant	3.800
stipulations	2.220
stricken evidence	3.620
what is	1.120, 2.120
witness invokes testimonial privilege	2.400
Excluded question	3.620
Expert witness	3.640, 5.300, 7.180
Extraneous publicity	1.120, 1.260
F	
Failing to register as a sex offender	7.240
Failure to have an ignition interlock device	5.520
False name upon arrest, giving	7.300
False pretenses, larceny by	8.500
False statement in application for operators license	5.120
Family or household member	
Assault on	6.270
Assault and battery on	6.275
Felony, accessory before the fact to a	4.100
Felony, compounding or concealing a	4.140
Field sobriety tests	5.310
Fire fighting operation, wilful interference with	7.210
Firearm	
carrying a	7.600
improper storage	7.630
possessing a	7.620
serial number, defacing	7.640
serial number, possession during felony with defaced	7.660
serial number, receiving with defaced	7.640
Fireworks, possession of	7.420

Flight or concealment by defendant	3.580
Forgery	8.160
Fraudulent insurance claim	8.400
Fresh complaint	3.660
Function of counsel	1.120, 2.140
Function of judge	1.120, 2.100
Function of jury	1.120, 2.120
Furnishing alcohol to a minor	7.410

G

Gaming	7.320, 7.440, 7.520
General intent	3.120
General Laws	
c. 6, § 178H	7.240
c. 90, § 1	3.280
c. 90, § 10	5.600
c. 90, § 23	5.100, 5.200
c. 90, § 24(1)	5.300, 5.310, 5.400
c. 90, § 24(2)	5.120, 5.180, 5.190, 5.240, 5.260, 5.640, 5.660
c. 90, § 24G(a)	5.140
c. 90, § 24G(b)	5.160
c. 90, § 24L	5.500
c. 90, § 24S(a)	5.520
c. 90, § 24T(a)	5.530
c. 90, § 25	5.620
c. 90, § 34J	5.220
c. 94C, §§ 32–32D	7.800
c. 94C, § 32I	7.840
c. 94C, § 32J	7.860, 7.870
c. 94C, § 34	7.820
c. 94C, § 40	7.900
c. 138, § 34	7.410
c. 140, § 39	7.420
c. 140, § 131L	7.630
c. 209A, § 7	6.720
c. 233, § 21	3.680
c. 233, § 78	3.840
c. 258E, § 9	6.740
c. 265, § 13A	6.120, 6.140, 6.160, 6.180, 6.200
c. 265, § 13B	6.520
c. 265, § 15A	6.300, 6.320, 6.340, 6.360, 6.380
c. 265, § 13D	6.210
c. 265, § 13H	6.500
c. 265, § 13J	6.220, 6.230
c. 265, § 13K	6.290, 6.295
c. 265, § 13L	6.540
c. 265, § 13M	6.270, 6.275
c. 265, § 15D	6.390, 6.395
c. 265, § 26A	6.400
c. 265, § 26C	6.560
c. 265, § 37	6.620
c. 265, § 43	6.680
c. 265, § 43A	6.640
c. 266, § 5	8.140
c. 266, § 10	8.120
c. 266, § 16	8.100

General Laws, cont

c. 266, § 20	8.540
c. 266, § 25	8.560
c. 266, § 28	8.200
c. 266, § 30	8.480, 8.500, 8.520
c. 266, § 30A	8.620
c. 266, § 37	8.640
c. 266, § 37E	8.420, 8.440
c. 266, § 49	8.180
c. 266, § 60	8.600
c. 266, § 87	8.580
c. 266, § 111A	8.400
c. 266, § 120	8.220
c. 266, § 126A	8.250
c. 266, § 127	8.260, 8.280
c. 266, § 127A	8.300
c. 266, § 143A	8.640
c. 267, §§ 1-8	8.160
c. 267, §§ 5-6	8.240
c. 268, § 13B	7.360
c. 268, § 16	7.220
c. 268, § 32A	7.210
c. 268, § 32B	7.640
c. 268, § 34A	7.300
c. 268, § 36	4.140
c. 269, § 10(a)	7.600
c. 269, § 10(b)	7.680, 7.700
c. 269, § 10(h) (firearm)	7.620
c. 269, § 10(h) (ammunition)	7.625
c. 269, § 11B	7.660
c. 269, § 11C	7.640
c. 269, § 13A	7.260
c. 269, § 14A	6.660
c. 271, § 7	7.320
c. 271, § 17	7.440
c. 271, § 17A	7.520
c. 272, § 7	7.140
c. 272, § 16	7.400
c. 272, § 29	7.180
c. 272, § 29C	7.540
c. 272, § 35	7.500
c. 272, § 53	6.600, 7.120, 7.160, 7.200, 7.340, 7.380
c. 272, § 53A	7.480
c. 272, § 77	7.270
c. 272, § 94	7.280
c. 274, § 2	4.100
c. 274, § 6	4.120
c. 274, § 7	4.160
c. 275, §§ 2-4	6.700
c. 276, § 82A	7.100
c. 277, § 39	6.100
c. 278, § 7	3.160
c. 278, § 11A	2.540
Giving false name upon arrest	7.300
Guilt, consciousness of	3.580

ALPHABETICAL INDEX

Revised January 2020

H

Harassing telephone calls	6.660
Harassment prevention order, violation of	6.740
Homicide by a motor vehicle (felony)	5.140
Homicide by a motor vehicle (misdemeanor)	5.160
House of worship, wilful or wanton destruction of	8.300
Humane practice	3.560

I

Identification	9.160
mug shots	3.720
preliminary	1.340
Ignition interlock device	
disabling	5.530
failure to have	5.520
Impaneling the jury	1.100
Impeachment	
by prior conviction of a crime	3.680
by prior inconsistent statement	3.700
of defendant by otherwise inadmissible statement	3.560
of reputation witness	3.800
Improper storage of a firearm	7.630
Included offenses, lesser	2.280
Indecent assault and battery	6.500
Indecent assault and battery on a child under 14	6.520
Indecent exposure	7.340
Inferences	3.100
Innocence, presumption of	1.120, 2.160
Insanity	9.200
Insurance claim, fraudulent	8.400
Insurance, operating motor vehicle without	5.220
Insured property, burning	8.120
Intent	3.120
Interpreter assistance to deaf juror.....	1.275
Interpreter, Use of.....	1.270
Intimidating a witness, juror, court official or law enforcement officer	7.360
as evidence of consciousness of guilt	3.580
Intoxicating liquor, operating a motor vehicle under the influence of	5.310
Intoxicating liquor, operating a boat under the influence of.....	5.710
Intoxication with alcohol or drugs	9.180
as affecting voluntariness of confession or admission	3.560

J

Joint enterprise, see Aiding and Abetting	
Joint possession	3.220
Joint representation of codefendants	2.340
Joint venture, see Aiding and Abetting	
Joint venturer hearsay exception, see Aiding and Abetting	
Judge	
bench or lobby conferences	1.220
function of	1.120, 2.100
perceived opinion as to guilt	1.120, 2.100
questions by	1.140, 2.120
Judge, cont.	
reprimand of counsel	2.360
Judicial notice	2.220, 8.100

Jury

alternate juror, seating of	2.480
attempting to influence or interfere with	7.360
communicating with judge	1.120
deadlocked	2.460
discussing the case	1.120, 1.130, 1.140, 1.240
function of	1.120, 2.120
must accept law as given by judge	1.120, 2.100
note taking by	1.160
question, before and after	2.440
separation of	1.240
unanimity required	1.120, 2.160, 2.460, 2.320
view	1.280
when jurors cannot agree	2.460

K

Kidnapping by parent or relative	6.400
Knowledge	3.140, 4.200, 8.200

L

Lack of criminal responsibility	9.200
Larceny	8.520
by check	8.460
by embezzlement	8.480
by false pretenses	8.500
by stealing	8.520
by stealing in a building	8.540
from the person	8.560
of leased or rented personal property	8.580
of motor vehicle	8.200
Law as given by judge, jury must accept	1.120, 2.100
Leaving the scene of an accident	5.180
Lengthy bench or lobby conferences	1.220
Lesser included offenses	2.280
Lewd, wanton and lascivious act	7.380
License	
false statement in application for	5.120
operating motor vehicle without having	5.600
or authority	3.160
Lobby conferences	1.220
Lottery, illegal	7.320

M

Malicious destruction of property, wilful and	8.280
Manufacture of a controlled substance	7.800
Mental disease or defect	9.200, 9.220
Mental impairment short of insanity	9.220
Misleading an investigator, Intentionally	7.365
Missing witness	3.500
Money assessments, chart of potential	2.521

Motor vehicle	
attaching wrong plates	5.100
burning of	8.120, 8.140, 8.200
definition of	3.200
homicide by a	5.140, 5.160
ignition interlock device, disabling	5.530
ignition interlock device, failure to have	5.520
making false statement in license application	5.120
operating after suspension or revocation of license	5.200
operating an uninsured vehicle	5.220
operating negligently so as to endanger	5.240
operating recklessly	5.260
operating under the influence of drugs	5.400
operating under the influence with .08% blood alcohol	5.300
operating under the influence of intoxicating liquor	5.310
operating under the influence of liquor or drugs and causing serious bodily injury	5.500
operating without being licensed	5.600
operation of	3.200
road racing	5.640
theft of parts from	8.200
theft, purchase, receipt, possession or concealment of	8.200
thief, concealing	8.200
use without authority	5.660
vehicular homicide	5.140, 5.160
Mug shots	3.720
Multiple	
charges	2.300
defendants	1.300
incidents or theories in one count	2.320
N	
Narcotics, see Controlled substance	
Necessity	9.240
Negligence	3.180
Nighttime, definition of	8.100
Nightwalker, common	7.120
Not guilty by reason of	
insanity	9.200
lack of criminal responsibility	9.200
Notetaking by jurors	1.160
O	
Obscene matter, disseminating or possession with intent to disseminate	7.180
Obscene telephone calls	6.660
Objections	1.120, 1.140, 2.140
Opening statements not evidence	1.120, 2.220
Operating a boat	
under the influence with .08% blood alcohol	5.700
under the influence of intoxicating liquor	5.710
Operating a motor vehicle	3.200
after suspension or revocation of license	5.200
negligently so as to endanger	5.240
recklessly	5.260
under the influence causing serious bodily injury	5.102
Operating a motor vehicle, cont.	
under the influence of drugs	5.400

under the influence with .08% blood alcohol	5.300
under the influence of intoxicating liquor	5.310
without authority	5.600, 5.660
without being licensed	5.600
without being insured	5.220
Opinion of judge as to guilt irrelevant	1.120, 2.100
Order of trial	1.120
Other bad acts by defendant	3.760
Overt act	4.120
P	
Paraphernalia, sale or possession with intent to sell drug	7.840
Parental discipline.....	9.250
Parental kidnapping	6.400
Park zone drug violation	7.870
Person, larceny from the	8.560
Personal injury, leaving the scene of	5.190
Personal property, burning of	8.120, 8.140
Phone calls, harassing or obscene	6.660
Photographs of defendant (mug shots)	3.720
Police officer	
assault and battery on a	6.140
refusal to obey a	5.620
Police photos of defendant	3.720
Polling, return to deliberations after	2.460
Possession	3.220
of ammunition	7.625
of burglarious tools	8.180
of child pornography	7.540
of a controlled substance	7.820
of a firearm	7.620
of recently stolen goods	8.600
of a stolen motor vehicle	8.200
of fireworks	7.420
with intent to disseminate obscene matter	7.180
with intent to distribute a controlled substance	7.800
with intent to sell drug paraphernalia	7.840
Precharging the jury	1.120, 1.130, 1.140
Prejudice, caution against jury	2.120
Preliminary instruction to jury before trial	1.120, 1.130, 1.140
Presumption	3.240
of innocence	1.120, 2.160
Prima facie evidence	3.260
Prior	
bad acts	3.760
consistent statements	3.700
conviction of a crime	3.680
inconsistent statements	3.700
trial	3.780
Privilege, witness invokes testimonial	2.400
Procurer of prostitute	7.140, 7.480
Proof, burden of	1.120, 1.140, 2.160

Property	
burning of insured	8.120
burning of personal	8.140
damage, leaving the scene of	5.180
defense of	9.260
wanton destruction of	8.260
wilful and malicious destruction of	8.280
Pro se defendant	2.380
Prostitute, deriving support from earnings of a	7.140
Prostitution	7.120, 7.480
Public way	3.280
Publicity, extraneous	1.260
Punishment is not relevant to jury	1.120
Q	
Question	
by judge	1.140, 2.120
excluded	3.620
from jury, before and after answering	2.240
not evidence	1.120, 1.140
of witness by jurors	1.180
R	
Racing, road	5.640
Reasonable doubt	2.180
Receiving stolen	
motor vehicle	8.200
property	8.600
Reckless	
assault	6.120
assault and battery	6.140
endangerment of a child under 18	6.540
operation of a motor vehicle	5.260
Recordation of proceedings	1.200
Redactions	3.570
Refusal to obey police officer	5.620
Refusal to testify, witness's	2.400
Registering bets	7.440
Rehabilitation with prior consistent statement	3.700
Relative's custodial interference	6.400
Reputation of defendant	3.800
Resisting arrest	7.460
Retaliating against witness, juror, court official or law enforcement officer	7.360
Revocation of license, operating after	5.640
Road racing	5.17
S	
Safety regulation, violation of as evidence of negligence	3.180
School zone drug violation	7.860
School, wilful or wanton destruction of	8.300
Seating of alternate juror	2.480
Self-defense	9.260
Sentencing consequences, jury should disregard	1.120
Separation of the jury	1.240
Several codefendants	1.300, 2.340
Sex offender, failing to register as a	7.240

Sexual conduct for a fee	7.480
Shoplifting	8.620
Silence, admission by	3.520
Single scheme	8.520
Sound recordings, unauthorized transfer of	8.640
Speeding	5.640
Stalking	6.680
Stealing in a building	8.540
Stipulations	2.220
Stolen motor vehicle, theft, purchase, receipt, possession or concealment of	8.200
Storage of a firearm, improper	7.630
Stolen property, receiving	8.600
Strangulation	6.395
Stricken evidence	3.620
Substitution of alternate juror	2.480
Suffocation	6.390
Supplemental instruction, before and after	2.440
Suspension of license, operating after	5.200
Synagogue or church, wilful or wanton destruction of	8.300
T	
Tape recodation of proceedings	1.200
Telephone calls, harassing or obscene	6.660
Telephone, use of for betting purposes	7.520
Testimony	
child's	3.540
expert	3.640
Theft, see Larceny	
Thief, concealing motor vehicle	8.200
Threat to commit a crime	6.700
Transfer of sound recordings, unauthorized	8.640
Transferred intent	3.230
Trespass	8.220
Trial, order of	1.120
Trial, prior	3.780
U	
Unanimity of jury	1.120, 2.160, 2.320, 2.460
Unauthorized transfer of sound recordings	8.640
Uninsured motor vehicle, operating an	5.220
Unlicensed operation of motor vehicle	5.600
Unnatural and lascivious act	7.500
Use of an interpreter	1.270
Use of vehicle without authority	5.660
Use of telephone for betting	7.520
Uttering	8.240
V	
Vandalism	8.250
Venture, joint, see Aiding and Abetting	
Verdict must be unanimous	1.120, 2.160, 2.320, 2.460
View, before a	1.280

W

Wanton destruction of house of worship, cemetery or school	8.300
Wanton destruction of property	8.260
Wantonly or recklessly permitting	
abuse, neglect, or mistreatment of an elder or disabled person	6.295
bodily injury to a child under 14	6.230
by another causing bodily injury	6.230
by another causing substantial bodily injury	6.230
bodily injury to an elder or disabled person	6.290
by another causing bodily injury	6.290
by another causing serious bodily injury	6.290
substantial bodily injury to a child under 14	6.230
Way	3.280
Weapon, assault and battery by means of a dangerous	6.300
causing serious injury	6.320
on a child under 14	6.340
on a person protected by an abuse prevention order	6.360
on a pregnant woman	6.380
When jurors cannot agree	2.460
Wilful and malicious destruction of property	8.280
Wilful interference with a fire fighting operation.....	7.210
Wilful or wanton destruction of house of worship, cemetery or school	8.300
Withdrawn	
case against codefendant	1.320
charges against defendant	1.320
Witness	
absent	3.500
announced witness does not testify	2.400
bias of	2.260
character	3.800
child	3.540
credibility of	2.260
expert	3.640, 5.300, 7.180
intimidating as evidence of consciousness of guilt	3.580
intimidating or influencing	7.360
invoking testimonial privilege	2.400
prior consistent or inconsistent statement	3.700
prior conviction of a crime	3.680
reputation	3.800
retaliating against a	7.360
Wrong plates to conceal identity, attaching	5.100