

## The Advocate

### Index

Subjects are arranged on a key-word theory. The title of the topic is followed by a number designation, e.g., 2:2. The first number indicates the volume, the second number indicates the particular issue of that volume. The designation "RC" indicates the topic appears in the case note section at the back of the issue indicated. This index covers 1:1 (March, 1969) through 2:5 (June, 1970).

-A-

#### Absence Without Leave

AWOL and Its Defenses 2:2  
RC - AWOL: Termination of Absence 2:2

#### Accomplice

Cross-examining An=Accomplice 2:2

#### Accused

RC - Commenting on Accused's Failure to Testify 1:6  
Preliminary Gratuitous Advice 1:5  
RC - Warning Required Before Request for ID Card 1:6  
RC - Reputation of Accused: Permissible Impeachment 1:10  
RC - Fair Trial: Questioning of Trial Judge 2:2  
RC - Arrest - Fingerprints 1:8

#### Appeal

Appeal and Review of the Special and Summary Court-Martial Conviction 1:4  
Appellate Procedure in the Army 1:5  
Appealing Denial of Deferment of Confinement 2:2  
Make a Record for Appeal 2:2

#### All-Writs Power

All-Writs Power in Court of Military Review 2:3

#### Argument

RC - Trial Counsel Argument 1:3  
RC - Argument of Trial Counsel 1:4  
Objecting to Final Arguments 1:6  
RC - Fair Trial: Prosecution Argument 1:10

Argument On Sentence Before Judge Alone 2:1  
RC - Fair Trial: Prosecution Argument 2:1  
RC - Fair Trial: Prosecution Argument 2:2

Arrest

RC - Fingerprints 1:8

Article 13

Pretrial Confinement In Violation of Article 13 2:1  
RC - Pretrial Punishment: Administrative Segregation 2:2

Article 32 Investigation

RC - Use of Article 32 Testimony at Trial 1:4

Assault

RC - Multiplicity: Assault and Threat 1:9  
RC - Assault with Dangerous Weapon - Unloaded Rifle 2:5

Attempts

RC - Attempted Desertion 2:5

-B-

Breach of Peace

RC - Breach of Peace: Failure to State An Offense 2:2

-C-

Capital Cases

~~Defense~~ Problems in Death Cases 2:5

Character Evidence

Character Evidence 2:2  
RC - Reputation of Accused: Permissible Impeachment 1:10

Co-Accused

RC - New Trial - Suppression of Evidence 1:9

Commanding Officer

The Military Magistrate: Commanding Officer or Military Judge? 1:6  
RC - Search and Seizure: Authorization of Commanding Officer 2:1  
RC - Search and Seizure - Authorization of Company Commander 1:9

Communicating a Threat

RC - Multiplicity: Communicating a Threat and Assault 1:3  
RC - Multiplicity - Assault and Threat 1:9

Confession

RC - Confessions - Right to Confrontation 1:9  
RC - Confessions - Right to Confrontation 1:9  
RC - Confessions - Repeated Interrogatories 2:5  
RC - Confessions - Voluntariness 2:5  
RC - Right to Counsel 1:2  
RC - Right to Counsel 1:2  
Confessions - Use of "Cards" by CID At Trial 1:5  
Opening Statement A Trial Tactic - Where Voluntariness Of A  
Confession is Contested 1:4  
Preliminary Gratuitous Advice 1:5  
RC - Confessions: Voluntariness 1:7  
RC - Confessions: Corroboration by Independent Evidence 2:1

Conscientious Objection

New Approaches to In-Service Conscientious Objection 1:4  
RC - Conscientious Objection 1:5  
RC - Conscientious Objection:AR 635-20 1:10

Court of Military Appeals

The Court of Military Appeals and Failure To Object at Trial 2:2

Court of Military Review

All-Writs Power in Court of Military Review 2:3  
RC - Court of Military Review 1:8

Cross-Examination

RC - Cross-Exam 1:1  
RC - Cross-Exam 1:2  
Cross-Examination: Marihuana Expert 1:3  
Confronting Lay Opinion on Marihuana Identification 1:3  
RC - Cross-examining Larceny Victim 2:2

-D-

Defense Counsel

Preparation for Post Trial Interview 1:10  
Some Thoughts on Plea Bargaining 2:1  
Pretrial Confinement in Violation of Article 13 2:1

Defense Problems in Death Case 2:5  
Evidentiary Objections 2:1  
RC - In Court Identification: Effect of Pretrial Confrontation 2:1  
Appealing Denial of Deferment of Confinement 2:2  
Resignation in Lieu of Trial: An Alternative 2:2  
The Request for Appellate Defense 2:2  
Putting Demeanor in the Record 1:1  
Post Trial Duties of Defense Counsel 1:1  
Warning Accused of His Rights Under 38(b) 1:2  
Advising Your Client About the Disciplinary Barracks 1:6  
The Court of Military Appeals and Failure to Object at Trial 2:2  
Deportation Following General Court-Martial Conviction 2:2  
Matters In Extenuation and Mitigation 2:2  
Not Guilty Plea Cases 2:2  
Make A Record For Appeal 2:2  
Special Findings 1:8  
Tailoring the Sentencing Worksheet 1:8  
Dealing With Pretrial Punishment 1:9  
Written Witness Statements Taken On Behalf of Defense Counsel 1:9

Deferment of Confinement

Appealing Denial of Deferment of Confinement 2:2  
Deferment of Sentence to Confinement Pending Appeal 1:9

Deportation

Deportation Following General Court-Martial Conviction 2:2

Dereliction of Duty

RC - Dereliction of Duty: Failure to State An Offense 2:2

Desertion

RC - Attempted Desertion 1:5

Discovery

Pretrial and Trial Discovery In The Military 1:7  
Identity of Informers - A Correction 1:8  
Discovery of the CID Reading File 1:9

Disobedience

RC - Disobedience of Orders - Legality of Order 1:9  
Disobedience 1:2  
RC - Willful Disobedience - Restriction to Company Area 1:10

Disrespect

RC - Disrespect - Loss of Entitlement To Respect 1:9

Drugs

The New Dangerous Drug Regulation 1:3

The Application of US v. Leary to the Military 1:4

-E-

Entrapment

RC - Entrapment: Integrity of the Law 2:5

Escape from Custody

RC - Escape from Custody: Sufficiency of Specification 1:10

Evidence

RC - New Trial - Suppression of Evidence 1:9

Extenuation

Extenuation, Mitigation, and Sentencing in Marihuana Cases 1:3

RC - Extenuation and Mitigation 1:6

Extenuation and Mitigation in Nonjudicial Punishment 2:1

Matters In Extenuation and Mitigation 2:2

Extraordinary Remedies

Extraordinary Remedies 1:6

RC - Extraordinary Remedies - Military Judge 1:8

-F-

Fair Trial

RC - Fair Trial: Prosecution Argument 1:10

RC - Commenting on Accused's Failure to Testify 1:6

RC - Fair Trial: Prosecution Argument 2:1

RC - Fair Trial: Prosecution Argument 2:2

RC - Fair Trial: Questioning of Trial Judge 2:2

Findings

Special Findings 1:8

Fingerprints

RC - Arrest: Fingerprints 1:8

-G-

General Regulation

RC - Lawful General Regulation 1:7  
The New Dangerous Drug Regulation 1:3  
RC - Regulation: Motor Vehicles 2:2  
RC - General Regulation - Punitive Effect 1:8  
RC - General Regulation - Punitive Effect 1:9

Glue

RC - Glue Sniffing - Specification 1:3

Guilty Plea

The Guilty Plea 1:2  
RC - Voluntariness 1:3  
The Military Guilty Plea Procedure - A Problem 1:7  
Some Thoughts on Plea Bargaining 2:1  
RC - Guilty Plea: Providency 2:1  
RC - Guilty Plea: Providency 2:2

-H-

Hung Jury

RC - Allen Charge Disapproved 1:6

-I-

ID Card

RC - Warning Required Before Request for ID Card 1:6

Identification

RC - Line-ups 1:1  
RC - Pretrial Photographic Identification 1:1  
Extrajudicial Identification Under Wade 1:5  
RC - In Court Identification: Effect of Pretrial Confrontation 2:1  
RC - Counsel-Line-ups 1:9  
RC - Photographic Identification - Recommended Trial Procedure 2:5  
RC - Photographic Identification - Right to Counsel 2:5

Impeachment

Confronting Lay Opinion on Marijuana Identification 1:3  
How To Impeach a Witness With a Prior Inconsistent Statement 1:6  
Impeaching Your Own Witness - How To Show Surprise 1:7

Improper Uniform

RC - Improper Uniform - Specification 1:9

Informers

Identity of Informers - A Correction 1:8

Insanity

RC - Insanity: Counsel at Psychiatric Examination 2:2

General Insanity Voir Dire Examination 1:8

RC - Insanity - Narcotics Addiction 1:9

Instructions

RC - Allen Charge Disapproved 1:6

Written Instructions On Sentence Voting Procedure 1:7

RC - Uncharged Misconduct 1:8

-J-

Joinder of Offenses

Prejudicial Joinder of Offenses: A Suggested Approach 1:10

Jurisdiction

Some Comments on O'Callahan v. Parker 1:4

O'Callahan in the Lower Military Courts 1:5

O'Callahan v. Parker: Round Three 1:6

RC - Jurisdiction Over Civilians 1:6

RC - Jurisdiction: Service Connection 1:7

RC - Jurisdiction: Military Property 1:10

Court Martial Jurisdiction Over Marihuana Offenses 1:8

Military Jurisdiction Over Marihuana Offenses: A Rejoinder 1:9

Jury

RC - Allen Charge Disapproved 1:6

-K-

-L-

Larceny

RC - Variance of Proof-Larceny 1:5  
RC - Cross-examining Larceny Victim 2:2

Line-Ups

RC - Line-ups 1:1  
Extrajudicial Identification Under Wade 1:5  
RC - Counsel - Line-ups 1:9

LSD

The Application of US v. Leary to the Military 1:4  
RC - LSD: Maximum Punishment 1:10

-M-

Magistrate

The Military Magistrate: Commanding Officer or Military Judge? 1:6

Marihuana

Court Martial Jurisdiction Over Marihuana Offenses 1:8  
RC - Marihuana: Traces 1:8  
Military Jurisdiction Over Marihuana Offenses: A Rejoinder 1:9  
Cross-examination of Marihuana Expert 1:3  
Confronting Lay Opinion on Marihuana Identification 1:3  
The Traces Problem 1:3  
Extenuation, Mitigation, and Punishment in Marihuana Cases 1:3  
Multiplicity in Marihuana Prosecution 1:4  
A Selected Biography on Marihuana Identification 1:4

Military Judge

The Military Magistrate: Commanding Officer or Military Judge? 1:6  
RC - Fair Trial: Questioning of Trial Judge 2:2

Miscellaneous Docket

The Miscellaneous Docket 2:5

Misconduct

RC - Uncharged Misconduct 1:8  
RC - Uncharged Misconduct: Sentencing 1:3  
Uncharged Misconduct: A Dissenting Voice 2:2

Morning Report

RC - Morning Reports: Dropped From Rolls 1:10

Motor Vehicles

RC - Regulation: Motor Vehicles 2:2

Multiplicity

RC - Multiplicity - Communicating a Threat and Assault 1:3

Multiplicity in Marihuana Prosecution 1:4

RC - Multiplicity - Assault and Threat 1:9

-N-

Narcotics

RC - Narcotics-Presumptions 1:2

RC - Insanity-Narcotics Addiction 1:9

Nonjudicial Punishment

Extenuation and Mitigation in Nonjudicial Punishment 2:1

RC - Sentencing-Records of Nonjudicial Punishment 2:5

-O-

Objections

Objecting to Final Argument 1:6

The Court of Military Appeals and Failure to Object At Trial 2:2

Opening Statement

Opening Statement a Trial Tactic Where Voluntariness of a Confession is Contested 1:4

-P-

Pathology

Forensic Pathology Services Available to Military Counsel 2:5

Post Trial Interview

RC - Post Trial Interview - Counsel 1:6

Preparation for Post Trial Interview 1:10

Pretrial Confinement

Pretrial Confinement in Violation of Article 13 2:1

RC - Confinement - Punitive Segregation 2:5

RC - Confinement - Release from Pretrial Confinement 2:5

Pretrial Investigation

RC - Photographic Identification: Right to Counsel 2:5  
RC - Photographic Identification-Recommended Trial Procedure 2:5  
RC - Line-ups 1:1  
RC - Pretrial Photographic Identification 1:2

Pretrial Punishment

RC - Pretrial Punishment: Administrative Segregation 2:2  
Dealing With Pretrial Punishment 1:9  
RC - Confinement - Punitive Segregation 2:5

Prior Conviction

RC - Prior Convictions: 1969 Manual 1:10

Prisoners

General Provisions For All Prisoners 1:6  
Prisoners Without a Punitive Discharge 1:6  
Prisoners With A Punitive Discharge 1:6

Procedure

Prejudicial Joinder of Offenses: A Suggested Approach 1:10  
Special Findings 1:8  
Random Notes-Criminal Procedure Handbook 1:9  
Appellate Procedure in the Army 1:5  
RC - Variance of Proof-Larceny 1:5  
The Military Guilty Plea Procedure-A Problem 1:7

-Q-

-R-

Record of Trial

Case: Authentication of Record 1:1  
Make a Record For Appeal 2:2

Rehearing

Robbins Rehearing: A Warning 1:4

Resignation in Lieu of Trial

Resignation in Lieu of Trial: An Alternative 2:2

Review

JA Review 1:1  
Case: Post Trial Review 1:1  
Appeal and Review of Special and Summary Court Martial Convictions 1:4

Right to Counsel

RC - Post Trial Interview-Counsel 1:6  
Preliminary Gratuitous Advice 1:5  
RC - Confessions: Right to Counsel 1:2  
RC - Line-ups 1:1  
Extrajudicial Identification Under Wade 1:5  
RC - Insanity: Counsel at Psychiatric Examination 2:2  
RC - Counsel-Line-ups 1:9  
RC - Photographic Identification Right to Counsel 2:5

Riot

RC - Riot: Sufficiency of Specification 2:1  
RC -Riot: Terrorization of General Public 2:2

-S-

Search and Seizure

RC - Search and Seizure: Consent 2:2  
RC - Search and Seizure: Scope of Search 2:2  
RC - Search and Seizure 1:2  
RC - Border Searches-Body Cavities 1:3  
RC - Search and Seizure: Specificity 1:7  
RC - Search and Seizure: Authorization of Commanding Officer 2:1

RC - Search and Seizure: Consent 2:1  
RC - Search and Seizure: Probable Cause 2:1  
RC - Search and Seizure-Authorization of Company Commander 1:9  
RC - Search and Seizure-Probable Cause 1:9  
RC - Search and Seizure-Scope of Search 1:9

Self-Incrimination

RC - Self-Incrimination 1:3

Sentencing

Written Instructions on Sentence Voting Procedure 1:7  
RC - Prior Convictions: 1969 Manual 1:10  
Argument on Sentence Before Judge Alone 1:10  
Tailoring the Sentence Worksheet 1:8  
RC - Uncharged Misconduct (Instructions) 1:8  
RC - Sentencing-Records of Nonjudicial Punishment 2:5  
Sentence and Punishment 1:1  
RC - Uncharged Misconduct: Sentence 1:3

Sentencing Worksheet

Tailoring the Sentence Worksheet 1:8

Special Courts

Appeal and Review of the Special and Summary Court Martial Conviction 1:4

Speedy Trial

RC - Speedy Trial-Prejudice in Absence of Restriction 1:8  
RC - Speedy Trial 1:1  
RC - Speedy Trial 1:1  
RC - Speedy Trial: Unavailability of Military Judge 2:2

Statements of Witnesses

Written Witness Statements Taken on Behalf of the Defense 1:9

Statute of Limitations

RC - "Time of War" Toll of Limitation Strictly Construed 1:6

Survey

Survey of Cases of Court of Appeals for District of Columbia 1:2

-T-

Testimony

RC - Use of Article 32 Testimony at Trial 1:4  
RC - Commenting on Accused's Failure to Testify 1:6

## Trial

RC - Prior Convictions: 1969 Manual 1:10  
RC - Fair Trial: Prosecution Argument 1:10  
Argument on Sentence Before Judge Alone 2:1  
Evidentiary Objections 2:1  
RC - Impeachment: Promise of Immunity 2:1  
RC - In Court Identification: Effect of Pretrial Confrontation 2:1  
Character Evidence 2:2  
RC Cross-Examination 1:1  
If Client Denies Making Pretrial Statement 1:2  
Tailoring Sentence Worksheet to Credit Pretrial Confinement 1:2  
RC - Cross-Examination 1:2  
Cross-Examination: Marihuana Expert 1:3  
Confronting Lay Opinion on Marihuana Identification 1:3  
Opening Statement A Trial Tactic Where Voluntariness Contested 1:4  
RC - Use of Article 32 Testimony at Trial 1:4  
How To Impeach a Witness With a Prior Inconsistent Statement 1:6  
Objecting to Final Argument 1:6  
RC - Commenting on Accused's Failure to Testify 1:6  
The Military Guilty Plea Procedure - A Problem 1:7  
Impeaching Your Own Witness-How to Show Surprise 1:7  
The Court of Military Appeals and Failure to Object at Trial 2:2  
Matters in Extenuation and Mitigation 2:2  
Not Guilty Plea Cases 2:2  
RC - Cross-examining Larceny Victim 2:2  
Special Findings 1:8  
General Insanity Voir Dire Examination 1:8  
RC - New Trial-Suppression of Evidence 1:9

-U-

-V-

## Variance of Proof

RC - Variance of Proof-Larceny 1:5

## Voir Dire

General Insanity Voir Dire Examination 1:8

-W-

Warning

Preliminary Gratuitous Advice 1:5

RC - Warning Required Before Request for ID Card 1:6

Witness

Cross-Examination of the Dangerous Drug Expert 2:5

How to Impeach a Witness With a Prior Inconsistent Statement 1:6

Confronting Lay Opinion on Marihuana Identification 1:3

Cross-examination of the Marihuana Expert 1:3

Impeaching Your Own Witness-How to Show Surprise 1:7

RC - Reputation of Accused: Permissible Impeachment 1:10

RC - Impeachment; Promise of Immunity 2:1

Character Evidence 2:2

Cross-examining An Accomplice 2:2

RC - Cross-examining Larceny Victim 2:2

Written Witness Statements Taken On Behalf of the Defense 1:9

-X-

-Y-

-Z-