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Or by Appointment

FALL 2004

JS 16

CRIMINAL EVIDENCE & PROCEDURES

COURSE DESCRIPTION

A through study of the rules of evidence with specific emphasis on the application of These rules in preparing reports and presenting evidence in the criminal justice system. This will include a history and development of evidentiary rules, both Federal and State, including substitutes and general admissibility tests. Study of testimonial, documentary, real (physical) evidence and exclusion of evidence based on Constitutional requirements.

COURSE OBJECTIVES

At the time of the final students should be able to:

1. Trace the historical development of the rules of evidence from English common law present
2. Analyze philosophical and constitutional aspects of evidence law in the context of the criminal justice system
3. Describe the legislative and judicial decisions which interpret and modify the rules of evidence
4. Identify direct, indirect, demonstrative, and physical evidence
5. Identify Constitutional and case law guidelines in Fourth Amendment/Search and Seizure law
6. Understand how witness testimony may be used as evidence, including confessions, and hearsay
7. Analyze how the Exclusionary Rule is applicable in police searches and seizures
8. Gain a realistic understanding of the use of evidence through Court observations

TEXTS

Thomas Gardner (2004), Criminal Evidence, Principles and Cases, Fifth Ed.
West Publishing, Minn.MN.

Barry Scheck (2000), Actual Innocence, Doubleday Random House, New York.
(paperback)

CLASS REQUIREMENTS

Three exams will be required; two midterms and a final exam. The exams will be multiple choice based on the Gardner text and short essay based on Actual Innocence text. Additionally, students are required to pick three topics of their interest, and summarize three articles on this topic. The infotrac subscription that comes with the Gardner text may be used to download the articles from the internet. The summary must include the articles, and be at least 2 pages, double spaced, 10-12 font. A topic summary is due with each exam. The instructor will be highlighting suitable topics throughout the course, and students must have their choices approved. Each exam must be taken to pass the course, and missed exams must be made up during finals week. Additionally the instructor is now working on a class exercise somewhat like a mock trial which would engage the students in group projects around the evaluation and application of law to facts and evidence. We also will be viewing the movie Hurricane as an example of illegally obtained evidence used to convict an innocent man.

EVALUATION

Midterm #1	25%
Midterm #2	25%
Midterm #3	25%
Topic summaries	25%

Students may also do oral presentations on their topics and court observations for extra credit.

Exams will receive a letter grade and a point distribution will illustrate class standing. Each exam is noncumulative.

COURSE SCHEDULE

I. INTRODUCTION TO CRIMINAL EVIDENCE

Week 1	History/Development of the law of Criminal Evidence Text: Cp. 1 Mechanics of class Cp.1-4 Actual Innocence will be on first midterm
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- Week 2 American Criminal Justice System; Aspects of foreign Criminal Justice systems; federalism, adversary system, accusatorial systems
Text: Cp. 2
- Week 3 Using evidence to determine guilt/innocence
Text: Cp. 3;Pleas, Insanity defense; plea bargaining
- Week 4 Direct/Circumstantial evidence & inferences
Text : Cp. 4
Discussion of Actual Innocence; bring text
- Week 5 **First Midterm Exam OCT.1 ; scantron/bluebook**
Video; first topic summaries due

II.WITNESSES AND THEIR TESTIMONY

- Week 6 Witnesses/Testimony
Text : Cp. 5
Cp. 5-8 Actual Innocence will be on second midterm
- Week 7 Judicial notice & Privileges of witnesses
Text: Cp. 6
- Week 8 Hearsay & Exceptions to Hearsay rule
Text Cp. 7-8
Discussion of Actual Innocence; bring text
- Week 9 **Second Midterm Exam**
bring scantron & bluebook; second topic summaries due

III WHEN EVIDENCE CANNOT BE USED; POLICE MISCONDUCT/MISTAKES

- Week 10 Exclusionary rule
Cp 9
Cp. 9-13 Actual Innocence will be on Final
- Week 11 Where the Exclusionary Rule does not apply
Cp. 10
- Week 12 **Second Midterm Nov. 12**
Admissible evidence under Special Needs/obtaining Statements
Cp. 11/12

Week 13 Identification Evidence, eyewitnesses, show-ups etc.
Cp 13

Week 14 Obtaining physical evidence/search warrants/dogs/wiretapping
Cp. 14/15

IV. INTRODUCTION TO CRIME SCENE, DOCUMENTARY, SCIENTIFIC EVIDENCE

Week 15 Crime scenes; video's, photo's, scientific evidence
Cp. 16-18
Discussion of Actual Innocence, bring text
Review for final
Makeup missed exams

Last Day of Instruction December 9

**Final exam: take home; due December 16th in my box in the Justice Studies
Department, or in my office.**