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Office Hours: M,F 1:30-2:30 and by appt.
Class Hours: MWF 12:30 - 1:20, MH 520

AJ 16
CRIMINAL EVIDENCE

COURSE DESCRIPTION

A thorough study of the evidence rules with specific emphasis on the application of these rules in preparing and presenting evidence. This includes a discussion of the history and development of evidentiary rules; proof by evidence and substitutes; general admissibility tests; a study of testimonial, documentary, and real evidence; and exclusion of evidence on constitutional grounds.

COURSE OBJECTIVES

1. To trace the historical development of the rules of evidence and understand the philosophical and constitutional aspects of evidence law.
2. Examine the legislation and judicial decisions which interpret and modify the rules of evidence.
3. Study the various forms of evidence and the substitutes for evidence.
4. Understand the rules governing admissibility of evidence.
5. Study the general rules relating to out-of-court tests and examinations
6. Trace the development of rules relating to the exclusion of evidence on constitutional grounds.

COURSE TEXTS

Klotter, John C. Criminal Evidence, Fourth edition. Cincinnati: Anderson Publishing Co., 1987.

Lewis, Alfred L. and MacDonell, Herbert L. The Evidence Never Lies, New York: Dell Publishing Co., 1984.

EVALUATION PROCEDURE

The final grade for this class will be based upon an accumulated point system. There will be three exams worth a total of 300 points (100 points each). The exam format will be primarily objective and include some short essay. [note: the third exam will be during class on May 17th]. In addition, students will be required to brief all assigned cases, ten of these will be collected for evaluation. The case briefs will be worth a total of 50 points (5 x 10 = 50).

Letter grades will be assigned according to the following point distribution.

A = 350-321 B = 320-291 C = 290-221
D = 220-191 below 190 - A Big Fat "F"

EXTRA CREDIT

A set of review questions will be distributed for each chapter in the text. These questions cover the material included in each exam. It is recommended that the student be prepared to discuss these questions in class. There will be periodic review sessions and active class participation will serve to enhance the grade.

MISCELLANEOUS

1. If you must be absent, please make sure you get the notes from another student.
2. A make-up exam will be given only if the instructor receives prior notice of a verifiable emergency. In such a case, the student must make the appointment to take the exam at the University testing office. (located in the Admin. Bldg.).
3. Cheating or plagiarism will result in the student death penalty; an automatic F.
4. University policy allows a student to drop the course until 2/10/89. Thereafter, the student must demonstrate serious and compelling reasons. In addition, an Incomplete will be assigned to a passing student if 75% of the course work is completed and there is a serious and compelling reason.
5. What is most important to me is that you make the effort to learn this material. I am always available to answer questions and assist with any problems you may be having. Please just remember to ask!

COURSE SYLLABUS

- A. History and General Approach To Study of Evidence
Chapter 1 - History & Development of Rules of Evidence
Chapter 2 - Approach to Study of Evidence [Terms defined and rationale for rules of evidence and exclusion]
- B. Proof By Evidence and Substitutes
Proof [How evidence reaches trier of fact. How they receive material upon which they base their decision]
Chapter 3 - Burden of Proof
[Burdens of proof and how to meet each test]
Chapter 4 - Proof via evidence
[Challenges and admission of evidence]

Substitutes: Chapter 5 - Judicial Notice
Chapter 6 - Presumptions, Inferences, Stipulations

Exam #1

- C. General Admissibility Tests
 - [Hurdles created to screen evidence]
 - Chapter 7 - Relevancy and Materiality
 - [Definitions and Specific Challenges]
 - Chapter 8 - Competency of Evidence and Witnesses

- D. Procedure and Limitations on Introduction of Evidence Via Witnesses Testimony
 - Chapter 9 - Examination of a witness
 - (Role of a Witness)
 - Chapter 10- Testimonial Privileges
 - (Protected relationships, communications)
 - Chapter 11- Opinion & Expert Testimony
 - Chapter 12- Hearsay Rule and Exceptions

Exam #2

- E. Evidence via Documents and Real Evidence
 - Chapter 13 - Documentary Evidence
 - Chapter 14 - Real Evidence
 - Chapter 15 - Results of Examinations and Tests
 - [Rules and requirements concerning in toxication tests, blood grouping tests, polygraph examinations, fingerprint comparisons, ballistics, and others]

- F. Exclusion on Constitutional Grounds
 - Chapter 16 - Evidence Unconstitutionally obtained

Exam #3

TABLE OF CASES

- Chapter 1 - Funk v. Unites States
- Chapter 2 - State v. Perkins
- Chapter 3 - In Re Winship
 - United States v. Garrett
 - Commonwealth v. Pedro Munoz
- Chapter 4 - Maddox v. Montgomery
 - United States v. Nelson
- Chapter 5 - State v. Lawrence
 - State v. Scott
- Chapter 6 - Commonwealth of Kentucky v. Whorton
 - Connecticut v. Johnson
 - State v. Ross
- Chapter 7 - State v. Hemphill
 - United States v. Sangrey
- Chapter 8 - United States v. Lightly
 - Gillars v. United States
- Chapter 9 - United States v. Gibson
 - United States v. Durham
 - State v. Meek
- Chapter 10- Trammel v. United States
 - Morris v. State
 - Mullen v. United States
- Chapter 11- State v. Collins
 - Higgs v. Hodges
- Chapter 12- Donnelly v. United States
 - Rodriguez v. State
 - United States v. Alvarez
- Chapter 13- Mullins v. State
 - United States v. Gerhart
- Chapter 14- Schmerber v. California
 - Campbell v. North Carolina
 - Commonwealth v. Rogers
- Chapter 15- Shanks v. State
 - Roberts v. State
 - United States v. Williams
- Chapter 16- United States v. Leon
 - Miranda v. Arizona