Instructor: Prof. Dorian Dreyfuss, M.A., J.D.
Office: 512 MacQuarrie Hall
Phone: (408) 924-2947
Office Hours: Mon-Wed 1200-1300; Fri. after class
Or by Appointment

Spring 2001

AJ 16
CRIMINAL EVIDENCE & PROCEDURES

COURSE DESCRIPTION

A thorough 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 (2001), Criminal Evidence, Principles and Cases,
West Publishing, Minn.MN.

CLASS REQUIREMENTS

Three exams will be required; two midterms and a final exam. The exams will be multiple choice/short answer. Students are also encouraged to observe criminal court proceedings, and complete a short assignment on their observations. The instructor will assign cases for each week on the greensheet. Missed exams must be made up during the finals week without exception! All three exams must be taken to pass the class.

EVALUATION

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<tr>
<td>Midterm #1</td>
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Exams will receive a letter grade and a point distribution will be distributed to illustrate class standing. Each exam is noncumulative.

COURSE SCHEDULE

INTRODUCTION TO CRIMINAL EVIDENCE

Week 1
Introduction to Criminal Evidence/Constitution
Text: Cp. 1
Mechanics of class
Cp.1-4 Actual Innocence will be on first midterm

Week 2
American Criminal Justice System; Aspects of foreign Criminal Justice systems
Text: Cp. 2

Week 3
Using evidence to determine guilt/innocence
Text: Cp. 3

Week 4
Direct/Circumstancial evidence & inferences
Text: Cp. 4
Discussion of Actual Innocence; bring text

Week 5
First Midterm Exam February 2; scantron/bluebook
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
Friday March 23, scantron & bluebook

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  When Improperly Obtained Evidence Can Be Used
Cp. 10

Week 12  Statements/Confessions
Cp. 11

Week 13  Obtaining Physical evidence
Cp 12

Week 14  Use of Search Warrants, Wiretapping, Drug Detecting Dogs
Cp. 13

CRIME SCENE, DOCUMENTARY, SCIENTIFIC EVIDENCE

Week 15  Crime scenes; video's, photo's, scientific evidence
Cp. 15-17
*Discussion of Actual Innocence, bring text*

LAST DAY OF INSTRUCTION: MAY 15; FINAL EXAM MAY 24, 0900-1115