Instructor: Prof. Dorian Dreyfuss, M.A., J.D.  
Office: 512 MacQuarrie Hall  
Phone: (408) 924-2947; email Dreyfussda@aol.com  
Office Hours: Mon.3:00-5:00PM; Wed.11-12AM  
Or by Appointment  

SPRING 2002  

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 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 four 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.

EVALUATION

<table>
<thead>
<tr>
<th>Midterm #1</th>
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<tr>
<td>Midterm #2</td>
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<tr>
<td>Midterm #3</td>
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<tr>
<td>Topic summaries</td>
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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

INTRODUCTION TO CRIMINAL EVIDENCE

Week 1
Jan 25
Introduction to Criminal Evidence/Constitution
Text: Cp. 1
Mechanics of class
Cp.1-4 Actual Innocence will be on first midterm

Week 2
Feb. 1
American Criminal Justice System; Aspects of foreign Criminal Justice systems
Text: Cp. 2
Week 3
Feb. 6  Using evidence to determine guilt/innocence
Text: Cp. 3; Insanity defense; plea bargaining

Week 4
Feb. 15 Direct/Circumstantial evidence & inferences
Text: Cp. 4
Discussion of Actual Innocence; bring text

Week 5
Feb. 22 First Midterm Exam February 2; scantron/bluebook
Video; first topic summaries due

WITNESSES AND THEIR TESTIMONY

Week 6
March 1 Witnesses/Testimony
Text: Cp. 5
Cp. 5-8 Actual Innocence will be on second midterm
Introduction to crime profiling

Week 7
March 8 Judicial notice & Privileges of witnesses
Text: Cp. 6

Week 8
March 15 Hearsay & Exceptions to Hearsay rule
Text Cp. 7-8
Discussion of Actual Innocence; bring text

Week 9
March 22 Second Midterm Exam
bring scantron & bluebook; second topic summaries due

WHEN EVIDENCE CANNOT BE USED; POLICE

MISCONDUCT/MISTAKES

Spring Break
March 25-29

Week 10
April 5 Exclusionary rule
Cp 9
Cp. 9-13 Actual Innocence will be on Final

Week 11
April 12 When Improperly Obtained Evidence Can Be Used
Cp. 10

Week 12
April 19 Statements/Confessions
Cp. 11

Week 13
April 26 Obtaining Physical evidence
Cp 12; new advances in forensics
Week 14
May 3
Use of Search Warrants, Wiretapping, Drug Detecting Dogs
Cp. 13

CRIME SCENE, DOCUMENTARY, SCIENTIFIC EVIDENCE

Week 15
May 10
Crime scenes; video's, photo's, scientific evidence
Cp. 15-17
Discussion of Actual Innocence, bring text
FINAL EXAM WILL BE DISTRIBUTED
FINAL EXAM IS DUE MAY 17

LAST DAY OF INSTRUCTION MAY 15