Instructor: Prof. Dorian Dreyfuss, M.A., J.D.  
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Office Hours: Friday 12:00-3:00  
Or by Appointment  

SPRING 2003

AJ 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 (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 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.

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

INTRODUCTION TO CRIMINAL EVIDENCE

Week 1

Jan 24

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
Jan 31  Justice systems  
   **Text: Cp. 2**

Week 3  Using evidence to determine guilt/innocence  
Feb. 7  **Text: Cp. 3; Insanity defense; plea bargaining**

Week 4  Direct/Circumstantial evidence & inferences  
Feb. 14  **Text: Cp. 4**  
   Discussion of Actual Innocence; bring text

Week 5  First Midterm Exam February 28; scantron/bluebook  
Feb. 21  Video; first topic summaries due

**WITNESSES AND THEIR TESTIMONY**

Week 6  Witnesses/Testimony  
Feb. 28  **Text: Cp. 5**  
   Cp. 5-8 Actual Innocence will be on second midterm  
   Introduction to crime profiling

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

Week 8  Hearsay & Exceptions to Hearsay rule  
March 14  **Text Cp. 7-8**  
   Discussion of Actual Innocence; bring text

Week 9  Second Midterm Exam  
March 21  bring scantron & bluebook; second topic summaries due

**WHEN EVIDENCE CANNOT BE USED; POLICE**

**MISCONDUCT/MISTAKES**

**Spring Break**  March 24-28

Week 10  Exclusionary rule  
April 4  Cp 9  
   Cp. 9-13 Actual Innocence will be on Final

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

Week 12  Statements/Confessions  
April 18  Cp. 11
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<tr>
<th>Week 13</th>
<th>April 25</th>
<th>Obtaining Physical evidence</th>
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<td>Cp 12; new advances in forensics</td>
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<th>Week 14</th>
<th>May 2</th>
<th>Use of Search Warrants, Wiretapping, Drug Detecting Dogs</th>
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<td>Cp. 13</td>
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**CRIME SCENE, DOCUMENTARY, SCIENTIFIC EVIDENCE**

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<th>Week 15</th>
<th>May 9</th>
<th>Crime scenes; video's, photo's, scientific evidence</th>
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<td>Cp. 15-17</td>
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Discussion of Actual Innocence, bring text

**FINAL EXAM WILL BE DISTRIBUTED**

**FINAL EXAM IS DUE MAY 16**

LAST DAY OF INSTRUCTION MAY 16