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Or by Appointment

FALL 2004

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

(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

1. 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
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/Circumstancial 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.