Instructor: Prof. Dorian Dreyfuss, M.A., J.D.
Office: 512 MacQuarrie Hall
Phone: (408) 924-2947
Office Hours: Mon-Tue.-Wed.-Thu. 11:00-12:00Am
Or by Appointment

Spring 2000

AJ 16
CRIMINAL EVIDENCE

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

TEXT

Thomas Gardner (1995), Criminal Evidence, Principles, Cases and Readings.
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 preceedings, and complete a short assignment on their observations. Students will also be responsible for oral presentations of cases briefed in the textbook. 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

Midterm #1	25%
Midterm #2	25%
Midterm #3	25%
Oral presentations	
Court observation	25%

Exams will receive a letter grade and a point distribution will be distributed to illlustrate class standing. Each exam is noncumulative.

COURSE SCHEDULE

Week 1	Introduction to Criminal Evidence/Constitution Text: Cp. 1 Mechanics of class
Week 2	American Criminal Justice System Text: Cp. 2
Week 3	Using evidence to determine guilt/innocence/direct/circumstantial Evidence Text: Cp. 3-4
Week 4	Probable cause/reasonable suspicion Text : Cp. 5
Week 5	**First Midterm Exam Wednesday March 1; bring scantron**
Week 6	Witnesses/Testimony Text : Cp. 6

Week 7	Confessions Text: Cp. 7
Week 8	Judicial Notice/ Privileges Text: Cp. 8
Week 9	Hearsay Rule/exceptions Text: Cp.9
Week 10	Exclusionary Rule Text: Cp. 10
Week 11	**Second Midterm Exam Monday April 10**
Week 12	Exclusionary Rule/4th Amendment Text: Cp. 11-12
Week 13	Stops/Arrests Text: Cp. 13
Week 14	Police entry into Private Property/Identification evidence Text: Cp. 14-16
Week 15	Physical evidence/fingerprints/videotapes Text Cp. 19-21
	Last Day of Instruction May 15
	Final Exam: Tuesday May 23 12:15-14:30