

Instructor: Prof . Dorian Dreyfuss, M.A., J.D.
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Office Hours: Mon-Wed 1200-1300; Fri.after class
Or by Appointment

Spring 2001

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.

Barry Scheck (2000), Actual Innocence, Doubleday Random House, New York.

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

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 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/Circumstantial 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