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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.

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

## 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<br>Jan 24 | Introduction to Criminal Evidence/Constitution<br><b>Text: Cp. 1</b><br>Mechanics of class<br><b>Cp.1-4 Actual Innocence will be on first midterm</b> |
| 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

Week 13            Obtaining Physical evidence  
April 25           Cp 12; new advances in forensics

Week 14            Use of Search Warrants, Wiretapping, Drug Detecting Dogs  
May 2               Cp. 13

**CRIME SCENE, DOCUMENTARY, SCIENTIFIC  
EVIDENCE**

Week 15            Crime scenes; video's, photo's, scientific evidence  
May 9               Cp. 15-17

**Discussion of Actual Innocence, bring text  
FINAL EXAM WILL BE DISTRIBUTED  
FINAL EXAM IS DUE MAY 16**

**LAST DAY OF INSTRUCTION MAY 16**