

Criminal Evidence and Procedures
Justice Studies 16, San Jose State University
Fall Semester 2007

Class Location: McQuarrie Hall 520
Class Schedule: Thursdays, 5:30–8:15, August 13–December 13, 2007
Final Examination: Thursday, December 13, 2007, 5:30–7:30
Instructor Information: Jose S. Franco
pdjfranco@yahoo.com or jfranco@pdo.sccgov.org
(408) 859-1443
Office Hours: By appointment
Thursdays 5:00-5:30 and 8:15-8:45
Required Textbook: Criminal Evidence: Principles and Cases (6th ed. 2006)
Thomas J. Gardner and Terry M. Anderson
(Available at Spartan Bookstore and on library reserve)

Course Description

The focus of this course will be on the constitutional and policy-based limitations on what evidence may be used by the government in attempting to meet its burden of proving the criminal liability of an accused.

Following an overview of the history, principles, and policies in the development of the law of criminal evidence, we will proceed to an exploration of the criminal adjudicative process and progression from arrest through appeal in the adversarial and American accusatorial system.

We will then examine the network of rules designed to produce verdicts in criminal prosecutions that comport with a procedural model of justice. We will assess the constitutional rules and remedies designed to regulate the executive's investigation and collection of evidence intended for trial as well as the accused's rights as to the manner and conduct of a criminal trial and a thorough review of the principles governing the admission of evidence that meet standard of reliability and materiality.

Course Requirements and Grading

Students will be graded in accordance with their ability to critically analyze and apply the principles addressed in the course. Evaluation of that ability and final grade will be based on the following weighted evaluation of the student's work:

10% Class Attendance and Participation
20% Short Writing Assignments (Three)
30% Mid-term Examination
40% Final Examination

Students will be allowed to use their textbooks and notes during the mid-term and final examinations in this course. One of the short writing assignments will be based on required observation of a criminal trial or criminal evidentiary motion.

Schedule of Sessions

Week 1 (08/23)	Introductions, Survey of the Course and Overview of the Constitutional Framework in the Criminal Legal Process Chapter 1 and Chapter 2
Week 2 (08/30)	Stages of the Criminal Prosecution Chapter 3
Week 3 (09/06)	Film (TBA)
Week 4 (09/13)	Direct and Circumstantial Evidence Chapter 4
Week 5 (09/20)	Witnesses Chapter 5
Week 6 (09/27)	Judicial Notice and the Privileges of Witnesses Chapter 6
Week 7 (10/04)	The Hearsay Rule Chapter 7, Chapter 8
Week 8 (10/11)	Mid-Term Examination Introduction to the Exclusionary Rule and the Fourth Amendment
Week 9 (10/18)	Exclusionary Rule and the Fourth Amendment continued) Chapter 9, Chapter 10
Week 10 (10/25)	Obtaining Evidence Chapter 14, Chapter 15
Week 11 (11/1)	Obtaining Statements, Admission, Confessions for use as Evidence Chapter 12, Chapter 11
Week 12 (11/8)	The Law governing Identification Evidence and Scientific Evidence Chapter 13, Chapter 18
Week 13 (11/15)	The Crime Scene, Chain of Custody, Authentication of Evidence Chapter 16, Chapter 17

Week 14 (11/22)	Thanksgiving Holiday
Week 15 (11/29)	The Crime Scene, Chain of Custody, Authentication of Evidence Chapter 16, Chapter 17
Week 16 (12/06)	Review for Final Examination
Week 17 (12/13)	Final Exam (Note Different Time) 5:30-7:30