

Laws Of Evidence

Mon. / Weds. / Fri. - 1:00 p.m. -1:50 p.m.

Snow Science Center – Rm. 147

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Success is less a matter of personal charisma, high I/Q., and so called “natural talent”;... than it is a matter of loyalty, commitment, personal discipline, hard work, and personal motivation. In other words; give me a hard working “average Joe” who is dedicated, focused, and highly disciplined over a lazy genius any day.

“Will it matter that I was”

.....
BASIC COURSE DESCRIPTION:

For the student who may have an interest in American law enforcement, adult or juvenile probation, corrections, private or industrial security, law, criminology, education, or just interested in human interaction and relationships. The academic discipline of criminal justice is a combined product of psychology, sociology, anthropology, history, criminology, law, political science, human behavior, etc.. While this particular course specifically deals with the principles and rules of law and order, emphasizing evidentiary problems and issues related to criminal cases, it also emphasizes the need and purpose for law in our lives.

This course will incorporate the use of lectures, videos, guest speakers, assigned texts, and practical demonstration to make those basic criminal justice points and should therefore provide a foundation for work in the criminal justice field as well as for students intending to attend any law enforcement or corrections academy. It provides also a solid foundation and understanding of the founding of America and the legal system that supports this great governmental experiment.

TEXT: “Criminal Evidence – Eighth Edition”, Judy Hails; CRC Press, Cengage Learning - 2014

COURSE GOALS AND OBJECTIVES: The student will learn of the origin and purpose of evidence law; its importance and application; and the exceptions and exclusions that allow *fairness* in practice. The student will learn to think critically about the trial process, evidentiary issues, and constitutional limitations and privileges. Understanding these issues will provide the skills and knowledge necessary for the next phase of the student’s criminal justice education and training.

At the conclusion of this course the student should be able to basically discuss the following topics:

- The dynamic relationship between general human behavior, society, government, and the concept of “law and order”;
- American law: The U.S. Constitution, (specifically the Bill of Rights) / The trial process / Substantive law vs. procedural law / Civil law vs. criminal law;
- The concept of identifying, collecting, preserving and presenting evidence;
- The importance of testimony as evidence / “Lay” vs. “Expert” witnesses / The “Hearsay” rule;
- Factors of “Competency” / Jury selection / Impeachment;
- Search and Seizure Rules / Direct evidence vs. circumstantial evidence / “Admissibility”.

EXPECTATIONS:

- * **Attendance** and participation is a necessary component of this course, (i.e., to understand the legal “*privileges against testifying*”, talked about in chapter 10, it will have been necessary to understand the *admissibility of testimonial evidence* discussed in chapter 4, weeks earlier);
- * **Reading assignments** should be completed ahead of the corresponding lecture. The lecture is meant to **clarify** and **expound** upon the basics of the text. (Also, guest speakers and other outside resources may be used during the semester and class lecture time may then be limited). Therefore, the student may be held responsible for all assigned reading for testing purposes, regardless of whether such material was discussed in the classroom.
- * **Outside assignments** may be given as extra credit, on an “as need basis” only.
- * **Quizzes** on the reading material may be given periodically and said grade will be included in the participation portion of your overall grade.
- * **Note-taking** is highly recommended due to the fact that a great deal of “case law” and material from several additional texts will be used by the instructor to make points discussed in the main text.
- * **Respect.** General classroom etiquette and civility is mandatory and will be controlled by the instructor.
- * **Absences;** while each person’s life is unique and complicated, and I am fairly easy to work with in that regard, there must be **limitations** and I will expect you to regulate your own circumstances as much as is possible and to give me prior notice on a priority basis.

Contract: In return, you may expect of me that I will never waste your time. I will commit to you that I will continue to study, research, and plan meaningful information for you on a daily basis. I will do all in my power to make this class as interesting as possible and I will work with you to the extent that I am able in achieving the grade and information you need. I will especially be attentive to your needs in cases of family emergency within the limitations set by college policy and if you should come down with a particularly contagious cold or flu I will reward you for sparing the rest of the class the same misery by working with you through email.

CLASS RULES:

(#1): **Respect** for those responsible by law for the conduct and substance of this course, (*the instructor*). Though class participation is appreciated and encouraged, the instructor is ultimately responsible for covering a certain amount of academic material and will control all class activity. Unnecessary disruption of class is legal grounds for dismissal. **Respect** for the course time line and curriculum; meaning that if you still have questions about a particular topic that may have only been briefly addressed in the classroom you may take it up with the instructor in out-of-class time. **Respect** for other members of this particular class; meaning there will be no tolerance for open disrespect of one's opinions, beliefs, nationality, race, religion, gender, politics, etc. This will be closely monitored and controlled by the instructor as well.

(#2): Disruptive behavior in class may also lead to an administrative withdrawal. Disruptive behavior is defined as any behavior that interferes with the teacher's ability to teach. (Cellular telephone calls and text messaging during class is strictly PROHIBITED. **CELL PHONES MUST BE TURNED OFF IN CLASS** per DSC policy)

GRADES: Tests; 20% each / Attendance-Participation = 20% Final grades determined on percentage basis:

A = 93%, / A- = 90% / B+=87% / B=83% / B-=80% / C+=77% / C= 73% / C-=70 / D=68 / F=67% and below.

ATTENDANCE: Prompt attendance is critical in the legal field. Attorneys, law enforcement, and witnesses have been sanctioned, fined or even jailed when they failed to appear or show up promptly at a designated time. It is a sign of maturity and discipline. Attendance will be excused for special or exceptional circumstances only. Un-excused absences and excessive tardiness will affect your "participation" grade. Make-up exams will be considered only under the same limitations and requirements as the attendance policy.

DISCLAIMER: 1- Information contained in this syllabus, other than the grading, late assignments, makeup work, and attendance policies, may be subject to change as deemed appropriate by the instructor. ***The reading and lecture schedule will remain flexible in order to facilitate guest speakers, demonstrations, outside resource opportunity, and a learning pace at which the majority of the class is comfortable.*** 2- A discussion of the American laws of evidence is a close look at the human endeavor, (to include the "underbelly" of Mankind). Thus, such discussions could contain certain topics, language, and case scenarios that may be offensive to some, (i.e., a recent victim of a sexual assault). I have no intention of offending any such student and would rely upon you to advise me ahead of time if there are certain of these discussions, language, or scenarios that could be avoided ahead of time.

***Miscellaneous:** For all other important and valuable information pertaining to policy, procedure, rules, regulations, expectations, any and all administrative questions, and/or general academic success, the student is strongly encouraged to refer to the DSU Web-Site for details.

Other Useful Information

Important dates to remember:

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| Mon, Aug 25 | Classes begin |
| Thurs, Aug 28 | Last day for waitlist |
| Fri, Aug 29 | Last day to add classes online |
| Mon, Sep 1 | Labor Day (no classes) |
| Wed, Sep 4 | Drop/Audit fee begins (\$10 per class) |
| Wed, Sep 4 | Residency Application deadline |
| Tue, Sep 9 | \$50 Late registration/payment fee |
| Mon, Sep 15 | Last day for refund |
| Mon, Sep 15 | Pell Grant Census |
| Mon, Sep 15 | Last day to drop without a “W” grade |
| Wed, Sep 17 | Classes dropped for nonpayment |
| Fri, Sep 19 | Last day to add/audit classes |
| Wed, Oct 1 | Fall 2014 Associates Degree Graduation Application deadline |
| <i>Fri, Sep 28</i> | <i>Block classes begin*</i> |
| Wed, Oct 15 | Midterm grades due |
| Thurs & Fri, Oct 16-17 | Semester break |
| Mon, Oct 20 | Last day to drop individual classes |
| Mon, Oct 27 | Spring and Summer 2015 class schedules available online |
| Mon, Nov 3 | Spring 2015 Bachelor’s Degree Graduation Application deadline |
| Tue, Nov 11 | Career Day (no classes before 4 pm) |
| Fri, Nov 14 | Last day for complete withdrawal |
| Oct 17-20 | Spring Registration Opens |
| Wed-Fri, Nov 26-28 | Thanksgiving break (no classes) |
| Fri, Dec 12 | Last day of classes |
| Mon-Fri, Dec 15-19 | Final exams |

*See the Academic Calendar on the DSU website for more information on block deadlines

Dmail: Important class and university information will be sent to your Dmail account. This information includes your DSU bill, financial aid/scholarship notices, notification of dropped classes, reminders of important dates and events, and other information critical to your success in

this class and at DSU. All DSU students are automatically assigned a Dmail account. If you don't know your user name and password, go to www.dixie.edu and select "Dmail," for complete instructions. You will be held responsible for information sent to your Dmail email, so please check it often.

University approved absences: Dixie State University Policy explains in detail what needs to happen if you anticipate being absent from class because of a university-sponsored activity (athletic events, club activities, field trips for other classes, etc). Please read this information and follow the instructions carefully! The policy can be found at:
<http://www.dixie.edu/humanres/policy/sec5/523.html>

Disability Accommodations: Students with medical, psychological, learning or other disabilities desiring reasonable academic adjustment, accommodations, or auxiliary aids to be successful in this class should contact the **Disability Resource Center** Coordinator (Baako Wahabu) for eligibility determination. Proper documentation of impairment is required in order to receive services or accommodations. DRC is located in the North Plaza Building. Visit or call 652-7516 to schedule appointment to discuss the process. DRC Coordinator determines eligibility for and authorizes the provision of services.

Classroom expectations: It is the responsibility of an instructor to manage the classroom environment to ensure a good learning climate for all students. This means not talking when the professor is talking, following instructions, and speaking and acting respectfully to the professor and fellow students. For more details, please see the disruptive behavior policy at:
<http://www.dixie.edu/humanres/policy/sec3/334.html>

Academic integrity: In order to ensure that the highest standards of academic conduct are promoted and supported at the University, students must adhere to generally accepted standards of academic honesty, including but not limited to, refraining from cheating, plagiarizing, falsification, misrepresentation, and/or inappropriately colluding or collaborating. The University shall consistently hold students accountable for instances of academic dishonesty and apply appropriate consequences. For more information, see the Student Academic Misconduct section of DSU policy at <http://dixie.edu/humanres/polstu.html>

Campus resources: Several campus resources are available to help you succeed. Check out the links for each one to get more information.

If you need help understanding the content of your courses, go to the **Tutoring Center** located on the 4th floor of the Holland Centennial Commons in Room 431. You can visit them online at <http://www.dixie.edu/tutoring/>

If you need help writing papers, essays, etc go to the **Writing Center** on the fourth floor of the Holland Centennial Commons in room 421. You can also visit them online at <http://dixiewritingcenter.com/>

If you need to use a **computer** to do schoolwork on campus, go to the Smith Computer Center or the Holland Centennial Commons on the second, mezzanine, or third floors.

If you are assigned to take a test in the **Testing Center**, go to the North Plaza. You can get information on their website at <http://www.dixie.edu/testing/>

The **Library** has all kinds of information and resources. Visit the Dixie State University Library o