

Laws of Evidence – CJ-2350 Fall Semester 2011

MWF 1:00 pm – 1:50 pm UPLAZD, 101D

Instructor: Donald C. Reid

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**BASIC COURSE DESCRIPTION:** For students interested in a career in law enforcement, adult or juvenile probation, corrections, private or industrial security, law, criminology, political science, sociology, psychology, or just interested in human interaction and relationships, this course should be of great interest and application. The academic discipline of criminal justice is a combined product of psychology, sociology, anthropology, history, criminology, law, political science and human behavior. 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 and will help the student understand the need for order, justice, and human cooperation.

This course will incorporate the use of lectures, videos, guest speakers, assigned texts, and practical demonstration in an attempt to make learning certain legal concepts easier. This course will require minimal out-of-class assignment but the opportunity for advanced individual learning and research will be made available. This course should provide the student a foundation for work in the criminal justice field and the legal profession and is a preparatory course for those wishing to make application to any police or corrections academy, pursuing an advanced degree in criminal justice, or who may be interested in pursuing a law career. It provides also a historical understanding of the founding of this nation, the U.S. Constitution, and the legal system that supports this great governmental experiment.

**TEXT:** “Criminal Evidence: Principles and Cases”, by Thomas J. Gardner and Terry M. Anderson, 7<sup>th</sup> edition; Wadsworth, Cengage Learning, 2010.

**COURSE GOALS AND OBJECTIVES:** The student will learn of the origin and purpose of evidence law; it’s importance and application in a free society; and the constitutional exceptions and exclusions that allow fairness in practice. The student will learn the basics of the trial process, evidentiary issues, constitutional limitations, legal privileges, and the importance of the Bill of Rights. The understanding of these issues will provide skills and the knowledge necessary for the next phase of the student’s criminal justice career. At the conclusion of this course the student should be able to confidently discuss such important issues as:

1. Basic Human Behavior / Society / Government / and the need for “Law and Order”.
2. The origin of law / The U.S. Constitution, (specifically the Bill of Rights) / The trial process / Substantive law vs. procedural law / Civil law vs. criminal law.
3. The concept of identifying, protecting, gathering, and presenting evidence / Legal “foundation”.
4. The importance of testimony as evidence / “Lay” vs. “expert” witnesses / The “hearsay rule”.
5. Factors of “Competency” / Jury selection / Impeachment.
6. Search and Seizure Rules / Direct evidence vs. circumstantial evidence / Evidence “admissibility”.

Career Motivational Statement

Success is less a matter of personal charisma, high I.Q., and ‘natural talent’;... than it is a matter of commitment, hard work, and personal motivation. Give me a hard working “average” Joe with integrity, loyalty, and dedication over a lazy genius any day.

## COURSE EXPECTATIONS:

**\*1-** Classroom attendance and participation is a necessary component of this course, (i.e., understanding the need for “cross examination” in our court system is based upon understanding the problems of “hearsay” – if a student should miss the lecture on “hearsay” the lecture on “cross-examination” may be confusing).

**\*2-** All class assignments should be read ahead of the corresponding lecture. The lecture is meant to clarify and expound upon the basics of the text. Repetition is the key to memory and memory is the key to learning.

**\*3-** Short outside research or participation projects may be assigned as extra credit on an “as need basis”.

**\*4-** Quizzes on the reading material may be given periodically and that score will be included in the “participation” portion of your overall grade.

**\*5-** 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.

**\*6-** Respect to discussion leader and/or students asking questions is a mandatory.

**\*7-** Guest speakers and other outside resources may be used during the semester as time and circumstances allow; consequently, class discussions will not necessarily cover all of the text material. However, the student may be held responsible for all assigned reading for testing purposes, regardless of whether such material was discussed in class.

**\*8-** On a personal note; while this Instructor fully understands that each student “has a life” outside the classroom and “life comes at you fast”, and I will try to be tolerant of special and unique circumstances; there must be limitations and I will expect you to regulate your own circumstances and schedules responsibly.

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*In return for all this, 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. 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 / 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 the person who is by law responsible for the conduct and substance of this course, (the Instructor). Though class participation is appreciated and encourage, the instructor is ultimately responsible for covering a certain amount of academic material and will control all class activity. Unnecessary disruption of class, (schedule or substance), is legal grounds for dismissal. Respect for the “body politic”; (Questions and comments in the classroom should pertain to the class as a whole), i.e., if you still have questions about a particular topic that may have only been briefly addressed in the classroom, take it up with the instructor in out-of-class time. Respect for each individual of this particular class. 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.

**(\*2): Disruption** during class may result in your being asked to leave the class and your participation grade being lowered. / (This would include cell telephone calls and text messaging during class).

**Library:** Hours of operation are posted online at <http://library.dixie.edu/info/hours.html>



**DISCLAIMER #2:** This is a criminal justice upper division class and the focus is on the laws that govern the identification, collection, preservation, and presentation of evidence in the prosecution of crime as defined by society. While this endeavor is an incredible testament to the intelligence and natural justice of mankind, it is also a study in the underbelly of society. The concepts and skills taught in this class will require that we review certain crimes and study the type of evidence presented in those cases in order to secure a strong conviction, i.e., the O.J. Simpson double murder trial in which Nichole Brown Simpson was brutally and savagely mutilated near the front steps of her home. A review of that case for this class will necessitate our viewing the type of evidence that was presented at trial in order to learn what kind of evidence is best used and for what purposes. Much of the evidence in this particular case is very graphic and offensive.

There are a series of video and audio material that I am able to choose from in order to enhance the learning process but many of these visual and audio materials may contain language, clips, photos, and discussion that can be offensive. Though an individual wishing to enter the criminal justice field will no doubt be exposed to this kind of language and behavior and must be able to reconcile those negative feelings, it is not my intention to make the classroom an offensive or uncomfortable environment. Therefore, if a student is especially sensitive to certain language or behaviors and will bring that fact to my attention prior to such potential presentations I will either excuse that student for that particular portion of a presentation or discussion, or I will attempt to choose a less offensive case or video. For example, if I am aware that a student has been closely exposed to a violent sexual assault and is still emotionally fragile due to that experience I can either not show a particularly graphic clip on the subject or pull several graphic photographs of actual cases.

**ACADEMIC INTEGRITY:** Law enforcement is the “gate keeper” to society’s laws, rules, and regulation. The “rule of law” and the concept of “law-and-order” are based upon trust of government. Government is power and power is corruptible. Therefore it is imperative that law enforcement be held to a high standard of trust, honesty, and integrity by the courts and society. Courts deal with the dishonesty and a general lack of personal integrity by implementation of precise punishment such as jail time, fines, probation, and/or loss of certain social privileges. Those in the criminal justice system learn very early that strong discipline and personal integrity is expected of them. Plagiarism and/or cheating of any kind by any student at this level will be prosecuted to the fullest extent allowed. In accordance with DSC Academic Policy, no form of academic dishonesty can be tolerated. (Plagiarism defined: The unattributed inclusion of another’s work as the student’s own, in whole or in part).

IX. ACADEMIC INTEGRITY -Failure to comply with academic integrity, honesty, and behavior standards may result in course failure or administrative withdrawal from the class. The student conduct code permits the instructor to dismiss without discussion an assignment or test in which cheating is suspected and make recommendations that you be expelled from DSC.

X. CLASS POLICIES AND NOTES - a. 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 or the learning of other students. Such action in accordance with law is as follows:

1. A verbal request to comply with behavioral expectations of the class.
2. One written ‘warning’ informing you that you have not made the required behavioral adjustment.
3. Administrative withdrawal.

**TESTING CENTER:** All testing will occur within the classroom.

**DISABILITIES:** “Proper documentation of a disability is required in order to receive services or accommodations. Any student eligible for and requesting reasonable academic accommodations due to a disability must provide a letter of accommodation to their professor from the Disability Resource Center within the first two weeks of the beginning of classes. Please contact the Center on the main campus to follow through with the documentation process. The Disability Resource Center is located in the Student Services Center, or you may call for an appointment and further information regarding the Americans with Disabilities Act (ADA) at 652-7516.

***“Will it matter that I was”***

***Additional notes:***

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## CLASS SCHEDULE

August 22	Introduction /Course business
August 24	Society and the origins of law
August 26	The nature of man and the need for law
August 29	Chapter 1: History and Development of the Law of Criminal Evidence
August 31	Chapter 1: (Continued)
September 2	Chapter 1: (Continued)
September 5	Labor Day Holiday
September 7	Chapter 2: Important Aspects of the American Criminal Justice System
September 9	Chapter 2: (Continued)
September 12	Chapter 3: Using Evidence to Determine Guilt or Innocence
September 14	Chapter 3: (Continued)
September 16	Chapter 4: Direct and Circumstantial Evidence and the Use of Inferences
September 19	Chapter 4: (Continued)
September 21	Course review and test #1
September 23	Chapter 5: Witnesses and the Testimony of Witnesses
September 26	Chapter 5: (Continued)
September 28	Chapter 6: Judicial Notice, Privileges of Witnesses, and Shield Laws
September 30	Chapter 6: (Continued)
October 3	Chapter 6: (Continued)
October 5	Chapter 7: The Use of Hearsay in the Courtroom
October 7	Chapter 8: Exceptions to the Hearsay Rule
October 10	Chapter 8: (Continued)
October 12	Course review and Mid-Term test
October 13-14	Semester Break
October 17	Chapter 9: The Exclusionary Rule
October 19	Chapter 10: Where the Exclusionary Rule Does Not Apply
October 21	Chapter 10: (Continued)
October 24	Chapter 11: Evidence Is Admissible If Obtained During An Administrative Function Under the "Special Needs" of Government
October 26	Chapter 11: (Continued)
October 28	Chapter 12: Obtaining Statements and Confessions for Use as Evidence
October 31	Chapter 12: (Continued)
November 2	Chapter 12: (Continued)
November 4	Course review and test #3
November 7	Chapter 13: The Law Governing Identification Evidence
November 9	Chapter 13: (Continued)
November 11	Chapter 14: Obtaining Physical and Other Evidence
November 14	Chapter 14: (Continued)
November 16	Chapter 14: (Continued)
November 18	Chapter 15: Obtaining Evidence from Computers or by Use of Search Warrants, or Dogs Trained to Indicate an Alert
November 21	Chapter 15: (Continued)
November 23-25	Thanksgiving Holiday
November 28	Chapter 16: The Crime Scene, the Chain of Custody Requirements, and the Use of Fingerprints and Trace Evidence
November 30	Chapter 16: (Continued)
December 2	Chapter 17: Videotapes, Photographs, Documents, and Writings as Evidence
December 5	Chapter 17: (Continued)
December 7	Chapter 18: Scientific Evidence
December 9	Chapter 18: (Continued)
December 12-16	Final Exam ( <u>Dec. 14, 12-2 p.m., UPLAZD, 101D</u> )