



TEXAS A&M
UNIVERSITY
CENTRAL TEXAS

CJK 315
Criminal Evidence
Spring 2018

Class Location: TAMUCT Canvas Learning Management System: [<https://tamuct.instructure.com>]
Instructor: Steven L. Walden, MCJ, JD
Office: N/A
Office Hours: By appointment for phone contact
Class Hours: Online
Contact Email: Canvas Inbox

1.0 Course Overview

1.1 Catalog Course Description

An analysis of the procedures and rules of evidence applied to the acquisition, offering, admissibility, and presentation of evidence from the crime scene, courtroom, and appellate court perspectives. **Prerequisites:** CJ 131 and CJ 232 or approval of instructor.

1.2 Summary of Course Objectives

To understand and appreciate the history and evolution of the evidentiary law in the United States; To understand the importance of evidentiary law to the daily operations of criminal justice professionals; To gain experience with the common legal terminology and methods used by professionals in the criminal justice system; To apply evidentiary law to real and hypothetical fact situations; To demonstrate critical thinking, research and writing skills on issues relevant to the courts and the law of evidence. **Refer to Appendix I for Chapter Learning Objectives.**

1.3 Mode of Instruction and Course Access

This course is a 100% online course. This means there are no regularly scheduled class sessions. All sessions are collaborative. Collaboration is accomplished through active learning, interaction between participants and instructor, as well as interaction among participants themselves. Course material is presented in weekly segments. Each segment begins on Monday and ends on Saturday.

Students will use their Canvas username and password to logon to the TAMU-CT Canvas Learn system, which is located at: <http://tamuct.Canvas.com>. Students may also access Canvas on the TAMU-CT website: www.ct.tamus.edu, and click on "Canvas" under Quick Links and then log in. If a student has difficulty using Canvas, please call for toll-free assistance: 1-855-661-7965.

Logon to: <http://tamuct.Canvas.com>

Username: Your TAMU-CT email address

Initial password: Your WarriorWeb ID

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1.4 Student-instructor interaction:

I check my Canvas messages daily, typically early morning or in the evening, and I will respond to student inquiries within 24 hours. I am a full-time employed attorney, so access to my personal computer is *very limited* during normal working hours. In addition, I am in court almost daily, and at times in different cities, so please understand that I cannot take calls during those times. The Canvas message system is the preferred form of communication for this class.

Important: Please do NOT use my TAMU-CT email for student/course communications, as I will not respond to those emails or messages. All student/course communications should be submitted through the Canvas Inbox. By keeping all of our student/course-related items in Canvas, there is a much less chance that I will misplace a student's work.

1.5 UNILERT: Emergency Warning System for Texas A&M University – Central Texas

Emergency Warning System for Texas A&M University – Central Texas

UNILERT is an emergency notification service that gives Texas A&M University-Central Texas the ability to communicate health and safety emergency information quickly via email, text message, and social media. All students are automatically enrolled in UNILERT through their myCT email account. Connect at Unilert

[<https://www.tamuct.edu/departments/security/unilert.php>] to change where you receive your alerts or to opt out. By staying enrolled in UNILERT, university officials can quickly pass on safety-related information, regardless of your location.

2.0 Competency Goal Statements

- 2.1 Students will demonstrate the ability to explain the history and evolution of the laws of evidence.
- 2.2 Students will compare and evaluate the common evidentiary privileges recognized in the United States.
- 2.3 Students will explain the history, application, and constitutional basis of the hearsay rule.
- 2.4 Students will describe the legal rules and procedures involving confessions and admissions.
- 2.5 Students will explain the standards governing admission of lay and expert opinion.
- 2.6 Students will compare and evaluate the types and qualities of scientific evidence and the evidentiary standards governing use of this evidence.
- 2.7 Students will identify and explain the use of common substitutes for formal proof such as presumptions, inferences, judicial notice and stipulations.
- 2.8 Students will describe and assess the practical and legal issues related to evidence collection and preservation.
- 2.9 Students will distinguish between direct and circumstantial evidence.
- 2.10 Students will explain the methods and procedures employed during direct and cross-examination of witnesses.

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- 2.11 Students will analyze, interpret, and apply the reasoning from judicial opinions and case studies on evidentiary issues to hypothetical factual scenarios.
- 2.12 Students will demonstrate proficiency in the use of technology appropriate to upper-level college work in general and the discipline of criminal justice in particular.

3.0 Required Textbooks (3)

Gardner, T., & Anderson, A. (2016). *Criminal evidence: Principles and cases* (9th ed.). Belmont, CA: Wadsworth. ISBN: 978-1-285-45900-4. Note: This is the only textbook you are required to purchase for the course.

Federal Rules of Evidence (FRE), available at: <http://www.law.cornell.edu/rules/fre/>, (last visited May 30, 2017). Note: You are under no obligation to purchase a print version of this book.

Texas Rules of Evidence (TRE), available at: <http://www.courts.state.tx.us/rules/tre/tre-all-010107.htm>, (last visited May 30, 2017). Note: You are under no obligation to purchase a print version of this book.

Recommended Textbooks (2)

American Psychological Association. (2010). *Publication manual of the American Psychological Association* (6th ed.). Washington, DC: Author. NOTE: This work will be referred to as the APA Manual/Guidelines in this syllabus and in the course. Another helpful resource is: <http://owl.english.purdue.edu/>, (click the APA Style Guide).

Strunk, W., & White, E. B. *The elements of style*, available at: <http://www.bartleby.com/141/>, (last visited August 21, 2013). Note: You are under no obligation to purchase a print version of this book.

NOTE: The student is expected to have an adequate knowledge of the essentials of grammar and writing style and of the guidelines for paper organization and referencing in accordance with the APA Manual. If the student does NOT have adequate knowledge in these areas, then the purchase and use of the two Recommended Textbooks is highly advisable. Failure to provide written work in accordance with the essentials of acceptable, English writing style and APA guidelines will result in poor grades.

4.0 Course Requirements

4.1 Participation & Assignments (275 Points Total)

Assignments:

Week 1: (15 Points)

Students may earn **15 points** for the timely submission of their Academic Honesty Form, answers to the Syllabus Questions, and Student Introductions to the Class in the Discussion Board forum. Each item is worth 5 points each if submitted by the deadline, but the Academic Honesty Form **MUST** be submitted to the instructor in order to remain in the class, regardless if it is submitted by the deadline.

Weeks 2-16: (260 Points)

Per the Course Calendar, on Sunday the Instructor will send Chapter Review Questions to students in Canvas. The chapter review questions are designed to help students review their knowledge and understanding of that week's learning objectives. Students' answers to the Chapter Review Questions are due by 11:59 pm on Saturday of each week (see Course Calendar for all due dates). Students are expected to answer the Chapter Review Questions individually. It is very important that students answer the Instructor's chapter review questions by numbering

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their responses and using complete sentences, so that there is no confusion as to which question a student is answering. Here is an example of how to draft your answer using a complete sentence:

Instructor's question:

1. Discuss how habeas corpus defines/limits our judicial process for enemy combatants.

Student's answer using a complete sentence:

1. Habeas corpus defines/limits our judicial process for enemy combatants by (your specific answer).

Remember: Please number your responses. If responses are not numbered, a student will most likely lose points.

Participation:

Per the Course Calendar, each Sunday the Instructor will post a class discussion assignment on the Canvas Discussion Board. Class Discussion assignments provide students an opportunity to apply their understanding of the chapter learning objectives to a particular scenario, and to respond to other students' responses and comments just like in-class participation, (see section 14.0, entitled "Discussion Board Etiquette"). Students' responses to the Class Discussion assignment(s) are also due by 11:59 pm on Saturday of each week.

Chapter Review Questions and Class Discussion assignments will receive a completion grade if they are submitted by the due date and reflect a good-faith effort. **Please note:** the quality of a student's answers are typically a reliable indicator as to that student's performance on the assessments. **Each week, the timely submission of good-faith responses earns a student 15 points for his/her responses to the Chapter Review Questions and 5 points for Class Participation.** Each Chapter Review Question that is not answered in a good-faith effort will result in a 1-point deduction from that week's possible points. **For Chapter Review Questions and Class Discussion assignments, the total points available for the semester are 260 points (=20 points per week times 13 weeks), plus 15 points for week 1 = (275 total points).** New Chapter Review Questions and Class Discussion assignment(s) will be posted on Sundays and student answers and responses are due by 11:59 pm by the next Saturday. Please review the Course Calendar below for additional details.

4.2 Quizzes (260 points)

The student will complete 13 timed quizzes. Quizzes are open book, but must be completed individually. Each quiz is valued at 20 points. Quizzes must be completed by Saturday at 11:59 pm for each assigned week. Quizzes will be available from Friday at midnight until Saturday at 11:59 pm to submit their quiz (that is a 48-hour period). Quizzes will consist of objective questions (e.g. multiple choice, true-false, etc.). If due to a scheduling conflict a student desires to take the alternative quiz at an earlier time than on the Friday-Saturday schedule, then the following procedures will apply: (1) The student must notify the instructor by Canvas Message one week in advance; (2) The student must submit documentation as requested by the Instructor; (3) The alternative quiz will be in an essay format, and the student will have one hour to complete and submit the quiz to the instructor through Canvas Messages; and (4) The decision to grant or deny a request to take a quiz prior to the scheduled Saturday is solely at the discretion of the Instructor. Note, the alternative quiz (like all tests) will focus on the Chapter Learning Objectives for that week, and it will be graded according to the essay rubric located at section 4.3 of the syllabus.

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4.3 Exams (500 points)

The student will complete a timed midterm and a timed final exam, each valued at 250 points. The exams are open book, but must be completed individually. Please refer to the Course Calendar below for specific exam dates. All assigned readings and Instructor provided materials are subject to exam questions, but the exams are NOT cumulative. The midterm and final exams will be essay, and all essays will be graded according to the rubric below.

Essay Exam Rubric:

Qualities & Criteria	Poor	Good	Excellent
Format/Layout <ul style="list-style-type: none"> • Presentation of the text • Structuring of text • Requirements of length, 12 point font, and Times New Roman style <p><i>(Weight: 10%)</i></p>	<p>Follows poorly the requirements related to format and layout.</p> <p>(0-2 pts)</p>	<p>Mostly follows the requirements related to format and layout.</p> <p>(3-4 pts)</p>	<p>Closely follows all the requirements related to format and layout.</p> <p>(5 pts)</p>
Content <ul style="list-style-type: none"> • Elements of topics to be addressed • Information is correct • Coherency <p><i>(Weight: 80%)</i></p>	<p>Essay is not objective and poorly addresses the issues. The information provided is unnecessary or insufficient to discuss the issues.</p> <p>(0-19 pts)</p>	<p>Essay is mostly objective and addresses most of the issues. Provided information is mostly necessary and sufficient to discuss the issues.</p> <p>(20-29 pts)</p>	<p>Essay is objective and addresses all the issues. Provided information is necessary and sufficient to discuss the issues.</p> <p>(30-40 pts)</p>
Quality of Writing <ul style="list-style-type: none"> • Clarity • Grammar and English usage • Organization and coherence <p><i>(Weight: 10%)</i></p>	<p>Essay is poorly written and contains flagrant spelling and grammatical errors. Essay is poorly organized, lacks clarity, and incoherent.</p> <p>(0-2 pts)</p>	<p>Essay is mostly well-written, without spelling or grammatical errors. Essay is well organized, is clear, and ideas are presented in coherent ways.</p> <p>(3-4 pts)</p>	<p>Essay is well-written, without spelling or grammatical errors. Essay is well organized, clear, and ideas are presented in coherent ways.</p> <p>(5 pts)</p>

4.4 Plagiarism: If any portion of an exam is plagiarized, then the student will receive a zero for the exam, and your instructor may initiate proceedings for your suspension or expulsion from the University.

4.5 Instructions for Submission of Assignments and Assessments

- Academic Honesty assignment and answers to the Syllabus Review questions and the Chapter Review questions should be submitted through the Canvas Assignment portal.
- Student Introductions to the Class should be submitted in the Canvas Discussion forum.
- Class Discussions, after you click on the thread in the Discussion Board for that week's assignment, please submit your answers as a "Reply." Here, student responses are just like in-class Discussion and are focused on specific question(s), and the forum is public for class-purposes, (see section 14.0, entitled "Discussion Board Etiquette").
- Quizzes & Exams: will be completed through the Canvas menu options located on the left side of Canvas under the tabs entitled, "Quizzes."

Important: Please do NOT use my TAMU-CT email for student/course communications. All student/course communications should be submitted through the Canvas Messages. By keeping all of our student/course-related items in Canvas, there is a much less chance that I will misplace a student's work.

5.0 Grading Criteria Rubric and Conversion

5.1 Rubric

Participation & Assignments	275
Quizzes	260
Midterm Exam	250
Final Exam	250
Total	1035

5.2 Conversion to Course Letter Grade for Posting

Points	%	Grade
900 – 1035	90 – 100%	A
800 – 899	80 – 89%	B
700 – 799	70 – 79%	C
600 – 699	60 – 69%	D
0 – 599	0 – 59%	F

6.0 Posting of Grades:

All student grades will be posted in the Canvas Grade book and students should monitor their grading status through this tool. Grades are typically posted within one week after the due date.

7.0 Technology Requirements and Support

7.1 Technology Requirements

This course will use the TAMUCT Instructure Canvas learning management system.

Logon to TAMUCT Canvas [<https://tamuct.instructure.com>]

Username: Your MyCT username

(xx123 or everything before the "@" in your MyCT e-mail address)

Password: Your MyCT password

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7.2 Technology Support

For technology issues, students should contact Help Desk Central. 24 hours a day, 7 days a week:

Email: helpdesk@tamu.edu

Phone: (254) 519-5466

Web Chat: <http://hdc.tamu.edu>

When calling for support please let your support technician know you are a TAMU-CT student.

For issues related to course content and requirements, contact your instructor, please do not direct IT issues to the instructor, as he cannot respond to those concerns.

Technology issues are not an excuse for missing a course requirement – make sure your computer is configured correctly and address issues with technology support or your internet service provider well in advance of deadlines.

8.0 Course Calendar¹

Wk	Date	Topics	Readings	Assignment Due
1	Jan. 16-20	Introduction to Class in Discussion Board, Answers to Syllabus review questions by Bb message & Submission of Academic Honesty form *With timely submission of answers to the syllabus review questions, self-introduction to class, & submission of the academic honesty form by 1/20/18 students will earn 15 points .	Syllabus & Academic Honesty form	*Answers to Syllabus Review Questions via Canvas *Introduction to Class in the Discussion forum *Submission of Academic Honesty form *All Due by 1/20/18
2	Jan. 21-27	Course Introduction: History and Development of the Law of Criminal Evidence, and Important Aspects of the American Criminal Justice System	Chs. 1&2	*Answers to Chapter Review Questions *Responses to Class Discussion assignment * Quiz 1: Chs. 1&2 *All Due by 1/27/18
3	Jan 28- Feb. 3	Using Evidence to Determine Guilt or Innocence and Direct and Circumstantial Evidence and the Use of Inferences	Chs. 3&4	*Answers to Chapter Review Questions *Responses to Class Discussion assignment * Quiz 2: Chs. 3&4 *All Due by 2/3/18
4	Feb. 4-10	Witnesses and the Testimony of Witnesses, and Judicial Notice and Privileges of Witnesses	Chs. 5&6	*Answers to Chapter Review Questions *Responses to Class Discussion assignment * Quiz 3: Chs. 5&6 *All Due by 2/10/18

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Wk	Date	Topics	Readings	Assignment Due
5	Feb. 11-17	The Use of Hearsay in the Courtroom	Ch. 7	*Answers to Chapter Review Questions *Responses to Class Discussion assignment * Quiz 4: Ch. 7 *All Due by 2/17/18
6	Feb. 18-24	Exceptions to the Hearsay Rule	Ch. 8	*Answers to Chapter Review Questions *Responses to Class Discussion assignment * Quiz 5: Ch. 8 *All Due by 2/24/18
7	Feb. 25- Mar. 3	The Exclusionary Rule and Where the Exclusionary Rule Does Not Apply	Chs 9&10	*Answers to Chapter Review Questions *Responses to Class Discussion assignment * Quiz 6: Chs. 9&10 *All Due by 3/3/18
8	Mar. 4-10	Midterm Exam – by 3/10/18 Note: No Chapter Review or Class Participation assignments to be answered this week.	Chs 1-10	*No Chapter Review or Class Discussion assignments this week * Midterm: Chs 1-10 *Due by 3/10/18
	Mar. 11-17	SPRING BREAK		
9	Mar. 18-24	“Special Needs” and Administrative Searches	Ch. 11	*Answers to Chapter Review Questions *Responses to Class Discussion assignment * Quiz 7: Ch. 11 *All Due by 3/24/18
10	Mar. 25-31	Obtaining Statements and Confessions for Use as Evidence	Ch. 12	*Answers to Chapter Review Questions *Responses to Class Discussion assignment * Quiz 8: Ch. 12 *All Due by 3/31/18
11	Apr. 1-7	The Law Governing Identification Evidence	Ch. 13	*Answers to Chapter Review Questions *Responses to Class Discussion assignments * Quiz 9: Ch. 13 *All Due by 4/7/18
12	Apr. 8-14	Obtaining Physical and Other Evidence	Ch. 14	*Answers to Chapter Review Questions *Responses to Class Discussion assignments * Quiz 10: Ch. 16 *All Due by 4/14/18
13	Apr. 15-21	Obtaining Evidence by Use of Search Warrants, Wiretapping, or Dogs	Ch. 15	*Answers to Chapter Review Questions *Responses to Class Discussion assignment

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Wk	Date	Topics	Readings	Assignment Due
				* Quiz 11: Ch. 15 *All Due by 4/21/18
14	Apr. 22-28	The Crime Scene, the Chain of Custody Requirement, and the Use of Fingerprints and Trace Evidence	Ch. 16	*Answers to Chapter Review Questions *Responses to Class Discussion assignment * Quiz 12: Ch. 16 *All Due by 4/28/18
15	Apr. 29- May 5	Videotapes, Photographs, Documents and Writings as Evidence, and Scientific Evidence	Chs. 17&18	*Answers to Chapter Review Questions *Responses to Class Discussion assignment * Quiz 13: Chs. 17&18 *All Due by 5/5/18
16	May 6-11	Final Exam by 5/11/18 (Last Day of Class)	Chs. 11-18	* Final Exam: Chs. 11-18 *Due by 5/11/18

¹ Events are subject to minor revision

9.0 Drop Policy

If you discover that you need to drop this class, you must complete a Drop Request Form, found through the [Registrar's web page](#):

<https://www.tamuct.edu/departments/business-office/droppolicy.php>

Professors cannot drop students; this is always the responsibility of the student. The Registrar's Office will provide a deadline on the University Calendar for which the form must be completed, signed and returned. Once you return the signed form to the Registrar's Office, you must go into Warrior Web and confirm that you are no longer enrolled. If you still show as enrolled, FOLLOW-UP with the Registrar's Office immediately. You are to attend class until the procedure is complete to avoid penalty for absence. Should you miss the drop deadline or fail to follow the procedure, you will receive an F in the course, which may affect your financial aid and/or VA educational benefits.

10.0 Academic Integrity

Texas A&M University -Central Texas values the integrity of the academic enterprise and strives for the highest standards of academic conduct. A&M-Central Texas expects its students, faculty, and staff to support the adherence to high standards of personal and scholarly conduct to preserve the honor and integrity of the creative community. Academic integrity is defined as a commitment to honesty, trust, fairness, respect, and responsibility. Any deviation by students from this expectation may result in a failing grade for the assignment and potentially a failing grade for the course. Academic misconduct is any act that improperly affects a true and honest evaluation of a student's academic performance and includes, but is not limited to, cheating on an examination or other academic work, plagiarism and improper citation of sources, using another student's work, collusion, and the abuse of resource materials. All academic misconduct concerns will be reported to the university's Office of Student Conduct. Ignorance of the university's standards and expectations is never an excuse to act with a lack of integrity. When in doubt on collaboration, citation, or any issue, please contact your instructor before taking a course of action.

11.0 Academic Accommodations

At Texas A&M-Central Texas, we value an inclusive learning environment where every student has an equal chance to succeed and has the right to a barrier free education. The Department of Access and Inclusion is responsible for ensuring that students with a disability receive equal access to the University's programs, services and activities. If you believe you have a disability requiring reasonable accommodations please contact the Department of Access and Inclusion at (254) 501-5831. Any information you provide is private and confidential and will be treated as such.

For more information please visit our Access & Inclusion webpage:

<http://www.tamuct.edu/departments/access-inclusion>.

TAMUCT supports students who are pregnant and/or parenting. In accordance with requirements of Title IX and guidance from US Department of Education's Office of Civil Rights, the Dean of Student Affairs' Office can assist students who are pregnant and/or parenting in seeking accommodations related to pregnancy and/or parenting. For more information, please visit <https://www.tamuct.departments/index.php>. Students may also contact the institution's Title IX Coordinator. If you would like to read more about these requirements and guidelines, please visit: <http://www2.ed.gov/about/offices/list/ocr/docs/pregnancy.pdf>

12.0 University Writing Center and Tutoring Resources

Located in 416 Warrior Hall, the University Writing Center (UWC) at Texas A&M University – Central Texas is a free workspace open to all TAMUCT students from 10am-4pm Monday-Thursday during the Summer semester (June 5, 2017 to July 27, 2017). Students may arrange a one-on-one session with a trained and experienced writing tutor by visiting the UWC during normal operating hours (both half-hour and hour sessions are available). Tutors are prepared to help writers of all levels and abilities at any stage of the writing process.

While tutors will not write, edit, or grade papers, they will assist students in developing more effective composing practices. By providing a practice audience for students' ideas and writing, our tutors highlight the ways in which they read and interpret students' texts, offering guidance and support throughout the various stages of the writing process. In addition, students may work independently in the UWC by checking out a laptop that runs the Microsoft Office suite and connects to WIFI, or by consulting our resources on writing, including all of the relevant style guides. Whether you need help brainstorming ideas, organizing an essay, proofreading, understanding proper citation practices, or just want a quiet place to work, the University Writing Center is here to help!

If you have any questions about the University Writing Center, please do not hesitate to contact Dr. Bruce Bowles Jr. at bruce.bowles@tamuct.edu. The UWC also has an orientation video. Here is the link:

[http://www.kaltura.com/index.php/extwidget/preview/partner_id/730522/uiconf_id/36520062/entry_id/1_aiwuuuhi/embed/auto?&flashvars\[streamerType\]=auto](http://www.kaltura.com/index.php/extwidget/preview/partner_id/730522/uiconf_id/36520062/entry_id/1_aiwuuuhi/embed/auto?&flashvars[streamerType]=auto)

Tutoring is available to all TAMUCT students, both on-campus and online. On-campus subjects tutored include Accounting, Advanced Math, Biology, Finance, Statistics, Mathematics, and Study Skills. Tutors are available at the Tutoring Center in Warrior Hall, Suite 111.

If you have a question regarding tutor schedules, need to schedule a tutoring session, are interested in becoming a tutor, or any other question, contact Academic Support Programs at 254-519-5796, or by emailing Kim Wood at k.wood@tamuct.edu.

Chat live with a tutor 24/7 for almost any subject on your computer! Tutor.com is an online tutoring platform that enables TAMUCT students to log-in and receive FREE online tutoring and writing support. This tool provides tutoring in over forty subject areas. Access Tutor.com through Canvas.

13.0 Library Services

The University Library provides many services in support of research across campus and at a distance. We offer over 200 electronic databases containing approximately 250,000 eBooks and 82,000 journals, in addition to the 72,000 items in our print collection, which can be mailed to students who live more than 50 miles from campus. Research guides for each subject taught at TAMUCT are available through our website to help students navigate these resources. On-campus, the library offers technology including cameras, laptops, microphones, webcams, and digital sound recorders.

Research assistance from a librarian is also available twenty-four hours a day through our online chat service, and at the reference desk when the library is open. Research sessions can be scheduled for more comprehensive assistance, and may take place on Skype or in-person at the library. Assistance may cover many topics, including how to find articles in peer-reviewed journals, how to cite resources, and how to piece together research for written assignments.

Our 27,000-square-foot facility on the TAMUCT main campus includes student lounges, private study rooms, group work spaces, computer labs, family areas suitable for all ages, and many other features. Services such as interlibrary loan, TexShare, binding, and laminating are available. The library frequently offers workshops, tours, readings, and other events. For more information, please visit our homepage: <https://tamuct.libguides.com/>

14.0 Discussion Forum Etiquette

The Discussion forums are part of the learning process in our online class. I encourage relevant academic discussions of the instructor's questions. Discussions must always demonstrate professionalism and the upmost respect for all other participants. We all come from different backgrounds, cultures, and have varying levels of life experience. The sharing of this within the class is what makes it a richer environment. All of you are required to participate in the discussions, but remember, this is not a chat room. The discussion forum is designed to afford each student an opportunity to review and to relate to the week's topics. This is not a contest. It is a classroom. It is about sharing ideas and learning. Our goal is to be collaborative, not combative.

Please keep in mind that since we cannot see each other, we can only evaluate a person's intent by the tone of his/her posts and responses. An innocent remark can be easily misconstrued in the online environment. Take the time to re-read your responses carefully to make certain that they will not be perceived as a personal attack. Please approach other members of the class in a positive, respectful tone when formulating your responses. Since we don't have the advantage of body-language, it's hard to know for sure if your reader is bored, distracted, sarcastic, joking or sensitive about the topic. If something in class sets you off in a negative or emotional way, I recommend you give yourself time before responding with a negative reply.

Canvas etiquette: Please follow proper Canvas etiquette when sending messages to classmates or the instructor. See, <https://owl.english.purdue.edu/owl/resource/636/1/>. For example, writing in all caps, "I NEED A REPOSE ASAP!!!!" is the same as shouting. Please do not do that, as it is extremely unprofessional.

15.0 Being an Online Student

Online classes are offer exceptional opportunities because they provide flexibility. If you have a busy schedule or competing priorities, online classes may be a good alternative. However, please remember that with that flexibility there is responsibility. You alone have to maintain discipline throughout the course to complete all of the assignments. I find that using a calendar and marking all my deadlines, including the discussion thread deadlines, helps me, but you have to find what works for you.

Communication is important because you do not have the face-to-face reminders that you have in an in-person class. You must routinely review the announcements, your emails, and/or Canvas messages to remain informed. I would recommend checking frequently!

If you would like to gauge your readiness for online classes, you can take an assessment at: <http://tamuct.smartermeasure.com>

16.0 Late Work

Make-up work requests for chapter review questions, class Discussion questions, quizzes and exams will NOT be accepted. The issue of "late work" is not applicable to this class. There may be early work that is accepted, if pre-approved in advance by the instructor. These scenarios arise when a student is scheduled for a significant medical procedure or a military assignment, and the student will be unable to complete the coursework due to his/her medical condition or military assignment. In these situations, I

ask students to provide proof of the medical condition or military orders in advance by sending them to me through the Canvas Messages as an attachment. At the Instructor's discretion, he will provide the student with the necessary instructions for completing assignments prior to the posted due dates. In conclusion, "late work" is not accepted in this course for at least the following three reasons: (1) The Chapter Review and Class Discussion Questions are for a completion grade, so if completed in a good faith effort and submitted by the due date, then students receive the full credit; otherwise, students do not earn those points for that week; (2) The answers to the Chapter Review Questions are posted on Canvas on Sundays, which is the day after the due date, and this allows students time for a final review of that week's learning objectives, and (3) It would be unfair to the students who completed the assignments by the due date, if I accepted late work after the answers have already been posted. **Therefore, I do not respond to requests for make-up opportunities AFTER an assignment's due date.**

The final course grade will be posted within a few days of the final exam. **No incompletes will be awarded for this course.** If the student foresees that he will be unable to complete the course with a satisfactory grade, then he should consult with administration to determine if he should drop the course or accept the posted grade.

17.0 Modification of the Syllabus

The syllabus is subject to minor changes at the discretion of the instructor. It is the responsibility of the student to review regularly the syllabus throughout the semester.

18.0 Contact with Instructor

I check my Canvas messages daily, typically early in the morning or in the evening, and I will respond to student inquiries within 24 hours. I am a full-time employed attorney, so access to my personal computer is *very limited* during normal working hours. In addition, I am in court almost daily, and at times in different cities, so please understand that I cannot take calls during those times. The Canvas Inbox system is the preferred form of communication for this class.

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19.0 Announcements

It is the student's responsibility to check for Announcements on Canvas. It is advisable for the student to check for Announcements daily on Canvas.

20.0 Extra Credit

Please do not ask for extra credit. This class already has three means of earning credit each week (e.g. chapter review questions, class Discussion questions, and quizzes), and these are your opportunities to earn "extra" credit every week. ***The instructor will NOT respond to requests for opportunities to earn extra credit.***

21.0 Important University Dates: (Please see the Course Calendar at Section 8.0 for dates related to this course)

January 2018

January 2, (Tuesday) Winter Break Ends

January 2, (Tuesday) Priority Deadline for Admissions applications

January 5, (Friday) VA Certification Request Priority Deadline

January 11, (Thursday) Convocation

January 12, (Friday) Tuition and Fee payment deadline (16 week & 1st 8 week)

Syllabus for CJ 315: Criminal Evidence

January 15, (Monday) Martin L. King Jr. Day

January 16, (Tuesday) ADD/DROP/LATE REGISTRATION BEGINS (\$25 fee assessed for late registrants)
(16 week & 1st 8 week)

January 16, (Tuesday) Classes Begins

January 18, (Thursday) ADD/DROP/LATE REGISTRATION ENDS (16 week & 1st 8 week)

January 23, (Tuesday) Last day to drop 1st 8-week classes with no record

January 31, (Wednesday) Last day to drop 16 week classes with no record

February 2018

February 2, (Friday) Priority Deadline to Submit Graduation Application

February 9, (Friday) Last day to drop a 1st 8-week class with a Q or withdraw with a W

February 15, (Thursday) Last day to apply for Clinical Teaching

February 23, (Friday) Student End of Course Survey Opens (1st 8-Week Classes)

March 2018

March 1, (Thursday) Deadline to submit application to Teacher Education Program

March 2, (Thursday) Deadline to Submit Graduation Application for Ceremony Participation

March 9, (Friday) 1st 8 week classes end

March 9, (Friday) Deadline for Admissions applications

March 11, (Sunday) Student End of Course Survey Closes (1st 8-Week Classes)

March 12, (Monday) Spring Break Begins

March 12, (Monday) 1st 8-week grades from faculty due by 3pm

March 15, (Thursday) Tuition and Fee Payment Deadline (2nd 8-week classes)

March 16, (Friday) Spring Break Ends

March 19, (Monday) 2nd 8 week begins

March 19, (Monday) Summer Advising Starts

March 19, (Monday) Class Schedule Published

March 19, (Monday) ADD/DROP/LATE REGISTRATION BEGINS (\$25 fee assessed for late registrants)
(2nd 8-week classes)

March 21, (Wednesday) ADD/DROP/LATE REGISTRATION ENDS (2nd 8-week classes)

March 27, (Tuesday) Last day to drop 2nd 8-week classes with no record

March 30, (Friday) Last day to drop a 16-week course with a Q or withdraw with a W

April 2018

April 1, (Sunday) GRE/GMAT scores due to Office of Graduate Studies

April 2, (Monday) Scholarship Deadline

April 2, (Monday) Registration begins

April 5, (Thursday) Priority Deadline for International Student Admission Applications

April 13, (Friday) Last day to drop a 2nd 8-week class with a Q or withdraw with a W*

April 13, (Friday) Deadline for submission of final committee-edited theses with committee approval
signatures to Office of Graduate Studies

April 27, (Friday) Student End of Course Survey Opens (16 Week and 2nd 8-Week Classes)

May 2018

May 7-11, Finals Week

May 11, (Friday) Last day to file for Degree Conferral (Registrar's Office)(\$20 Late Application Fee
applies)

May 11, (Friday) Spring Term Ends

May 11, (Friday) Last day to withdraw from the university (16 week and 2nd 8 week classes)

May 11, (Friday) Last day to apply for \$1000 Tuition Rebate for Spring graduation (5pm)

May 12, (Saturday) Commencement Ceremony Bell County Expo Center 7:00 p.m.

May 13, (Sunday) Student End of Course Survey Closes (16 Week and 2nd 8-Week Classes)

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May 14, (Monday) Minimester begins

May 15, (Tuesday) Last Day to clear Thesis Office

May 5, (Tuesday) Final grades due from faculty by 3pm (16 week & 2nd 8 week)

May 21, (Monday) Priority Deadline for Admissions applications

May 25, (Friday) VA Certification Request Priority Deadline

May 28, (Monday) Memorial Day

Appendix I

Chapter Learning Objectives

Chapter 1: History and Development of the Law of Criminal Evidence

The Learning objectives for this chapter are:

1. Explain the importance of the Magna Carta.
2. Explain the function of the writ of habeas corpus.
3. Identify how the U.S. Supreme Court made the Bill of Rights applicable in state court criminal cases.
4. List the rights identified and made available to a criminal defendant under the U.S. Constitution.
5. Students should analyze the reasoning from judicial opinions in the case studies, and be able to apply that reasoning to evidentiary issues in hypothetical factual scenarios.

Chapter 2: Important Aspects of the American Criminal Justice System

The Learning objectives for this chapter are:

1. Know the meaning of *federalism* as it applies to criminal justice.
2. Identify the constitutional basis for the exercise of federal criminal jurisdiction.
3. Identify the limits of federal criminal jurisdiction under the Interstate Commerce Clause.
4. Know the meaning of reliable, relevant, and competent evidence.
5. List some differences between accusatorial and inquisitorial systems.
6. State the requirements of the *Brady* rule.
7. State the requirements of the U.S. Supreme Court's rule for lost or destroyed evidence.
8. Students should analyze the reasoning from judicial opinions in the case studies, and be able to apply that reasoning to evidentiary issues in hypothetical factual scenarios.

Chapter 3: Using Evidence to Determine Guilt or Innocence

The Learning objectives for this chapter are:

1. Outline the criminal court process.
2. List the pleas a defendant may enter to a criminal charge.
3. Evaluate the pros and cons of plea-bargaining.
4. Compare the use of evidence at various stages of a criminal trial.
5. Students should analyze the reasoning from judicial opinions in the case studies, and be able to apply that reasoning to evidentiary issues in hypothetical factual scenarios.

Chapter 4: Direct and Circumstantial Evidence and the Use of Inferences

The Learning objectives for this chapter are:

1. Distinguish between the burden of production and the burden of persuasion.
2. Give a constitutionally acceptable definition of *reasonable doubt*.
3. Distinguish between direct evidence and circumstantial evidence.
4. List some examples of inferences that may be drawn from facts proved.
5. List some inferences that may not be drawn.
6. Define presumption, and state how a presumption may be used in a criminal prosecution.

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7. Students should analyze the reasoning from judicial opinions in the case studies, and be able to apply that reasoning to evidentiary issues in hypothetical factual scenarios.

Chapter 5: Witnesses and the Testimony of Witnesses

The Learning objectives for this chapter are:

1. List the general qualifications for being a witness.
2. List the special qualifications for child witnesses.
3. Identify the factors important in determining the credibility of a witness.
4. List the constitutional rights of a defendant related to witnesses.
5. State the difference between a lay witness and an expert witness.
6. Review Federal Rules of Evidence 601-615 and 701-706
7. List some objections that may be made to questions to a witness or answers by a witness.
8. Students should analyze the reasoning from judicial opinions in the case studies, and be able to apply that reasoning to evidentiary issues in hypothetical factual scenarios.

Chapter 6: Judicial Notice, Privileges of Witnesses, and Shield Laws

The Learning objectives for this chapter are:

1. State the basis for and the limits of the judicial notice doctrine.
2. For at least three of the privileges discussed, state (1) the privilege, (2) the limits on the privilege, and (3) who may invoke the privilege.
3. State the difference between the spousal testimonial privilege and the marital communication privilege.
4. State the present status of the physician-patient privilege in federal courts.
5. State the present status of the journalist privilege
6. List the “privileges” available to the government and government officers.
7. Students should analyze the reasoning from judicial opinions in the case studies, and be able to apply that reasoning to evidentiary issues in hypothetical factual scenarios.

Chapter 7: The Use of Hearsay in the Courtroom

The Learning objectives for this chapter are:

1. Define *hearsay*.
2. List the questions that should be asked to determine if a statement is hearsay.
3. State why hearsay raises questions of reliability.
4. Define an *assertive statement*.
5. Explain why the statement “He said he would kill me” might not be hearsay.
6. State the co-conspirator rule.
7. Identify when a prior statement by a witness is not hearsay.
8. Students should analyze the reasoning from judicial opinions in the case studies, and be able to apply that reasoning to evidentiary issues in hypothetical factual scenarios.

Chapter 8: The Confrontation Clause and Exceptions to the Hearsay Rule

The Learning objectives for this chapter are:

1. State the *pre-Crawford* test for admissibility of hearsay evidence.
2. State the rule of *Crawford v. Washington*.
3. Define a *testimonial statement*.
4. State when hearsay exceptions may be used as the basis for admission out-of-court statements.
5. Give the justification for the recognition of the “firmly rooted” exceptions to the hearsay rule.

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6. State the rule for the admissibility of non-testimonial statements.
7. Identify hearsay exceptions in child sexual abuse cases.
8. Students should analyze the reasoning from judicial opinions in the case studies, and be able to apply that reasoning to evidentiary issues in hypothetical factual scenarios.

Chapter 9: The Exclusionary Rule

The Learning objectives for this chapter are:

1. State the origin of the *exclusionary* rule.
2. Define the *derivative evidence rule*.
3. List the exceptions to the exclusionary rule for evidence obtained by an improper search.
4. State the role of the exclusionary rule for evidence obtained as a result of a violation of the *Miranda* rule.
5. State the role of the exclusionary rule for incriminating statements procured in violation of the Due Process Clause.
6. Students should analyze the reasoning from judicial opinions in the case studies, and be able to apply that reasoning to evidentiary issues in hypothetical factual scenarios.

Chapter 10: Where the Exclusionary Rule Does Not Apply

The Learning objectives for this chapter are:

1. Define *standing* for Fourth Amendment purposes.
2. Explain the role of “consent” in searches of persons or residences.
3. State when property is abandoned for Fourth Amendment purposes.
4. List the factors to be considered when the good faith test from *Leon* is applied to a search warrant or an arrest.
5. Distinguish “good faith” from “honest mistake.”
6. Students should analyze the reasoning from judicial opinions in the case studies, and be able to apply that reasoning to evidentiary issues in hypothetical factual scenarios.

Chapter 11: “Special Needs” and Administrative Searches

The Learning objectives for this chapter are:

1. In your own words, state the concept called “special needs.”
2. List some activities in which drug testing may be required without probable cause.
3. State when roadblocks may not be justified under the “special needs” doctrine.
4. What are the limits, if any, on the right of a border guard or customs agent to search the person or belongings of a person entering this country?
5. State the limits, if any, on a state’s right to search a person on parole or probation.
6. Students should analyze the reasoning from judicial opinions in the case studies, and be able to apply that reasoning to evidentiary issues in hypothetical factual scenarios.

Chapter 12: Obtaining Statements and Confessions for Use as Evidence

The Learning objectives for this chapter are:

1. State the factors to be considered in the “totality of the circumstances” test.
2. List the *Miranda* requirements for information that must be communicated to a suspect in custody before questioning.
3. Identify when a person is in “custody” for purposes of *Miranda*.
4. List some exceptions to the *Miranda* requirements.
5. State the *Massiah* rule, and compare it with *Miranda*.

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6. State the role of a confession under the *Bruton* rule, where there are multiple defendants.
7. Students should analyze the reasoning from judicial opinions in the case studies, and be able to apply that reasoning to evidentiary issues in hypothetical factual scenarios.

Chapter 13: The Law Governing Identification Evidence

The Learning objectives for this chapter are:

1. List some of the reasons for mistaken eyewitness identification.
2. State the differences between a lineup and a showup.
3. State the requirements for a non-suggestive photo array.
4. Define *sequential lineup*.
5. Discuss when a single photograph may be used to identify a suspect.
6. List the factors established by *Neil v. Biggers* for testing the reliability of eyewitness identifications.
7. Students should analyze the reasoning from judicial opinions in the case studies, and be able to apply that reasoning to evidentiary issues in hypothetical factual scenarios.

Chapter 14: Obtaining Physical and Other Evidence

The Learning objectives for this chapter are:

1. Describe the level of evidence needed for an investigative detention.
2. List searches that may be made without a search warrant.
3. State what actions police may take in a routine traffic stop.
4. State the *Arizona v. Gant* rule for searches of a vehicle incident to an arrest.
5. Explain the “automobile exception” and how it differs from a search of a residence.
6. Define *exigent circumstance* as an exception to the search warrant requirement.
7. Students should analyze the reasoning from judicial opinions in the case studies, and be able to apply that reasoning to evidentiary issues in hypothetical factual scenarios.

Chapter 15: Obtaining Evidence from Computers or by Use of Search Warrants, Wiretapping, or Dogs Trained to Indicate an Alert

The Learning objectives for this chapter are:

1. Assuming officers are entitled to look at a computer’s files, what are the limits on that examination?
2. List the various types of search warrants and their requirements.
3. List some situations where officers may hear or record statements without the need of a court order.
4. State the differences in terms of reliability and the need for a search or arrest warrant between a known informant and an anonymous informant.
5. State the rules on the police use of trained dogs to “sniff” a vehicle or luggage.
6. Review the recent Supreme Court case *Florida v. Jardines*.
7. Students should analyze the reasoning from judicial opinions in the case studies, and be able to apply that reasoning to evidentiary issues in hypothetical factual scenarios.

Chapter 16: The Crime Scene, the Chain of Custody Requirement, and the Use of Fingerprints and Trace Evidence

The Learning objectives for this chapter are:

1. Identify the requirements for a warrantless search under the “exigent circumstances” exception.
2. State the “standing” requirement for objection to search of a crime scene.
3. List the steps for establishing the chain of custody for evidence found at a crime scene.
4. State some ways it can be shown that fingerprints taken from a crime scene were left at the scene when the crime occurred.

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5. Compare fingerprint and bite marks evidence to shoe prints and tire tracks.
6. Students should analyze the reasoning from judicial opinions in the case studies, and be able to apply that reasoning to evidentiary issues in hypothetical factual scenarios.

Chapter 17: Videotapes, Photographs, Documents, and Writings as Evidence

The Learning objectives for this chapter are:

1. State when search warrants are required or not for electronic surveillance.
2. State the requirements for the introduction into evidence of videotapes, photographs, and other electronic records.
3. Explain the “best evidence” rule.
4. Explain how the Fifth Amendment applies to documents.
5. Students should analyze the reasoning from judicial opinions in the case studies, and be able to apply that reasoning to evidentiary issues in hypothetical factual scenarios.

Chapter 18: Scientific Evidence

The Learning objectives for this chapter are:

1. State the requirements for admissibility of scientific evidence under Rule 702 of the Federal Rules of Evidence.
2. Explain the difference between the Frye test and the Daubert test.
3. Explain how DNA evidence is used to identify a suspect in a crime.
4. State both the logistical and the theoretical problems with ballistic fingerprinting.
5. Students should analyze the reasoning from judicial opinions in the case studies, and be able to apply that reasoning to evidentiary issues in hypothetical factual scenarios.