

CLO 1 understand the historical and constitutional rights and limitations relating to the admission and/or exclusion of criminal evidence.

CLO 2 understand the historical and constitutional rules and procedures governing the rights and limitations of defendants in federal and state criminal courts in America.

CLO 3 brief and recite the material cases defining the rights and limitations relating to the admission and/or exclusion of criminal evidence and procedure.

Course Requirements

Success in this course is based on the expectation that students will spend, for each unit of credit, a minimum of forty- five hours over the length of the course (normally 3 hours per unit per week with 1 of the hours used for lecture) for instruction or preparation/studying or course related activities including but not limited to internships, labs, clinical practica. Other course structures will have equivalent workload expectations as described in the syllabus.

Textbook

Lippman, M. R. (2015) *Criminal Evidence*. Thousand Oaks, CA: Sage Publications Inc.
The text is available at the campus bookstore. Supplemental readings assigned by topic and posted on the **Canvas** website. **ISBN: 978-1-4833-5955-7**

Appellate Court Cases: Specific Court Cases will be available online and assigned by topic.

Reading Assignments: Students are expected to complete all reading assignments before their discussion in class.

Justice Studies Reading and Writing Philosophy

economic, social, political, ethical, and cultural. Graduates of the Department of Justice Studies leave San José State University prepared to enter a range of careers and for advanced study in a variety of fields; they are prepared to more effectively identify and ameliorate injustice in their personal, professional and civic lives. Indeed, the impact of literacy is evident not only within the span of a specific course, semester, or academic program but also over the span of a lifetime.

Briefing Cases: In addition to the reading assignments, students are required to submit written briefs for specific court cases assigned throughout the semester. To receive credit for a written brief, it must be written in the proper format, completed in good faith, and submitted online on time.

You Decide Question/Case Recitation: Students must prepare to summarize the facts, identify the pertinent questions or issues and discuss (with fellow students and the instructor) the analysis or reasoning of two (1) specific You Decide Question (YDQ) or one of the assigned cases during class. Students may volunteer, or the instructor will call on individual students on the day of class scheduled for recitation of the (YDQ)/case. Students are required to brief the underlying You Decide case they volunteer or are called upon to recite.

the recitation; however, To receive full credit for a recitation, students must turn in the brief no later than the next class period following the recitation.

Written Assignments: All writing assignments must adhere to the *10 Rules of Formal Writing* located on the **Canvas** website under the **Modules** menu *Information Related to the Course*. Written Assignments not conforming to these rules will receive a significant reduction in grade.

Class Participation: Students are encouraged to participate in class discussion. Participating students who demonstrate they are prepared for class and provide a positive contribution to the class discussions may expect points toward their class participation evaluation.

Website: <http://www.sjsu.edu/casa/ssc/>. The CASA Student Success Center also provides study space and laptops for checkout.

JS143 / Criminal Evidence & Procedure, Spring 2020

Course Schedule

		<i>Readings, Assignments & Deadlines</i>
		Assignment: <i>None</i> Lecture & Discussion: <i>Introduction; Syllabus; Class Mechanics; Class Policy and Procedures; the Syllabus; Briefing Cases</i> Assignment: <i>Text (Lippman) - Chapter 1</i>

6		<p>Assignment: Text (Lippman) - Chapter 5 – Witnesses (continued) Lecture & Discussion: Prior Felony Convictions; Crimes Involving Dishonest Acts or Statements; Character for Truthfulness; Uncharged Crimes & Immoral Acts; Prior Inconsistent Statements; Specific Contradictions; Physical & Psychological Incapacity; Rehabilitation; Corroboration; Recorded Recollection You Decide: [5.5 to 5.7]</p>
		<p>Assignment: Text (Lippman) - Chapter 6 – The Opinion Rule and Expert Testimony Lecture & Discussion: Unavailable Witnesses; Opinion Rule; Lay Witnesses; Expert Testimony; Qualifying an Expert Witness; Testimony on Ultimate Issues; Scope of Expert Testimony; Court Appointed Experts You Decide: [6.1 to 6.4]</p>
7		<p>Assignment: Text (Lippman) - Chapter 7 – Crime Scene Evidence and Experiments Lecture & Discussion: Crime Scene Evidence; Chain of Custody; Scientific Evidence; Laying the Foundation for Scientific Evidence; Right to Defense Experts; Judicially Accepted Scientific Tests; Other Judicially Recognized Tests; Test Not Accepted; Experiments You Decide: [7.1 to 7.2] Read & Brief: <i>Daubert v. Merrill - Dow Pharmaceuticals Co.</i>, 509 U.S. 579 (1993)</p>
		<p>Assignment: Text (Lippman) - Chapter 8 – Documentary Evidence, Models, Maps, and Diagrams Lecture & Discussion: Authentication of Documents; Methods of Authenticating Documents; Self-Authenticating Documents; Visual Images; Authentications of Objects; Authentication of Voice Communication; The Best Evidence Rule; Application of the Best Evidence Rule; Models, Maps, Diagrams, and Charts; In-Court Exhibitions You Decide: [8.1 to 8.5]</p>

8

		Assignment: Text (Lippman) - Chapter 10 – Privileges Lecture & Discussion: <i>Attorney-Client Privilege; Clergy-Penitent Privilege; Physician-Patient Privilege; Psychotherapist-Patient Privilege; Husband-Wife Privilege; Government Privileges; News Media Privilege</i> You Decide: [10.1 to 10.4]
11		No Class Æ <i>Spring Recess</i>
		No Class <i>Spring Recess</i>

12

16		<p>Assignment: Text (Lippman) - Chapter 17 – Eyewitness Identifications Lecture & Discussion: <i>Psychology of Identifications; The 6th Amendment – Identification; The 6th Amendment – Critical Stages; The 6th Amendment – Prearrangement Identifications; The 6th Amendment – Photographic Displays; The Due Process Test; Suggestiveness; Requirement of Police Involvement</i> You Decide: [17.1 to 17.4] Read & Brief: <i>Salinas v. Texas, 570 U.S. ____ (2013)</i></p>
		<p>Final Examination Review</p>
		<p>Final Examination: (12:15 p.m. to 2:30 p.m.)</p>