

**San José State University  
College of Social Sciences  
Department of Justice Studies  
JS143, Criminal Evidence & Procedure  
Section 1, Spring 2023**

**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:** The Department of Justice Studies is committed to scholarly excellence. Therefore, the Department promotes academic, critical,

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 (2) 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. Students unprepared or otherwise refusing to recite a case may “pass” on the recitation; however, “passes” will receive a 50% grade deduction per “pass”. 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.

**Examination and Evaluation:** A student’s final evaluation shall consist of two (2) midterm examinations (one in-class and one take-home), ten (10) written brief assignments, two (2) case recitation, and a cumulative final examination. Each assignment/examination shall consist of 100 points and is weighted as follows:

More details can be found from [Univ\(t\)7\(s\)-6\(.525 Tm0 4s nBT/F1 12 Tf1 0 0 1 294.88 270.08 Tm0 g030](#)

<http://www.sjsu.edu/senate/docs/S16-9.pdf>.

Examinations consist of multiple choice, short answer and essay questions derived from the reading assignments and class lecture. The second midterm will be take-home. Missed exams or assignments may only be made-up with proper documentation of illness, incapacity and/or prior and valid notification and reason for absence.

[University Syllabus Policy S16-9](http://www.sjsu.edu/senate/docs/S16-9.pdf) (<http://www.sjsu.edu/senate/docs/S16-9.pdf>)

## **Required University Policies Statement**

Per University Policy S16-9, university-wide policy information relevant to all courses, such as academic integrity, accommodations, etc. will be available on Office of Graduate and Undergraduate Programs' [Syllabus Information web page](http://www.sjsu.edu/gup/syllabusinfo/) at <http://www.sjsu.edu/gup/syllabusinfo/>"

### **Academic Integrity:**

<https://www.sjsu.edu/studentconduct/conduct-processes/academic-integrity.php>

Your own commitment to learning, as evidenced by your enrollment at San Jose State University and the University's integrity policy, require you to be honest in all your academic course work. Faculty members are required to report all infractions to the office of Student Conduct and Ethical Development.

The University will not tolerate instances of academic dishonesty. Cheating on exams or plagiarism (presenting the work of another as your own, or the use of another person's ideas without giving proper credit) will result in a failing grade and sanctions by the



## **JS143 / Criminal Evidence & Procedure, Spring 2023**

**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]





Tuesday  
5/9

**Assignment: Text (Lippman) - Chapter 17 Eyewitness Identifications**

**Lecture & Discussion:** *Psychology of Identifications; The 6<sup>th</sup> Amendment Identification; The 6<sup>th</sup> Amendment Critical Stages; The 6<sup>th</sup> Amendment Prearrangement Identifications; The 6<sup>th</sup> Amendment Photographic Displays; The Due Process Test; Suggestiveness; Requirement of Police Involvement*

**You Decide:** [17.1 to 17.4]

**Read & Brief:** *Salinas v. Texas,*