**CRIMINOLOGY-3-58402**

**Legal Aspects of Evidence (3 units)**

**Fall 2021**

**08/09/2020 - 12/10/2021**

**Web Based (Online) Asynchronous Delivery**

**Instructor - Dennis Montejano**

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**Office Hours: See page 5**

**Course Description:** This course examines categories of evidence and legal rules which govern their admissibility or exclusion in a United States court of law.

**ADVISORIES: Eligibility for English 1A Course Credits/Class Hours: 3**

**Student Learning Outcomes:**

By the end of the semester, it is expected that the student will:

1. Demonstrate an understanding of the various historical and developmental concepts involved in evidentiary procedure.

2. Use the California Evidence Code (and other various related legal codes).

3. Evaluate various kinds of evidence using inductive and deductive reasoning to ensure its admissibility in court.

4. Use the vocabulary of the legal evidence language.

**Learning Objectives:**

In the process of completing this course, students will:

1. Identify and differentiate various types of evidence.

2. Define and describe key rules of evidence and demonstrate the ability to use the California Evidence Code and the California Penal Code appropriately.

3. Critically evaluate the various types of evidence and apply rules of evidence to specific case facts.

**Required Text and Materials**:

**Important Note**: Assignments are embedded in the required textbook. Students are encouraged to purchase or familiarize themselves with the campus resources available to them early on. Such acquisition of the required materials will increase the likelihood of successfully completing the course. While your instructor understands the cost of textbooks can be significant, the text selected for this course will afford you a greater opportunity to develop an appropriate understanding of the course learning objectives and therefore strengthen your learning and retention of the material.

* “Criminal Evidence: Principles & Cases”, 9th edition, Author – Gardner, ISBN 9781285459004 (available at campus bookstore). You can rent the E-Book for $35 for the semester.

**PURCHASING**  
If you’re taking more than one course that uses Cengage Materials, please look into Cengage Unlimited—it’s a subscription that gives you access to all your Cengage textbooks and access codes (like MindTap) for **$119.99** per term, **$179.99** per year, or **$239.99**for 2 years. No matter how many Cengage products you use, they are all included in Cengage Unlimited and the price stays the same. **If you’re taking multiple courses that use Cengage textbooks, this is a surefire way to save money!** You can purchase access to Cengage Unlimited in the bookstore or at [www.cengage.com](http://www.cengage.com/?channel=eloqua&elq_mid=11375&elq_nm=Tracked%20Email&elq_cid=7758222&utm_medium=email&utm_source=&utm_campaign=&utm_content=&elqTrackId=19895612d4694a7abec8ce60be964c67&elq=a899efdc4de2448c92060e07363dc3d2&elqaid=11375&elqat=1&elqCampaignId=).

**Americans with Disabilities Act:** Reedley College complies with the Americans with Disabilities Act. If you would like to request any accommodation for this course, please contact the Coordinator of Disabilities at (559) 638-3641 (**DSP&S**: www.reedleycollege.edu/student-services/disabled-student-programs-and-services/index.html). A copy of the appropriate form, Notification of Authorized Services, needs to be submitted to the instructor – preferably within the first two weeks of the semester.

**Zero tolerance policy for Disruptive conduct in the classroom and Online**

* The instructor has primary responsibility for control over classroom behavior and maintenance of academic integrity.
* The instructor can order temporary removal or exclusion from the classroom of any student engaged in disruptive conduct or conduct which violates the general rules and regulations of the College.
* Disruptive behavior in the classroom that obstructs or disrupts the learning environment.

**Academic Integrity Statement**

* Students guilty of academic dishonesty, either directly or indirectly through participation or assistance, are responsible to the instructor of the class. Academic dishonesty is defined as, but not limited to, plagiarism and cheating.
* At the discretion of the instructor, students who cheat or steal work from another source will be subject to significant consequences, to include failure of the assignment and/or course.
  + Cheating - is the act or attempted act of taking an examination or performing an assigned, evaluated task in a fraudulent or deceptive manner. Cheating may include, but is not limited to, copying from another's work, supplying one's work to another, giving or receiving copies of examinations without the instructor's permission.
  + Plagiarism - is a specific form of cheating: the use of another's words or ideas without identifying them as such or giving credit to the source. Plagiarism may include, but is not limited to, failing to provide complete citations and references for all work that draws on the ideas, words, or work of others, submitting duplicate work to be evaluated in different courses without the knowledge and consent of the instructors involved.
  + See the Reedley College Catalog for further information regarding cheating and plagiarism.
* Additional disciplinary sanctions may be imposed through the regular institutional procedures as a result of academic misconduct.

**Sexual Harassment**

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct explicitly or implicitly affects an individual's employment or education, unreasonably interferes with an individual's work performance or education, or creates an intimidating, hostile, or offensive work or education environment. This includes any online harassment.

**Disclaimer:**

Due to the nature and reality of work in the criminal justice system, real life examples, verbal and non-verbal expression and role-playing by the instructor may be used to demonstrate to students important learning points. These examples are not meant to demean or insult any group or individual, but simply to give students an understanding of the reality that exists in this profession and prepare them to deal with different types of people and situations in a professional manner.

**Help:**

If you are having trouble in this class due a change in life circumstances or something you do not understand please contact the instructor immediately. There are a number of services available to assist you at Reedley College. **Your success in this class is very important to me** and I will work with you to assist you in succeeding in this course. However, you must remember that success in this course cannot happen without you doing everything you need to do to succeed. (See keys to successful course completion.)

**Course changes:**

The instructor reserves the right to make changes on this syllabus, but will discuss these changes and their implications to the students before they are implemented. Please review this course in Canvas and check your e-mail daily as I regularly use these methods to communicate information to students.

**Course Requirements:**

All assignments are expected to be submitted on the day/time due. Because this an online course and you will have a full week to complete an assignment, I will not accept late work or exams. You must get your work done by the end of the week the assignment or exam is expected to be completed. **Your grade will be based on successful completion of the following:**

1. ***Weekly Assignments:*** Each week you will be given a weekly assignment which must be completed during the week. These weekly assignments will be scored. They will generally be relatively simple. **They will have a due date that may not be missed.**

I will use the completion of these weekly assignments to track your attendance for this class. Failure to complete the assignment for the week will count as an absence for the week. Weekly assignments are worth a total of 140 points.

1. ***Exams\*:*** Four exams will be given during the semester. Each is worth 50 points (200 total points).
2. ***Final:*** The final is worth 50 points.

**Grading Criteria/Scale**:

Weekly Assignments140 points

Exams 200 points

Final Exam 50 points

TOTAL 390 points

Grade Scale:

90 – 100% = A

80 – 89% = B

70 – 79% = C

60 – 69% = D

00 – 59% = F

**Attendance:**

Students are expected to participate online every week. This is usually accomplished through the completion of the weekly assignment, although other or additional assignments may be given. **Students who fail to complete the check in online assignment within the first two full days of the class (by 11:59 pm on Wednesday, August 11th, will be dropped, unless the instructor is notified in advance and agrees to hold the student’s position in class.** Ultimately, it is the student’s responsibility to officially drop a class in which he/she no longer wishes to be enrolled. Be mindful of the drop dates listed in the Catalog and the final drop date halfway through the semester.

**Keys to successful online course completion:**

This class is designed to provide the student with a positive learning experience and to give them valuable knowledge that will benefit them in a career in criminal justice. I see every student as exceptionally valuable and encourage them to do their best to succeed. I will be there for you to help you achieve this success.

1. Do something with your class every day. Do not allow yourself to fall behind.
2. Ask questions when you are unsure of the material. Contact me e-mail or phone.
3. **Carefully** read all assigned chapters.
4. Make good notes of the material you review and are presented.
5. Participate actively and thoughtfully in class work.
6. Get assignments done on time.
7. Study and prepare for exams. Never wait until the last minute to take an exam.
8. Take advantage of any extra credit opportunities given to the class.
9. Seek my assistance when you are struggling with learning a topic for added assistance.

**Additional concerns for this online course:**

Because this is a online course, you must consistently consider your plan to achieve your goals for each week of class. Do not procrastinate and miss deadlines, which cannot be made up.

1. **Must check in by August 11th, Wednesday at 11:59 pm, through the canvas check in assignment, or you will be dropped from the class.**
   1. In face to face classes you must be present for the first class or you will be dropped. The same holds true for this class. I will post a check in assignment in Canvas. All you will have to do for the check in assignment is simply check in through the Canvas assignment. But this must be done by 11:59 pm on Wednesday, or you will be dropped and a student on the wait list will take your place.
2. Office Hours
   1. You can call me at 559 638-0300, extension 318, Monday through Friday, from noon to 1pm.
   2. You can email me 24/7 and during the school year I’m pretty good at getting back to students within 24 hours and usually much sooner. If you have questions, please ask. That is part of the reason I am here.
3. E-mail and Canvas announcements
   1. You are responsible for checking your e-mail and Canvas announcements daily. This is a must for an online class. I do not want you to miss something important.
4. Asynchronous Class Delivery
   1. This class will be delivered asynchronously. This means we will not have regular zoom class meetings. I will instead post material and assignments for you to review at a time during the week that works best for you. However, all assignments due for the week must be completed during the week, without exception. For our purposes, each class week ends on Sunday night at 11:59 PM. Please do not procrastinate and run out of time. It will affect your grade.

**Student Resources:**

Reedley College, in an effort to provide you the best possible education this semester, if offering a variety of services to you.

1. This link is to a video explaining tutorial resources available to you <https://youtu.be/xvRD7kSJNhs>
2. Making technology available to you, including laptops and MiFi hotspots. First come first served <https://www.reedleycollege.edu/news/2020/technology-checkout-fall-2020.html>
3. Counseling and advising <https://www.reedleycollege.edu/student-services/counseling/index.html>

More resources available and updated regularly on the Reedley College home page.

**Semester Outline:** (COR = Course Outline of Record)

Week #1 August 9th

Introductions – Review of Syllabus

Chapter #1-History and Development of Criminal Evidence (COR A)

**Online check in assignment as announced on Canvas**

Weekly Assignment 1 as announced on Canvas

Week #2 August 16th

Chapter # 2 Important Aspects of the Criminal Justice System (COR B)

Weekly Assignment 2 as announced on Canvas

Week #3 August 23rd

Chapter #3 Using Evidence to Determine Guilt or Innocence (COR C)

Weekly Assignment 3 as announced on Canvas

Week #4 August 30th

Chapter #4 Direct and Circumstantial Evidence and Inferences (COR D)

**Test #1 (Chapters 1-4)**

Weekly Assignment 4 as announced on Canvas

Week #5 September 6th

Chapter #5- Witnesses and Testimony of Witnesses (COR E)

Weekly Assignment 5 as announced on Canvas

Week #6 September 13th

Chapter #6 Judicial Notice and Privilege of Witnesses (COR F)

Weekly Assignment 6 as announced on Canvas

Week #7 September 20th

Chapter #7 The Use of Hearsay in the Courtroom (COR G)

Weekly Assignment 7 as announced on Canvas

Week #8 September 27th

Chapter #8-Exceptions to the Hearsay Rule (COR H)

Weekly Assignment 8 as announced on Canvas

Week #9 October 4th

**Test #2 (Chapters 5-8)**

Chapter #9 The Exclusionary Rule (COR I)

Weekly Assignment 9 as announced on Canvas

***LAST DAY TO DROP – October 8th***

Week #10 October 11th

Chapter #10 Where the Exclusionary Rule Does Not Apply (COR J)

Weekly Assignment 10 as announced on Canvas

Week #11 October 18th

Chapter #11 – Evidence Obtained Under Special Needs of Government (COR K)

Weekly Assignment 11 as announced on Canvas

Week #12 October 25th

Chapter #12 - Forgery and Checks (COR L)

**Test #3 (Chapters 9-12)**

Week#13 November 1st

Chapter #13 – The Law Governing Identification Evidence (COR M)

Weekly Assignment 12 as announced on Canvas

Week#14 November 8th

Chapter #14 – Obtaining Physical and Other Evidence (COR N)

Chapter #15 – Obtaining Evidence by Use of Search Warrants, Wiretapping or Dogs Trained to Indicate an Alert (COR O)

Weekly Assignment 13 as announced on Canvas

Week#15 November 15th

Chapter #16 – The Crime Scene, the Chain of Custody Requirement and the Use of Fingerprints and Trace Evidence (COR P)

Weekly Assignment 14 as announced on Canvas

Week#16 November 22nd

**Test #4 (Chapters 13-16)**

Chapter #17 – Video, Photographs, Documents, and Writings as Evidence (COR Q)

Week#17 November 29th

Chapter #18 – Scientific Evidence (COR R)

Week# 18 December 6th (Finals week)

Must be completed by Thursday evening at 11:59 PM