**CRIMINOLOGY-3-52467**

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

**Spring 2024**

**01/08/2023 - 05/17/2023**

**Lecture Monday, Wednesday, Friday**

**10am – 10:50pm, CCI Building, Room 204**

**Instructor – Richard Gallegos**

**Office Phone: (559) 949--3000 ext. 3181**

**Emai:** **Richard.gallegos@reedleycollege.edu**

**Office Hours: MWF 1pm – 3 PM**

**TTH 9AM-11AM**

**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).
* A #2 pencil
* 882-E scantrons for all quizzes and exams

**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**

* 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. This includes cell phone use during class.
* The use of cell phones and other electronic devices in the classroom will be at the instructor’s discretion. Minimizing the distraction to the instructor and students will factor into the instructor’s decision to allow the use of such devices.

**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.

**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 see 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:**

(see weekly task list for chapter DUE dates)**.** Your grade will be based on successful completion of the following:

1. ***Quizzes\*:*** Quizzes will be given regularly to assess how well you are learning the material. Quizzes will be given online, Canvas and in-person. (one every two chapters, worth 20 points each, 180 points total).
2. ***Participation:*** Attendance and participation will reflect this score. This is your class as well as mine. Student participation in discussion is critical to the assimilation of the material covered. If called upon by me to answer a question or offer a thought on the subject at hand, you are expected to give a coherent response.  Simply shrugging your shoulders and saying “I don’t know” is not acceptable.  Additionally, if you are not present you are unable to participate.All the students in the class are asked questions regularly to enable them to display understanding of topics discussed**.**You must be present and participate effectively when called upon to earn participation points for each class session (worth 100 points total).
3. ***Exams\*:*** One exam will be given during the semester, which will cover the first half of the semester. (midterm, worth 50 points).
4. ***Final:*** The final is worth 100 points. (comprehensive, in-class)
5. ***Homework Assignment:*** A homework assignment focusing on evidence collection and the use of evidence in court will be part of this course. The details of which will be handed out at a later date by the instructor. Worth 170 points.

\* **Tests will not be made up unless prior arrangements have been made with the instructor.** In the event a student simply fails to show for a scheduled quiz or examination, without notifying the instructor in advance, the student will be allowed to take the quiz or examination, within seven calendar days of the date of the quiz or exam. However, in this situation, the student can only earn up to a maximum of 50% of the original score. Failure to make up the quiz or examination within seven calendar days will result in a grade of zero for that item.

* **Assignments & points are subject to change.**

Grade Scale:

90 – 100% = A

80 – 89% = B

70 – 79% = C

60 – 69% = D

00 – 59% = F

**Attendance and Tardiness Policies:**

Students are expected to attend all class meetings. Students who miss the first class of the semester 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. Being late to class is disruptive to the flow of learning for the students and instructor. Trying to track tardiness when class is already in session adds additional distractions and interruptions to the learning environment. Therefore, if you are not present when roll is taken, you will be counted as absent. You are encouraged to still attend the class, but enter the classroom as quietly as possible in order to minimize interruptions.

**Keys to successful 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. Attend class regularly and on time.
2. Ask questions when you are unsure of the material.
3. Carefully read all assigned chapters.
4. Take good notes during class and discussions.
5. Participate actively and thoughtfully in class sessions.
6. Get assignments done on time.
7. Study and prepare for quizzes and exams.
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.

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

Week #1

Monday- Introductions – Review of Syllabus

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

Friday- Chapter #1 Continued

Week #2

Monday-

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

Friday- Chapter #2 Continued

Week #3

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

Wednesday- Chapter #3 Continued

Friday- Chapter #3 Continued

Week #4

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

Wednesday - Chapter #4 Continued

Friday- Chapter #4 & #5

Week #5

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

Wednesday- Chapter #5 Continued

Friday - Chapter #5 –

Week #6

Monday- Chapter #6 Judicial Notice and Privileges of Witnesses

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

Friday- Chapter #6 & #7 - Continued

Week #7

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

Wednesday- Chapter #7 Continued

Friday- Chapter #7 –

Week #8

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

Wednesday- Chapter #8 Continued

Friday- Chapter #9 The Exclusionary Rule

Week #9

Monday- Chapter #9 – The Exclusionary Rule

Wednesday- Chapter #9 The Exclusionary Rule (COR I)

Friday Chapter #9

Week #10

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

Wednesday- Chapter #10 Continued

Friday- Chapter #11 -- Evidence Obtained Under Special Needs of Government

Week #11

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

Wednesday- Chapter #11 Continued

Friday- Chapter #11

Week #12

Monday- Chapter #12 - Forgery and Checks (COR L)

Wednesday- Chapter #12 Continued

Friday- Chapters #13 -- The Law Governing Identification Evidence

Week#13

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

Wednesday- Chapter #13 Continued

Friday- Chapter #13 –

Week#14

Monday- Chapter #14 – The Law Governing Identification Evidence (COR M)

Wednesday- Chapter #14 Continued

Friday- Chapter #15

Week#15

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

Wednesday- Chapter #15 Continued

Friday- Chapter #15 –

Week#16

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

Wednesday- Chapter #17 –

Friday- Chapter #18—

Week#17

Monday- Chapter #17 – Research Paper/ Review

Wednesday- Chapter #17 – Review

Friday- Chapter #17 – Review

Week#18 -- Finals Week : Final

Spring 2024

IMPORTANT DATES FOR SPRING 2024

DATE DAY EVENT / DEADLINE

January 2 (T) Campus re-opens after Winter Break

January 5 (F) Last day to add a full-term or short-term Spring 2024 class in person 5:00 p.m.

January 7 (Su) Last day to add a full-term or short-term Spring 2024 class through Self-Service 11:59 p.m.

January 8 (M) Start of Spring 2024 semester

January 8 - March 8 (M-F) Short-term Spring 2024 classes, first nine weeks

January 15 (M) Martin Luther King, Jr. Day observed (no classes held, campus closed)

January 19 (F) Last day to drop a Spring 2024 full-term class for full refund

January 26 (F) Last day to register for a Spring 2024 full-term class in person with add authorization

January 26 (F) Last day to drop a Spring 2024 full-term class to avoid a “W” in person

January 28 (Su) Last day to drop a Spring 2024 full-term class to avoid a “W” on Self-Service

January 28 (Su) Last day to add a Spring 2024 full-term class with add authorization on Self-Service

February 16 (F) Lincoln Day observance (no classes held, campus closed)

February 19 (M) Washington Day observance (no classes held, campus closed)

March 1 (F) Deadline to apply for graduation for Spring 2024 completion

March 8 (F) Last Day to drop a Spring 2024 full-term class (letter grades assigned after this date)

March 11 - May 17 (M-F) Short-term Spring 2024 classes, second nine weeks

March 25 - March 29 (M-F) Spring recess (no classes held, campus open Mar 25-28)

March 29 (F) Good Friday observance (no classes held, campus closed) (classes reconvene Apr 1)

May 13-17 (M-F) Spring 2024 final exams week

May 17 (F) Last day to change a Spring 2024 class to/from Pass/No-Pass grading basis

May 17 (F) End of Spring 2024 semester/commencement

May 27 (M) Memorial Day holiday (campus closed)

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| **CRIMINOLOGY 3 HOMEWORK SCHEDULE**  |
| ***EACH ANSWER IS REQUIRED TO BE A MINIMUM OF ½ PAGE IN LENGTH\****HW CH End of Chapter Questions DUE PTS |
| 1 | 1 – 3  | (1) In what ways has the Magna Carta affected the Declaration of Independence? (2) In your own words, explain the duty to disclose evidence analyzed on pp 40 – 41 (3) Provide a brief analysis of each of the pleas listed on pp 55-61 | 1/24 | 20 |
| 2 | 4 – 6  | (1) Outline the classifications of evidence, and a brief definition, listed on p 103 (2) Answer the question listed on pp 132 – 33 thoroughly (3) Provide an analysis to the Dangerous Patient Exception to the Psychotherapist-Patient Privilege listed on p 155-6 | 2/14 | 20 |
| 3 | 7 – 9 | (1) On p. 178 there are five examples that take a statement out of the hearsay classification. What are they? Explain each one. (2) Outline the exceptions to the hearsay rule they are listed on pp. 198 – 203 (3) Explain Miranda and the Poisonous Tree Rule on pp. 223 - 225 | 3/6 | 20 |
| 4 | 10 - 12 | (1) Explain in your own words what is defined on p. 243 (2) Explain what the Supreme Court ruled on collecting DNA samples, p. 267 (3) What is the purpose for the test listed on p. 285  | 4/3 | 20 |
| 5 | 13 - 14  | (1) Provide a case brief on the case that determines the reliability of identification evidence, listed on p. 325 (2) Explain the investigative technique listed on p. 345 (3) What are the exceptions to the warrant requirement to enter private premises listed on pp. 363 -4 | 4/17 | 20 |
| 6 | 15 – 16  | (1) List and explain the types of search warrants listed on pp. 387 – 391 (2) What are the three circumstances where a police officer may make warrantless searches of premises as listed on pp. 423-4 (3) Explain the chain of custody requirement listed on p. 431 | 5/3 | 20 |
| 7 | 17 – 18  | (1) Where can videotaping be done without a warrant, pp. 450 – 1 (2) Explain the three tests listed on pp. 471 – 2 | 5/10 | 20 |
|  |  |  **TOTAL POINTS** |  | **140** |

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| **CRIMINOLOGY 3 TEST SCHEDULE** |
| TEST CHAPTERS DATE POINTS |
| 1 | 1,2,3, | 1/26 | 30 |
| 2 | 4,5,6 | 2/14 | 30 |
| 3 | 7,8,9,10 | 3/13 | 40 |
| 4 | 11,12,13,14 | 4/17 | 40 |
| 5 | 15,16 | 5/1 | 20 |
| FINAL | Comprehensive | 5/13-5/17 | 50 |
| Participation  | In-Class Participation | (In-Class assignments) | 50 |
|  |  | **TOTAL POINTS** | **260** |
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| **LETTER** **GRADE** | **PERCENTAGE** **RANGE** | **POINTS** |
| A | 100-90 | 400 - 360 |
| B | 89-80 | 359 - 320 |
| C | 79-70 | 319 - 280 |
| D | 69-60 | 279 - 240 |
| F | 59 and below | 239 and below |

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| --- | --- |
| TOTAL HOMEWORK POINTS POSSIBLE | **140** |
| TOTAL EXAMINATION POINTS POSSIBLE | **260** |
| **TOTAL POINTS POSSIBLE** | **400** |