CRJ4312.001: Law and Evidence

*When you have eliminated the impossible, then whatever remains, however improbable, must be the truth.* - Sherlock Holmes

*No, no, said the Queen. Sentence first, verdict afterwards.* – Lewis Carroll

*Now faith is the substance of things hoped for, the evidence of things not seen* - Hebrews 11:1

**Course Description:** The course is intended to familiarize students with the courtroom rules of evidence which govern the presentation, relevance, and admissibility of evidence at trial, with particular attention to the Texas Rules of Evidence and the Federal Rules of Evidence. Major topics include: burdens of proof, relevance, admissibility, hearsay, character evidence, credibility, testimonial privileges, and judicial notice. Constitutional limitations on evidence law are also explained.

**Learning Outcomes:** By the end of the semester, the student should be able to:

1. Understand the Operation and Purpose of the Rules of Evidence in relation to the Criminal Justice System
2. Critically Analyze questions of Evidence Law as they relate to the Criminal Justice System
3. Apply professional standards of writing, test-taking, and classroom deportment.

**Required Texts:**


From time to time web-based research will be assigned as a basis for written reaction paper assignments. These assignments comprise part of the ‘participation/attendance’ proportion of the student’s grade and are intended to serve as a basis for class discussion.
Grading: The student’s grade will be based upon the completion of three examinations, three study exercises, and reaction papers. Participation also may affect the grade. The percentage of each of these of the final grade is:

- Study Exercise #1: 5%
- Exam #1: 25%
- Study Exercise #2: 5%
- Exam #2: 25%
- Study Exercise #3: 5%
- Exam #3: 25%
- Study Exercise #4: 5%
- Final Exam: 25%
- Participation/Reaction Papers/Digital literacy: 10%

Total: 130% - 30% = 100%

The lowest scoring of the four exams and the lowest scoring study exercise will be omitted from the calculation of the student’s final grade. All exams are objective.

Students may work together on the study exercises but must submit their answers separately. The study exercises consist of hypothetical questions requiring the application of the legal principles covered in class to specific fact patterns.

Late study exercise will not be accepted for grading once they have been collected and discussed. Study exercises are due in class at the beginning of class on the date assigned.

The study exercises and examination are objective (multiple choice). Examinations will include both general knowledge questions and hypothetical questions similar to those on the study exercises.

The instructor may choose to permit students to waive the final examination depending upon overall class progress and the progress of the individual student. If such a waiver is offered, the student must attend all remaining class sessions and hand in all other assignments in order to qualify for the waiver.

Make-Up Exams: All makeup exams will be given the final week of the session. Make-up exams may be in essay format.

Attendance/Participation: Roll will be taken. Excessive absences will adversely affect a student’s grade.

Academic Advising: The College of Liberal Arts requires that students meet with an Academic Advisor as soon as they are ready to declare a major. Degree plans are prepared in the CLA Academic Advising Center. The University uses an online Degree Audit system. Any amendment
must be approved by the Department Chair and the office of the Dean. All courses and requirements specified in the final degree plan audit must be completed before a degree will be granted. The CLA Academic Advising Office is located in Driftwood #203. For more information please call 361-825-3466.

Statement of Academic Continuity*

In the event of an unforeseen adverse event, such as a major hurricane and classes could not be held on the campus of Texas A&M University–Corpus Christi; this course would continue through the use of Blackboard and/or email. In addition, the syllabus and class activities may be modified to allow continuation of the course. Ideally, University facilities (i.e., emails, web sites, and Blackboard) will be operational within two days of the closing of the physical campus. However, students need to make certain that the course instructor has a primary and a secondary means of contacting each student.

Dropping a Class*

I hope that you never find it necessary to drop this or any other class. However, events can sometimes occur that make dropping a course necessary or wise. Please consult with your academic advisor, the Financial Aid Office, and me, before you decide to drop this course. Should dropping the course be the best course of action, you must initiate the process to drop the course by going to the Student Services Center and filling out a course drop form. Just stopping attendance and participation WILL NOT automatically result in your being dropped from the class. April 10th is the last day to drop a class with an automatic grade of “W” this term.

Disabilities Accommodations***

The Americans with Disabilities Act (ADA) is a federal anti-discrimination statute that provides comprehensive civil rights protection for persons with disabilities. Among other things, this legislation requires that all students with disabilities be guaranteed a learning environment that provides for reasonable accommodation of their disabilities. If you believe you have a disability requiring an accommodation, please call or visit Disability Services at (361) 825-5816 in Corpus Christi Hall 116.
If you are a returning veteran and are experiencing cognitive and/or physical access issues in the classroom or on campus, please contact the Disability Services office for assistance at (361) 825-5816.

Military Reserve, National Guard, and active duty military personnel with special circumstances (e.g. upcoming deployments, drill requirements, disabilities) are welcome and encouraged to communicate these, in advance if possible, to the instructor.

Veterans and eligible family members: The TAMU-CC Office of Veterans Affairs is dedicated to assisting veterans and eligible family members in achieving their educational goals efficiently and without impediments. If you are a veteran or eligible family member, please contact the Office of Veterans Affairs at (261)825-2331 for information regarding educational benefits and opportunities. The Office of Veterans Affairs is located on the first floor of the Student Services Center.

Sex Discrimination: Texas A&M University-Corpus Christi fully complies with Title IX, 20 USC 1681 et. seq., which provides that:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.

All complaints of sex discrimination must be made or referred to the Director of Equal Opportunity for TAMU-CC. Office Number: 361-825-2765. Email: Samuel.Ramirez@tamucc.edu

Grade Appeals

As stated in University Procedure 13.02.99.C0.03, Student Grade Appeal Procedures, a student who believes that he or she has not been held to appropriate academic standards as outlined in the class syllabus, equitable evaluation procedures, or appropriate grading, may appeal the final grade given in the course. The burden of proof is upon the student to demonstrate the appropriateness of the appeal. A student with a complaint about a grade is encouraged to first discuss the matter with the instructor. For complete details, including the responsibilities of the parties involved in the process and the number of days allowed for completing the steps in the process, see University Procedure 13.02.99.C0.03, Student Grade Appeal Procedures.

For assistance and/or guidance in the grade appeal process, students may contact the Dean’s office in the college in which the course is taught or the Office of the Provost. These documents are accessible through the University Rules Web site at:
http://academicaffairs.tamucc.edu/rules_procedures/assets/13.02.99.c0.03_student_grade_appeals.pdf.
Classroom/professional behavior

Texas A&M University-Corpus Christi, as an academic community, requires that each individual respect the needs of others to study and learn in a peaceful atmosphere. Under Article III of the Student Code of Conduct, classroom behavior that interferes with either (a) the instructor’s ability to conduct the class or (b) the ability of other students to profit from the instructional program may be considered a breach of the peace and is subject to disciplinary sanction outlined in article VII of the Student Code of Conduct. Students engaging in unacceptable behavior may be instructed to leave the classroom. This prohibition applies to all instructional forums, including classrooms, electronic classrooms, labs, discussion groups, field trips, etc.

Academic Integrity/Plagiarism*

University students are expected to conduct themselves in accordance with the highest standards of academic honesty. Academic misconduct for which a student is subject to penalty includes all forms of cheating, such as illicit possession of examinations or examination materials, falsification, forgery, complicity or plagiarism. (Plagiarism is the presentation of the work of another as one’s own work.) In this class, academic misconduct or complicity in an act of academic misconduct on an assignment or test will result in an F in the course and referral to the Office of Student Life.

Miscellaneous: Smart Phones should be kept on mute during the class session. BEING VISIBLY DISTRACTED BY YOUR SMART PHONE WILL IMPAIR YOUR PARTICIPATION SCORE. Laptops may be used in class. Students wishing to bring a guest to one of the lectures must first obtain the consent of the instructor. Please note that criminal justice by definition involves the discussion of topics which are not suitable for minors and minors should not be brought to class.

The University Counseling Center is free for all students facing various emotional difficulties (825-2703).

Outline of Topics/Readings Due Dates

<table>
<thead>
<tr>
<th>Week beginning</th>
<th>Topic</th>
<th>Reading:</th>
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<tr>
<td>Jan 20:</td>
<td>Introduction</td>
<td>Best</td>
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4312.001 S20
(No class Monday; Class begins Wednesday the 22d)

<table>
<thead>
<tr>
<th>Date</th>
<th>Content</th>
<th>Chapters</th>
<th>Section</th>
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<tbody>
<tr>
<td>Jan 27</td>
<td>Court System &amp; Trials</td>
<td>Art.I</td>
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<tr>
<td>Feb 3</td>
<td>Relevance</td>
<td>Ch. 1,2</td>
<td>Art IV</td>
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<td>Feb 10</td>
<td>Relevance continued</td>
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<td>Feb 17</td>
<td>Study Exercise #1 due; first exam</td>
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<td>Feb 24</td>
<td>character evidence</td>
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<td>Art IV</td>
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<td>Mar 2</td>
<td>Impeachment; Witnesses</td>
<td>Ch. 5</td>
<td>Art VI</td>
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<td>Mar 9</td>
<td>Spring Break</td>
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<td>Mar 16</td>
<td>Authentication</td>
<td>Ch. 8</td>
<td>Art IX</td>
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<td>Mar 19</td>
<td>Study Exercise #2 due; second exam</td>
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<td>Mar 23</td>
<td>Hearsay</td>
<td>Ch. 3</td>
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<td>Mar 30</td>
<td>Hearsay continued</td>
<td>Ch. 3</td>
<td>Art VIII</td>
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<td>April 6</td>
<td>Judicial Notice</td>
<td>Chs 9,10</td>
<td>Art II</td>
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<td>April 13</td>
<td>Study Exercise #3 due; third exam</td>
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<td>April 20</td>
<td>Expert Witnesses; scientific</td>
<td>Ch. 6</td>
<td>Art VII</td>
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<td>evidence</td>
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<tr>
<td>April 27</td>
<td>Privileges</td>
<td>Ch. 7</td>
<td>Art. V</td>
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<td>May 4</td>
<td>last class day</td>
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<td></td>
<td>: <strong>SE #4 due</strong></td>
<td>Ch. 7</td>
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**Final exam as scheduled on SAIL**