



# Syllabus Cover Sheet for Criminal Evidence

## Course Information

Semester & Year: Spring 2022

Course ID & Section #: AJ 6 – V2637

Instructor's name: Prof. Gary Sokolow

Class Time: Tuesdays: 1:15 PM-2:40 PM. Via Zoom teleconferencing

Course units: 4.0

## Instructor Contact Information

This Class is Partly on-line and partly teleconferenced

Office hours: By appointment

Email address: Via Canvas

## Catalog Description

A course designed to provide students a working knowledge of evidence and case law relating to the admission of evidence in legal proceedings. Topics include the following: Origin, development, philosophy, and constitutional basis of evidence; constitutional, statutory, and procedural considerations which affect the admissibility of evidence; kinds and degrees of evidence; and case studies viewed from the conceptual level.

## Course Student Learning Outcomes *(from course outline of record)*

1. Classify a given piece of evidence, e.g. direct, circumstantial, real, demonstrative, hearsay, etc.
2. Analyze court decisions to extract the legal rules contained therein concerning the general admissibility of evidence, and more specifically evidence subject to the rules of discovery and the exclusionary rule.
3. Analyze a word-picture scenario and apply the rules of evidence and court decisions to determine whether the evidence in question would be admissible in court

## Prerequisites/co-requisites/ recommended preparation

It is recommended that students have taken Aj1 and/or AJ 4 before taking this class. These classes are merely recommended, not required course prerequisites.

## Accessibility

College of the Redwoods is committed to making reasonable accommodations for qualified students with disabilities. If you have a disability or believe you might benefit from disability-related services and accommodations, please contact your instructor or [Disability Services and Programs for Students \(DSPS\)](#). Students may make requests for alternative media by contacting DSPS based on their campus location:

- Eureka: 707-476-4280, student services building, 1<sup>st</sup> floor
- Del Norte: 707-465-2324, main building near library
- Klamath-Trinity: 530-625-4821 Ext 103

If you are taking online classes DSPS will email approved accommodations for distance education classes to your instructor. In the case of face-to-face instruction, please present your written accommodation request to your instructor at least one week before the needed accommodation so that necessary arrangements can be made. Last minute arrangements or post-test adjustments usually cannot be accommodated.

**AJ 6**

**CRIMINAL EVIDENCE  
SPRING 2022  
SYLLABUS**  
(rev.3)

**(V2637)**

***HYBRID COURSE***

***Tuesdays 1:15 PM - 2:40 PM via Zoom***

Professor Gary A. Sokolow

Office Hours:           By Appointment  
E-mail:                 via Canvas

Course webpage:	<a href="http://redwoods.instructure.com">redwoods.instructure.com</a>
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***STUDENTS SUCCESSFULLY COMPLETING THIS COURSE WILL BE ABLE TO:***

1. Classify a given piece of evidence, e.g. direct, circumstantial, real, demonstrative, hearsay, etc.
2. Analyze court decisions to extract the legal rules contained therein concerning the general admissibility of evidence, and more specifically evidence subject to the rules of discovery and the exclusionary rule.
3. Analyze a word-picture scenario and apply the rules of evidence and court decisions to determine whether the evidence in question would be admissible in court.

***WEB SITE/CLASS PARTICIPATION/EXAMS:*** Regular and timely participation in the class is essential. A substantial part of the course grade involves analyzing crime scenario exercises and completing exams. Any e-mails or phone calls to me will generally be responded to within a day (Sundays excluded).

Every Tuesday, log in to our AJ 6 Canvas course webpage > **ConferZoom** button on the navigation bar. Once there, click on the blue “join session” button which will take you to the ConferZoom page for the class session. If you do not have a computer and mike, you will need to call in by phone at the numbers provided.

*Every three weeks or so, I will post a crime scenario exercise. You may work on them either alone or with a classmate. If you work in a pair, only one of you will need to upload your work to Canvas for grading. If you wish, before the first scenario is posted, use the class session, e-mails, or any other method of communication to find a teammate. If working with a classmate, both of you will be given the same grade for the response to the crime scenario.*

*There will also be a mid-term and a final exam.* The final exam will be cumulative. This means that while the primary focus of the final exam is on the chapters covered since the mid-term test, some part of the final exam questions may require you to deal with matters raised/discussed earlier in the course. The exams will be available for viewing and downloading under the “modules” and/or “files” areas of our course webpage.

I will look both for quantity and quality when I grade your responses to any written work. Copying and pasting or copying verbatim, material from the textbook (or other sources) is by itself, an insufficient response. In the instructions for all written assignments, I will establish both a due date and a minimum length ‘word count’.

The two tests will contain detailed instructions for their completion and electronic submission of them to the Canvas website. They will be graded on the *Turnitin.com* website. Any scenarios or exams turned in late will be assessed a late grade penalty of my choosing. Employment issues, childcare, computer issues, etc. are not excuses for the submission of any late work. Plan ahead.

In general, if you are experiencing computer glitches or problems with the Canvas site, first contact the College of the Redwoods help desk – **its@redwoods.edu** or call them at **707.476.4160** during business hours. If that is insufficient, E-mail me directly. I will try to help you with minor issues with the websites, but my main expertise is in the subject of the course, not computer hardware or software.

\* *The quickest way to reach me is via e-mail. When you E-mail me, leave me a contact phone number as well. If the matter is too urgent or complicated to be handled with an email message, I will call you at the phone number you provided.*

### **REQUIRED MATERIALS/COMPUTER ACCESS:**

*Criminal Evidence: Fourteenth Edition*; Jefferson L. Ingram; Routledge Publishing; (2021) -  
--- ISBN-13: 978-0367551933

Regular access to computer with internet connection (high-speed, e.g. DSL/broadband strongly recommended).

### **COURSE GRADE SCALE:**

A	= >95% - 100%
A-	= >90% - 95%
B+	= >85% - 90%
B	= >82% - 85%
B-	= >80% - 82%
C+	= >75% - 80%

C	= >70% - 75%
D	= 61% - 70%
F	= <61%

**CLASS GRADE:\*\*** The course grade will be composed of the following:

- Two Exams 65% of grade
- Crime Scenarios 20% of grade
- Class Participation 15% of grade

Take home exams are given. The two exams will require a limited amount of research outside of class readings and lectures, primarily in the Federal Rules of Evidence (FRE) and the California Evidence Code (CEC). The proper use of standard English, which includes grammar, spelling, and punctuation is part of the grade of all written work.

*\*\*A grade of “F” on **either** exam, **or** the entire class participation **or** crime scenarios categories may result in an “F” grade for the entire course.*

Instructor-Initiated Class Withdrawal Policy: -- “Excessive Absences” – defined as missing *more than* two live (face to face) and/or virtual (attendance via internet) class sessions. This means that if you miss *three or more classes*, I may withdraw you from the course.

**The “Incomplete” grade status will not be assigned except under extraordinary circumstances.**

### ***SCHEDULE OF ASSIGNMENTS:***

***Every Week***, check the “Modules” section of the Canvas course webpage. There you will find several things\*\*\*:

1. Directions to the PowerPoint slide notes pages. Each week’s notes pages will “track” the weekly Tuesday class lecture/discussion. In other words, these notes are an outline of the weekly class discussions. If you choose to do so, *you can print out notes pages in advance of the class lecture to take short notes of the lecture/discussions.*
2. Directions for the crime scenarios to which you will need to respond to in a timely manner via submission to our Canvas course website. You may work alone or in pairs on the scenarios.
3. A link to a video of the recorded class session. These will be in the .mp4 format. These recordings will be available for a limited time, and then reopened during the mid-term and final exam periods.

4. When exam time arrives – I will provide directions and a video for the two exams. You can download and print a copy of the exams and other supporting materials. They also need to be uploaded to the Canvas course webpage.

\*\*\*All “documentary evidence” items, e.g. notes pages, exams, or other documents are always located in the “Files” section of our course webpage.

Below, you will find the schedule for the class. Every week there will be a reading assignment and a class session to attend and participate in live **or** via the internet.

All readings are assigned one week in advance of the time where they will be discussed in the weekly class session. *Abridged court cases pertinent to each reading assignment may also be assigned as readings, even though not listed below.*

### **Week One:**

1. **Skim** Chapter One – *The Study of Evidence: History, Development & Approach*
2. **Read** Chapter Two – *Burden of Proof*
3. Class Session Lecture/Discussion – Class Introductions & “Housekeeping”
4. (Optional) Look for crime scenario partners

### **Week Two:**

1. Read Chapter Three – *Proof via Evidence*
2. Class Session Lecture/Discussion – Chapters 1 & 2

### **Week Three:**

1. Read Chapter Four – *Substitutes for the Admission of Evidence*
2. Class Session Lecture/Discussion – Chapter 3

### **Week Four:**

1. Read Chapter Five – *Relevancy & Materiality*
2. Class Session Lecture/Discussion – Chapter 4
3. **Crime Scenario One**

### **Week Five:**

1. Read Chapter Six – *Competency of Evidence & Witnesses*
2. Class Session Lecture/Discussion – Chapter 5

### **Week Six:**

1. Read Chapter Seven – *Examination of Witnesses*
2. Class Session Lecture/Discussion – Chapter 6

**Week Seven:**

1. Read Chapter Eight – *Privileges*
2. Class Session Lecture/Discussion – Chapter 7
3. **MID-TERM EXAM**

**Week Eight:**

1. Read Chapter Nine – *Opinions & Expert Testimony*
2. Class Session Lecture/Discussion – Chapter 8
3. **Crime Scenario Two**

**Week Nine:**

1. Read Chapter Ten – *Hearsay Rule & Exceptions* (Part I of II)
2. Class Session Lecture/Discussion – Chapter 9

**Week Ten:**

1. Read Chapter Ten – *Hearsay Rule & Exceptions* (Part II of II)
2. Class Session Lecture/Discussion – Chapter 10 (Part I of II)

**Week Eleven:**

1. Chapter Eleven – *Documentary Evidence*
2. Chapter Twelve – *Real Evidence*
3. Class Session Lecture – Chapter 10 (Part II of II)

**Week Twelve:**

1. Chapter Fourteen – *Evidence Unconstitutionally Obtained (§§ 14.1-14.4)*
2. Class Session Lecture/Discussion – Chapters 11 & 12
3. **Crime Scenario Three**

**Week Thirteen:**

1. Chapter Fourteen – *Evidence Unconstitutionally Obtained (§§ 14.5-14.9)*
2. Class Session Lecture/Discussion – Chapter 14 - (§§ 14.1-14.4)

**Week Fourteen**

1. Class Session Lecture/Discussion – Chapter 16 (§§ 14.5 – 14.9)
2. **Crime Scenario Four**

### **Week The Last:**

1. Class Session Lecture/Discussion – Chapter 16 *Summary & Course Wrap-Up*
2. ***Final Exam***

- *The syllabus is subject to change upon advanced notice by posting any changes on the Canvas course page.*

## **Code of Conduct**

### **Preface:**

The purpose of this code is to ensure that both the instructor and students are mindful of the rights and responsibilities of each other. Additionally, adherence to this code will help ensure that the class experience is both meaningful and interesting to all concerned.

### **Instructor Expectations:**

- Plagiarism – Plagiarism is defined as claiming any work of another person as your own without attribution to the true author. It also includes taking a substantial portion (approximately 25% or more) of your assignment from another source, whether or not credit is given to that source. This includes the work of fellow students. *If a student is found to have plagiarized the work of another, the penalty which the instructor may impose ranges from a failing grade for the assignment to a failing grade for the entire course.*
- Netiquette - In participating in an on-line/hybrid format, it is expected that all students treat each other with respect. This includes no personal attacks on any other class member or the instructor. I expect that you may disagree with the views of your classmates from time to time, but such disagreements may be expressed in a respectful manner. It is good to remember that we all bring to the class a broad array of life experiences.

### **Student Expectations:**

- Punctuality – Students have every right to expect that the instructor will offer timely feedback to the discussion questions, crime scenarios, and the grading of exams.
- Civility – Students have a right for the instructor and classmates to treat them with respect both in and out of the classroom and to ensure that all students have an opportunity to express their opinions on relevant matters.

Classroom Environment - In order to create a classroom environment that supports respectful, critical inquiry through the free exchange of ideas, the following principles will guide our work:



- Treat every member of the class with respect, even if you disagree with their opinion;
- Bring light, not heat;
- Reasonable minds can differ on any number of perspectives, opinions, and conclusions;
- Because constructive disagreement sharpens thinking, deepens understanding, and reveals novel insights, it is not just encouraged, it is expected;
- All viewpoints are welcome;
- No ideas are immune from scrutiny and debate;
- You will not be graded on your opinions

*In compliance with equal access laws, I am available to discuss appropriate academic accommodations that you may require as a student with a disability. Students are encouraged to contact Disabled Students Programs and Services (DSP&S) , 707-476-4280, for disability verification and for determination of reasonable academic accommodations.*