

**University of North Texas at Dallas**  
**Spring 2013**  
**SYLLABUS**

**CJUS 5270D: CRIMINAL EVIDENCE (3 Hrs)**

<b>Department of</b>	<b>Urban and Public Leadership</b>	<b>Division of</b>	<b>Urban and Professional Studies</b>
<b>Instructor Name:</b>	<i>Gretchen H. Choe, J.D., M.S.C.J.</i>		
<b>Office Location:</b>	<i>DAL2 317</i>		
<b>Office Phone:</b>	<i>972-338-1840</i>		
<b>Email Address:</b>	<i>Gretchen.choe@unt.edu</i>		
<b>Office Hours:</b>	<b>MT 2:00-4:00, W 12:00-1:00, R 3:00-5:00, 6:00-7:00 and by appointment</b>		
<b>Virtual Office Hours:</b>	<i>By appointment</i>		
<b>Classroom Location:</b>	<i>FH (DAL2) 242</i>		
<b>Class Meeting Days &amp; Times:</b>	<b>R 7:00-9:50 PM</b>		
<b>Course Catalog Description:</b>	This course examines the problems of proof in the criminal justice process, including the admission and exclusion of evidence, the examination of witnesses, substitutes for evidence and procedural considerations. Both the theory and application of the evidentiary principles will be explored.		
<b>Prerequisites:</b>	<b>None</b>		
<b>Co-requisites:</b>	<b>None</b>		
<b>Required Text:</b>	Lilly, Graham C., D. J. Capra, and S. A. Saltzburg. <i>Principles of Evidence</i> . 6 <sup>th</sup> ed. St. Paul: West, 2006.		
<b>Recommended Text and References:</b>	Texas Rules of Evidence, located online at <a href="http://www.courts.state.tx.us/rules/tre-toc.asp">http://www.courts.state.tx.us/rules/tre-toc.asp</a> .		
<b>Access to Learning Resources:</b>	UNT Dallas Library: phone: (972) 780-3625; web: <a href="http://www.unt.edu/unt-dallas/library.htm">http://www.unt.edu/unt-dallas/library.htm</a> UNT Dallas Bookstore: phone: (972) 780-3652; e-mail: <a href="mailto:1012mgr@fhq.follett.com">1012mgr@fhq.follett.com</a>		
<b>Course Goals or Overview:</b>	Through this course, students should gain an understanding of the history of the admission of evidence in criminal cases and an understanding of how the current rules of evidence apply in criminal cases, particularly with regard to relevancy, materiality, and admissibility.		
<b>Learning Objectives/Outcomes:</b>	At the end of this course, the student will be able to:		
1	Apply appropriate rules of evidence to factual situations		
2	Brief court opinions using the FIRAC model		
3	Describe problems with different forms evidence can take in a court case		
4	Define and apply evidentiary terms, such as relevance, materiality, and admissibility		

## Course Outline

This schedule is subject to change by the instructor. Any changes to this schedule will be communicated in class and via announcements or emails in Blackboard.

TOPICS	TIMELINE
Introduction Discussion of case briefs and presentations Chapter 1 – Introduction	1/17/13
Chapter 2 – The Framework	1/24/13
Chapter 3 – Relevance: General Principles and Special Applications	1/31/13
Chapter 4 – Relevance: Special Applications Driven by Social Policy Exam Review (Exams posted on Blackboard)	2/7/13
<b>EXAM 1 and CASE BRIEF 1 DUE</b> <b>Discussions and presentations on case briefs</b>	<b>2/14/13</b>
Chapter 5 – Hearsay	2/21/13
Chapter 6 – Hearsay Exemptions	2/28/13
Chapter 7 – Hearsay Exceptions Exam Review	3/7/13
SPRING BREAK	3/14/13
Instructor absence – no class (Exams posted on Blackboard)	3/21/13
<b>EXAM 2 and CASE BRIEF 2 DUE</b> <b>Discussions and presentations on case briefs</b>	<b>3/28/13</b>
Chapter 9 – Impeachment	4/4/13
Chapter 10 – Privileges	4/11/13
Chapter 11 – Expert Testimony and Scientific Evidence	4/18/13
Chapter 12 – Burdens and Presumptions	4/25/13
Chapter 13 – Best Evidence Rule Exam Review (Exams posted on Blackboard)	5/2/13
<b>FINAL EXAM and CASE BRIEF 3 DUE</b> <b>Discussions and presentations on case briefs</b>	<b>5/9/13 7:00 p.m.</b>

## Course Evaluation Methods

This course will utilize the following instruments to determine student grades and proficiency of the learning outcomes for the course.

**Exams** – Three exams will be given and will be short answer and short essay format. They will be posted on Blackboard one week prior to their due date, and are due on the class dates indicated in the schedule. They are open note, open book, and internet-friendly, but you may not seek assistance from your classmates or any other persons. You are required to cite your sources, particularly the Rules. **Late exams will not be accepted.** They will be graded for content, format, grammar, punctuation and spelling.

**Case briefs** – You will be required to locate, read and brief three cases throughout the semester, one for each unit. You will use the FIRAC method: a brief paragraph describing the facts of the case, a statement of the legal issue in the case, the rule applied in the case (evidentiary rule or constitutional amendment applied), analysis of the legal issue by the court, including opposing views of dissenting judges, and the conclusion of the majority opinion in the case. If multiple issues are discussed by the opinion (such as fourth amendment, effectiveness of counsel, etc.), concentrate your brief on the issues related to the rules of evidence discussed in class and ignore the others.

75% of your grade for the case briefs assignment will be based on the written portion (content, format, grammar, punctuation, and spelling) and 25% will be based on your oral presentation in class. **START EARLY: assignments will not be accepted past the due date. If you do not turn in the written portion of the assignment, you will not be allowed to give an oral presentation and will score a zero for the entire assignment.**

**Grading Matrix:**

Instrument	Value (points or percentages)	Total
Case briefs (x3)	Average of 3 = 50%	50%
Three exams	Average of 3 = 50%	50%
<b>Total:</b>		<b>100%</b>

**Grade Determination:**

- A = 90% or better
- B = 80 – 89%
- C = 70 – 79%
- D = 60 – 69%
- F = less than 60%

**Incompletes:**

*Pursuant to University policy, incompletes will not be given unless ALL of the following conditions have been met:*

- (1) the student has completed 3/4 of the class*
- (2) the student is currently passing the course, and*
- (3) the request for an incomplete is pursuant to a University-recognized reason (medical emergency or military deployment).*

**Extra Credit:**

*On occasion, I have assigned extra credit to various classes. It is a privilege and an opportunity, not a right or an obligation. If extra credit is assigned in class, depending on the nature of the assignment, turnitin.com may be used as a tool. By submitting your assignment in this manner, you are consenting to its access by other individuals and entities for comparison and plagiarism detection. I do not give individual extra credit opportunities under any circumstances.*

**University Policies and Procedures****Students with Disabilities (ADA Compliance):**

*The University of North Texas Dallas faculty is committed to complying with the Americans with Disabilities Act (ADA). Students' with documented disabilities are responsible for informing faculty of their needs for reasonable accommodations and providing written authorized documentation. Grades assigned before an accommodation is provided will not be changed as accommodations are not retroactive. For more information, you may visit the Student Life Office, Suite 200, Founders Hall (Building 2).*

**Student Evaluation of Teaching Effectiveness Policy:**

*The Student Evaluation of Teaching Effectiveness (SETE) is a requirement for all organized classes at UNT. This short survey will be made available to you at the end of the semester, providing you a chance to comment on how this class is taught. I am very interested in the feedback I get from students, as I work to continually improve my teaching. I consider the SETE to be an important part of your participation in this class.*

**Academic Integrity:**

*Academic integrity is a hallmark of higher education. You are expected to abide by the University's code of Academic Integrity policy. Any person suspected of academic dishonesty (i.e., cheating or plagiarism) will be handled in accordance with the University's policies and procedures. Refer to the Student Code of Academic Integrity at [http://www.unt.edu/unt-dallas/policies/Chapter%2007%20Student%20Affairs,%20Education,%20and%20Funding/7.002%20Code%20of%20Academic\\_Integrity.pdf](http://www.unt.edu/unt-dallas/policies/Chapter%2007%20Student%20Affairs,%20Education,%20and%20Funding/7.002%20Code%20of%20Academic_Integrity.pdf) for complete provisions of this code.*

*In addition, all academic work submitted for this class, including exams, papers, and written assignments should include the following statement:*

**On my honor, I have not given, nor received, nor witnessed any unauthorized assistance that violates the UNTD Academic Integrity Policy.**

**Bad Weather Policy:**

*On those days that present severe weather and driving conditions, a decision may be made to close the campus. In case of inclement weather, call the UNT Dallas main voicemail number (972) 780-3600 or search postings on the campus website [www.unt.edu/dallas](http://www.unt.edu/dallas). Students are encouraged to update their Jag Alert contact information, so they will receive this information automatically.*

**Diversity/Tolerance Policy:**

*Students are encouraged to contribute their perspectives and insights to class discussions. However, offensive & inappropriate language (swearing) and remarks offensive to others of particular nationalities, ethnic groups, sexual preferences, religious groups, genders, or other ascribed statuses will not be tolerated. Disruptions which violate the Code of Student Conduct will be referred to the Center for Student Rights and Responsibilities as the instructor deems appropriate.*

**Attendance and Participation Policy:**

*The University attendance policy is in effect for this course. Class attendance and participation is expected because the class is designed as a shared learning experience and because essential information not in the textbook will be discussed in class. The dynamic and intensive nature of this course makes it impossible for students to make-up or to receive credit for missed classes. Attendance and participation in all class meetings is essential to the integration of course material and your ability to demonstrate proficiency. Students are responsible to notify the instructor if they are missing class and for what reason. Students are also responsible to make up any work covered in class. It is recommended that each student coordinate with a student colleague to obtain a copy of the class notes, if they are absent.*

**Use of Blackboard Learn:**

*Blackboard Learn will be used to post and submit exams. I also utilize Blackboard extensively to communicate announcements, provide additional readings of interest, facilitate discussion topics, email individual students, and for other reasons as may be appropriate during the semester. It is your responsibility to check Blackboard regularly throughout the semester.*

**Use of Cell Phones, Laptops & other Electronic Gadgets in the Classroom:**

*I do not prohibit the use of electronics in the classroom as a general rule. I trust that most students are using these devices to further their education and for educational purposes during class. However, if it comes to my attention that these devices are creating a distraction to yourself or to other students, I reserve the right to change this policy by communicating such a change in class and through Blackboard.*

**Food & Drink in the Classroom:**

*I do not prohibit food or drink in the classroom during classes, but as a courtesy to your fellow test takers, please do not bring food or drink during exams. If this becomes a distraction, I reserve the right to change this policy by communicating such a change in class and through Blackboard.*

**Disruptions:**

*I reserve the right to ask anyone who is creating a disruption during class to leave the room. Please be respectful of your fellow students. Come to class on time and stay until class ends. Students constantly coming into and leaving the classroom during class create a distracting environment for the other students as well as the instructor. While classroom questions and discussion are encouraged, continually interrupting lectures with commentary and off-topic questions may also be disruptive.*

**Legal Questions:**

*In my capacity as the instructor of record for this course, it would create a potential conflict of interest if I were to render legal opinions regarding specific circumstances. As such, if you have specific questions of a legal nature, please seek appropriate legal advice. The UNT legal services office is available to UNT Dallas students, and the website is <http://studentlegal.unt.edu/>. You can also get referrals from the Dallas Bar Association if you live in Dallas County (<https://www2.dallasbar.org/referral/>) and through the State Bar of Texas referral service for outside of Dallas County ([http://www.texasbar.com/AM/Template.cfm?Section=Other\\_Lawyer\\_Referral\\_Services](http://www.texasbar.com/AM/Template.cfm?Section=Other_Lawyer_Referral_Services)). There are also clinical programs and law libraries at the courthouse and SMU and Texas Wesleyan University law schools that might have resources available to assist you.*