

Austin Peay State University

Fall 2021

Course Overview

Course Title:	Criminal Evidence Procedure (CRJ 3020)
Time and Location:	Tuesday & Thursday 9:35 AM-11:00 AM CL 304
Instructor:	Dr. James F. Prescott
Office Hours:	M 11:00 AM-1:00 PM W F 11:00 AM-2:00 PM Room 213 APSU Education Center ECO 203, Ft. Campbell Campus Telephone: (931) 221-1469 E-Mail: prescottj@apsu.edu
Required Text:	John N. Ferdico, Henry F. Fradella, and Christopher D. Totten, <i>Criminal Procedure for the Criminal Justice Professional</i> , 12 th Edition, Boston, Cengage Learning, 2016.

Course Details

Course Description:

The course description contained in APSU's Bulletin indicates that Criminal Evidence Procedure (CRJ 3020) "...is an in-depth examination of criminal evidence rules in the United States. Topics include trial procedures; examination of witnesses; real/physical evidence; circumstantial evidence; hearsay evidence and exceptions; privileged communications; declarations against interests and judicial notice." In addition to these things, we will study what can and cannot be admitted into court as a result of police investigations to provide evidence of guilt to support a criminal prosecution.

Course Objectives:

- To introduce the student to the fundamental concepts of both criminal evidence and criminal procedure in the United States
- To understand the development of criminal procedure and criminal evidence over time
- To help the student of criminal justice to understand the constitutional rights of all persons with regard to criminal procedure and criminal evidence
- To examine the laws relating to searches and seizures, arrests, and confessions and admissions as they apply to law enforcement and prosecution
- To analyze the investigation, apprehension, and prosecution of criminal suspects
- To identify the constitutional limitations involved in custodial interrogation, searches, and seizures of criminal suspects
- To differentiate between the constitutional rights of due process of law and equal protection of the law as they apply to criminal suspects
- To understand the procedures involved in arrests, bookings, pretrial processes, grand juries, criminal trials, and postconviction remedies

General Education Goals:

In addition to the objectives listed above, the more general goals of this course are to provide the student with the tools with which to develop his or her own potential and abilities.

- This course will help to develop the student's analytical thinking capabilities by comparing and applying theories and concepts to American criminal law and criminal procedure at both the state and federal levels of American government
- The student's literacy skills will be enhanced through assigned readings, weekly assignments, class discussions, and examinations
- The student's understanding of methodology will be enhanced through gaining substantive knowledge of the techniques of judicial review of police actions and criminal prosecutions and trials employed in the American system of criminal justice
- The student's understanding of the scientific method will be enhanced through the comparative analysis of constitutional law doctrines and

appellate court decisions applying criminal law and criminal procedure

- By considering and examining the impact of procedural and substantive law upon individuals in the United States, the student should develop a better understanding of public policy and human behavior
- This course should be useful in increasing the student's awareness of the cultures and experiences of persons in our diverse society, as the application of criminal law and criminal procedure impacts various groups differently in our society
- The course utilizes topical and historical perspectives to help students understand the evolutionary development of American procedural law during the past 200 years
- This course will prepare the student for more advanced studies in public administration, political science, and criminal justice

Course Rules and Policies

In accordance with CDC guidelines for higher education, as of August 11, 2021, regardless vaccination status, masks are required in any of the university's indoor facilities except for private offices, individual study/practice rooms, and residence hall rooms. Social distancing is not required. Vaccination is strongly encouraged and readily available, including at APSU's Boyd Health Services. Contact them at (931) 221-7107.

If any student tests positive for COVID-19, or if an unvaccinated student is exposed to someone who has tested positive, that student *must* submit the [COVID-19 Self-Reporting Form](#). Any student exhibiting symptoms of COVID-19 should seek a test, must fill out the [COVID-19 Self-Reporting Form](#), and should not attend in-person classes while symptomatic. Visit the [APSU Coronavirus Dashboard](#) webpage for more information.

Student's Responsibilities:

It is very important that the student read the assigned materials, participate in class discussions, and complete the exams and writing assignments on time.

Attendance Policy:

Students are expected to fully participate each week and to complete and to complete and submit the writing assignments and exams on time. If a deadline must be missed, the student should seek prior permission from the instructor. At that point, arrangements may be made to submit the required work at a later time. Attendance will be taken every day, but attendance is not required other than on in-class exam days. That being said, success in the course is significantly increased by attendance, as the primary method of instruction is lecture.

Academic and Classroom Misconduct:

Students are expected to conduct themselves appropriately at all times. Academic and classroom misconduct may result in disciplinary sanctions imposed by the University. Students are encouraged to read the APSU Student Code of Conduct.

Plagiarism and Cheating:

As students will be future leaders and practitioners in professional fields, cheating and plagiarism will not be tolerated. Students found cheating or plagiarizing by the Dean of Students will receive a grade of F on the assignment for the first offense. A second offense will result in a grade of F in the course, in addition to any other sanctions that may be imposed by the University. It is a common occurrence for some students to download materials obtained from the internet without proper citations. The instructor utilizes software to check for plagiarism, so the likelihood of being caught is high.

Disability Services:

Austin Peay State University abides by Section 504 of the Rehabilitation Act of 1973, which stipulates that no student shall be denied the benefit of an education "solely by reason of a handicap." Disabilities covered by the law include, but are not limited to, learning disabilities, hearing, sight, or mobility impairments. If you have a documented disability that may have

some impact on your work in this class and for which you require accommodations, communicate with the instructor or with the Office of Disability Services in Morgan University Center 114 at 931-221-6320 or 931-221-6278 (V/TTY), so that such reasonable accommodations may be arranged.

Policy On Minors:

Minors (any non-student under the age of 18) accompanying staff, faculty, students, or visitors on campus are not permitted in the classroom.

Service Animals in the Classroom:

Consult Policy 3:007 Animals on Campus for appropriate situations allowing service animals in the classroom.

Caveat:

The syllabus schedule and procedures are subject to change in the event of extenuating circumstances. Such circumstances can occur due to closure of the University for COVID-19 quarantine or weather-related events. For example, it may be necessary to convert the course to fully online.

Make-Up Examinations:

Students are expected to take all three examinations when scheduled. Students are also expected to turn in the writing assignments on time. Make-up examinations will be allowed only for legitimate reasons. Exams cannot be made up after the due date without extenuating circumstances. Absences that result in a missed exam must have an “excuse” such as illness, death in the immediate family, military deployment, university sanctioned activity, etc. It is the student’s responsibility to notify the instructor of the absence and to request a make-up assignment. Approved make-up examinations will be given at a time and place designated by the instructor outside of scheduled class periods. Make-up examinations taken after the scheduled examination time may be entirely in the form of essay and short-answer questions. Any makeup examinations must be taken prior to December 6, 2021 or a grade of FA (Failure-Absence Related) will be assigned. The writing assignment is due November 19, 2020. It will not be accepted late without an excuse as described above. Grades of I

(Incomplete) will be assigned only if requested by the student in writing prior to December 6, 2021 and if the student has a passing grade (60% or higher) in the course. A student with a failing grade who does not take the final examination by December 6, 2021 will be assigned a grade of FA (Failure-Absence Related).

Assessments and Grading

Grading/Evaluation System:

Grades will be determined by three (3) examinations for a total of 450 possible points and two writing assignments worth 75 points each (150 points total). Each examination will be worth 150 points (450 points combined) and will be composed of multiple choice, true-false, and short answer questions. The first two exams will be taken in-class, while the Final Exam will be taken online. The exams will cover only the material since the last examination. Therefore, the Final Exam will not be comprehensive. Final Grades for the course will be assigned as follows: A=100%-90%; B=89%-80%; C=79%-70%; D=69%-60%; and F=59% or below. Participation in class discussions and attendance will be considered in determining the student's final course grade.

Course Outline and Assignments

Schedule of Lectures and Assignments:

Week 1

August 24 & 26 Introduction; Chapter 1: Individual Rights Under the United States Constitution

Week 2

Aug 31 & Sept. 2 Chapter 2: Criminal Courts, Pretrial Processes, and the Exclusionary Rule

Week 3

Sept. 7 & 9 Chapter 3: Basic Underlying Concepts: Property, Privacy, Probable Cause, and Reasonableness

Week 4

Sept. 14 & 16 Chapter 4: Criminal Investigatory Search Warrants;
Chapter 6: Administrative and Special Needs Searches

Week 5

Sept. 21 **Exam 1-In Class** (Chapters 1, 2, 3, 4, 6 and Introduction)

Sept. 23 Chapter 5: Searches for Electronically Stored Information
and Electronic Surveillance

Week 6

Sept. 28 & 30 Chapter 8: Stops and Frisks

Week 7

Oct. 5 & 7 Chapter 7: Arrests, Searches Incident to Arrest, and
Protective Sweeps

Writing Assignment 1 Due by 10/10/21 DSL Dropbox

Week 8

October 12 **Fall Break (NO CLASS)**

October 14 Chapter 9: Consent Searches

Week 9

Oct. 19 & 21 Chapter 10: The Plain View Doctrine

Week 10

Oct. 26 **Exam 2-In Class** (Chapters 5, 8, 7, 9 & 10)

Oct. 28 Chapter 11: Searches and Seizure of Vehicles and
Containers

Week 11

Nov. 2 & 4 Chapter 12: Open Fields and Abandoned Property

Week 12

November 9 Chapter 13: Interrogations, Admissions, and Confessions

November 11 **Veteran's Day Holiday (NO CLASS)**

Week 13

Nov. 16 & 18 Chapter 14: Pretrial Visual Identification Procedures

Week 14

November 23 Chapter 15: Criminal Trials, Appeals, and Postconviction Remedies

November 25 **Thanksgiving Holiday (NO CLASS)**

Writing Assignment 2 Due by 11:59 PM 11/28/21

Week 15

November 30 Chapter 15, cont.

Week 16

Final Exam-In Class (Chapters 11, 12, 13, 14, & 15)

Monday, December 6 8:00 AM-10:00 AM