

CCJS 498V: Rules of Engagement: Evidence in Criminal Trials Spring 2022



Instructor: James Trusty
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Meeting Time: Tuesdays, 6:30-9:00 p.m.
Classroom: TBA

COURSE INFORMATION

Required Text: Federal Rules of Evidence Handbook, ISBN: 978-1640020467
Additional readings will be added to ELMS periodically to prepare you for class discussion. Students will be given at least one week's notice when additional readings are added.

COURSE DESCRIPTION

This course is devoted to exploring the basic evidentiary rules that govern the use of evidence, its admissibility, and the manner in which criminal trials are

conducted. By understanding Rules of Evidence and illustrative case law that applies these Rules to criminal proceedings, the class will develop a solid understanding of the importance, applicability, and subtleties of evidentiary concepts.

COURSE OBJECTIVES

- 1) Understand the basic operating principles of the Federal Rules of Evidence.
- 2) Demonstrate a basic understanding of laying foundation for admissibility of evidence.
- 3) Understand concepts of relevance, hearsay, and direct examination.
- 4) Develop a working knowledge of the acceptable parameters for cross examination.
- 5) Understand the operation of privileges within the criminal justice system.
- 6) Recognize the importance of case law in refining evidentiary constructs, including in the area of expert witness testimony.

COURSE REQUIREMENTS AND EVALUATION

For this course, students will be expected to attend all class sessions and actively participate. There are several additional requirements that must be fulfilled to be successful in this course.

Course Participation:

Course Lectures, Readings and Quizzes: All course lecture outlines will be available on the ELMS website. Students will be expected to listen to lectures and complete all additional reading assignments *before* that week's class. Cases that are required reading will be posted on ELMS as well, as PDFs. There will be occasional 5-10 question quizzes in class, based upon the material you read before class and the previous lectures.

Papers: During the semester there will be either one or two paper assignments.

Mock Trial Segments: Each student will be assigned to a small team and will be required to participate in mock trial examinations or motions

hearings. The intention of these “mini trials” is to focus on evidentiary concepts, as opposed to fully litigating guilt and innocence. More details about the debates will be provided in class and/or on ELMS. Trial teams will be assigned and posted on ELMS in advance of the classes including these segments. This assignment will account for 10% of your final grade.

Exams: There will be two exams (which will collectively make up 50% of your grade). These exams will not be cumulative and will consist of multiple choice and short essay(s) questions. The exams will cover assigned material presented in lectures, readings, and class discussion. Students will take all exams in class. Students must be present in class to receive credit for the exam. Exams will be closed-book, except to the extent that materials are provided for either reference or analysis.

COURSE GRADES:

Grades shall be determined as follows:

Exams	50%
Class Participation	20%
Quizzes	10%
Mock Trial Segments	10%
Papers	10%
TOTAL:	100%

Grade Distribution

A+: 97% to 100%	B-: 82% to 80%	D: 66% to 63%
A: 96% to 93%	C+: 79% to 77%	D: 62% to 60%
A-: 92% to 90%	C: 76% to 73%	F: < 60%
B+: 89% to 87%	C-: 72% to 70%	
B: 86% to 83%	D+: 69% to 67%	

COURSE POLICIES

Attendance and Make-Up Policy

Opportunities to make-up missed in-class work will only be given in cases of excused absences and official documentation is required. Exams and assignments are considered to be Major Scheduled Graded Events and therefore the University medical excuse policy which allows one student signed honor statement attesting to illness does not apply to them. Excused absences are: illness with a doctor's note, death in the immediate family, required school activities, and required court appearance. If a doctor will not write you a note, you will need to get a copy of your medical record from them to verify your illness. By law, you are entitled to get a copy of this and it is your responsibility to do so. I must be notified in person or by phone or email PRIOR to missing an in-class assignment for me to consider giving you a makeup. If you know you will not be in class for in-class work or a date an assignment is due for an excused reason it is your responsibility to turn in the work PRIOR to the due date unless I agree to other arrangements.

Grade Disputes

All grades will be posted on ELMS. If you have any concerns or issues regarding a grade and would like to discuss it with me or have it reviewed please contact me within 48 hours of receiving the grade. I will not discuss grade disputes after this time.

I understand that sometimes, for various reasons, material can prove challenging. Should you feel overwhelmed, frustrated, or simply worried that your grades are suffering please contact me. It is better to tackle the problem at the earliest possible moment and find a solution that will most benefit you.

Classroom Code of Conduct

It is important for both instructor and student to promote a positive atmosphere and spirit of learning--therefore disruptive behavior will not be accepted. Late arrivals to class should take their seat immediately. Students who must leave the classroom for whatever reason must return quietly and avoid disruption. The use of cell phones is not permitted. Students are welcome to use laptops to take notes, but not for listening to music, monitoring social media, checking the scores, or any other purpose other than helping you take good notes.

See <http://www.ugst.umd.edu/courserelatedpolicies.html> for complete University course policies.

<u>Course Assignments</u>		<u>Reading Due</u>
Jan. 25	Rules of Evidence – scope & importance	N/A
Feb. 1	Relevance, Materiality, and “Prejudice”	<i>U.S. v. Harris</i>
Feb. 8	Weighing Probity vs. Prejudice	<i>Old Chief v. U.S.;</i> <i>U.S. v. Pablo</i>
Feb. 15	Other Crimes Evidence	<i>U.S. v. Mohr</i>
Feb. 22	Privileges	
Mar. 1	Witnesses: Competency & Impeachment	
Mar. 8	Witnesses: Direct vs. Cross Examination	N/A
Mar. 15	Mid-Term	N/A
Mar. 22	Spring Break	
Mar. 29	Hearsay	
Apr. 5	Hearsay	<i>U.S. v. Gray</i>
Apr. 12	Opinion Testimony – Experts/Lay Witnesses	<i>Daubert v. Merrell</i> <i>Dow Pharm.</i>
Apr. 19	Exhibits – foundation and authentication	
Apr. 26	Guest Speaker/TBD	
May. 3	TBD	
May 10	Review for Final	N/A
May 17	Final Exam	N/A