

Spring 2021



South Portland, Maine 04106

Criminal Justice Department

Title: Rules of Evidence

Catalog Number: CJUS- 200-01

Credit Hours: 3

Total Contact Hours: 45

Instructor: Bruce M. Merrill

Class Schedule: Tue.-Thur. Mornings
8:00 AM - 9:15 AM, On Line

Contact Information: Phone: 741-5551

Email: bmerrill@smccme.edu

Office Location: 101 Howe Hall

Hours: Flexible and by appointment

Course Syllabus

Course Description:

This introductory course is designed to acquaint students with what evidence is, what the rules of evidence are, and how various types of evidence get introduced at a trial. Students will learn how a law enforcement officer analyzes evidence found at a crime scene with an eye towards admissibility of that evidence at trial and building a solid case. Students will also learn about Chain of Custody of Evidence, the Hearsay Rule, what it is and its exceptions, and Privileges. We will also study the constitutional issues that are essential to the collection and admissibility of evidence, in theory and in practice. The course will conduct a review of the Maine Rules of Evidence applicable in a criminal case.

Course Objectives:

After successfully completing the course, the student will be able to:

1. Understand the history, theory and application of the Rules of Evidence in a criminal trial.
2. Understand the constitutional requirements for the collection and admission of evidence at trial.
3. Understand how a law enforcement officer examines a crime scene to find and collect admissible evidence.
4. Understand what Chain of Custody is with respect to evidence and how to create such a "chain."
5. Understand what constitutes "evidence," and the different types of evidence that can be introduced at a criminal trial.
6. Understand the Hearsay Rule and its various exceptions.
7. Understand what police and prosecutors must prove, by way of evidence at trial, in order to secure convictions from defendants.

Text: *Criminal Evidence, Judy Hails*, Cengage Learning, Publisher, 8th Edition (2014); ISBN:978-1-285-06286-0.

During the course of the semester you may also be given handouts and/or assignments from various on-line sites.

Reading Assignments:

Students will be required to read the materials as outlined below **BEFORE** the assigned class and **be prepared to engage in in-depth discussions of the materials during class**. You should take notes on the materials as you are reading, as it will help you better understand the materials and prepare for class. Again, please be sure to have the reading completed **BEFORE** class. Do not wait until half-way through the semester to purchase your book or begin the reading. You will not be successful.

| <u>Class</u> | <u>Date</u> | <u>Assignment</u> |
|--------------|-------------|--------------------------------|
| 1 | 01/19 - T | Introduction |
| 2 | 01/21 - Th | Ch. 1 |
| 3 | 01/26 - T | Ch. 2 |
| 4 | 01/28 - Th | Ch. 3 |
| 5 | 02/02 - T | Ch. 4 |
| 6 | 02/04 -Th | QUIZ #1(Ch. 1-4) |
| 7 | 02/09 -T | Ch. 5 |
| 8 | 02/11 -Th | Ch. 5 |
| 9 | 02/16 -T | Ch. 6 |
| 10 | 02/18 -Th | Ch.6 |
| 11 | 02/23 -T | QUIZ #2(Ch.5-6) |
| 12 | 02/25 -Th | Ch.7 |
| 13 | 03/02 -T | Ch. 7 |
| 14 | 03/04 -Th | Ch. 8 |
| 15 | 03/09 -T | Ch. 8 |
| 16 | 03/11 -Th | MID-TERM (Ch.1-8) |
| 17 | 03/16 -T | NO CLASS - SPRING BREAK |
| 18 | 03/18- Th | NO CLASS - SPRING BREAK |
| 19 | 03/23-T | Ch. 9 |
| 20 | 03/25-Th | Ch. 9 |
| 21 | 03/30-T | Ch. 10 |
| 22 | 04/01-Th | Ch. 10 |
| 23 | 04/06-T | Ch. 11 |
| 24 | 04/08-Th | Ch. 11 |
| 25 | 04/13-T | Ch. 12 |
| 26 | 04/15-Th | QUIZ #3(Ch.9-12) |

| | | |
|----|----------|-------------------------------|
| 27 | 04/20-T | Ch.13 |
| 28 | 04/22-Th | Ch.14 |
| 29 | 04/27-T | Ch. 15 |
| 30 | 04/29-Th | Ch. 16 |
| 31 | 05/04-T | QUIZ #4(Ch.13-16) |
| 32 | 05/06-Th | Ch. 17 |
| 33 | 05/11-T | Testifying in a Criminal Case |
| 34 | 05/13-Th | FINAL EXAMINATION |

This schedule is flexible and will change to meet the needs of the class.

Student Evaluation, Grading and Attendance:

Course Grades

| | | | | | |
|----|---------|--------|---------|---------|---------|
| | A | 93-100 | A- | 90-92.9 | |
| B+ | 87-89.9 | B | 83-86.9 | B- | 80-82.9 |
| C+ | 77-79.9 | C | 73-76.9 | C- | 70-72.9 |
| D+ | 67-69.9 | D | 63-66.9 | | |
| F | 0-62.99 | | | | |

“I” Grade: A **temporary** grade of “I” may be given when a student has, *due to extraordinary circumstances*, failed to complete all required course work by the end of the semester. This assumes that the student has made a consistent and persistent effort up to the point the “circumstances” occurred and that most course work has been completed. The remaining work must be completed and a new grade submitted **by the mid-point of the semester following receipt of the “I” grade. An “I” grade which is not changed during this period automatically becomes a permanent “F” grade.**

Your final grade for this course will be based on the following:

Your final grade in this course will be based upon the following: **class participation (25%)**; quizzes (25%); mid-term examination (25%) and final examination (25%).

All students should be prepared to spend a minimum of two hours on out of class preparation for each hour of classroom instruction. This preparation will include, but not be limited to, review of lecture notes, completion of reading assignments, studying of course materials and completion of class projects/papers, as assigned.

Dates for Quizzes and Exams are set forth above to allow sufficient time for preparation and study. Quizzes and Exams will be based upon the material in the book **and** additional material covered in class. **No make-up quizzes or exams will be given, for any reason.**

Written Assignments/Exercises must be typed and are due at the beginning of the next class after being assigned. Students will type their name and date the assignment was assigned on the first line. The second line will identify the specific assignment. Assignments will be

graded Pass/Fail and returned to the student. **Spelling counts!** Please be sure to follow the page limitations for each assignment. **Late submissions and submissions not meeting the guidelines will not be accepted.**

Attendance

In order to meet the course goals and objectives, **students must attend classes**. An attendance sheet will be distributed at the beginning of each class and it is the responsibility of the student to make sure that s/he has signed the attendance sheet during each class.

More than three (3) absences from class, **regardless of the reason(s)**, will result in a two (2)-point deduction from a student's final grade.

Missing **three (3) consecutive classes** will result in a **Last Day Attended** notification to Student Enrollment (unless prior authorization is obtained).

Tardiness

Being late to class three (3) times (defined as arriving after the instructor has begun lecturing), **regardless of the reason(s)**, will constitute one (1) absence.

Students arriving late will enter the classroom **through the rear door** so as **not to disturb the rest of the class**. If a student must leave class early, the same rear door should be used.

Add-Drop Policy

Students who drop a course during the one-week "add/drop" period in the fall and spring semesters and the first three days of summer sessions receive a 100% refund of the tuition and associated fees for that course. Please note any course that meets for less than the traditional semester length, *i.e.*, 15 weeks, has a pro-rated add/drop period. There is no refund for non-attendance.

Withdrawal Policy

A student may withdraw from a course only during the semester in which s/he is registered for that course. The withdrawal period is the second through twelfth week of the fall and spring semesters and the second through ninth week of twelve-week summer courses. This period is pro-rated for shorter-length courses. **The last day to withdraw from this class for the Spring 2021 Semester is Tuesday, April 20th , before 5:00 p.m.** To withdraw from a course, a student must complete and submit the appropriate course withdrawal form, available at the Enrollment Service Center (no phone calls, please). The designation "W" will appear on the transcript after a student has officially withdrawn. **A course withdrawal is an uncompleted course and may adversely affect financial aid eligibility.** Failure to attend or ceasing to attend class does not constitute withdrawal from the course. **There is no refund associated with a withdrawal.**

Administrative Failures (AF)

An Administrative Failure (a final grade of AF) identifies students who have stopped attending class and who have had no contact with the faculty member for a period in excess of one week. A student may be administratively failed after missing one more consecutive class meeting than the number of class meetings per week (for this course, which meets twice a week,

that would be the third consecutive class missed) . At their discretion, faculty may reinstate students who resume attending classes after their grade has been assigned.

ADA (Americans with Disabilities Act) Statement

Southern Maine Community College is an equal opportunity/affirmative action institution and employer. For more information, please call (207) 741-5798. If you have a disabling condition and wish to request accommodations in order to have reasonable access to the programs and services offered by SMCC, you must register with the Disability Services Coordinator, Sandra Lynham, who can be reached at (207) 741-5923. Further information about services for students with disabilities and the accommodation process is available upon request at this number. Course policies about online testing are modified to suit each individual's accommodations.

Other Important Information:

The Learning Commons

The library, tutoring and writing centers, and open study spaces are located on the second floor of the South Portland's Campus Center. Here you can find free academic support through individual and online tutoring, information, literacy/research librarians, and professional academic strategy/planning mentoring. There are many desktop and laptop computers , as well as printers, reserve textbooks, and other academic tools available for use within the Learning Commons. Services are available by appointment or as drop-in assistance. To access services, visit My Learning in My Maine Guide. Students consistently report that the Learning Commons is an inviting and friendly place to seek academic support or study. Those who make use of the Learning Commons regularly have been shown to be more likely to succeed--take advantage of this exceptional resource for this, or any of your classes.

End-of-Course Evaluation

In order to gain access to final course grades, students must complete evaluations for each course attended at SMCC. Evaluations are submitted online and can be accessed through the student portal site. Students can access the course evaluation report beginning one week before the end of classes. The deadline for submission of evaluations occurs Monday at 5:00 p.m. following the last day of class. Students will receive an e-mail to their student e-mail account when course evaluations are available.

Plagiarism Statement

If an instructor suspects that a student has knowingly committed a violation defined in the Maine Community College System Policy on Student Grade Appeals and Academic Misconduct, the instructor has the authority to review the alleged misconduct and determine the grade that the student should receive for the assignment and the course. The instructor may assign a failing grade for the assignment or course and may require the student to complete additional work for the course. The instructor may consult with the department chair and/or the College's chief academic officer prior to making such decisions. If a student seeks to challenge an instructor's determination, the student should submit a grade appeal. Grade appeal forms are available in the Advising Office on the South Portland Campus or in the administrative offices in the Learning

Commons on the Midcoast Campus. An instructor may also refer the matter to the College's disciplinary officer for review under the procedures of the MCCS Student Code of Conduct.

SMCC Pay-for-Print Policy

Each semester students receive a \$20 printing credit. The balance resets at the end of the semester and any remaining credits are removed. The College's pay-for-print system monitors printing on all printers (including those in general access labs, library printers, Tutoring Services, Campus Center Lounge and technology labs). Be sure to log OUT of the system when you've finished your printing, to prevent unauthorized access to your account. Students can check the number of pages they have printed by using the Printing Balance tool available on SMCC computers (located in the lower right corner of the screen, near the clock). Departments with work study students who need to print documents for the department should contact the Help Desk at 741-5696 to have a special account set up. To find ways to reduce your printing charges, please go to the IT Help tab on My SMCC. If you have questions about the pay-for-printing policy or your printing charges, please contact the Help Desk at 741-5696 or send an e-mail to helpdesk@smccme.edu.

Refunds

Print jobs are eligible for a refund in the event of mechanical or electronic error on the part of the printer, print server, or software used to submit the job. Jobs are not eligible for a refund in cases where the job was not set up correctly, was submitted multiple times, or the student is not satisfied with the result. To request a refund, please bring the offending print to the IT Department in the basement of the Ross Technology Center. Refunds will be granted in the form of a credit to the student's account.

Non-Discrimination Statement

Southern Maine Community College (College) does not discriminate on the basis of race, color, religion, national origin, sex, sexual orientation and/or preference, disability, age or marital, parental or veteran's status in its programs and activities.

Course Policies:

Computers:

The use of laptop computers is only permitted for note taking. Students will **not** use the Internet during class unless directed to do so by the instructor. **Students found to be in violation of this policy will be prohibited from using the computer in class. The instructor will periodically check laptop note taking.**

Cell phones:

Cell phones will be turned off or the ringer silenced during class. Any student wishing to use a cell phone must exit the classroom to do so. **Texting during class is prohibited. Cell phones must be turned off (not just silenced) during quizzes and exams.** During quizzes and tests, the professor reserves the right to request that all students put their cell phones on the front desk to avoid distractions or use during the test.

Food/Beverages:

Beverages are permitted; eating of food is not permitted. Please properly dispose of your beverage container when you are finished. If you spill it, wipe it up.

Student Code of Conduct:

All students are expected to be aware of and conform to the Student Code of Conduct. The Code can be found in the Student Handbook: The Compass.

Key to Success!!!

All students are encouraged to periodically review and reflect on the “Key to Academic Success”.

Key to Academic Success!!!

1. I will attend class regularly and arrive to class on time.
2. I will treat others with courtesy, respect and how I would like to be treated.
3. I will bring all required materials to class (*i.e.* notebooks, workbook, Textbook, assignments due)
4. I will be attentive in class.
5. I will participate in whole class and group discussions.
6. I will complete my assignments on time.
7. I will ask questions when I do not understand the material.
8. I will take notes in class.
9. I will study for quizzes and examinations.
10. I will be honest (avoiding plagiarism, cheating)
11. I will reflect on how I could make improvements to my learning.
12. I will seek out my advisor if I am having difficulty with my course(s).
13. **I will recognize this course syllabus as a contract that I must abide by to ensure my academic success.**