

Syllabus

COURSE NUMBER: FORS 5226 LAW AND FORENSIC SCIENCE FALL SEMESTER 2017

Professor: Sparks Veasey

Office: Beto Criminal Justice Center-Room C-223

Telephone: 936-294-1662: Cell Phone: 409-256-2429

E-Mail: spv001@shsu.edu

Class Hours: Wed: 4-5:50 P.M.

Classroom: Chemistry/Forensic Science Building, Room 104

Office Hours: Wed. 8-12 and additional times with advanced notice.

Textbook:

None. Reading assignments are listed below and consist of statutes, rules, and cases available in the library or from the Internet.

Course Description:

This course will provide an overview of the law and forensic science interface. This overview will include legal concepts of admissibility of evidence and proof, rules of evidence, structure and hierarchy of criminal courts, and expert testimony, including new decisions regarding confrontational issues. The course also includes direct and cross-examination of students in a moot court setting. Two hours credit.

Course Objectives:

1. Acquaint the student with the basic structure of the American Justice System.
2. Acquaint the student with the legal requirements regarding the collection, preservation, and disposal of physical evidence.
3. Acquaint the student with the rules of courtroom evidence as they relate to the work of a forensic scientist.
4. Provide the student with an understanding of the relationship between evidence and proof.

5. Acquaint the student with proper procedures for qualifying and testifying as an expert witness, including issues of confrontation.

Attendance Policy:

Class attendance requirements will be followed in accordance with Academic Policy Statement 800401. Please get to class on time.

Grading Policy:

Two exams will be given during the semester. The exams will constitute 30 and 40% of the student's grades respectively as to chronology. Class participation and performance on Moot Court Exercise will each constitute 15% of the final grade. Failure to come to class prepared will result in an automatic 10% reduction in the final grade.

The second exam, will be comprehensive, that is, all material covered including the first day of class will be subject to testing on the final examination.

All oral lectures, material covered in the reading material, whether discussed or not, all reading material assigned, and all classroom discussions of assigned reading material will be subject to testing. Additional cases and statutes not included in this syllabus may be assigned during the semester and will be subject to testing.

Make-Up Examinations:

Make-up exams will be arranged, with good cause, with the Professor.

Class Topics and Schedule

Aug. 23

Course Introduction and Expectations No reading assignment.

Aug. 30

Overview of the Texas and U.S. Courts including structure and jurisdiction; levels of criminal offenses and jurisdictions thereof; basic citations forms; basic brief preparation and presentation; burdens of persuasion. All Lecture. No reading assignment.

Sept. 6

Continuation of above followed by courtroom procedure; pretrial issues including charging instruments and motions.

All Lecture. No reading assignment.

Sept. 13

Basic Concepts of Evidence and Proof

Texas Rules of Evidence (TRE) 401-404; 412

State v. Sneed, 414 P.2d 858 (N.M. 1966)

Wilson v. State, 185 S.W. 3d 481 (Tex. Crim. App. 2006)

Montgomery v. State, 810 S.W. 2d 372 (Tex. Crim. App. 1990)

Sept. 20

Legal aspects of evidence collection, preservation, and disposal

Thompson v. Louisiana, 469 U.S. 17 (1984)

Brown v. State, 856 S.W. 2d. 177 (Tex. Crim. App. 1993)

Johnson v. State, 226 S.W.3d 439 (Tex. Crim. App. 2007)

Texas Code of Criminal Procedure (CCP) art 18.01-18.02; 18.04; 18.06; 18.09-18.11; 18.17-18.19; 38.23; 38.34; 38.43

Sept. 27

Legal aspects of evidence collection, preservation, and disposal (continued)

Oct. 4

Mid-term Exam

Chapter 49, CCP

Oct. 11

The trial process

TROE 614-615

CCP art. 38.03-38.05; 38.08; 39.14

Brady v. Maryland, 373 U.S. 83 (1963)

California v. Trombetta, 467 U.S. 479 (1984)

Oct. 18

Basic rules of courtroom evidence

TROE 104; 201; 404; 509(b); 607-609; 611; 801-804; 901-902; 1001-1004

CCP art. 38.10; 38.35; 38.41-38.42

Oct. 25 and Nov. 1

Basic rules of courtroom evidence (Continued)

Crawford v. Washington, 541 U.S. 36 (2004)

Qualifying evidence as admissible and testifying as an expert including
qualifying the witness

TROE 106; 406; 612-613; 701-705

CCP art. 38.27

Frye v. U.S., 293 F. 1013 (D.C. Cir. 1923)

Daubert v. Merrill Dow Pharmaceutical, Inc., 509 U.S. 579 (1993)

Kelly v. State, 824 S.W.2d 568 (Tex. Crim. App. 1992)

Hernandez v. State, 116 S.W.3d 26 (Tex. Crim. App. 2003)

Osburn v. State, 92 S.W. 3d 531 (Tex. Crim. App. 2002)

Nov. 8

Qualifying evidence as admissible and testifying as an expert including
qualifying the witness

Melendez-Diaz v. Massachusetts, 129 S. Ct. 2527 (2009)

Cuadros-Fernandez v. State, 2009 Tex. App. LEXIS 6896

Rodgers v. State, 205 S.W.3d 525 (Tex. Crim. App. 2006)

Holmes v. State, 135 S.W.3d 178 (Tex. App-Waco 2004)

Bullcoming v. New Mexico

Nov. 15

Moot Court Exercises (location to be announced)

Nov. 29

Moot Court

Exercises 2

Dec. 6, 4:00 P.M.

Final Exam

Academic Honesty

All students are expected to engage in all academic pursuits in a
manner that is above reproach. Students are expected to maintain

honesty and integrity in the academic experiences both in and out of the classroom. Any student found guilty of dishonesty in any phase of academic work will be subject to disciplinary action. The University and its official representatives may initiate disciplinary proceedings against a student accused of any form of academic dishonesty including, but not limited to, cheating on an examination or other academic work which is to be submitted, plagiarism, collusion and the abuse of resource materials. For a complete listing of the University policy regarding this topic, see

www.shsu.edu/administrative/faculty/sectionb.html#dishonesty

Disabled Student Policy

University Policy for students with disabilities will be followed. See http://www.shsu.edu/~vaf_www/aps/documents/811006/html

Services for disabled students

Please consult the following for services available to disabled students: http://www.shsu.edu/~vaf_www/aps/documents/861001.pdf

Student absences on religious holy day policy

A student desiring to absent herself/himself from a scheduled class in order to observe religious holy days should do so in compliance with University policy. The University policy regarding such absences can be found at www.sgsy.edu/~vaf_www/aps/documents/861001.pdf

Use of telephones and text messages in academic classrooms and facilities

Students may maintain their cell phones in the “vibrate” mode. In the case of a serious need for communication, a student may excuse himself/herself from the classroom to respond to an incoming call. Under no circumstances, may a student text from the classroom.

