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 ***ORLANDO, FL - WEST CAMPUS -***

 ***- CRIMINAL EVIDENCE & PROCEDURE***

 ***- CJL 2102 – FALL SEMESTER, 2013***

**Criminal Evidence & Procedure Class Description from College Course Catalog**: This course reviews the rules of evidence, methods of legally collecting and preserving evidence, rules and procedures regulating admissibility of evidence and presentation of evidence in court. Special emphasis is placed on constitutional issues of search and seizure and procedures.

**Instructor:** Brian Knuuttila, Esq.

**Home Tel.#:** (352) 527-3240 /and/ **Cell#:** (352) 422-1057

**E-Mail Addresses:** bknuuttila@mail.valenciacollege.edu

**Office Hours**: Thurs. @ 6:30 – 7:00 P.M. – Location: West Campus – Bldg. 3 - Rm.: T/B/A. Students may also meet with instructor by appointment, provided sufficient notice is given (see further below).

**Prerequisite(s) and Co-requisite(s)**: None.

**Course Location and Time:** West Campus, Bldg. 3, Rm. 213 (3-213) – Thursday, 7:00 – 9:45 P.M.

**Course Credit:** (3.0) credit hours. (3.0) lecture hours.

**Career Program Advisor for Criminal Justice:** Mr. Franklin Cabral - [fcabral1@valenciacollege.edu](https://bl2prd0210.outlook.com/owa/redir.aspx?C=jcW89Rpou0aOVIRDrYfQEga7X2V3GdAIYW_lJJvae_jcmREtH_nkdl3k0Ex-ZKeoi5Dduw8Nx0o.&URL=mailto%3afcabral1%40valenciacollege.edu) – Tel.#: (407)-582-2388. Please do not hesitate to contact Mr. Cabral as you begin to plan and develop your **LifeMap** – My Education Plan, My Career Planner and My Job Prospects.

**Other Important Criminal Justice Info.:** Please also see the web site for the Florida Department of Law Enforcement at: <http://www.fdle.state.fl.us/Content/getdoc/16b5a8f6-412c-4c72-817e-d26cb05b2e3d/how-to-become-an-officer.aspx> and the web site for the City of Orlando, Florida Police Department – Police Recruiting at: <http://www.cityoforlando.net/police/misc/recruiting.htm>. These web sites will help you plan for your future as a criminal justice professional. You’ll be glad that you did!

**Course Text:** The textbook (2014 edition) is entitled Criminal Procedure (ISBN 13: 9781452258140) by Matthew R. Lippman, 2rd Edition. It is a soft cover textbook and is published by Sage Publications, Inc.  Please see an image of the correct textbook for this course located immediately below. **This textbook is mandatory.**

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**A Little About the Textbook:** Criminal Procedureis a contemporary, comprehensive case-driven textbook that covers the constitutional foundation of criminal procedure and includes numerous cases selected for today’s students. With an emphasis on how laws are enforced, the textbook features learning devices, such as: *You Decide* scenarios, *Cases and Comments*, and *Legal Equations*. The text also includes an open-access student study site with Web-based activities, helpful study aids, and other resources. Finally, the text includes key topics such as pre-trial investigation as well as the post-investigative process.

**Meeting with the instructor:** Since I reside in Citrus County, it may be difficult to meet with you on campus on days other than Thursday. However, I am always available via mobile phone, text messaging, home phone or by e-mail. Of course, I can always meet with you before class as my posted office hours indicate. If those hours do not fit your schedule, I will meet you by appointment if I am given at least one (1) full day advanced notice. If you are having a problem with any of the class materials, assignments, instruction, etc., please contact me immediately so that we can work through any and all problems as soon as possible.

**Specific Course Objectives/Outcomes:** By the conclusion of the course successful students will be able to:

\*\*Describe the rules regulating the admission of evidence in a criminal trial.

\*\*Identify and describe the legal requirements for an arrest and a custodial interrogation.

\*\*Differentiate between different types of evidence.

**Valencia Student Core Competencies (TVCA):**

 **\*\*Think:** You will be exposed to course learning activities that will require you to take control of a crime scene as the sole preliminary investigator. As the preliminary investigator you will be tasked with developing crime scene priorities by, among other things, directing the actions of those police officers already on-scene. Later, acting as the CSI, you will be required to work the crime scene by directing the collection of all evidence present and by developing a theory of the case.

**\*\*Value:** You will learn to identify the elements of a particular crime or crimes. This essential task will require you to apply an objective analysis based on the law and the facts of a particular case(s).

\*\***Communicate:** You will learn the essential elements of a well-written, effective police report and will be able to replicate the same by the conclusion of the course. Further, by the end of the course, you will also have learned what is necessary to effectively prepare for and present a criminal case in a court of law. Along this line, participation in other classroom exercises such as those focusing on the essential police skill of testifying in court (“moot court” role playing – both direct and cross examination) will also be required.

**\*\*Act:** Working individually and also collaboratively in groups of five or less, you will act purposefully and responsibly by solving those crime scene scenarios presented in class.

**Other Educational Materials and Supplements**:In an effort to augment our studies of criminal evidence and procedure, I will also offer students empirical examples using complete report files (redacted PDF) of actual criminal cases that I have experienced as a police officer/investigator, such as one case involving an aggravated/forcible rape with additional counts of sexual assault. During class, students will be tasked with discussing, among other things, the following topics with regard to said real world rape/sexual assault case:

 \*\*Where did then Investigating Officer Knuuttila fail the victim?

 \*\*What did Investigating Officer Knuuttila do right and why?

 \*\*Where did the initial responders and other police officers involved fail the victim during the

 critical investigative phase of first contact.

 \*\*Or, did the first responders to the crime scene conduct a good preliminary investigation?

 \*\*Were the initial and supplemental reports effectively written? If not, then why not?

 \*\*Was the crime scene properly documented by all police officers involved?

 \*\*Were the police investigative reports written by the officers “with an eye” toward future

 preparation and case presentation in a court of law?

\*\*Physical Evidence: Was it collected and preserved properly? Was the chain of custody

 effectively preserved? What physical evidence was missed, if any?

\*\*Where could developing technologies have benefitted the police if they were available?

With regard to the courtroom, I will also expose students to individual case examples (again, redacted PDF) from “the other side of the aisle;” meaning several criminal cases where I, as well as a few selected colleagues, have successfully defended, as so-called “public defenders,” a number of arrestees/defendants. I will endeavor to ensure that our class discussions on this score appropriately parallel the text and supply students with accurate information and clear examples of documents contained in actual criminal defense files including, but not limited to:

\*\*Motions to Suppress Physical Evidence (Search and Seizure, Exceptions to Warrant

 Requirement with 4th and 14th Amendment Police Missteps); and,

 \*\*Motions to Suppress Statements (Miranda, Waiver of Right to Remain Silent and 5th, 6th and

 14th Amendment Violations by Police).

In addition, I also will provide students with a “real world” example (once again, by redacted PDF) where “the defense failed” and the arrestee(s)/defendant(s) ended-up serving time. This superbly executed narcotics investigation will show students how actual police officers and drug task force detectives effectively cultivated their “C./I.’s,” properly got their multiple “buys” into the suspected cocaine dealer and developed the necessary probably cause for a search warrant affidavit. This empirical police investigation case culminates with detectives obtaining their “knock” search warrant and properly executing the search warrant with a forced entry, the isolation of suspects found hiding at the scene, the proper division of labor by detectives at the scene, the seizure of illegal narcotics and paraphernalia, affecting multiple arrests and, most importantly, the writing of first-rate investigative and after-action reports. Taken in its entirety, this “real world” case is an excellent vehicle for our many topical discussions that I firmly believe to be the “nuts and bolts” of criminal evidence and procedure.

Finally, I will also endeavor to bring in guest speakers to introduce you to further reality situations from their perspectives.

**Instructional Philosophy and Rationale: I firmly believe that a true learning-centered college embraces and makes available as many practical or empirical learning experiences as possible. These academic experiences will be what you will use and ultimately rely upon in the real world, and thus will be the most valued learning experiences you receive at Valencia College. This is the principle reason for exposing you to actual investigative and other criminal case files during your course of instruction.**

 **In addition, open discussion during class between instructor and student will prevail in “our”**

**class. Why? Well, I believe that students, particularly at the post-secondary level, benefit little from pure lecture. College students must be able to interact with their instructor and their fellow classmates immediately after obtaining new information or materials. I am convinced that this "thinking on your feet" or "modified" Socratic method of classroom teaching is how students truly learn. So, please be prepared for every class as everyone will eventually be called upon “to stand and deliver!”**

**In conclusion, by using the real world as much as possible, and by using the aforementioned classroom teaching approach, I am certain that you will all be able to gain practical, applicable and demonstrable knowledge of the subject matter by the end of the course of study.**

**Instructional Mode:**

\*\*Class discussion will prevail, although some class lecture will be necessary.

\*\* When possible demonstrations will be provided.

\*\*A portion of some class sessions may feature guest lectures.

\*\*Oral reports will be required (you all will eventually be called upon “to stand and deliver,” I promise).

\*\*Tests and quizzes will be administered on a regular basis.

\*\*“Team Jeopardy” quizzes will be periodically administered as well (I will explain this rather unique

 testing concept further during our first class together on Aug. 29th. Fear not! It will be enjoyable).

**Attendance and Class participation: Attendance is mandatory and is worth (10%) of your final grade**! You will be required to sign in at the beginning of class and occasionally after the first break. If you fail to sign in at either point, you will be considered absent. If you are late, or if you sleep during class (you are assumed to be sleeping if your head is down on the desk), you will be asked to leave and will be counted as absent for that day. You will start with (100) attendance points. It is yours to keep or yours to lose. You are allowed (1) personal day for the semester, which you can miss for any reason. I don’t need an excuse for that day. For each day that you miss after that, I will deduct (10) points from the attendance points. Excused absences will be granted for legitimate reasons only and must be approved by the instructor (i.e. family funerals, sickness with dr.’s note, etc.). If you absolutely need to miss class, please make an appointment to see me ASAP and we will discuss whether the absence can be excused. Once again, fear not! It is always better to ask for permission before hand than to plead for forgiveness later.

**Course Withdrawal:** Per Valencia College Policy 4-07 (Academic Progress, Course Attendance and Grades, and Withdrawals), a student who withdraws from class before the established deadline for a particular term will receive a grade of “W”. A student is not permitted to withdraw after the withdrawal deadline of **November 1st, 2013**. A faculty member **MAY** withdraw a student up to the beginning of the final exam period for violation of the class attendance policy. A student who is withdrawn by faculty for violation of the class attendance policy will receive a grade of “W”. Any student who withdraws or is withdrawn from a class during a third or subsequent attempt in the same course will be assigned a grade of “F”. For a complete policy and procedure overview on this important Valencia College Policy 4-07 please go to:

<http://valenciacollege.edu/generalcounsel/policydetail.cfm?RecordID=75>.

It is suggested that students who are considering withdrawing from the course meet first with a Student Services staff member to discuss how a withdrawal will affect your career and/or education plans including the status of your financial aid, if any.

**Examinations and Student Expectations – “The Big 10”**:

1. There will be **\*“Team Jeopardy Quizzes**,” regular quizzes, specific class assignments (written and Internet), an **\*\*individual written research assignment on a course relevant criminal evidence & procedure topic (minimum of five, double-spaced pages in length) accompanied by an +oral presentation to the class on the selected criminal evidence & procedure topic (oral presentation must be at least six minutes in duration),** a midterm examination and a final examination.

2. Students are expected to arrive on time and ready to go at the beginning of the class. Disruptions of

class will not be tolerated. Cell phone use is not allowed during class (for any purpose)! So, cell phones

and other electronic devices must be silenced during class. No calls or text messaging will be allowed

during class. If your cell phone or other electronic device “rings” and disrupts class you may be asked to

leave.

3**. No academic dishonesty, including plagiarism, will be tolerated.** Each student is required to follow the Valencia College policy regarding academic honesty. All work submitted by students is expected to be the result of the student’s individual thoughts, research, and self-expression unless the assignment specifically states “group project.” Any act of academic dishonesty will be handled in accordance with the Valencia College policy as set forth in the Student Handbook and Catalog.

4. Students must obey **ALL** college rules and regulations.

5. There will be no food allowed in the classroom during class. All non-alcoholic beverages are allowed.

6. Special hearing, sight, or reasonable special needs will be accommodated in accordance with college policies. Please see me prior to class to make these arrangements (please also see the **“Students with Disabilities”** information below).

7. Make-up examinations will generally not be allowed, unless, when in the instructor's judgment, sufficient grounds exist that justify the exam. day absence.

8. Student grades will be determined in a manner consistent with the procedures outlined in this syllabus.

9. There are no provisions for make-up work, so make sure you turn-in all assignments on time. Exceptions will only be considered if supporting documentation as described in the pertinent college policy is presented to the instructor.

10. If you miss an examination, or miss turning in an assignment and have a legitimate excuse, please see me as soon as possible. It is not my responsibility to track you down. You will simply receive a zero for the exam. or assignment and this can have a significant impact on your final grade.

**Student Evaluation – “The Even Bigger 9”:**

1. All assignments should be typed, or you automatically lose (10) points.

2. Only original documents will be accepted.

3. Correct spelling, grammar, and sentence structure are expected and required.

4. Narrative must demonstrate a thorough appreciation and conceptualization of the subject assigned or being discussed.

5. All grading will be based upon standard (10) point increments (A = 100-90, B = 89-80, C = 79-70, D = 69-60, and F = 59 and below).

6. All tests and assignments will be worth (100) points.

7. Grading weights: Attendance - (10%), Quizzes and other written class and Internet assignments - (20%), **\*“Team Jeopardy Quizzes” and \*class participation in general - (10%)**, Individual written research assignment on a course relevant criminal investigation topic accompanied by an oral presentation to the class on the selected C.I. topic (20%), Midterm - (20%), and Final - (20%) = Total: (100%).

8. No “extra credit” projects are available for this class for individual students.

9. There will be no make-up exams. or quizzes without a valid excuse (see no. # 7, above).

**\*Please see the “Team Jeopardy Quiz” and class participation rubric that is attached to this syllabus as Appendix “A.”**

**+Please see the oral presentation rubric that is attached to this syllabus as Appendix “B.”**

**\*\*Please see the individual written research assignment rubric that is attached to this syllabus as Appendix “C.”**

**Topical Outline:**

**Wk. 1 (8/29):** Introductions, distribution of syllabus, overview of course, Individual Written Research Assignment & Oral Presentation Guidelines and Expectations. Lastly, Chapter 1 covered.

**Wk. 2 (9/5):** Chapter 2 – The Sources of Criminal Procedure. **Syllabus quiz!**

**Wk. 3 (9/12):** Chapter 3 – Searches and Seizures.

**Wk. 4 (9/19):** Chapter 4 – Stop and Frisk.

**Wk. 5 (9/26):** Chapter 5 – Probable Cause and Arrest.

**Wk. 6 (10/3):** Chapter 6 – Searches and Seizures of Property.

**Wk. 7 (10/10):** Chapter 7 – Inspections and Regulatory Searches. Individual Written Research Assignment Due, Midterm Course Feedback Session conducted and Midterm Exam. review.

**Wk. 8 (10/17): Midterm Exam.** and Oral Presentations on Individual Research Assignments Begin.

**Wk. 9 (10/24):** Chapter 8 – Interrogations and Confessions.

**Wk. 10 (10/31):**Chapter 9 – Eyewitness and Scientific Identification. Boo! Happy Halloween!

**Wk. 11 (11/7):** Chapter 10 – The Exclusionary Rule and Entrapment.

**Wk. 12 (11/14):**Chapter 11 – Civil and Criminal Remedies for Constitutional Violations.

**Wk. 13 (11/21):**Chapter 12 – The Initiation of the Legal Process… /and/ Chapter 13 – The Courtroom...

**Wk. 14 (11/28):THANKSGIVING BREAK!!**

**Wk. 15 (12/5):** Chapter 14 – Sentencing & Appeals /and/ Chapter 15 – Counterterrorism. Completion of Oral Presentations on Individual Written Research Assignments, Final Course Feedback Session conducted and Final Exam review (all chapters and materials covered since the Midterm Exam.).

---**Please know that the above class schedule is tentative and subject to change in the event of unforeseen circumstances (with the exception of the date and time of the \*\*Final Exam. See immediately below for further information). Also, the above week numbers refer to the days our class meets. You should read all class assignments prior to class. I will make chapter reading and related assignments the week before based upon how fast we cover them. Please also know that unannounced quizzes will occur to see that you are reading the assignments. Lastly, if you are absent, kindly e.-mail me or talk to a classmate for the chapter assignment(s).----**

**\*The date and time of the Final Exam. for this course is: Thursday, December 12th, 2013 – 7:45 p.m. – 10:15 p.m. The Final Exam will encompass all chapters and materials covered since the Midterm.**

**\*\*As outlined above on page 5, the Final Examination for this course is worth a total of (20) percentage points. Therefore, any student not completing the Final Examination will receive (0) of those possible points and this will greatly impact your final average in the course.**

**\***For a complete schedule of all Final Exams and other important college dates please go to: <http://valenciacollege.edu/calendar/FinalExam.cfm>; and <http://www.valenciacollege.edu/calendar>.

**No-Show Policy and Procedure:** Any student who does not attend class prior to the start of the no-show period for each part of term will be withdrawn by the instructor as a no-show.  This will count as an attempt in the class, and students will be liable for tuition.  If your plans have changed and you will not be attending this class, please withdraw yourself through your Atlas account during the drop period for this part of term.

**Student Assistance Program:** Valencia students can get immediate help with issues dealing with stress, anxiety, depression, adjustment difficulties, substance abuse, time management as well as relationship problems dealing with school, home or work. **BayCare** Behavioral Health Student Assistance Program (SAP) services are **FREE** to all Valencia students and available (24) hours a day by calling: **(800) 878-5470.** Free face-to-face counseling is also available.

**Students with Disabilities:** Students with disabilities who qualify for academic accommodations must provide a letter from the Office for Students with Disabilities (OSD). If you are eligible, please discuss specific needs with me as soon as possible (preferably during the first two weeks of class). Please find the Valencia OSD link and other pertinent OSD information immediately below:

<http://valenciacollege.edu/osd/>

**Valencia ID Cards:** Please know that yourValencia ID card is required for use of facilities such as the Library or Testing Center.

**Other Important Valencia College Policies:** A full description of all College policies can be found in the College Catalog at: <http://www.valenciacollege.edu/catalog/>; Policy Manual at: <http://www.valenciacollege.edu/generalcounsel/>; and the Student Handbook at: <http://www.valenciacollege.edu/pdf/studenthandbook.pdf>.

**Syllabus Disclaimer Statement:** Finally, all information contained in this syllabus was added by the instructor and the syllabus was constructed at the time to the very best of his knowledge. The syllabus was also considered to be correct and complete when distribution by the instructor for use at the beginning of the Fall Semester, 2013. However, the instructor hereby reserves the right, acting within the policies and procedures of Valencia College, to make any and all changes in the course content or instructional technique with reasonable notice to the student. It is the responsibility of the student to make any subsequent adjustments as announced verbally or in writing by the instructor.