

**FSC 430/530**  
**Legal Issues in Forensic Science**  
**Spring 2005**

Instructor: Bobby Moore, Ph.D.  
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Office Hours: MWF: 8:00 to 9:00; 10:00 to 11:00; 2:15 to 3:00  
Wednesday: 4:00 to 5:00  
Tuesday and Thursday by Appointment

Textbooks: *Criminal Evidence: Principles and Cases*, 5<sup>th</sup> Edition by Thomas Gardner and Terry Anderson

**COURSE GOALS AND OBJECTIVES**

This course is designed to introduce students to issues associated with the collection of scientific evidence and the admission of scientific evidence into court. The materials in the course will introduce the legal system to students and then address the admission of various types of evidence. By the end of the semester each student will:

- Have a basic understanding of the legal process of a criminal trial
- Understand the basic constitutional and statutory guidelines concerning when and how evidence is admitted into trial.
- Have an understanding of the legal issues associated with specific types of evidence (examples will include: fingerprint evidence, photographic evidence, DNA evidence, and computer evidence.)
- Have an understanding of how to present scientific testimony in court, including knowledge of the requirements for being classified as an expert witness.

**CLASSROOM ATTENDANCE AND PARTICIPATION**

This course is a split-level senior and graduate level course, and as such it is expected that the student is capable of determining whether he or she should attend class. However, the University's rules and regulations require that a student attend at least 75% of class meetings in order to receive credit for the course. With this in mind, each student will be given 8 absences, which will include both excused and unexcused absences. Each subsequent absence will result in the student receiving a penalty of one letter grade. Any student missing more than 11 classes will be given an automatic grade of "F" for the course. Additionally, participation in class discussions will be instrumental in the student's understanding of the course materials. Failure to attend class may result in the student being unable to adequately discuss materials on the examinations.

## **TARDINESS**

An individual entering the classroom after class has begun is not only disrupting for the instructor, it is also disrupting for other students. If you arrive to class late and the door is already closed, then do not interrupt the class by coming in. Arriving late will still count as one of your allotted absences. If you have a continuous problem that will result in your being late for class, please see the professor as soon as possible.

## **GRADING**

Each student's grade for this course will be computed using a combination of test scores and the student's grade on assigned essays.

### **EXAMS:**

There will be a minimum of three examinations (maximum of four) in this course. Each examination will consist of 100 points. Each examination will consist of a combination of multiple choice, short answer, and essay. Short answer questions will consist of definitions, understanding of legal terminology, and questions relating to case law discussed in class. Essay questions will consist of legal scenarios in which the student will apply the materials discussed in class. For undergraduate students the examinations will account for 50% of their final average. For graduate students the examinations will account for 40% of their final average.

### **RESEARCH PAPER:**

Each student will select a topic that is associated with forensic science and the law that is of interest to them. These papers may be related to any type of forensic evidence regardless of whether the evidence is discussed in class or not. This research paper will be divided into three sections. The first section will address the history and development of the scientific evidence (i.e. how has DNA testing developed over the last two decades). The second section will address how the evidence is generally collected and preserved for trial (i.e. how are fingerprints lifted and secured until the trial begins). The final section will address the legal issues associated with the admission of the evidence into trial (i.e. how have the courts addressed the admission of digital photographs into trial). To ensure that there is no confusion about what is an acceptable topic, each student will submit a brief synopsis (a typed abstract of less than one page indicating what the student will write their paper on, as well as what resources they intend to use, etc.) of their intended research paper no later than February 11, 2005. Additionally, to assist students who have a propensity for continuously putting off the writing of their research papers, each student will submit a copy of their reference page (listing of all books, articles, websites, etc.) to the professor no later than April 1, 2005. Failure to submit either of these assignments on a timely basis will result in reductions to the student's final grade on the paper. The final paper will be due to the professor no later than April 22, 2005.

#### *Undergraduate Requirements:*

Undergraduate students will complete a 12 to 15 page paper (does not include title page and abstract but does include reference page). This paper must be written in either Times New Roman (should be close to 12 pages) or Ariel font (must be closer to 15 pages). The margins will be 1.25 left and 1.00 top, right, and bottom. The paper will be double spaced and will contain no spaces greater than 2.0. Undergraduate papers must have a minimum of 10 sources, no more than 5 of which may be electronic (NOTE: The professor will allow the use of EBSCOHOST without considering this to be one of the 5 electronic sources). This research paper must be completed in the APA format and will be graded on: content (what information is provided), grammar (punctuation, verb usage, etc.) and APA format (how well the paper adheres to the APA format. The paper will account for 30% of the undergraduate student's final grade.

#### *Graduate Requirements:*

Graduate students will complete an 18 to 20 page paper (does not include title page and abstract but does include reference page). This paper must be written in Times New Roman with margins of 1.25 left and 1.00 top, right, and bottom. Graduate papers must have a minimum of 15 sources, no more than 8 of which may be electronic (NOTE: As in the case of undergraduate papers, EBSCOHOST does not count as an electronic source). This research paper will be graded on: content (what information is provided), grammar (punctuation, verb usage, etc.) and APA format (how well the paper adheres to the APA format. The paper will account for 40% of the graduate student's final grade.

### **CLASSROOM PARTICIPATION**

Each student is expected to complete all chapter reading assignments, as well as any case briefings assigned. During class students will be selected randomly to brief cases for the class. Students will receive one of four grades for their case briefings. An unsatisfactory briefing will receive a "--" mark on the grade roster. A satisfactory briefing will receive a "±" mark on the grade roster. An excellent briefing will receive a "+" mark on the grade roster. Any student who cannot provide a briefing when called upon will receive a mark of "0" on the roster. At the end of the semester the professor will examine all marks from the semester and assign a grade based upon the overall quality of the student's briefings. Class participation will account for 20% of both the undergraduate and graduate student's final grade.

### **ACADEMIC DISHONESTY**

Any student caught cheating on an examination or plagiarizing their final paper will receive a grade of "F" for the course. Additionally, the student will be referred to the Dean of Student Affairs, with the possibility of the student being dismissed from their academic program and/or dismissal from Delta State University. Any student who is uncertain of what plagiarism is should contact the professor when they begin working on

their research paper. The policy on plagiarism is one of zero tolerance, meaning **ANY** plagiarism will result in an “F” for the course.

**GRADING SCALE:**

92 to 100 – A  
84 to 91 – B  
73 to 83 – C  
62 to 72 – D  
< 62 - F

**STUDENTS WITH DISABILITIES**

If a student has a disability that qualifies under the Americans with Disabilities Act and requires accommodations, he/she should contact the Office for Disability Accommodations (ODA) for information on appropriate policies and procedures.

**Tentative Schedule  
Spring 2005**

Week One Jan 10-14:	Introduction to Professor Introduction to Legal Citation and Case Briefing
Week Two Jan 17-21:	What is Evidence? Rights of Defendants at Trial. <i>Chapter One in Textbook</i>
Week Three Jan 24-28:	The Criminal Trial Process <i>Chapter Three in Textbook and Assigned Cases</i>
Week Four Jan 21- Feb 4:	Relevance and Competency of Evidence When Evidence Must be Revealed to Opposing Parties The Use of False or Perjured Evidence <i>Chapter Two in Textbook and Assigned Cases</i>
Week Five Feb 7-11:	Direct and Circumstantial Evidence Situations Where Inference of Guilt May Not be Inferred Proving Corpus Delicti <i>Chapter Four in Textbook and Assigned Cases</i>
Week Six Feb 14-18:	Examination One Introduction to the Exclusionary Rule <i>Chapter Nine in Textbook and Assigned Cases</i>
Week Seven Feb 21-25:	Exclusions to the Exclusionary Rule <i>Chapter Ten in Textbook and Assigned Cases</i>

- Week Eight Feb 28- Mar 4: The Introduction of Scientific Evidence  
Frye Versus Daubert  
*Chapter Eighteen in Textbook and Assigned Cases*
- Week Nine Mar 7-11: History of DNA Evidence  
DNA Evidence in Trial  
*Lecture Notes and Assigned Cases*
- Week Ten Mar 14-18: Examination Two
- Week Eleven Mar 21-25: No Class! Spring Break
- Week Twelve Mar 28-Apr 1: History of Fingerprinting  
The Admission of Fingerprint Evidence at Trial  
*Lecture Notes and Assigned Cases*
- Week Thirteen Apr 4-8: History of Photography as Evidence  
Admission of Photographs as Evidence  
The Admission of Digital Photographs  
*Lecture Notes and Assigned Cases*
- Week Fourteen Apr 11-15: Ballistic Fingerprinting as Evidence  
Forensic Entomology as Evidence in Trial  
*Lecture Notes and Assigned Cases*
- Week Fifteen Apr 18-22: Forensic Odontology as Evidence  
Computer-Related Evidence  
*Lecture Notes and Assigned Cases*
- Week Sixteen Apr 25-29: The Importance of the Chain of Custody  
Preparing for Trial Testimony  
Being Certified as an Expert Witness  
*Lecture Notes*
- Week Seventeen May 2-6: Wrap up Course Materials  
Review for Final Examination
- Week Eighteen May 9-13: Final Examination