

EVIDENCE IN U.S. CRIMINAL CASES

Professor Joseph Hoffmann, Indiana University Maurer School of Law

1st CLASS

TOPICS:

Introduction
U.S. Federalism
Due Process Incorporation
Federal Constitutional Regulation of Criminal Evidence
The Adversary System and the Criminal Trial

READINGS:

U.S. Constitution, Article I, Section 8 (p. 1-2)
Federalist Papers (pp. 2-7)
U.S. Constitution, Selected Amendments (pp. 8-9)
The Fourth Amendment (pp. 10-13)
Mapp v. Ohio (pp. 13-25)

2nd CLASS

TOPICS:

What is a “Search,” and What is a “Seizure”?
Privacy and Property
“Knowingly Exposed” to the Public
Technology Searches
Federal Statutes: Wiretapping, Computers, Phone Records

READINGS:

Katz v. United States (pp. 1-7)
United States v. Jones (pp. 8-25)

3rd CLASS

TOPICS:

Probable Cause
Warrants
Exceptions to the Warrant Requirement
Exigent Circumstances
“Plain View”
Automobiles
Arrests
Searches Incident to Arrest

READINGS:

Illinois v. Gates (pp. 1-9)
Chimel v. California (pp. 10-14)
New York v. Belton (pp. 15-17)
Arizona v. Gant (pp. 17-25)

4th CLASS

TOPICS:

Reasonableness
Stops and Frisks
Pretext Searches
Emergencies
Roadblocks
“Special Needs”
Consent Searches

READINGS:

Terry v. Ohio (pp. 1-11)
Florida v. J.L. (pp. 12-14)
Whren v. United States (pp. 15-18)
Brigham City v. Stuart (pp. 19-22)
Ryburn v. Huff (pp. 23-25)

5th CLASS

TOPICS:

Exclusionary Rule
“Fruit of the Poisonous Tree”
Fourth Amendment Standing
The “Good Faith” Exception

READINGS:

Wong Sun v. United States (pp. 1-9)
Herring v. United States (pp. 10-14)
Davis v. United States (pp. 15-25)

6th CLASS

TOPICS:

The Fifth Amendment
Boyd v. United States

The Privilege Against Compelled Self-Incrimination

What is “Compulsion”?

Immunity and Self-Incrimination

The “Cruel Trilemma”

What is “Incrimination”?

What is “Testimony”?

Limits on the Fifth Amendment Privilege

READINGS:

Notes on the Text and History of the Fifth Amendment (pp. 1-3)

Counselman v. Hitchcock (pp. 3-5)

Brown v. Walker (pp. 6-9)

Ullmann v. United States (pp. 9-10)

United States v. Ward & Allen v. Illinois (pp. 11-14)

Hibel v. Sixth Judicial Court of Nevada (pp. 14-15)

Chavez v. Martinez (pp. 15-16)

Schmerber v. California & Doe v. United States (pp. 16-20)

Pennsylvania v. Muniz (pp. 20-21)

New Jersey v. Portash, United States v. Apfelbaum, & Brogan v. United States (pp. 21-23)

Shapiro v. United States & Marchetti v. United States (23-24)

California v. Byers (p. 25)

7th CLASS

TOPICS:

Massiah, Escobedo, and Miranda

What is “Custody”?

What is “Interrogation”?

What is a valid Miranda “Warning”?

Miranda “Invocations”

Miranda “Waivers”

Consequences of a Miranda Violation

READINGS:

Notes on Miranda Waivers (pp. 1-2)

Moran v. Burbine (pp. 2-11)

Berghuis v. Thompkins (pp. 11-25)

8th CLASS

TOPICS:

The Sixth Amendment and the Right to Counsel

Line-Ups, Show-Ups, and Photo Arrays

Massiah Revisited
Discovery and Disclosure
Defense Disclosure
Federal Rule of Criminal Procedure 16
The Jencks Act
Brady Doctrine

READINGS:

Brewer v. Williams (pp. 1-9)
Federal Rule of Criminal Procedure 16 (pp. 10-12)
Notes on Rule 16 and the Jencks Act (pp. 12-16)
Kyles v. Whitley (pp. 16-25)

9th CLASS

TOPICS:

Relevancy
Probative Value and Prejudice
Witness Examination and Cross-Examination
Witness Impeachment and Rehabilitation
Character Evidence
Hearsay Evidence
The Sixth Amendment and the Confrontation Clause
Crawford Doctrine

READINGS:

Notes on Griffin v. California and Related Matters (pp. 1-4)
Davis v. Washington & Hammon v. Indiana (pp. 5-18)
Giles v. California (pp. 18-19)
Melendez-Diaz v. Massachusetts (pp. 20-22)
Further Notes on the Confrontation Clause (pp. 22-25)

10th CLASS

TOPICS:

Lay Witnesses and Opinion Testimony
Expert Witnesses
Daubert Doctrine
Burden of Proof
Presumptions
Judicial Notice and Judicial Fact-Finding
Privileges
Conclusion

READINGS:

Federal Rules of Evidence 701-706 (p. 1)

Francis v. Franklin (pp. 2-16)

Notes on Proof and Verdict Issues (pp. 17-23)

Notes on Criminal Trials and Factual Accuracy (pp. 23-25)