

INTRODUCTION TO EVIDENCE FOR FORENSIC SCIENCE

MLW-2-232

FACULTY OF ARTS AND HUMAN
SCIENCES

2007-2008 SEMESTER 2

become what you want to be

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1. UNIT DETAILS

Unit Title:	INTRODUCTION TO THE LAW OF EVIDENCE
Unit Level:	2
Unit Reference Number:	MLW-2-232
Credit Value:	15
Student Study Hours:	150
Contact Hours:	40
Private Study Hours:	110
Pre-requisite Learning (If applicable):	CRIMINAL LAW 1
Co-requisite Units (If applicable):	N/A
Course(s):	BSC FORENSIC SCIENCE
Year and Semester	2007-2008 SEMESTER 2
Unit Coordinator:	KATHERINE STYLIANOU
UC Contact Details (Tel, Email, Room)	ROOM 213 KEYWORTH CENTRE, TEL: 02078155719, EMAIL: styliakd@lsbu.ac.uk
Teaching Team & Contact Details (If applicable):	n/a
Subject Area:	LAW DEPARTMENT
Summary of Assessment Method:	TRIAL OBSERVATION AND HYPOTHETICAL PROBLEM ANALYSIS

2. SHORT DESCRIPTION

The unit introduces non-law students to the function and operation of the law of evidence in the context of criminal matters. It concentrates on the concepts of relevance and judicial discretion, and teaches the students which types of evidence attract rules of admissibility and why. Students are required to watch a criminal trial in one of the many crown courts in London or their local area to give them a context for the operation of the rules, and are taught a logical approach to analysing hypothetical problems relating to the admissibility of evidence.

3. AIMS OF THE UNIT

To provide students with a grounding in the concepts of relevance and judicial discretion in the law of evidence.

To introduce students to the skill of identifying the facts needed to be proven in a criminal trial.

To give students a grounding in the rules of admissibility in the Law of evidence and their rationale.

To equip students with the ability to identify types of evidence and the rules that are applicable to them.

To emphasise a logical and methodological approach to problem solving in an evidential context.

To provide the students with an opportunity of watching a criminal trial and having a context for the operation of the rules of evidence.

To emphasise the concept of fair trial as being central to the understanding of the Law of Evidence.

4. LEARNING OUTCOMES

4.1 Knowledge and Understanding

Students successfully completing this unit will be able to demonstrate a knowledge and understanding of:

the operation of the general principles of the rules of admissibility of the Law of Evidence in relation to the admissibility of certain types of evidence;

the relationship between the criminal law and the facts in issue in a criminal trial;

the concepts of judicial discretion and relevance.

4.2 Intellectual Skills

Students successfully completing this unit will be able to demonstrate an ability to:

Analyse the admissibility of evidence of a hypothetical factual problem;

Identify and evaluate the relevance of evidence presented at a live trial;

4.3 Practical Skills

Students successfully completing this unit will have demonstrated the development of:

Communication Skills – through participation in seminar discussions and argument and through the preparation of the trial observation and long problem course work.

IT Skills – through the research required in preparation for coursework submission; use of electronic information retrieval systems in preparation for seminars; through word processing course work.

4.4 Transferable Skills

Students successfully completing this unit will have demonstrated an ability to:

organise, plan and prioritise self-managed scholarly work using original material;

prepare materials according to assessment requirements to meet critical deadlines;

5. ASSESSMENT OF THE UNIT

COURSEWORK 1 - TRIAL OBSERVATION - 25% of the unit mark. Students must observe a short trial in the Crown Court from beginning to end. They will be given a pro-forma sheet to complete, which will direct them to concentrate on the following: the evidence and what it proves; identification of different types of evidence if presented; the identification of the submissions relating to admissibility of evidence, if any; and an evaluation of the summing up of the judge and the verdict. The purpose of this is to assess the students' ability to:

identify types of evidence;

identify the operation of the rules in a real life context;

describe the evidence presented and its relevance to the facts in issue.

Students have a whole term to complete this assessment. It is anticipated that they will not have to hand the work in until after the Easter vacation.

COURSE WORK 2 - 75% of the unit mark. This will consist of a set of statements relating to a hypothetical criminal trial, and the question will require students to identify the relevance of the statements and then to discuss the rules that would need consideration relating to the admissibility of the evidence. The purpose of this is to assess the students' ability to:

analyse the facts in a hypothetical case;

identify the concepts and rules of the law of evidence as they appear in the case given;

demonstrate an awareness of the relationship between the concepts of relevance and judicial discretion and the operation of the formal rules.

6. FEEDBACK

Feedback will BE GENERIC AND GIVEN AFTER THE RESULTS. Both pieces of work are final assessments and in lieu of an examination.

7. INTRODUCTION TO STUDYING THE UNIT

7.1 Overview of the Main Content

1. **INTRODUCTION**

The course concentrates on Criminal proceedings.
What is Evidence? What is its function?

Types of facts needed to be proven: Facts in issue - governed by substantive law; collateral facts - credibility.

Types of evidence

Functions of the judge and jury: questions of law and questions of fact.

1. **CONCEPTS IN EVIDENCE**

Relevance:

The relationship between evidence and the facts that are needed to be proved. The importance of common sense, logic and experience (Wigmore)

Judicial discretion:

The principle in the case of Sang - The balancing act that the judge needs to perform - prejudice v probative value of a piece of evidence. The duty of the judge to exclude evidence where the prejudicial effect of the case outweighs its probative value.

The difference between this and Section 78 Police and Criminal Evidence Act 1984 - adverse effect to the fairness of the proceedings.

The functions of a criminal court and its moral authority. The dual verdict: Factual and Moral (Dennis) and the role that the rules of evidence play in ensuring the factual correctness of a verdict and Section 78 ensuring the moral authority of the verdict.

Burden of Proof in Criminal Trials – Disclosure and the finding of new evidence.

2. **RULES OF ADMISSIBILITY AND EXCLUSIONARY RULES**

Character evidence of the accused:

Similar Fact Evidence:

Hearsay Evidence and Confessions:

Brief look at Privilege & Public Interest Immunity:

Opinion Evidence & Expert Opinion Evidence

Rules relating to maintaining the integrity of evidence

Corroboration and Identity evidence

7.2 Overview of Types of Classes

Weeks 1-11: One two-hour lecture per week

One two-hour seminar per fortnight

Weeks 12-15: Private study and research and completion of coursework.

Students are given a teaching guide which indicates each week the introduction to the type of evidence under consideration. Many of the large group sessions are designed to be interactive and involve student participation in small group discussion of problems. The unit teaching guide also includes the small group session work for each fortnight. The exercises in the small group sessions are designed to tease out deeper understanding and further knowledge of the type of evidence under discussion. Most questions in these sessions are problem questions.

7.3 Importance of Student Self-Managed Learning Time

Each week students are required to prepare for seminar questions. These seminars are essential for the preparation of the coursework. The self managed study time is essential for students in order to prepare, structure and plan the analysis of issues required in the coursework.

7.4 Employability

The understanding of the criminal process, the trial and the use of evidence is essential for any person wishing to be a professional in the criminal justice system.

8. THE PROGRAMME OF TEACHING, LEARNING AND ASSESSMENT

WEEK	LARGE GROUP SESSION	SMALL GROUP SESSION
1.	Introduction to Evidence course and Trial observation explained	No SGS
2.	Concepts: Judicial Discretion and Relevance	Gp A: Intro terms/concepts
3.	Rules of admissibility and their function Bad Character evidence of the accused & Similar Fact Evidence	Gp B: Intro terms/concepts
4.	Scope of Hearsay Evidence and confessions	Gp A: Bad Character
5.	Opinion Evidence and Privilege and Public Interest Immunity	Gp B: Bad Character
6.	Corroboration and Identification evidence	Gp A: Hearsay and confessions
7.	Maintaining the Integrity of Evidence	GpB: Hearsay and confessions
8.	Fact Analysis - discussion of coursework	GpA: Opinion Evidence and ID
9.	Fact Analysis continued	GpB: Opinion and ID
10.	Fact analysis and end of unit assistance	GpA: Coursework questions and
11.	Students work on coursework assistance.	GP B: Coursework questions and
12.	Unit co-ordinator available for assistance with coursework	
13.	Students complete and hand in assessments	

9. LEARNING RESOURCES

9.1 Core Materials

Dennis, I.H. "The Law of Evidence" Sweet & Maxwell 1999

OR

Keane, A. "The Modern law of Evidence" Butterworths, (5th Edition)

OR

Murphy, p. "Murphy on Evidence" Blackstone Press, (6th edition)

Students are advised to look any of these three books and choose which they prefer.

Students are advised to buy the most up to date textbook which also has the Criminal Justice Act 2003 provisions included.

9.2 Optional Materials

Allen, C., "Sourcebook on Evidence", Cavendish Publishing Limited (1st Edition",)

Archbold "Criminal Evidence and Procedure"

Blackstones Criminal Practice

Cooper, S., Murphy, P., & Beaumont, J. "Cases and Materials on Evidence", Blackstone Press (3rd Edition)

Cross "Cross on Evidence"

Heydon, J., & Ockleton, M., "Evidence: Cases and Materials", Butterworths, (4th Ed)

Huxley, P., & O'Connell, M., "Blackstone's Statutes on Evidence", Blackstone Press, (3rd Edition)

Keogh, A. "Criminal Justice Act 2003: A guide to the new law" 2004

Roberts, P. and Zuckerman, A. "Criminal Evidence" . Oxford University Press 2004

REPORTS

Law Commission No 273, "Evidence of Bad Character in Criminal Proceedings, Cm 5257 (2001).

Royal Commission on Criminal Justice, Cm 2263, 1993, HMSO.

Law Commission Consultation Paper No 138. "Evidence in Criminal Proceedings: Hearsay and Related Topics" 1995

The Law Commission. Criminal Law: Evidence in Criminal Proceedings: Previous Misconduct of a Defendant. Consultation Paper No 141 (Summary)

Please note that additional articles, seminar questions, and handouts may be substituted or added to this guide from time to time. Students are requested to keep those with this guide.

USEFUL WEBSITES

Begin by using LISA and the training support offered under resources for web based research. Visit the virtual training suite and take a Law Tour under the Social Sciences field.

Law Reports

HYPERLINK <http://www.the-times.co.uk/news> www.the-times.co.uk/news

HYPERLINK <http://www.lawreports.co.uk> www.lawreports.co.uk

HYPERLINK <http://www.courtservice.gov.uk/lexicon> <http://www.courtservice.gov.uk/lexicon>

Parliament

HYPERLINK <http://www.parliament.uk> www.parliament.uk

Government sites

HYPERLINK <http://www.hmso.gov.uk/stat.htm> www.hmso.gov.uk/stat.htm

HYPERLINK <http://www.open.gov.uk/law.commhompag.htm> www.open.gov.uk/law.commhompag.htm

HYPERLINK <http://www.open.gov.uk/index.htm> <http://www.open.gov.uk/index.htm>

HYPERLINK <http://www.homeoffice.gov.uk> www.homeoffice.gov.uk

HYPERLINK <http://www.cps.gov.uk> <http://www.cps.gov.uk>

Database sites

HYPERLINK <http://www.lawtel.co.uk> www.lawtel.co.uk

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