

# COURTROOM TESTIMONY

CRIJ 4345 | SPRING 2021

## Course Syllabus

**If you can't explain it simply, you don't understand it well enough**

**- Albert Einstein**

### Course Description

*This course is designed to prepare you for courtroom testimony as expert witnesses. You will learn the role scientific evidence and expert witness testimony play in criminal and civil cases in the United States court system as well as key court rulings relating to expert testimony. Expert testimony and evidence admissibility standards will be compared between the federal and state court systems, as well as ethical considerations for expert testimony. Challenges to scientific testimony admissibility will be discussed in depth, focusing on current court decisions that impact the impact the admissibility, content, and format of scientific testimony.*

*In addition to testimony admissibility, the course will discuss the process of scientific testimony. You will learn how witnesses are qualified for expert testimony and how to testify under both direct examination and cross examination situations. At the end of the course, you will participate in a mock testimony exercise that will require you to apply course material as you prepare and testify as an expert witness in a mock criminal case.*

### DR. DANIELLE BAILEY

My office is in the College of Arts & Sciences building, Office 134. You can reach me at [dbailey@uttyler.edu](mailto:d Bailey@uttyler.edu) or 903.566.7432.

I hold Online Open Hours on Thursdays from 12:20PM to 3:00 p.m. During these times, I will be available in my personal Zoom meeting room. You can also schedule a virtual or on-campus appointment as needed. Please email appointment requests.

**This course is taught fully online. We will meet virtually on Zoom on Tuesdays from 11:00AM - 12:20PM.**

### Syllabus Contents

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*This syllabus was created to provide you with an overview of the learning expectations for this course. You can find additional details about class assignments and course policies on the Canvas Course Syllabus page.*

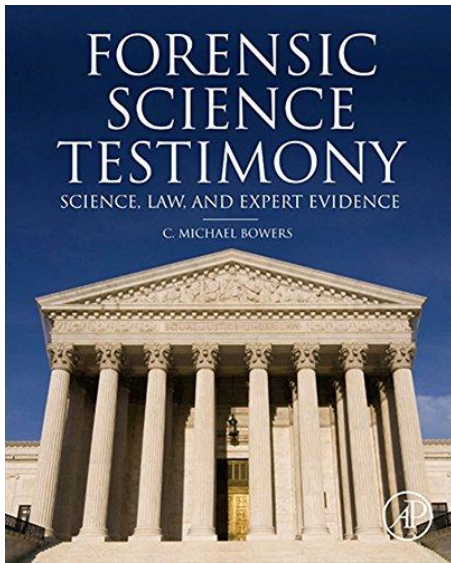


## Course Learning Objectives

By the completion of this course, you will be able to:

- Compare/contrast evidence admissibility standards in federal and state courts
- Relate scientific evidence to other components of the criminal justice system
- Use key court rulings to discuss admissibility and presentation of scientific evidence
- Apply concepts and principles of scientific evidence admissibility to real world cases
- Explain the role expert testimony plays in criminal and civil cases
- Demonstrate the process of expert testimony, including qualification, direct- and cross-examination
- Discuss ethical considerations for expert witnesses

## Required Textbook



### **Forensic Testimony: Science, Law, and Expert Evidence (1st ed.)**

C. Michael Bowers  
*Academic Press*

ISBN: 9780123970053 (Hardback)  
ISBN: 9780123972606 (E-book)

### **Course Format**

This course is a synchronous online course, meaning that there are live virtual meetings as well as asynchronous assignments you will complete at your own pace. These components are intended to compliment, not replace, one another. To help you stay organized, a detailed course schedule is provided on Canvas that identifies all assignments and their respective due date.

## Supplementary Materials

Additional instructional materials are provided for you on the Courtroom Testimony course page on Dr. Bailey's website (link below). These materials include informational videos and other online materials that may be helpful for you as you prepare for the class activities. Use of Dr. Bailey's website is not required but is recommended for students seeking additional instruction or assistance with the course material.

<https://sites.google.com/view/daniellebaileyphd>



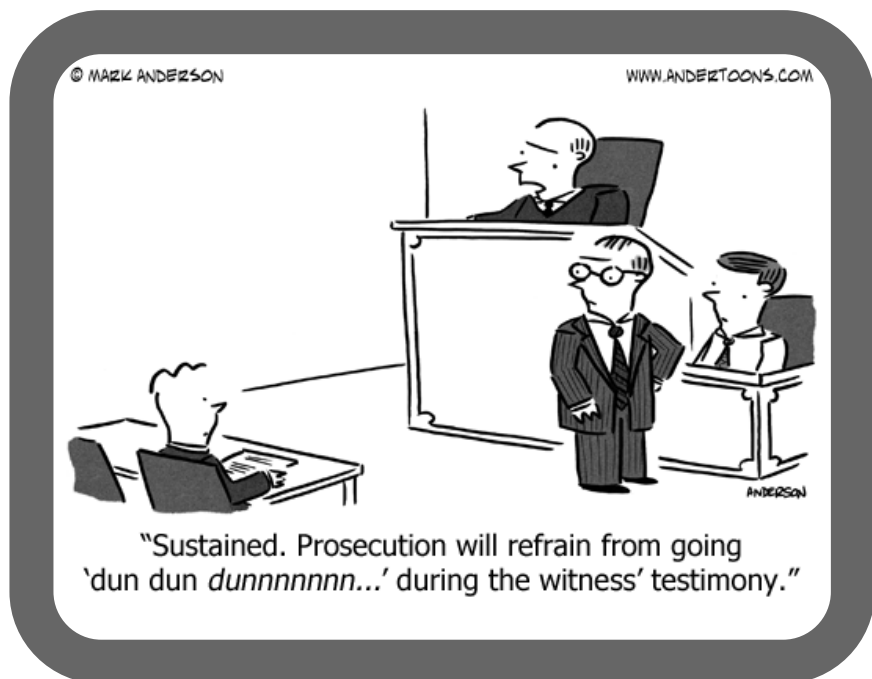
## Course Assignments

### Introduction Activities

To help you become more familiar with the course, you will complete two introduction activities. The first is the Welcome Module Scavenger Hunt, which is designed to help you become familiar with the syllabus and course resources. The second is a Plagiarism Quiz Certificate, which is designed to familiarize you with my Academic Honesty expectations.

### Reading Quizzes

Readings are a vital part of this course because you will put the concepts into action during the module's laboratory activity. To promote retention and comprehension of the material, you will complete a short reading quiz each week. Quizzes will consist of multiple choice and true/false questions only. You may take each quiz up to three times. Only the highest score will count towards your final grade.



### Virtual Class Meetings

Each week you will participate in a virtual class meeting held in Dr. Bailey's personal Zoom meeting room. During these meetings, Dr. Bailey will discuss the reading material, answer questions about class assignments, and lead you through a class activity. Class activities are designed to allow you to delve deeper into the lecture material for that week and promote discussion of important class concepts. Class activities may be completed individually or in small groups. Detailed submission instructions for each class activity are provided on Canvas. You must be in attendance during the virtual class meeting to receive credit for the activities.



## Mock Testimony Project

Over the course of the semester, you will complete a Mock Testimony exercise. This activity is split into several parts, described below. Unless stated otherwise, all activities will be graded individually.

### Step 1: Written Documents

To prepare for the Mock Testimony, you will work in small groups to develop an Expert Witness Curriculum Vitae (CV) and a Testimony Question List. The CV will portray a qualified latent fingerprint examiner. The question list will include questions appropriate for voir dire, direct examination, and cross-examination. This activity will be graded on a group basis only.

### Step 2: Oral Presentation

The second part of the Mock Testimony Project is an oral presentation where you will take on one of three roles: Fingerprint Examiner Expert, Defense Attorney, or Prosecutor. The oral presentation will include opening statements by each attorney and then qualification and examination of the expert witness. Oral presentations will be recorded during a virtual class meeting and uploaded to Canvas.

### Step 3: Peer Review

The third part of the Mock Testimony Project is a peer review process where you will review oral presentations from two other groups and submit a Peer Review Handout.

### Step 4: Reflection Paper

The final part of the Mock Testimony Project is a reflection paper where you will assess your own performance during the testimony exercise as well as your classmates.

### Group Member Responsibilities

I expect you to adhere to the following conditions during group activities:

- 1. Notify me and your group members as early as possible if you are unable or unwilling to participate in any part of the group activity.*
- 2. Participate in your group to the best of your ability. You should expect to meet outside of class time (in person or virtually) to complete group assignments.*
- 3. Split group work evenly between all group members so that all group members contribute equally to the final product.*
- 4. Provide all requested contributions to your group before the assignment due date so that the group activity can be compiled, edited, and finalized together.*
- 5. Do not wait until the deadline to bring concerns to your group members and/or the professor.*
- 6. Bring your best self to your group.*

**Group activities include both individual and group grade components. Based on the evaluation survey and unsolicited feedback, I reserve the right to adjust the group grade for any individual group member.**

# GRADES

## Class Assignments

Welcome Module Scavenger Hunt	20 points
About Me Survey	20 points
Plagiarism Certificate	10 points
Class Activities (7)	70 points
Reading Quizzes (7)	120 points

**Total Points Possible**

**240**

## Mock Testimony Project

Preparation Activity (3)	60 points
Documents	50 points
Oral Presentation	50 points
Peer Review	50 points
Reflection Paper	50 points

**Total Points Possible**

**260**

**Total Points Possible**

**500**

### Final Points

### Letter Grade

450 or more points

A

400 - 449 points

B

350 - 399 points

C

300 - 349 points

D

Less than 300 points

F





## Student Drop-In Hours

I hold regular drop-in hours each week. During these times, I can go over assignments, discuss quizzes/exams, and answer any questions about course material. If you are unable to visit me during my scheduled drop-in hours and need help, please feel free to contact me via email and set up an appointment. I can set up on-campus or video-conferencing appointments as necessary.

## Professor Response Time

I try to respond to all emails and voicemails within one business day. I do not regularly check emails on weekends, holidays, and school breaks, so response time may be longer at these times. I try to grade all assignments, activities, and exams within two weeks of the due date. Much of the time you will be able to see grades sooner than the times listed. However, there are times when it takes longer to grade assignments, so please be patient if you do not see your grades immediately.

## Make-Up Assignments

You will be given the opportunity to make-up missed quizzes, exams, and assignments for excused absences only. Excused absences include documented emergencies (e.g. doctor's note, subpoena) or school-related activity. Vacations, regularly scheduled doctor's appointments, and work schedules do not qualify as exceptional reasons and will not be accepted as an excused absence. There will be extra credit assignments available that can be used to make up points lost during unexcused absences.

## Assignment Submissions

All assignments must be submitted by time/date listed on the course schedule. No late assignments will be allowed unless there are emergency situations. I highly encourage you to start working on your assignments early. This ensures you have time to contact the appropriate person(s) if unforeseen technological issues impact your ability to complete the assignment. Technical problems, even if they are not your fault, do not automatically qualify you for an extension or a "do-over" for the assignment.

**There is no magic to achievement. It's really about hard work, choices, and persistence.**

**- Michelle Obama**

## COVID-19 Notice

I understand that the COVID-19 pandemic may affect your ability to complete the coursework and/or meet class deadlines. During the course, if you experience any illness or other concerns relating to COVID-19, please reach out to me by email to discuss your situation. My goal is to help you be successful in the course, so I am happy to discuss alternative options if it becomes necessary.

# CLASS SCHEDULE



1

## Introduction to the Course

- Welcome Module Scavenger Hunt
- About Me Survey

8

## Expert Witness Misconduct

- Reading Quiz
- Class Activity

## Expert Witnesses in the Courtroom

- Plagiarism Quiz Certificate
- Reading Quiz
- Class Activity

2

## Mock Testimony Project Preparation

- Preparation Activity Part 1

9

3

## Introduction to Forensic Science

- Reading Quiz
- Class Activity

10

## Mock Testimony Project Documents

- Preparation Activity Part 2
- Mock Testimony Documents

## Expert Witness Ethics

- Reading Quiz
- Class Activity

4

## Mock Testimony Project Preparation

- Preparation Activity Part 3

11

5

## Pre-Trial Preparation for Expert Witnesses

- Reading Quiz
- Class Activity

12

## Mock Testimony Project Oral Presentation

- Mock Testimony Oral Presentation

## Voir Dire and Direct Examination

- Reading Quiz
- Class Activity

6

## Mock Testimony Project Peer Review

- Mock Testimony Peer Review

13

7

## Cross-Examination

- Reading Quiz
- Class Activity

14

## Mock Testimony Project Reflection paper

- Mock Testimony Reflection Paper

## UT Tyler Finals Week

- No Assignments!

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# RESOURCES

## Academic Advising Center

University Center (UC) 440  
903.565.5718  
advising@uttyler.edu

## Bookstore

University Center (UC)  
903.566.7070  
bookstore@uttyler.edu

## Campus Activities

University Center (UC) 3400  
903.565.5796  
getconnected@uttyler.edu

## Campus Computing & Technology Support

Ratcliff Building North (RBN) 3022  
903.565.5555  
itsupport@uttyler.edu

## Muntz Library

Robert R. Muntz Library (LIB)  
903.566.7342  
library@uttyler.edu

## Military & Veterans Success Center

University Center (UC) 3440  
903.565.5972  
mvsc@uttyler.edu

## Student Accessibility Office

University Center (UC) 3150  
903.565.7079  
saroffice@uttyler.edu

## Student Health & Wellness

University Health Clinic (UHC) 147  
903.565.5728  
wellness@uttyler.edu

## University Counseling Center

University Center (UC) 3170  
903.565.5746 (for appointments)

## UT Tyler Police Department

University Service Center (USC) 125  
903.566.7300  
police@uttyler.edu

## Writing Center

College of Arts and Sciences (CAS) 202  
903.565.5995  
writingcenter@uttyler.edu

## One Stop Service Center

Stewart Hall (STE) 230  
903.566.7180  
enroll@uttyler.edu or cashiers@uttyler.edu  
One Stop Service Center includes:

- Cashier's Office
- Enrollment Services
- Financial Aid
- Student Business Services

**Crisis Help Line**  
**Available 24/7**  
**903.566.7254**







# UT Tyler Policies

## UT Tyler Honor Code

Every member of the UT Tyler community joins together to embrace: Honor and integrity that will not allow me to lie, cheat, or steal, nor to accept the actions of those who do.

## Students Rights and Responsibilities

To know and understand the policies that affect your rights and responsibilities as a student at UT Tyler, please follow this link: [www.uttyler.edu/wellness/rightsresponsibilities.php](http://www.uttyler.edu/wellness/rightsresponsibilities.php)

## Campus Carry

We respect the right and privacy of students 21 and over who are duly licensed to carry concealed weapons in this class. License holders are expected to behave responsibly and keep a handgun secure and concealed. More information is available at <http://www.uttyler.edu/about/campus-carry/index.php>.

## UT Tyler a Tobacco-Free University

All forms of tobacco will not be permitted on the UT Tyler main campus, branch campuses, and any property owned by UT Tyler. This applies to all members of the University community, including students, faculty, staff, University affiliates, contractors, and visitors. Forms of tobacco not permitted include cigarettes, cigars, pipes, water pipes (hookah), bidis, kreteks, electronic cigarettes, smokeless tobacco, snuff, chewing tobacco, and all other tobacco products.

There are several cessation programs available to students looking to quit smoking, including counseling, quitlines, and group support. For more information on cessation programs please visit [www.uttyler.edu/tobacco-free](http://www.uttyler.edu/tobacco-free).

## Grade Replacement / Forgiveness and Census Date Policies

Students repeating a course for grade forgiveness (grade replacement) must file a Grade Replacement Contract with the Enrollment Services Center (ADM 230) on or before the Census Date of the semester in which the course will be repeated. Grade Replacement Contracts are available in the Enrollment Services Center or at <http://www.uttyler.edu/registrar>. Each semester's Census Date can be found on the Contract itself, on the Academic Calendar, or in the information pamphlets published each semester by the Office of the Registrar.

Failure to file a Grade Replacement Contract will result in both the original and repeated grade being used to calculate your overall grade point average. Undergraduates are eligible to exercise grade replacement for only three course repeats during their career at UT Tyler; graduates are eligible for two grade replacements. Full policy details are printed on each Grade Replacement Contract.

The Census Date is the deadline for many forms and enrollment actions of which students need to be aware. These include:

1. Submitting Grade Replacement Contracts, Transient Forms, requests to withhold directory information, approvals for taking courses as Audit, Pass/Fail or Credit/No Credit.
2. Receiving 100% refunds for partial withdrawals. (There is no refund for these after the Census Date)
3. Schedule adjustments (section changes, adding a new class, dropping without a "W" grade)
4. Being reinstated or re-enrolled in classes after being dropped for non-payment
5. Completing the process for tuition exemptions or waivers through Financial Aid

## State-Mandated Course Drop Policy

Texas law prohibits a student who began college for the first time in Fall 2007 or thereafter from dropping more than six courses during their entire undergraduate career. This includes courses dropped at another 2-year or 4-year Texas public college or university. For purposes of this rule, a dropped course is any course that is dropped after the census date (See Academic Calendar for the specific date).

Exceptions to the 6-drop rule may be found in the catalog. Petitions for exemptions must be submitted to the Enrollment Services Center and must be accompanied by documentation of the extenuating circumstance. Please contact the Enrollment Services Center if you have any questions.

## Disability/Accessibility Services

In accordance with Section 504 of the Rehabilitation Act, Americans with Disabilities Act (ADA) and the ADA Amendments Act (ADAAA) the University of Texas at Tyler offers accommodations to students with learning, physical and/or psychological disabilities. If you have a disability, including a non-visible diagnosis such as a learning disorder, chronic illness, TBI, PTSD, ADHD, or you have a history of modifications or accommodations in a previous educational environment, you are encouraged to visit <https://hood.accessiblelearning.com/UTTyler> and fill out the New Student application. The Student Accessibility and Resources (SAR) office will contact you when your application has been submitted and an appointment with Cynthia Lowery, Assistant Director of Student Services/ADA Coordinator. For more information, including filling out an application for services, please visit the SAR webpage at <http://www.uttyler.edu/disabilityservices>, the SAR office located in the University Center, # 3150 or call 903.566.7079.

## Student Absence due to Religious Observance

Students who anticipate being absent from class due to a religious observance are requested to inform the instructor of such absences by the second class meeting of the semester.

## Student Absence for University-Sponsored Events and Activities

If you intend to be absent for a university-sponsored event or activity, you (or the event sponsor) must notify the instructor at least two weeks prior to the date of the planned absence. At that time the instructor will set a date and time when make-up assignments will be completed.

## Social Security and FERPA Statement

It is the policy of The University of Texas at Tyler to protect the confidential nature of social security numbers. The University has changed its computer programming so that all students have an identification number. The electronic transmission of grades (e.g., via e-mail) risks violation of the Family Educational Rights and Privacy Act; grades will not be transmitted electronically.

## Emergency Exits and Evacuation

Everyone is required to exit the building when a fire alarm goes off. Follow your instructor's directions regarding the appropriate exit. If you require assistance during an evacuation, inform your instructor in the first week of class. Do not re-enter the building unless given permission by University Police, Fire department, or Fire Prevention Services

## UT Tyler Resources for Students

- UT Tyler Writing Center (903.565.5995), [writingcenter@uttyler.edu](mailto:writingcenter@uttyler.edu)
- UT Tyler Tutoring Center (903.565.5964), [tutoring@uttyler.edu](mailto:tutoring@uttyler.edu)
- The Mathematics Learning Center, RBN 4021, this is the open access computer lab for math students, with tutors on duty to assist students who are enrolled in early-career courses.
- UT Tyler Counseling Center (903.566.7254)

## UT Tyler Resources for Students

Disciplinary proceedings may be initiated against any student who engages in scholastic dishonesty, including, but not limited to, cheating, plagiarism, collusion, the submission for credit of any work or materials that are attributable to a third party, or in part to another person, taking an examination for another person, any act designed to give unfair advantage to a student or the attempt to commit such acts.

"Cheating" includes, but is not limited to:

- copying from another student's test paper;
- using, during a test, materials not authorized by the person giving the test;
- failure to comply with instructions given by the person administering the test;
- possession during a test of materials which are not authorized by the person giving the test, such as class notes or specifically designed "crib notes". The presence of textbooks constitutes a violation if they have been specifically prohibited by the person administering the test;
- using, buying, stealing, transporting, or soliciting in whole or part the contents of an unadministered test, test key, homework solution, or computer program;
- collaborating with or seeking aid from another student during a test or other assignment without authority;
- discussing the contents of an examination with another student who will take the examination;
- divulging the contents of an examination, for the purpose of preserving questions for use by another, when the instructors has designated that the examination is not to be removed from the examination room or not to be returned or to be kept by the student;
- substituting for another person, or permitting another person to substitute for oneself to take a course, a test, or any course-related assignment;
- paying or offering money or other valuable thing to, or coercing another person to obtain an unadministered test, test key, homework solution, or computer program or information about an unadministered test, test key, home solution or computer program;
- falsifying research data, laboratory reports, and/or other academic work offered for credit;
- taking, keeping, misplacing, or damaging the property of The University of Texas at Tyler, or of another, if the student knows or reasonably should know that an unfair academic advantage would be gained by such conduct; and
- misrepresenting facts, including providing false grades or resumes, for the purpose of obtaining an academic or financial benefit or injuring another student academically or financially.

ii. "Plagiarism" includes, but is not limited to, the appropriation, buying, receiving as a gift, or obtaining by any means another's work and the submission of it as one's own academic work offered for credit.

iii. "Collusion" includes, but is not limited to, the unauthorized collaboration with another person in preparing academic assignments offered for credit or collaboration with another person to commit a violation of any section of the rules on scholastic dishonesty.

iv. All written work that is submitted will be subject to review by plagiarism software.