

SIXTH EDITION

CRIMINAL EVIDENCE

NORMAN GARLAND



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Norman M. Garland

Professor of Law

Southwestern Law School—California





CRIMINAL EVIDENCE, SIXTH EDITION

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This book is printed on acid-free paper.

1 2 3 4 5 6 7 8 9 0 RJE/RJE 1 0 9 8 7 6 5 4 3 2 1 0

ISBN 978-0-07-352799-4

MHID 0-07-352799-8

Vice President & Editor-in-Chief: *Mike Ryan*

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Managing Editor: *Meghan Campbell*

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Design Coordinator: *Margarite Reynolds*

Cover Designer: *Kay Lieberherr*

Manager, Photo Research: *Brian J. Pecko*

Cover Image Credit: *Royalty-Free/CORBIS*

Production Supervisor: *Nicole Baumgartner*

Composition: *Laserwords Private Limited*

Typeface: *11/13 Adobe Garamond*

Printer: *R.R. Donnelley*

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Library of Congress Cataloging-in-Publication Data

Garland, Norman M.

Criminal evidence / Norman M. Garland. — 6th ed.

p. cm.

ISBN 978-0-07-352799-4 (alk. paper)

1. Evidence, Criminal—United States. I. Title.

KF9660.G37 2010

345.73'06—dc22

2009045539

The Internet addresses listed in the text were accurate at the time of publication. The inclusion of a Web site does not indicate an endorsement by the authors or McGraw-Hill, and McGraw-Hill does not guarantee the accuracy of the information presented at these sites.

CRIMINAL EVIDENCE

This book is dedicated to Melissa Grossan.

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PREFACE

The sixth edition of *Criminal Evidence* presents the basic concepts of criminal evidence applied in the criminal justice environment. *Criminal Evidence*, sixth edition, includes a description of the trial process, types of evidence, the rules relating to relevance, hearsay (including the Confrontation Clause), documentary evidence, qualification of witnesses, privileges, presumptions, judicial notice, photographs, and character. The text also presents the principles relating to the impact of the Constitution of the United States on the admissibility of evidence (i.e., search and seizure, admissions and confessions, the right to counsel, identification procedures). Finally, the text presents those principles relating to the law enforcement professional as a witness.

This text is written in a clear, lively, and personal style to appeal to criminal justice professionals and students on the way to becoming professionals. Special attention is given to helping students understand the legal aspects of the principles relating to the admissibility of evidence at a criminal court hearing or trial. Students often perceive the law as a complex of incomprehensible rules with uncertain application in the workplace. In *Criminal Evidence*, sixth edition, when an evidence principle is presented, an example or application to the real world of law enforcement immediately follows. Relevant court decisions that affect the admissibility of evidence are discussed in the text, but only to the extent necessary to illustrate the rules. All program components fit into an integrated learning system that helps students learn and apply important course concepts.

ACKNOWLEDGMENTS

I had a lot of help in producing this sixth edition of *Criminal Evidence*. I would like to thank the dean, faculty, and board of trustees of Southwestern Law School for their generous support. I have been fortunate to have a number of research assistants at Southwestern who worked on this project. They include Lesley Brasswell, Jordan Esensten, and Lonnie McDowell.

For their insightful reviews, criticisms, and suggestions, I would like to thank these colleagues: Baron Brown, Chaffey College; Nancy Dempsey, Cape Cod Community College; Janet Foster Goodwill, Yakima Valley Community College; Robert Grubb, Jr., Columbia State Community College; Preston Martin, Fort Valley State University; Marc Stanton, Massachusetts Bay Community College.

Finally, and most important, I thank my wife, Melissa Grossan, who was truly my partner in the production of this edition as well as being my loving companion in life.

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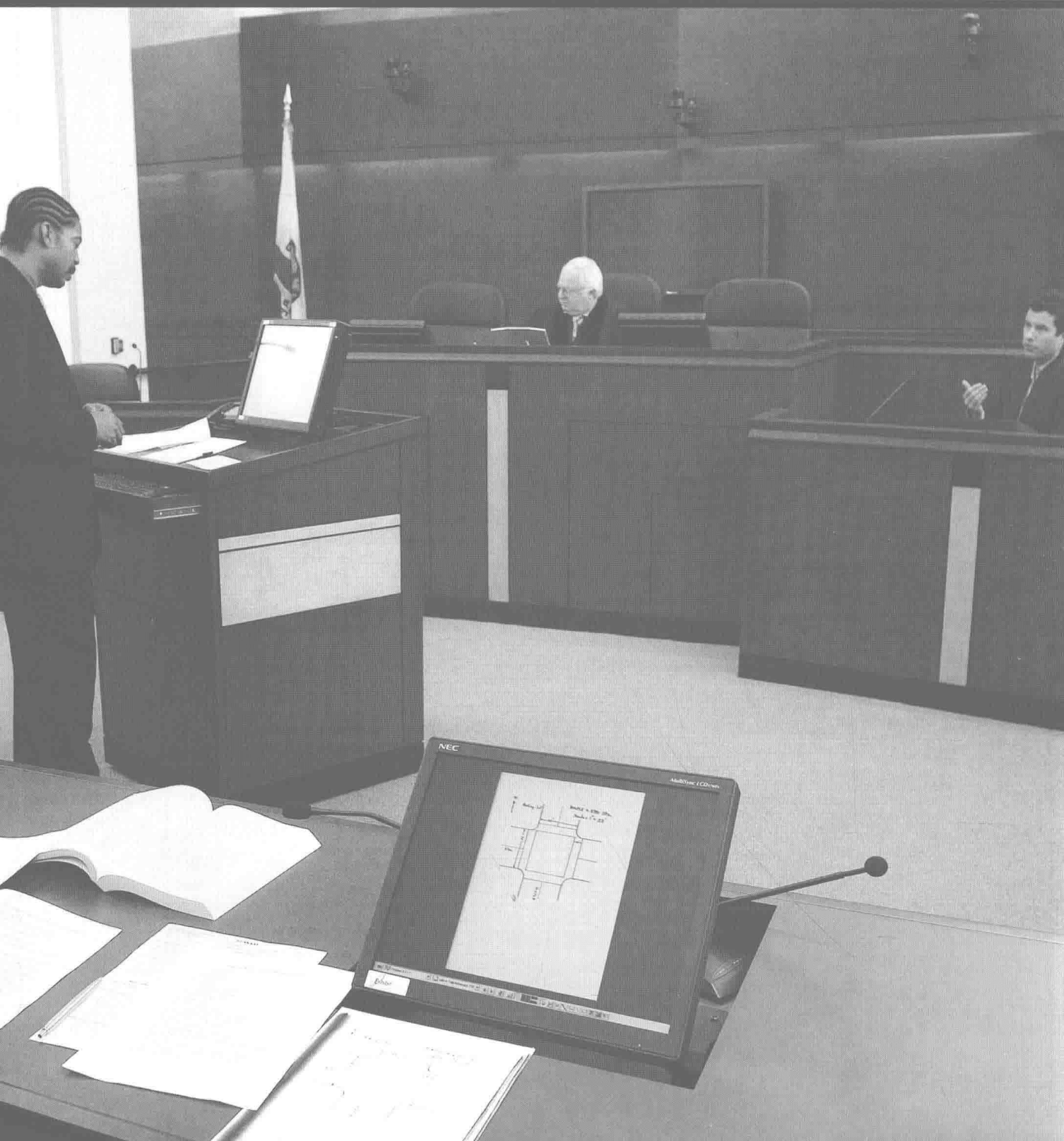
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CRIMINAL EVIDENCE



1

INTRODUCTION TO THE LAW OF EVIDENCE AND THE PRETRIAL PROCESS

CHAPTER OUTLINE

Introduction to the Rules of Evidence:
Definition of Evidence

The Rules of Evidence

History of Trial by Jury

Introduction to the Law of Evidence
and the Pretrial Process

Development of the Rules of Evidence

Overview of the Court Process:
The Pretrial Process

Participants in the Criminal Justice System

Law Enforcement Personnel

Prosecution and Defense

Courts

Correctional Institutions and Agencies

The Pretrial Court Process

Arrest

Bail

Plea Bargaining

Charging the Crime

Arraignment and Plea

Pretrial Motions

*Pretrial Issues for the Law Enforcement
Professional*

Review and Application

CHAPTER OBJECTIVES

This chapter is an introduction to the law of evidence, the court process, personnel, and pretrial process from the law enforcement professional's viewpoint. After reading this chapter you will be able to:

- ▶ Explain what constitutes evidence.
- ▶ State the objectives of the rules of evidence.
- ▶ Name the most common version of evidence law in the United States.
- ▶ Describe the three basic police functions.
- ▶ Contrast the jobs of the prosecuting attorney and the defense attorney.
- ▶ Describe the dual court system in the United States.
- ▶ Define probable cause to arrest.
- ▶ State the two alternative ways that a defendant can be formally charged with a serious crime in the United States.