

Evidence for Criminal Justice

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CAROLINA ACADEMIC PRESS
Durham, North Carolina

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Library of Congress Cataloging-in-Publication Data

Roberson, Cliff, 1937- author.

Evidence for criminal justice / Cliff Roberson and Robert Winters.

pages cm

Includes bibliographical references and index.

ISBN 978-1-61163-669-7 (alk. paper)

1. Evidence, Criminal--United States. I. Winters, Robert C., author. II. Title.

KF9660.R59 2015

345.73'06--dc23

2015034441

Carolina Academic Press
700 Kent Street
Durham, NC 27701
Telephone (919) 489-7486
Fax (919) 493-5668
www.cap-press.com

Printed in the United States of America

Cliff Roberson

To Elena

Robert Winters

*To Sue, my wife, and Mike, my son, for your unfailing support,
encouragement and inspiration.*

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Preface

Evidence for Criminal Justice is designed for criminal justice professionals who want or need a better understanding of the rules of evidence. In addition to explaining the rules, we have presented information to help the reader understand the reasons behind the rules. The rules of evidence in state and federal courts are designed to ensure a fair trial. In the criminal justice area, they are designed to ensure that both the defendant and the prosecutor can present admissible evidence in a fair and efficient manner to the jury or, in the case of a judge alone, to the trial judge. The U.S. Constitution guarantees the accused and the government a fair trial. Not a perfect trial, but a fair one.

In both state and federal courts, the trial judge makes decisions of law and the jury makes findings of fact. Accordingly when dealing with evidence issues, the question of whether or not certain evidence is admissible is a decision made by the trial judge. The weight to place on admitted evidence is the decision of the fact-finders, the jury in a jury trial.

The text is subdivided into eleven chapters. Each chapter is designed as a stand-alone subject. But to obtain a clear understanding of the rules of evidence, every chapter needs to be examined. Included as Appendix A is the Federal Rules of Evidence. Included as Appendix B is a journal article on Locard's principle. His principle is that every contact leaves traces. This principle is basic to anyone reviewing a crime scene. For a better understanding of his principle, read the journal article.

Finally, while we are listed as the only authors, we could not have completed the text without the help and assistance of many professionals, including our editor Beth Hall, Tim Colton in the production department, and Tasha Clark, who served as our contract coordinator and production editor. Please notify us with any suggestions, recommendations for improvement, or errors at either cliff.roberson@washburn.edu or rwinters@kaplan.edu.

