

9.15.09

Forensic Science

- civil vs. criminal law - civil is money, criminal is jail
- burden of proof is on plaintiff - "more likely than not"
- criminal - proof beyond reasonable doubt
- reasonable suspicion
- probable cause - crime is believed to be committed and by that certain persons
- preponderance of evidence - at least 51%
- clear & convincing - about 75%
- proof beyond reasonable doubt
- search warrant needs probable cause
- probable cause - information, observation,
- state vs. federal
- 3 levels of court
- trial court, intermediate, & final
- 11th Supreme Court - final app. court - vs. Supreme Court
- 11th court of appeals - 3rd round, app. court - 8th civ. court of appeals
- civil or crim - trial - vs. district court
- for a search warrant, what, where, and demonstrate that the item is currently there
- the 4th amendment applies:
 - actual subjective reasonable expectation of privacy
 - society recognizes it as reasonable
- search warrant is based on probable cause
- state - 2 prong test - 1. CI's basis of knowledge & CI's credibility
- nervousness - history of honesty
- warrant must contain affidavit of person seeking warrant - all must be within the affidavit

- magistrate issues warrant if PC
- PC may be based on hearsay
- officers who wanted warrant must be present
- 5 days to execute, 5 days after to return to court
- must give inventory to person warranted
- defendant has right to suppress in front of different judge
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