**FIRST TWO ASSIGNMENTS, EVIDENCE SECTION 1**

**Chapter 1. The Case of *People v. Johnson* (Transcript)**

*We will devote two classes to discussion of the Johnson trial and related issues.*

The two assignments below may seem like a lot of reading, but it will go quickly. CB Chapter One is the lightly redacted transcript of a criminal trial in Del Norte County Superior Court. We will devote most of the first two classes to discussing the transcript, the case, trials generally, and how evidence persuades the factfinder (jury or judge). Part of the class will take place in small groups, so it is imperative that you come prepared to talk about your views of the evidence and the case. Don’t worry: you will not be cold-called on the first or second day of class. But you will get much more out of those classes, and have a better foundation for the rest of the semester, if you have read the full transcript and thought about the case before we meet. According to one estimate, it takes four hours to read Chapter One.

**Topics: Welcome/Introduction; Evidence at Work in a Real Case; Case Theory**

(1) Reading: CB li-lii, 1-39, 79-86

Handouts (3 pages, posted on bSpace under Resources): Mauet, Develop a theory of the case; Vetter, Successful Civil Litigation

Class Discussion:

-- What does the prosecutor need to prove to obtain a conviction? I.e., what are the elements of Penal Code section 4501.5?

-- What is the prosecutor’s “case theory” (his story of what happened during the incident)? What specific testimony or other evidence did you find most persuasive as to the prosecution case, i.e. what best proved that case theory? (Note the page(s) in the CB where the evidence was introduced.) Why did you find it persuasive?

If you have time and interest, take a look at a few photos of Pelican Bay State Prison (including a food port, though not in Facility B) at:

http://informant.kalwnews.org/2011/08/photos-inside-pelican-bay-state-prison/

For photos of side-handled batons, see: <http://www.code3tactical.com/pr-24-batons.aspx>

For one inmate’s description of the SHU, see: <http://www.sfgate.com/opinion/openforum/article/The-crime-of-punishment-at-Pelican-Bay-State-3597332.php>

For the prison guard union’s summaries of recent incidents involving inmates, see:

<http://www.ccpoa.org/members/california_pens/facility/pelican_bay>

(2) Reading: CB 39-77, 86-89

Class Deiscussion:

-- What is the defense case theory? What testimony or other evidence did you find most persuasive as to the defense case? (Note pages in CB.) Why did you find it persuasive?

-- Did defense counsel use the evidence elicited at trial effectively in his closing argument? How could he have improved the use of the evidence in that argument?