

Las Positas College
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Course Outline for AJ 61

EVIDENCE

Effective: Fall 2014

I. CATALOG DESCRIPTION:

AJ 61 — EVIDENCE — 3.00 units

Origin, development, philosophy and constitutional basis of evidence; constitutional and procedural considerations affecting arrest, search and seizure; kinds and degrees of evidence and rules governing admissibility; judicial decisions interpreting individual rights and case studies

3.00 Units Lecture

Grading Methods:

Letter Grade

Discipline:

	<u>MIN</u>
Lecture Hours:	54.00
Total Hours:	54.00

II. NUMBER OF TIMES COURSE MAY BE TAKEN FOR CREDIT: 1

III. PREREQUISITE AND/OR ADVISORY SKILLS:

IV. MEASURABLE OBJECTIVES:

Upon completion of this course, the student should be able to:

- A. demonstrate a working knowledge of the rules of evidence;
- B. evaluate the various kinds of evidence;
- C. explain the rules covering the admissibility of evidence in court;
- D. demonstrate the ability to evaluate the various kinds of evidence available in a given case in order to determine its admissibility in court;
- E. discuss the skills needed in handling case material so that evidence admissibility will not be destroyed by improper techniques or procedures;
- F. explain how to relate legal evidence to the corpus delicti.

V. CONTENT:

- A. Evolution of evidence
 1. Nature of evidence
 2. Proof and burden of proof
 3. Reasons for rules of evidence
 4. The evidence code
 5. Application of rules of evidence
 6. Doctrine of judicial notice
 7. Presumption
- B. Detention and arrest
 1. Constitutional authority
 2. Procedures and probable cause
 3. Evolution of case law
- C. Search and seizure
 1. History and development – case law
 2. The exclusionary rule – definition
 3. Nature of search and seizure
 4. Search warrants
 5. Search and seizure incidental to arrest
 6. Consent search
 7. Search of houses, vehicles, and other locations
- D. Discovery
 1. Reporting and discovering procedure
 2. Right of discovery
 3. Role of the investigator
 4. Pre-trial discovery
 5. Right of discovery through preliminary hearing

- 6. Prosecution's right to discovery
- 7. Unavailability of original notes
- E. Types of Evidence
 - 1. Real, direct, and circumstantial evidence
 - 2. Prejudice
 - 3. Similar or related acts or circumstances
- F. The competency of witnesses
 - 1. Grounds for qualification and disqualification
 - 2. Analysis of statutory grounds
- G. Privileged communication
 - 1. Basic statutes
 - 2. Attorney and client
 - 3. Husband and wife
 - 4. Physician or psychotherapist and patient
 - 5. Clergyman and confessor
 - 6. News media
- H. Self-incrimination and testimonial compulsion
 - 1. Basic statutes – evidence code
 - 2. Nature and scope of privilege
 - 3. Distinction between defendant and witness privilege
 - 4. Granting immunity
 - 5. Scope of compulsion to testify
 - 6. Non-testimonial compulsion
 - 7. Reasonable body examination and brutal body examination
- I. The opinion rule
 - 1. Basic statutes – evidence code
 - 2. Impeachment
 - 3. Corroboration
 - 4. Refreshing recollection of memory
 - 5. Past recollection recorded
- J. Hearsay
 - 1. Definition
 - 2. Dying declaration
 - 3. Spontaneous or contemporaneous statements
 - 4. Statements against interest
 - 5. Mental state
 - 6. Business and official records
 - 7. Family history
- K. Confessions and admissions
 - 1. Basic statutes – evidence code
 - 2. Statement of constitutional rights
 - 3. Miranda warning
 - 4. Case law affecting interviewing
- L. Documentary evidence
 - 1. Basic statutes – evidence code
 - 2. Best evidence rule
 - 3. Recordings and official writings
- M. Photographic evidence
 - 1. Photographs as evidence
 - 2. First rule of admissibility – relevancy
 - 3. Second rule of admissibility – accurate representation
 - 4. Identification of a photograph
 - 5. Posed, gruesome, or nude photographs
 - 6. Motion pictures as evidence
- N. Introducing evidence at trial
 - 1. Proper handling of evidence and maintaining chain of evidence
 - 2. Connecting evidence with issues of trial
 - 3. Defense tactics to discredit evidence

VI. METHODS OF INSTRUCTION:

- A. **Lecture** -
- B. **Discussion** -
- C. **Guest Lecturers** -
- D. Presentation of case studies
- E. Transparencies, slides, films, and videotape

VII. TYPICAL ASSIGNMENTS:

- A. Homework assignments answering chapter study questions
- B. Brief written assignment discussing problems in maintaining a secure chain of evidence
- C. Brief written critique of case study presented in class

VIII. EVALUATION:

- A. **Methods**
 - 1. Exams/Tests
 - 2. Quizzes
 - 3. Research Projects
 - 4. Class Participation
 - 5. Other:
 - Brief written reports and critiques of problems and cases presented in class
- B. **Frequency**
 - 1. Attendance and participation are evaluated daily
 - 2. Quizzes and brief reports occur throughout the semester as appropriate
 - 3. Midterm will occur about midway through the term
 - 4. Research paper will be due at the end of the course

IX. TYPICAL TEXTS:

- 1. Britz, M. T. (2008). *Criminal Evidence* (1st ed.). New York, NY: Prentice Hall.

2. Hails, J. (2013). *Criminal Evidence* (8th ed.). Independence, Kentucky: Cengage.

X. OTHER MATERIALS REQUIRED OF STUDENTS: