

Las Positas College
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Course Outline for AJ 61

EVIDENCE

Effective: Spring 2019

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:

- Administration of Justice

	MIN
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:

- Explain the rules of evidence
- Evaluate the various kinds of evidence
- Explain the rules covering the admissibility of evidence in court
- Evaluate the various kinds of evidence available in a given case in order to determine its admissibility in court
- Discuss the skills needed in handling case material so that evidence admissibility will not be destroyed by improper techniques or procedures
- Explain how to relate legal evidence to the corpus delicti.

V. CONTENT:

- Evolution of evidence
 - Nature of evidence
 - Proof and burden of proof
 - Reasons for rules of evidence
 - The evidence code
 - Application of rules of evidence
 - Doctrine of judicial notice
 - Presumption
- Detention and arrest
 - Constitutional authority
 - Procedures and probable cause
 - Evolution of case law
- Search and seizure
 - History and development – case law
 - The exclusionary rule – definition
 - Nature of search and seizure
 - Search warrants
 - Search and seizure incidental to arrest
 - Consent search
 - Search of houses, vehicles, and other locations
- Discovery
 - Reporting and discovering procedure
 - Right of discovery
 - Role of the investigator
 - Pre-trial discovery
 - Right of discovery through preliminary hearing
 - Prosecution's right to discovery
 - 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
- D. Reviewing a mock crime scene and completing an investigative report

VIII. EVALUATION:

Methods/Frequency

- A. Exams/Tests
 - Midterm and Final Exam
- B. Quizzes
 - Chapter quizzes at instructor's discretion
- C. Research Projects
 - Case studies on court decisions on evidence at instructor's discretion
- D. Class Participation
 - Small group exercises periodic through the semester
- E. Other
 - 1. Brief written reports and critiques of problems and cases presented in class - Minimum of two.

IX. TYPICAL TEXTS:

- 1. Thomson West (2018). *California Evidence Code* (2018 ed.). Eagan, MN: Thomson Reuters.
- 2. Britz, M.T. (2016). *Criminal Evidence* (2nd ed.). San Francisco, CA: Pearson.
- 3. Donley, R.N. (2018). *Criminal Evidence* (1st ed.). San Francisco, CA: Pearson.

X. OTHER MATERIALS REQUIRED OF STUDENTS: