

**AJ 55 Course Outline as of Summer 2008****CATALOG INFORMATION**

Dept and Nbr: AJ 55

Title: CRIMINAL PROCEDURES

Full Title: Criminal Procedures

Last Reviewed: 9/25/2017

Units		Course Hours per Week		Nbr of Weeks	Course Hours Total	
Maximum	3.00	Lecture Scheduled	3.00	17.5	Lecture Scheduled	52.50
Minimum	3.00	Lab Scheduled	0	17	Lab Scheduled	0
		Contact DHR	0		Contact DHR	0
		Contact Total	3.00		Contact Total	52.50
		Non-contact DHR	0		Non-contact DHR	0

Total Out of Class Hours: 105.00

Total Student Learning Hours: 157.50

Title 5 Category: AA Degree Applicable

Grading: Grade Only

Repeatability: 00 - Two Repeats if Grade was D, F, NC, or NP

Also Listed As:

Formerly:

**Catalog Description:**

A comprehensive examination of the origin, development, philosophy, and legal basis of criminal procedures in California. Procedural, statute law, case law, constitutional law and judicial rules governing pre-arrest, arrest, custody, crime charging, motions, applicable rules of discovery and evidence, California grand jury system, pretrial court procedures, adult and juvenile court procedures, verdict, sentencing, and the appellate process.

**Prerequisites/Corequisites:****Recommended Preparation:**

Eligibility for ENGL 100 or ESL 100.

**Limits on Enrollment:****Schedule of Classes Information:**

Description: A comprehensive examination of the legal processes from the point of pre-arrest to final court adjudication. Statute, procedural, case law & judicial rules covering laws of arrest, custody, crime charging, court steps in case adjudication, and sentencing. (Grade Only)

Prerequisites/Corequisites:

Recommended: Eligibility for ENGL 100 or ESL 100.

Limits on Enrollment:

Transfer Credit: CSU;

Repeatability: Two Repeats if Grade was D, F, NC, or NP

## **ARTICULATION, MAJOR, and CERTIFICATION INFORMATION:**

<b>AS Degree:</b>	<b>Area</b>	Effective:	Inactive:
<b>CSU GE:</b>	<b>Transfer Area</b>	Effective:	Inactive:

<b>IGETC:</b>	<b>Transfer Area</b>	Effective:	Inactive:
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<b>CSU Transfer:</b>	Transferable	Effective:	Fall 1981	Inactive:
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<b>UC Transfer:</b>	Effective:	Inactive:
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### **CID:**

CID Descriptor:	AJ 122	Criminal Court Process
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SRJC Equivalent Course(s):	AJ55
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### **Certificate/Major Applicable:**

Certificate Applicable Course

## **COURSE CONTENT**

### **Outcomes and Objectives:**

Upon the completion of this course, students will be able to:

1. Describe the California laws of arrest by peace officers, private persons, service of arrest warrants, use of force, arrest dispositions, and pre-arrest subjects such as contacts and detentions, and custodial procedures.
2. Compare the jurisdiction and operation of the California Court system and the selection/election process for magistrates.
3. Distinguish and list the various charging documents applicable to bringing a case to court and considerations in charging or not charging a person with a crime.
4. Analyze and demonstrate knowledge of the various court processes after a criminal defendant is charged with a crime including arraignment, motions, and preliminary hearing; and due process considerations attached to each court state.
5. Describe the function of the grand jury system.
6. Analyze and evaluate the purpose and function of the plea bargaining process and other alternatives to trial.
7. Describe the trial process including jury selection, prosecution's case-in-chief, witness testimony, exhibits/evidence, motions, defense's case-in-chief, rebuttal testimony, jury instruction, jury deliberations verdict, sentencing and appeals.
8. Analyze legal concepts and make rational decisions about the prosecution of a case through the court system.

### **Topics and Scope:**

1. ORIENTATION
  - A. Focus of study
  - B. Assignments, testing and grading
  - C. Attendance and class participation
  - D. Student and instructor responsibilities and expectations
2. SOURCES OF CRIMINAL PROCEDURE
  - A. Common law heritage
  - B. Separation of powers
  - C. Constitutional due process
  - D. Independent State Grounds
3. CRIMINAL PROCEDURE CONCEPTS
  - A. Adversary system
  - B. Presumption of innocence
  - C. Burden of Proof
  - D. Corpus delicti
  - E. Ex post facto and retroactivity
  - F. Methods of proof
4. LAWS OF ARREST
  - A. Detention and reasonable
  - B. Contact
  - C. Arrest defined
  - D. Custody defined
  - E. Use of force in making an arrest
  - F. Peace officer authority to arrest
  - G. Notice of intention to arrest
  - H. Arrest procedures and dispositions
  - I. Service of arrest warrants
  - J. Residential entry
  - K. Knock and notice
  - L. Private person arrests
  - M. Arrest exceptions
  - N. Booking procedures
  - O. Confession evidence and Miranda
5. CUSTODY PROCEDURES
  - A. Commitment procedures
  - B. Booking inventory
  - C. Unlawful solicitation of counsel
  - D. Inhumanity towards prisoner
  - E. Assault under color of authority
  - F. Bringing weapons into facility
  - G. Body cavity inspections and strip searches
  - H. Depriving phone calls
  - I. Eavesdropping on confidential communications
6. COURT SYSTEM
  - A. Overview of the California trial court system
  - B. Section/election of magistrates
  - C. Overview of California appellate court system
  - D. Effect of the doctrine of judicial review
7. BAIL
  - A. Historical development of bail
  - B. Form and amount of bail

- C. Forfeiture of bail
- D. Preventive detention.
- 8. CRIME CHARGING PROCEDURE
  - A. Decision to prosecute
  - B. Limitations on prosecutor's discretion
  - C. Charging standards and selection
  - D. Attacks on charging
  - E. Dismissal of charges
- 9. ARRAIGNMENT
  - A. Securing defendant's appearance
  - B. Arraignment
  - C. Constitutional rules and rights during trial
  - D. Pleadings
  - E. Release from custody
- 10. PRELIMINARY HEARING
  - A. Prosecution burden
  - B. Magistrate disposition
- 11. PRETRIAL PROCEDURE
  - A. Time for trial
  - B. Discovery
  - C. Motions in general
  - D. Motion to suppress evidence
  - E. Kelly-Frye motion
  - F. Pretrial writs
- 12. ALTERNATIVES TO TRIAL
  - A. Non-trial disposition
  - B. Guilty plea (summary trial)
  - C. Diversion
  - D. D.A. office hearing/D.A. probation
  - E. Civil compromise
  - F. Immunity to testify
  - G. Mental treatment alternatives
  - H. Trailing greater offenses
  - I. Deportation
  - J. Dismissal/Release
- 13. DEFENSE STRATEGIES
  - A. Motion for direct verdict
  - B. Not guilty by the evidence, or because of Legal Justification
  - C. Testimony by the defendant
- 14. CONCLUSIONS OF THE TRIAL
  - A. The rebuttal
  - B. The closing arguments
  - C. Jury procedures
- 15. SENTENCING PROCEDURES
  - A. Sentence laws
  - B. Probation laws
- 16. POST-SENTENCING PROCEDURES
  - A. Sentencing reviews and modifications
  - B. Probation and parole searches
  - C. Sexually violent predator laws
  - D. The death penalty
  - E. Writs and the Appellate Process

## Assignment:

1. Take comprehensive notes on lectures.
2. Complete 6 quizzes, a midterm and final examination.
3. Critically evaluate case law.
4. Reading and study of a college level text, with a reading requirement of an average of 15-18 pages per week.
5. Attend at least two different criminal court proceedings in a local Superior Court.
6. Demonstrate effective writing techniques by appropriately evaluating criminal court procedures.

## Methods of Evaluation/Basis of Grade:

**Writing:** Assessment tools that demonstrate writing skills and/or require students to select, organize and explain ideas in writing.

Written homework, Reporting on & evaluating criminal court procedure

Writing  
20 - 50%

**Problem Solving:** Assessment tools, other than exams, that demonstrate competence in computational or non-computational problem solving skills.

None

Problem solving  
0 - 0%

**Skill Demonstrations:** All skill-based and physical demonstrations used for assessment purposes including skill performance exams.

None

Skill Demonstrations  
0 - 0%

**Exams:** All forms of formal testing, other than skill performance exams.

Multiple choice, True/false, Matching items, Completion

Exams  
50 - 80%

**Other:** Includes any assessment tools that do not logically fit into the above categories.

None

Other Category  
0 - 0%

## Representative Textbooks and Materials:

Roberson, Cliff, CRIMINAL PROCEDURE TODAY, 2nd Ed., Pearson Education Inc. Upper Saddle River, N.J., 2003.

Peoples, Edward E., CRIMINAL PROCEDURES IN CALIFORNIA, 2nd Ed., Meadow Crest Publishing, Forestville, CA, 2002

Rutledge, Devallis, CALIFORNIA CRIMINAL PROCEDURE, 4th Ed., Copperhouse Publishing Company, Incline Village, NV, 2002

Raymond, Jr., Raymond D., and Daniel E. Hall, CALIFORNIA CRIMINAL LAW AND  
PROCEDURE, West Legal Studies, Albany, NY, 1999