

**AJ 54 Course Outline as of Fall 2008****CATALOG INFORMATION**

Dept and Nbr: AJ 54 Title: EVIDENCE INTRO

Full Title: Introduction to Evidence

Last Reviewed: 12/13/2021

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	17.5	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:**

Origin, development, philosophy and legal basis of evidence; types and ways of presenting evidence; judicial decisions and statutory rules of evidence governing the admissibility of testimony, writings, and material objects at motions and trial; constitutional and procedural considerations affecting searches and seizures and admissions and confessions.

**Prerequisites/Corequisites:**

Course Completion of AJ 55

**Recommended Preparation:**

Eligibility for ENGL 100 or ESL 100

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

Description: Origin, development, philosophy and legal basis of evidence; types and ways of presenting evidence; judicial decisions and statutory rules of evidence governing the admissibility of testimony, writings, and materials objects at a criminal trial; constitutional and procedural considerations affecting searches and seizures and admissions and confessions.  
(Grade Only)

Prerequisites/Corequisites: Course Completion of AJ 55

Recommended: Eligibility for ENGL 100 or ESL 100

Limits on Enrollment:

Transfer Credit: CSU; (CAN AJ6)

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

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

**AS Degree:**      **Area**      Effective:      Inactive:

**CSU GE:**      **Transfer Area**      Effective:      Inactive:

**IGETC:**      **Transfer Area**      Effective:      Inactive:

**CSU Transfer:** Transferable      Effective:      Fall 1981      Inactive:

**UC Transfer:**      Effective:      Inactive:

### **CID:**

CID Descriptor: AJ 124      Legal Aspects of Evidence

SRJC Equivalent Course(s):      AJ61

### **Certificate/Major Applicable:**

Certificate Applicable Course

## **COURSE CONTENT**

### **Outcomes and Objectives:**

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

1. Demonstrate a working knowledge of the role of the Rules of Evidence through study of the California Evidence code, and where applicable the Federal Rules of Evidence.
2. Apply the California Evidence Code to proffered testimonial, documentary, real and physical evidence during motions and trial, and identify the circumstances where evidence can be excluded for legal reasons.
3. Apply a constitutional basis for evidence including discovery, right of confrontation, the collection and preservation of evidence, self-incrimination, and admissions and confessions.
4. Apply the Rules of Search and Seizure to people, houses, and personal property, and when reasonable searches can be conducted.
5. Compare the adversarial presentation and examination of evidence and the roles of the district attorney, defense counsel, and trier of fact in this process.
6. Define and explain job-related legal terminology concerning the presentation of evidence.

### **Topics and Scope:**

- I. Introduction to Evidence
  - A. Definition of Evidence
  - B. Proof

- C. Burden of Proof
- D. Reasons for the Rules of Evidence
- E. Reasons why Evidence could be excluded in Court
- F. Purposes for Offering Evidence in Court
- G. Tests for the Admissibility of Evidence
- H. Sources of Evidence Law
- II. Types of Evidence
  - A. Testimonial (Testimony)
  - B. Documentary (Writings)
  - C. Real (Material Objects)
  - D. Demonstrative Evidence
  - E. Physical Evidence
  - F. Relevant Evidence
  - G. Admissions and Confessions
  - H. Hearsay Rule
  - I. Consciousness of Guilt Evidence
  - J. Propensity Evidence
- III. Ways of presenting Evidence
  - A. Direct Evidence
  - B. Circumstantial Evidence
  - C. Presumption
  - D. Inference
  - E. Judicial Notice
  - F. Stipulation
  - G. Discovery
- IV. Witness testimony
  - A. Lay Witness
  - B. Expert Witness
  - C. Subpoena
  - D. Opinion Evidence Rule
- V. Witness competency and credibility
  - A. Competency
  - B. Presumption and Burden of Proof
  - C. Tests for Competency
  - D. Credibility
  - E. Impeachment
  - F. Rehabilitation
- VI. Documentary Evidence (writings)
  - A. Authentication
  - B. Best and Secondary Evidence
  - C. Gruesome Photographs
  - D. Recording Communications
- VII. Real and Physical Evidence (material objects)
  - A. Authentication
  - B. Chain of Possession
  - C. Duty to Collect/Preserve Evidence
  - D. Examples of Material Objects
- VIII. Privileges and privileged communications
  - A. Privileges in General
  - B. Husband-Wife Testimonial Privilege
  - C. Husband-Wife Confidential Communications Privilege
  - D. Attorney-Client Privilege

- E. Clergy-Confessor Privilege
- F. Doctor-Patient Privilege
- G. Newshield Privilege
- H. Officer-Informant Privilege
- I. Privilege Against Self-incrimination
- IX. Hearsay Evidence
  - A. Hearsay defined
  - B. Admissions and Confessions
  - C. Dying Declarations
  - D. Spontaneous Statements
  - E. Business And Official Records
  - F. Prior Statements of Witnesses/Past Recollection Recorded
  - G. Hearsay Testimony of Preliminary Hearings
- X. Search and seizure
  - A. Search and Seizure Introduction
  - B. 4th Amendment Provisions
    - 1. Definitions
    - 2. Standing
  - C. Exclusionary Rule
    - 1. Definition
    - 2. Purposes
  - D. Plain View Doctrine
    - 1. Definition
    - 2. Components
  - E. Scope of Search
  - F. Detentions and Contacts
    - 1. Detention as a Seizure
    - 2. Establishing Reasonable Suspicion to Detain
    - 3. Contacts
  - G. Frisk or Pat-down Search/Plain Touch
  - H. Arrest Search
    - 1. Person
    - 2. Dwelling
  - I. Vehicle Search
    - 1. Incident to Arrest
    - 2. Probable Cause (Auto Exception)
    - 3. Impound/Inventory
  - J. Search Warrant
    - 1. Defined
    - 2. Probable Cause and Affidavit
    - 3. Times of Service
    - 4. Knock and Notice
    - 5. Scope, Fortuitous Finds, Inventory
  - K. Consent Search
    - 1. Definition
    - 2. Knowingly and Voluntarily
    - 3. Request-Choice
    - 4. Admonition
    - 5. Express or Implied Waiver
    - 6. Constitutional Considerations
    - 7. Authority and "No Authority"
    - 8. Husband-Wife Rule and Exceptions

- 9. Cotenant Rule and Exception
- 10. Parent-Child Rule and Exceptions
- L. Emergency Searches
  - 1. Doctrine of Necessity-Exigency
  - 2. Danger to Life/Limb
  - 3. Danger of Serious Property Damage
  - 4. Escape of Suspect
  - 5. Destruction of Evidence
  - 6. Once Emergency Terminates, Another Search Basis is Required
  - 7. Community Care Taking Function
- M. Parole Search
  - 1. Defined
  - 2. Cause Needed to Conduct
  - 3. Prior Authorization Not Required
- N. Probation Search
  - 1. Defined
  - 2. Cause Needed to Conduct
  - 3. Prior Authorization Not Required
- O. Administrative Searches Based Upon a Compelling State Interest
- P. Forcible Seizure of Evidence
  - 1. Prevent attempt to swallow evidence
  - 2. Stomach pumping/use of emetics
  - 3. Seizure of blood, fingerprints and exemplar evidence
- XI. Self-Incrimination and Miranda
  - A. When the Miranda Rule Applies?
    - 1. Adult
    - 2. Minor
  - B. Custody and Interrogation Defined
  - C. Admonition, Waiver, Assertion
    - 1. Admonition Content
    - 2. Waiver-Knowingly, Intelligent
  - D. Effect of Silence Assertion - Exceptions
  - E. Effect of Counsel Assertion - Exceptions
  - F. Fifth Amendment Violation and Exclusionary Rule
  - G. Exceptions to Miranda
    - 1. Contacts
    - 2. Traffic Stops
    - 3. Detentions
    - 4. Rescue Doctrine and Public Safety
    - 5. General On-Scene Questioning
    - 6. Voluntary Interviews
    - 7. Phone Calls

**Assignment:**

- 1. Two midterm examinations.
- 2. Written assignments consisting of legal scenario analysis and case law research.
- 3. Completion of chapter review question assignments discussed orally in class. Incorrect responses require students to author a written memorandum with the correct question response.
- 4. Completion of written chapter workbook assignments.

5. Final examination.

**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, Reading reports

Writing  
10 - 30%

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

Legal analysis scenarios; complete course workbook

Problem solving  
15 - 30%

**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, Short essay questions

Exams  
40 - 60%

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

Participation

Other Category  
5 - 10%

**Representative Textbooks and Materials:**

CALIFORNIA EVIDENCE CODE, 2003.

Hill, Raymond M. III, CALIFORNIA CRIMINAL EVIDENCE GUIDE: A HANDBOOK FOR THE CRIMINAL JUSTICE STUDENT, 7th Ed., Halleck Creek Publishing, Petaluma, CA, 2003.

Jefferson, Bernard S., JEFFERSON'S SYNOPSIS OF CALIFORNIA EVIDENCE LAW, California Continuing Education of the Bar, Berkeley, CA, 2003.

State of California, Commission on Peace Officer Standards & Training, UNIT GUIDES FOR THE BASIC LAW ENFORCEMENT COURSE (LD15-Laws of Arrest/Miranda; LD16-Search & Seizure; LD17-Presentation of Evidence, LD2-Criminal Justice System, LD5, Introduction to Law), Sacramento, CA, 2003

State of California, Department of Justice - Office of the Attorney General, PEACE OFFICER'S LEGAL SOURCEBOOK, Sacramento, CA, 2003.