AJ 51 Course Outline as of Fall 2009

CATALOG INFORMATION

Dept and Nbr: AJ 51 Title: INTRO TO EVIDENCE
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:	AJ 54

Catalog Description:
The study of the philosophy and legal basis of evidence. The types will include: ways of presenting evidence, judicial decisions and statutory rules of evidence governing the admissibility of testimony, writings, and material objects at motions and trial, and constitutional and procedural considerations affecting searches, seizures, 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: The study of the philosophy and legal basis of evidence, the types and ways of presenting evidence, the judicial decisions and statutory rules of evidence governing the admissibility of testimony, writings, and material objects at motions and trial, and the constitutional and procedural considerations affecting searches, seizures, 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;
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 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.
5. Compare the adversarial presentation and examination of evidence.
6. Compare the roles of the district attorney, defense counsel, and trier of fact in the process of the adversarial presentation and examination of evidence.
7. Define and explain job-related legal terminology concerning the presentation of evidence.

Topics and Scope:

I. Introduction to evidence
  A. Definition
  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
  1. Lay witness
  2. Expert witness
  3. Subpoena
  4. Opinion evidence rule
- B. Documentary
  1. Authentication
  2. Best and secondary evidence
  3. Gruesome photographs
  4. Recording communications
- C. Real
  1. Authentication
  2. Chain of possession
  3. Duty to collect and preserve evidence
  4. Examples of material objects
- D. Demonstrative evidence
- E. Physical evidence
- F. Relevant evidence
- G. Admissions and confessions
- H. Hearsay rule
  1. Hearsay defined
  2. Admissions and confessions
  3. Dying declarations
  4. Spontaneous statements
  5. Business and official records
  6. Prior statements of witnesses and past recollection recorded
  7. Hearsay testimony of preliminary hearings
  8. Consciousness of guilt evidence
  9. 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 competency and credibility
- A. Competency
- B. Presumption and burden of proof
- C. Tests for competency
- D. Credibility
- E. Impeachment
- F. Rehabilitation

V.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

VI. 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 and plain touch
- H. Arrest search
  1. Person
  2. Dwelling
- I. Vehicle search
  1. Incident to arrest
  2. Probable cause
  3. Auto exception
  4. Impound and inventory
- J. Search warrant
  1. Defined
  2. Probable cause and affidavit
  3. Times of service
  4. Knock and notice
  5. Scope, fortuitous finds, and 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 and limb
3. Danger of serious property damage
4. Escape of suspect
5. Destruction of evidence
6. Once emergency terminates
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 and use of emetics
3. Seizure of blood, fingerprints, and exemplar evidence

VII. 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 done knowingly, intelligently

D. Effect of silence assertion and exceptions

E. Effect of counsel assertion and exceptions

F. Constitutional Violations

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. Reading 20-30 pages per week.
2. Written assignments consisting of legal scenario analysis and case law research.
3 Group presentation of research results before the class including development of visual aids.
4. Completion of chapter review question assignments discussed orally in class. Incorrect responses require students to author a written memorandum with the correct question response.
5. Completion of written chapter workbook assignments.
6. Two midterm examinations and a 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.

Legal scenario analysis, case law research, reading responses	Writing 10 - 30%

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

Legal analysis, 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:

1. California Evidence Code, current edition
2. California Criminal Evidence Guide: A Handbook for the Criminal Justice Student, 8th Ed. Hill, Raymond M. III. Halleck Creek Publishing: 2008.
3. 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), State of California, Commission on Peace Officer Standards & Training, 2008.
4. Peace Officer's Legal Sourcebook, Department of Justice State of California: Office of the Attorney General: 2008.