

**AJ 61 Course Outline as of Fall 2022****CATALOG INFORMATION**

Dept and Nbr: AJ 61 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            | 6    | 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 54A

**Catalog Description:**

Students will study the philosophical and legal basis of evidence. The types of evidence 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:****Recommended Preparation:**

Eligibility for ENGL 100 or ESL 100

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

Description: Students will study the philosophical and legal basis of evidence. The types of evidence 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. (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: |
|---------------|----------------------|------------|-----------|

|                      |              |            |           |           |
|----------------------|--------------|------------|-----------|-----------|
| <b>CSU Transfer:</b> | Transferable | Effective: | Fall 1981 | Inactive: |
|----------------------|--------------|------------|-----------|-----------|

|                     |  |            |  |           |
|---------------------|--|------------|--|-----------|
| <b>UC Transfer:</b> |  | Effective: |  | Inactive: |
|---------------------|--|------------|--|-----------|

### **CID:**

|                 |        |                           |
|-----------------|--------|---------------------------|
| CID Descriptor: | AJ 124 | Legal Aspects of Evidence |
|-----------------|--------|---------------------------|

|                            |      |
|----------------------------|------|
| SRJC Equivalent Course(s): | AJ61 |
|----------------------------|------|

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

Both Certificate and Major Applicable

## **COURSE CONTENT**

### **Student Learning Outcomes:**

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

1. Analyze and apply the rules of evidence in the criminal court process pursuant to the California Evidence Code.
2. Describe the rules of search and seizure.

### **Objectives:**

In order to achieve these learning outcomes, during the course students will:

1. Describe the role of the rules of evidence.
2. Apply the California Evidence Code to testimonial, documentary, real, and physical evidence during motions and trial.
3. Analyze and apply the circumstances where evidence can be excluded for legal reasons.
4. Apply a constitutional basis for evidence including discovery, right of confrontation, the collection and preservation of evidence, self- incrimination, admissions, and confessions.
5. Apply the rules of search and seizure to people, houses, and personal property.
6. Analyze the adversarial presentation and the 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 15-30 pages per week
2. Written assignments consisting of analyzing legal scenarios
3. Written assignments consisting of analyzing case law research
4. Completion of written chapter review assignments
5. 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.

Written assignments and chapter review assignments

Writing  
10 - 30%

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

Written assignments and chapter review assignments

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.

Midterms and final exam

Exams  
40 - 60%

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

None

Other Category  
0 - 0%

**Representative Textbooks and Materials:**

Criminal Evidence. 8th ed. Garland, Norman. McGraw Hill. 2019  
Instructor prepared materials