

AJ 54 Course Outline as of Fall 1981**CATALOG INFORMATION**

Dept and Nbr: AJ 54

Title: EVIDENCE INTRO-CP6

Full Title: Introduction to Evidence - CP6

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 materials objects at a criminal trial; constitutional and procedural considerations affecting searches, seizures, admissions and confessions.

Prerequisites/Corequisites:

Course Completion of AJ 22 and Course Completion of AJ 55

Recommended Preparation:**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 22 and Course Completion of AJ 55
Recommended:
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:

The purpose of this course is to teach students an overview of the statutory, constitutional, and judicial rules which govern the admissibility of evidence in the courtroom. The legal aspects of evidence comprise an important body of knowledge for law enforcement officers who are in the course of an investigation. A proper understanding of these rules enhances the successful presentation of testimonial, documentary, real and physical evidence in a criminal prosecution; assists the trier of fact in reaching the truth of the matter; and promotes due process of law.

OBJECTIVES

1. The student will demonstrate a working knowledge of the rules of evidence and applicable legal definitions as enacted in the California Evidence Code.
2. The student will analyze relevant case law decisions interpreting the admissibility of testimonial, documentary, real and physical evidence in a criminal trial.
3. The student will compare and describe the constitutional basis of evidence through review of judicial decisions from appellate courts covering search and seizures, admissions and confessions, methods of identification and the collection and preservation of evidence.
4. The student will compare the adversarial examination of evidence and the roles of the district attorney and defense counsel in the presentation of evidence.
5. The student will learn instructional material covered in Laws of

Arrest (Contacts, Detentions, Miranda) - LD #15 (minimum 4 hrs.); Presentation of Evidence - LD #17 (minimum 8 hrs.); and Search and Seizure - LD #16 (minimum 12 hrs.) for Basic Law Enforcement Course curriculum adopted by the California Commission on Peace Officer Standards and Training (P.O.S.T.) P.O.S.T. Objective numbers identified herein: 1.10.2, 1.10.5, 3.6.1, 3.6.3, 8.8.1-8.8.4, 4.1.1-4.1.4, 4.1.7, 4.4.2, 4.6.1, 4.6.3, 4.7.1, 4.7.2, 4.8.1-4.8.5, 4.9.1. (Refer to Course Outline for specific content).

Topics and Scope:

I. INTRODUCTION TO EVIDENCE (4.1.3, 4.1.4, 4.1.7)

- A. Definition of Evidence
- B. Proof
- C. Burden of Proof
- D. Reasons for the Rules of Evidence
- E. Purposes for Offering Evidence in Court
- F. Tests for the Admissibility of Evidence
- G. Sources of Evidence Law

II. TYPES OF EVIDENCE (4.1.7)

- A. Testimonial (Testimony)
- B. Documentary (Writings)
- C. Real (Material Objects)
- D. Demonstrative Evidence
- E. Physical Evidence
- F. Relevant Evidence
- G. Admissions and Confessions

III. WAYS OF PRESENTING EVIDENCE (4.1.1 & 4.1.7)

- A. Direct Evidence
- B. Circumstantial Evidence
- C. Presumption
- D. Inference
- E. Judicial Notice
- F. Stipulation

IV. WITNESS TESTIMONY (4.1.7 & 4.4.2)

- 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

VII. REAL AND PHYSICAL EVIDENCE (MATERIAL OBJECTS)(4.1.2 & 4.1.7)

- A. Authentication

- B. Chain of Possession
- C. Duty to Collect/Preserve Evidence
- 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 (4.1.7 & 4.6.3)
 - 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-XIII. SEARCH & SEIZURE
 - A. Search and Seizure Introduction (4.7.1)
 - B. 4th Amendment Provisions
 - 1. Definitions
 - C. Exclusionary Rule (4.6.1)
 - 1. Defined
 - 2. Purposes of the Exclusionary Rule
 - D. Plain View Doctrine (4.7.1)
 - 1. Defined
 - 2. Components of Plain View
 - E. Scope of Search (4.7.2)
 - F. Detentions and Contacts (3.6.1 & 3.6.3)
 - 1. Detention as a Seizure
 - 2. Establishing Reasonable Suspicion to Detain
 - 3. Contacts
 - G. Frisk or Pat-down Search (4.7.1)
 - H. Arrest Search (4.7.1)
 - 1. Person
 - 2. Dwelling
 - I. Vehicle Search (4.7.1)
 - 1. Incident to Arrest
 - 2. Probable Cause (Auto Exception)
 - 3. Impound/Inventory
 - J. Search Warrant (4.7.1 & 4.7.2)
 - 1. Defined
 - 2. Probable Cause and Affidavit
 - 3. Times of Service
 - 4. Knock and Notice
 - 5. Scope, Fortuitous Finds, Inventory

Assignment:

1. Analysis and classification of evidence through the study of a certified college level text and from case histories.
2. Clarifying concepts of legal terminology that apply to the evidentiary processes learned through the discussion of legal resource documents and case decisions.
3. Developing writing skills as a result of case history analysis, developing legal briefs based on deductive assessment of cases.
4. Oral presentation in class requiring deductive analysis from text, law books, and case analysis.
5. Completion of examinations assessing the reasoning and knowledge gained by requiring timed responses in essay form.

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, Essay exams, COMPUTER PROJECT

Writing
10 - 30%

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

Homework problems, Quizzes, Exams

Problem solving
10 - 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

Exams
20 - 60%

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

None

Other Category
0 - 0%

Representative Textbooks and Materials:

CALIFORNIA EVIDENCE CODE, Official Classification, West Publishing Company, St. Paul, Minnesota; Bancroft-Whitney Publishing Company, San Francisco, CA; Gould Publications, Inc., Longwood, Fla., 1995.

Hill, Raymond M. III, CALIFORNIA CRIMINAL EVIDENCE GUIDE: A HANDBOOK FOR THE CRIMINAL JUSTICE STUDENT, 4th Ed., Halleck Creek Publishing, Petaluma, CA, 1995.

Jefferson, Bernard S., JEFFERSON'S SYNOPSIS OF CALIFORNIA EVIDENCE LAW,
California Continuing Education of the Bar, Berkeley, CA, 1985.
State of California, Commission on Peace Officer Standards & Training,
UNIT GUIDES FOR THE BASIC LAW ENFORCEMENT COURSE (KD#15-Laws of Arrest/
Miranda; KD#16-Search & Seizure; KD#17-Presentation of Evidence),
Sacramento, CA, 1995.
State of California, Department of Justice - Office of the Attorney
General, PEACE OFFICER'S LEGAL SOURCEBOOK, Joel Carey, Editor,
Sacramento, CA, 1995.