

### Course Outline

**COURSE:** AJ 12                      **DIVISION:** 50                      **ALSO LISTED AS:**

**TERM EFFECTIVE:** Spring 2018                      **CURRICULUM APPROVAL DATE:** 04/24/2017

**SHORT TITLE:** CRIMINAL PROCEDURES

**LONG TITLE:** Criminal Procedures

<u>Units</u>	<u>Number of Weeks</u>	<u>Type</u>	<u>Contact Hours/Week</u>	<u>Total Contact Hours</u>
3	18	Lecture:	3	54
		Lab:	0	0
		Other:	0	0
		Total:	3	54

**COURSE DESCRIPTION:**

Legal processes from pre-arrest, arrest through trial, sentencing and correctional procedures; a review of the history of case and common law; conceptual interpretations of law as reflected in court decisions; a study of case law methodology and case research as the decisions impact upon the procedures of the justice system. (C-ID: AJ 122) ADVISORY: AJ 10; Eligible for English 250 and English 260.

**PREREQUISITES:**

**COREQUISITES:**

**CREDIT STATUS:** D - Credit - Degree Applicable

**GRADING MODES**

L - Standard Letter Grade

**REPEATABILITY:** N - Course may not be repeated

**SCHEDULE TYPES:**

02 - Lecture and/or discussion

05 - Hybrid

72 - Dist. Ed Internet Delayed

**STUDENT LEARNING OUTCOMES:**

1. Identify and describe each step in the criminal justice process from arrest to trial to sentencing to appeal.

Measure of assessment: written exam, discussion

Year assessed, or planned year of assessment: 2018

Semester: Fall

2. Construct a criminal case within the parameters of current case law.

Measure of assessment: exam, role playing or practical exercise

Year assessed, or planned year of assessment: 2018

Semester: Fall

3. Identify and critically analyze the concepts of due process as found in the 6th, 8th, and 14th amendments, including right to counsel, bail, jury trial, and due process.

Measure of assessment: exam, role playing or practical exercise

Year assessed, or planned year of assessment: 2018

Semester: Fall

## **CONTENT, STUDENT PERFORMANCE OBJECTIVES, OUT-OF-CLASS ASSIGNMENTS**

Curriculum Approval Date: 04/24/2017

6 Hours

**CONTENT: HISTORICAL DEVELOPMENT OF LAW AND THE JUSTICE SYSTEM.**

Structure and process. Early development. Classifications. Systems. The Bill of Rights and the Fourteenth Amendment.

**STUDENT PERFORMANCE OBJECTIVES (SPO):** Explain the development of the modern jury system. Discuss the federal and state court systems. Distinguish between jurisdiction issues and venue issues. Describe the classifications of crimes and punishments. Explain the basic structure of the judicial system. Identify the differences between court rules and standards. Explain the various goals of the justice system. Explain the foundational concepts in criminal procedure. Discuss the relationship of the Bill of Rights and the 14th Amendment as it relates to the constitutional rights of the accused.

3 Hours

**CONTENT: SEARCH AND SEIZURE. Quiz.**

History and purpose. Exclusionary Rule. Fruits of the Poisonous Tree Doctrine. Protected areas of interests. Exceptions to the Fourth Amendment. Searches.

**SPO:** Discuss the purpose and application of the Exclusionary Rule. Explain the Fruits of the Poisonous Tree Doctrine. Define protected areas and interests. Explain the requirements for obtaining a search warrant. Identify the restrictions on inspections and regulatory searches. List the exceptions to the 4th Amendment. Explain the purpose for the 4th Amendment.

3 Hours

**CONTENT: ARREST AND CUSTODY.**

Arrests and warrants. Stop and frisk and other detentions. Territorial jurisdiction. Force. Miranda and its effect. Immunity.

**SPO:** Explain the requirements of a valid arrest. Discuss the issues involving stop and frisk. Describe the immunities from arrest. Illustrate the Miranda requirements. Discuss the issue of using force in making an arrest. Explain the concept of territorial jurisdiction to make an arrest. Identify and describe the booking process. Explain the protections granted an out-of-state witness.

3 Hours

**CONTENT: INITIAL APPEARANCE. PRETRIAL PROCEEDINGS. Quiz.**

Purpose. Complaint. Bail. Bounty hunters. Preliminary hearing and arraignment. Grand Jury. Grants of immunity for witnesses.

**SPO:** Describe the purpose of the initial appearance in court. Discuss the legal requirements of a complaint. Discuss the restrictions on bail. Explain the various pretrial release mechanisms. Discuss the problems with bounty hunters. Explain the consequences for conditions of bail or own recognizance. Explain the functions and purpose of the preliminary hearing. Explain the duties of and functions of the Grand Jury. Explain witness immunity. Explain what occurs at an arraignment. Explain the difference between a Grand Jury indictment and a complaint.

3 Hours

**CONTENT: PLACE AND TIME OF TRIAL. Quiz.**

Pretrial action. Competency to stand trial. Place of the trial. Time of the trial.

SPO: Discuss the Constitutional requirements concerning venue. Explain why a defendant might request a change in venue. Explain the difference between insanity and competency. Discuss the 6th Amendment and the right to a speedy trial. Explain how the right to a speedy trial is related to the Statute of Limitations. Explain the issues a judge must consider when determining whether to grant a motion for a continuance. Discuss out-of-state incarceration and how it affects speedy trial issues.

3 Hours

CONTENT: TRIAL. Midterm.

Bench trial versus jury trial. Public trial.

SPO: Explain the differences between a bench trial and a jury trial. Discuss the right of the public to have access to attend a criminal trial. Identify what constitutes a public trial. Explain the defendant's right to a jury trial. Define what constitutes a petty offense. Discuss laws and rules regarding the size of a jury.

3 Hours

CONTENT: CONFRONTATION AND ASSISTANCE OF COUNSEL.

Presence of the defendant at a trial. Right to counsel.

SPO: Describe the defendant's right to be present at trial. Explain the defendant's right to competent counsel. Explain when the state has the obligation to provide effective counsel. List the duties of a defense attorney. Distinguish between appointed counsel and retained counsel. Explain the right to self-representation. Define the role of standby counsel. Explain the test for effective assistance of counsel.

3 Hours

CONTENT: PRETRIAL MOTIONS, HEARINGS, AND PLEA NEGOTIATIONS.

Pretrial right of discovery. Motion to suppress evidence. Motion to dismiss charges. Motion for continuance. Motion for severance of offenses. Motion for severance. Motion to determine competency. Pretrial conference. Plea negotiation.

SPO: Discuss the defendant's right to pretrial discovery. Explain the various motions. Explain the purpose of pretrial conferences. Explain the procedures for an alibi defense. Discuss reciprocal discovery. List and explain the issues in plea bargaining.

3 Hours

CONTENT: COURTROOM EVIDENCE.

Hearsay rule. Rulings on evidence. Judicial notice. Relevant evidence. Rape shield laws. Witnesses. Documents.

SPO: Explain what constitutes hearsay evidence. Describe the purposes of the Rules of Evidence. Identify the various rulings on evidence. Describe the concept of judicial notice. Demonstrate how documents and other evidence are introduced in court. Explain what constitutes relevant evidence. Describe how the concept of fairness relates to the admissibility of evidence. Explain the difference between lay and expert witnesses.

3 Hours

CONTENT: TRIAL: ROLES OF MAJOR PARTICIPANTS. JURY. Quiz.

Adversary system. Judge. Victim and perpetrator. Prosecutor. State Attorney General. Defense counsel. Clerk of the court. Bailiff. Court reporter. Court commissioner. A jury of one's peers. Jury panel or jury list. Exemption from jury duty. Challenging jurors for cause. Peremptory challenge. Alternate jurors. Sequestering the jury.

SPO: Explain the duties of the major participants in a criminal trial including: the judge, defense attorney, prosecutor, victim, bailiff, court reporter, clerk, and state attorney general. Explain the meaning of a jury of one's peers. Describe the qualifications to become a juror. Discuss voir dire, challenges for cause, and peremptory challenges. Explain the rationale behind the sequestering of a jury.

3 Hours

CONTENT: TRIAL PROCEDURE. INSTRUCTIONS AND DELIBERATION OF THE JURY.

Opening statements. Reasonable doubt. Witnesses. Subpoena. Examination of witnesses. Defense presentation. Rebuttal by the prosecution. Not guilty by reason of insanity. Closing arguments. Instructions to the jury. Deliberations.

SPO: Chart and describe the trial process from opening statements to deliberations, including: opening statements and direct and cross examination; the oath, presentation of witnesses and evidence, rebuttal witnesses and closing arguments; and jury instructions and deliberations.

3 Hours

**CONTENT: THE VERDICT AND APPEALS. SENTENCING.**

Verdict. Appeals. Appellant court citations. Types of sentencing and sentences. Death penalty. Fines.

SPO: Explain the meaning of a verdict. Discuss when a defendant is entitled to a mistrial. Discuss appeals, pronouncement of judgment, and sentencing procedures. Discuss pre-sentencing release. Define the various types of punishment and sentencing. Discuss the nature of probation. Define the concept of corrections/rehabilitation. Explain the use of suspended sentences, concurrent sentencing, and consecutive sentencing. Discuss the death penalty and the 8th Amendment.

3 Hours

**CONTENT: COLLATERAL PROCEEDINGS. VICTIMS' RIGHTS. Quiz.**

Extradition. Writs. Restitution. Compensation. Victim impact statements.

SPO: Explain extradition procedures. Explain the importance of habeas corpus. Discuss the Uniform Criminal Extradition Act. Explain the use of a writ of certiorari. Discuss restitution and victims' rights. Explain the significance of the witness impact statement. Describe the victim services available.

9 Hours

**CONTENT: Group presentation case studies. Review for final. Analysis paper due.**

SPO: Present and discuss a variety of case studies.

2 Hours

**OUT OF CLASS ASSIGNMENTS:**

Required Outside Hours: 54

Assignment Description: OUT-OF-CLASS ASSIGNMENTS: Read chapters relating to topics and any handouts provided. Review material presented. Study for quizzes/midterm/final.

Required Outside Hours: 54

Assignment Description: OUT-OF-CLASS-ASSIGNMENTS: Case studies related to topics covered. OUT-OF-CLASS-ASSIGNMENTS: Criminal justice system analysis paper and group presentation case studies.

**METHODS OF INSTRUCTION:**

Lecture, discussion, multi-media presentations.

**METHODS OF EVALUATION:**

Writing assignments

Percent of total grade: 40.00 %

Written Homework, Essay Exams, Term or Other Papers

Objective examinations

Percent of total grade: 60.00 %

Multiple Choice, True/False, Matching Items, Completion

**REPRESENTATIVE TEXTBOOKS:**

Cliff Roberson and Harvey Wallace. Procedures in the Justice System. Pearson,2016.

Reading Level of Text, Grade: 12th Verified by: MS Word

**ARTICULATION and CERTIFICATE INFORMATION**

Associate Degree:

CSU GE:

IGETC:

CSU TRANSFER:

Transferable CSU, effective 198930

UC TRANSFER:

Not Transferable

SUPPLEMENTAL DATA:

Basic Skills: N

Classification: Y

Noncredit Category: Y

Cooperative Education:

Program Status: 1 Program Applicable

Special Class Status: N

CAN:

CAN Sequence:

CSU Crosswalk Course Department: AJ

CSU Crosswalk Course Number: 12

Prior to College Level: Y

Non Credit Enhanced Funding: N

Funding Agency Code: Y

In-Service: N

Occupational Course: C

Maximum Hours: 3

Minimum Hours: 3

Course Control Number: CCC000204178

Sports/Physical Education Course: N

Taxonomy of Program: 210500