GAVILAN COLLEGE
5055 Santa Teresa Blvd
Gilroy, CA 95023

Course Outline

COURSE: AJ 16 DIVISION: 50 ALSO LISTED AS:

TERM EFFECTIVE: Fall 2023 CURRICULUM APPROVAL DATE: 01/09/2024

SHORT TITLE: INTRO TO EVIDENCE

LONG TITLE: Introduction to Evidence

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

Out of Class Hrs:	108.00
Total Learning Hrs:	162.00

COURSE DESCRIPTION:

This course covers the origin, development, philosophy and basis of evidence; constitutional and procedural considerations affecting arrest, search and seizure; types of evidence and rules governing admissibility; judicial decisions interpreting individual rights and case studies. In addition to the Federal Rules of Evidence, the course also includes the California law regarding the rules of evidence. (C-ID: AJ 124) ADVISORY: AJ 10. Optional field trips will be offered to assist with the study of basic legal research.

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
- 71 - Dist. Ed Internet Simultaneous
- 72 - Dist. Ed Internet Delayed

STUDENT LEARNING OUTCOMES:

By the end of this course, a student should:

1. Identify and differentiate various types of evidence.
2. Define and describe key rules of evidence.
3. Critically evaluate and apply the rules of evidence to specific case facts.

COURSE OBJECTIVES:

By the end of this course, a student should:

1. Identify and differentiate various types of evidence.
2. Define and describe key rules of evidence.
3. Critically evaluate and apply the rules of evidence to specific case facts.
4. Describe the various duties of a judge, jury, prosecuting attorney and defense attorney in a criminal trial.
5. Define admissions and confessions while understanding the fundamental requirement for a confession to be usable as evidence.
6. Describe the identification procedures and understand the law applicable to identification.
7. Understand the types of witnesses and admissible evidences.

COURSE CONTENT:

Curriculum Approval Date: 01/09/2024

3 Hours

CONTENT: Course Outline. INTRODUCTION TO THE LAW OF EVIDENCE AND THE PRETRIAL PROCESS.

Introduction to the rules of evidence: definition of evidence. The rules of evidence. Introduction to the law of evidence and the pretrial process. Overview of the court process: the pretrial process. Participants in the criminal justice system. The pretrial court process.

4 Hours

CONTENT: THE TRIAL PROCESS.

4 Hours

CONTENT: EVIDENCE - THE BASIC CONCEPTS. Quiz.

4 Hours

CONTENT: WITNESSES - LAY AND EXPERT.

5 Hours

CONTENT: WITNESSES - COMPETENCY AND PRIVILEGED COMMUNICATIONS.

5 Hours

CONTENT: Distribute Hearsay Assignment. DOCUMENTARY EVIDENCE AND THE RIGHT OF DISCOVERY. PHYSICAL EVIDENCE. PHOTOGRAPHIC, RECORDED, AND COMPUTER-GENERATED EVIDENCE. Test.

Documents as a kind of evidence. Authentication. Best evidence rule. The right of discovery in criminal cases. Discovery through preliminary hearing. Growth of the right of discovery. Pretrial discovery. Prosecution's right of discovery. Defendant's right to original investigative notes and recordings. What is physical evidence. Sources of physical evidence. Connecting objects with issues at trial: chain of custody, or possession. Marking objects for identification. Storage of physical evidence. Delivering physical evidence. Preparation of physical evidence for use in court. Gruesome objects. Physical objects not produced in court. Viewing of the crime scene by the jury. Photographs, recordings, and the like as evidence. First rule of admissibility - foundation for relevance. Second rule of admissibility - foundation for authentication. Posed photographs and video recordings. Methods of presentation in the courtroom. Consideration of other matters.

X-ray photographs.

COURSE CONTENT(CONTINUED):

3 Hours

CONTENT: Distribute ID Assignment. THE HEARSAY RULE. Turn in and discuss the hearsay assignment.

Rationale for the rule and constitutional considerations. Components of the hearsay rule. Statements that are not hearsay because they are not offered for the truth of the matter asserted. Hearsay exemptions. Specific hearsay exceptions. Statements made under sense of impending death (dying declarations). Declarations against interest. Spontaneous utterances: present sense impressions and excited utterances. State of mind. Former testimony. Business and public records. Pedigree, or family history. Past recollection recorded: only read into the record.

3 Hours

CONTENT: EXCLUSIONARY RULE - IDENTIFICATION PROCEDURES. Turn in and discuss the ID assignment.

Identification procedures and the exclusionary rule. Identification procedures and the right to counsel. Identification procedures and due process. Types of suggestive identification procedures. Determining the reliability of a suggestive identification: the five factors of the Biggers case.

9 Hours

CONTENT: Discussion of Appellate Courts. Distribute take home test. Discuss writing assignment, which includes the issue of allowing police to collect "abandoned" DNA evidence without a warrant. Cite case studies.

CIRCUMSTANTIAL EVIDENCE.

Direct evidence versus circumstantial evidence. Admissibility of other crimes, acts, or wrongs. Means or capability to commit a crime. Consciousness of guilt. Character of the defendant. Character of victims. Character of witness.

CREDIBILITY AND IMPEACHMENT.

Credibility. Basic methods of impeachment. Contradiction. Bad character for truthfulness. Prior inconsistent statements. Bias or motive to falsify. Witness incapacity. Impeachment: other issues. Self-incrimination.

6 Hours

CONTENT: ADMISSIONS AND CONFESSIONS. Turn in take home test.

Admissions. Confessions - general principles and considerations. Confessions excluded due to violation of due process of law: coerced confessions. Exclusion of confessions due to violation of rights secured under Miranda v. Arizona. Exclusion of confessions due to violation of the Sixth Amendment right to counsel. Confession given after an unlawful search and seizure may be excluded. The continued importance of confessions as evidence. Procedure for introduction of confessions. Wording of confessions. Confession implicating a codefendant. Proof of the crime in addition to a confession - the requirement of corpus delicti.

6 Hours

CONTENT: THE EXCLUSIONARY RULE - SEARCH AND SEIZURE. Discussion of case studies. Paper due.

Introduction: what is the exclusionary rule? The scope of search and seizure. What is a search? What is a seizure? Ways of making a reasonable search and seizure. Search pursuant to a search warrant. Reasonable searches without warrant: exceptions to the warrant requirement. Search and seizure on less than probable cause: stop and frisk and reasonable suspicion in other circumstances. Suspicionless stops and searches: the special needs exception to the probable cause and warrant requirements. Objecting to the introduction of evidence claimed to be illegally seized.

2 Hours

Final.

METHODS OF INTRUCTION:

Lectures, class discussions, videos, and a field trip to a law library.

OUT OF CLASS ASSIGNMENTS:

Required Outside Hours 50

Assignment Description

Review course syllabus. Fill out questionnaire. Read corresponding chapters. Fill out study guide questions for each chapter. Study for quizzes/midterm/final.

Required Outside Hours 31

Assignment Description

OUT-OF-CLASS-ASSIGNMENTS: Answer worksheet handouts from class presentations. Work on writing assignment, which includes the issue of allowing police to collect "abandoned" DNA evidence without a warrant, including citing and analyzing case studies.

Required Outside Hours 27

Assignment Description

OUT-OF-CLASS-ASSIGNMENTS: Work on hearsay assignment. Work on ID assignment. Answer various questions relating to reasonable expectation of privacy and stop and frisk reasonable circumstances. Searching a vehicle, a residence and school searches and collecting evidence will be included. Case studies will be cited and analyzed.

METHODS OF EVALUATION:

Writing assignments

Evaluation Percent 40

Evaluation Description

Percent range of total grade: 30 % to 60 %

Written Homework,

Term or Other Papers

Objective examinations

Evaluation Percent 60

Evaluation Description

Percent range of total grade: 50 % to 70 %

Multiple Choice,

REPRESENTATIVE TEXTBOOKS:

Criminal Evidence: Principles and Cases, Gardner and Anderson, Cengage, 2022 or a comparable textbook/material.

ISBN: 9781111838034

12th Grade Verified by: Verified by:MS Word

OTHER MATERIALS:

Optional field trips will be offered to assist with the study of basic legal research.

ARTICULATION and CERTIFICATE INFORMATION

CSU TRANSFER:

Transferable CSU

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
C-ID: AJ 124
Prior to College Level: Y
Non Credit Enhanced Funding: N
Funding Agency Code: Y
In-Service: N
Occupational Course: C
Course Control Number: CCC000184213
Sports/Physical Education Course: N
Taxonomy of Program: 210500
CIP: