

I. CATALOG DESCRIPTION:

- A. Department Information:
Division: Criminal Justice
Department: Administration of Justice
Course ID: ADJUS 104
Course Title: Legal Aspects of Evidence
Units: 3
Lecture: 3 Hours
Prerequisite: none
- B. Catalog and Schedule description:
Origin, development, philosophy, and constitutional basis of the use of evidence; constitutional and procedural considerations affecting arrest, search and seizure; types of evidence, and rules governing admissibility; judicial decisions, interpretation of individual rights; and case studies.

II. NUMBER OF TIMES COURSE MAY BE TAKEN FOR CREDIT: One

III. EXPECTED OUTCOMES FOR STUDENTS:

Upon completion of this course, students should be able to:

- A. Utilize a working knowledge of the rules of evidence, the various kinds of evidence, and the admissibility of evidence, in formal courtroom proceedings as well as administrative proceedings.
- B. Appraise, analyze, and evaluate the various kinds of evidence available in given case in order to determine admissibility in court.
- C. Develop skills in handling case material so that evidence admissibility will not be destroyed by improper procedures.
- D. Differentiate and formulate the necessity of evidence and the need to use proper procedures in collection, preservation and admissibility.
- E. Differentiate the rules regarding collection, preservation and admissibility of evidence and analyze the different types of evidence.
- F. Categorize, analyze, and evaluate the relevance of various kinds of evidence available in a given case and, if called upon to do so, will demonstrate this ability by writing a term paper concerning its admissibility in court.
- G. Demonstrate ability to use proper procedures in maintaining the value of evidence by performing satisfactorily in a moot court setting.
- H. Evaluate occupational and professional fields usually requiring experience in higher education as a prerequisite to employment in such fields.

IV. CONTENT:

- A. Evolution of Evidence
1. Definition of evidence
 2. Proof and burden of proof
 3. Reasons for rules of evidence
 4. The evidence code
 5. Application of rules of evidence
- B. Detention and Arrest
1. Constitutional authority
 2. Procedures – Probable Cause
- C. Search and Seizure
1. History and Development - case law evolution
 2. The exclusionary rule – definition
 3. What is a search?
 4. What is a seizure?
 5. Search warrants
 6. Expectations to search warrant rule

7. Search incidental to arrest
 8. Scope
 9. Consent search
 10. Search and seizure incidental to arrest
 11. Cursory search
 12. Temporary detention
 13. Stop and frisk
- D. Discovery
1. Reporting and discovering procedures
 2. Depositions
 3. Requests for admissions
 4. Request of physical examinations
 5. Interrogatories
 6. Order to produce documents
 7. What is the right of discovery?
 8. Importance to investigator
 9. Pre-trial discovery
 10. Right of discovery through preliminary hearing
 11. Prosecutions right of discovery
 12. Unavailability of original notes
- E. Judicial Notice
- F. Types of Evidence
1. Real Evidence
 2. Direct Evidence
 3. Circumstantial Evidence
- G. Relevance of Evidence
1. Legal vs. logical relevance
 2. Character
 3. Habit and custom
 4. Character of victim
 5. Intent, motive
 6. Common scheme or design
 7. Compromise
 8. Similar happenings
 9. Subsequent repairs
- H. Governmental Privileges
- I. Witness –Competency
1. Grounds for qualification and disqualification
 2. Analysis of statutory grounds
- J. Writings
1. Best evidence rule
 2. Authentication
- K. Privileged Communication
1. Basic statutes – evidence code
 2. Attorney and Client
 - a) Nature of privilege
 - b) Requirements
 - c) Exceptions
 3. Husband and wife
 - a) Privilege not to testify against spouse
 - b) Nature of privilege
 - c) Requirements
 - d) Exceptions

4. Privilege for confidential marital communication
 - a) Nature and purpose
 - b) Requirements
 - c) Exceptions
5. Physician and patient
 - a) Nature of privilege
 - b) Identity of informer
 - c) Nature of privilege
 - d) Disclosure necessary for fair trial
 - e) Where disclosure not required
6. News media: Nature of privilege
- L. Privilege Against Compulsory Self-incrimination versus "Non-testimonial Compulsion"
 1. Basic status-evidence code
 2. Nature of privilege
 3. Distinction between defendant and witness privilege
 4. Scope of privilege
 5. Granting immunity and effect
 6. What constitutes compulsion to testify?
 7. No testimonial compulsion
- M. Presumptions and Inferences
 1. Conclusive versus rebuttable presumptions
 2. Presumptions affecting burden of production and persuasion
- N. Opinion and Experts
 1. Basic statutes-evidence codes
 2. Non-expert testimony
 3. Expert opinion
 4. Quasi experts
- O. Impeachment, Corroboration and Refreshing Memory
 1. Basic Statutes-evidence code
 2. Impeachment
 3. Bias
 4. Prior inconsistent statement
 5. Prior bad acts
 6. Lacks of perceptive ability
 7. Bad reputation for truth and veracity
 8. Intrinsic versus extrinsic impeachment
 9. Refreshing recollection of memory
- P. Hearsay
 1. Defined
 2. Exceptions
 - a) Dying declaration
 - b) Spontaneous or contemporaneous statements
 - c) Statements against interest
 - d) Mental state
 - e) Business records
 - f) Official records
 - g) Family history
 - h) Past recollection recorded
 - i) Admissions
 - j) Ancient documents
 - k) Miscellaneous exceptions
- Q. Confessions and Admissions
 1. Basic statutes-evidence code
 2. Statement of constitutional rights

3. Miranda Warning
4. Case law affecting interviewing
- R. Scientific and Demonstrative Evidence
- S. Eyewitness Identification
- T. Introducing Evidence at Trial
 1. Proper handling of evidence and maintaining chain of evidence
 2. Connecting evidence with issues of trial
 3. Tactics of defense to discredit evidence

V. METHODS OF INSTRUCTION:

- A. Lecture and discussion
- B. Guest speakers
- C. Informational sheets
- D. Demonstrations
- E. Laboratory exercises
- F. Role playing
- G. Transparencies, slides, films, audiotapes and videotapes
- H. Field trips
- I. Exploratory work experience

VI. TYPICAL ASSIGNMENTS:

- A. Demonstrate knowledge of general evidence admissibility principles through class discussion and writings regarding the law of presumptions affecting the burden of persuasion.
- B. Write in 200 words or less – Why hearsay evidence is considered unreliable and untrustworthy evidence.
- C. Give written and oral presentations or answer written questions pertaining to the philosophical and historical developments on rules of evidence.

VII. EVALUATION(S):

- A. Methods of evaluation:
 1. Library research
 2. Special projects
 3. Case studies and journals
 4. Oral presentations
 5. Examinations
 6. Written assignments
- B. Frequency of evaluation:
 1. Weekly and daily participation
 2. Minimum of three exams, objective, subjective or essay
 3. A midterm exam
 4. A final exam
- C. Typical exam questions:
 1. Explain the difference between presumptions affecting the burden of production versus presumption affecting the burden of persuasion.
 2. Why do rules regarding privileges require inadmissibility of relevant evidence?
 3. Why does the Doctrine of Judicial Notice allow the proving of certain evidentiary matters without requiring evidence of same?
 4. Why is character evidence inadmissible in civil cases if character is not an issue yet admissible to a limited degree in criminal cases?

San Bernardino Valley College
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VIII. TYPICAL TEXT(S):

Goulds Penal Code and Evidence Code for the State of California for 2002. Goulds Publications, 2002.
West's Annotated California Evidence Code. West Publishing Company, 2002.
Derrings Annotated California Evidence Code. Matthew Bender Publishing Company, 2000 or 2002.
Gilbert B. Stuckey & Norman Garland. Criminal Evidence for the Law Enforcement Officer, 4th Edition.
Glencoe McGraw Hill, 1999.
Gardner & Anderson. Criminal Evidence: Principles and Cases 4th Edition. Wadsworth Publishing
Company, 2000.

IX. OTHER SUPPLIES REQUIRED OF STUDENTS: None