

COURSE OUTLINE **Criminal Law and Evidence**

COURSE DESCRIPTION

AJ 213. Criminal Law and Evidence. 3 hours credit. This course will enable the student to explore criminal law focusing on the rules and use of evidence in criminal proceedings. The student will focus on federal and state rules of evidence, various types of evidence, legal issues essential to the collection and seizure of admissible evidence, and legal interrogation.

Course Relevance

The concepts learned in the course give the student the ability to define and identify types of evidences which are used in criminal courts. The concepts in this course will provide an in-depth analysis of criminal evidence rules in the United States.

Required Materials

Garland, N.M. and Stuckey, G.B., (2011). Criminal evidence for the law enforcement officer, (6th ed.). New York, NY: Glencoe/McGraw-Hill Publishing Co.

Learning Outcomes

The intention is for the student to be able to

1. Understand the sources and process by which criminal evidence rules evolved
2. Understand the burdens of proof for admissibility of evidence by the prosecution and defense
3. To understand the role of the court with regard to criminal evidence

Primary Learning Pact Skills that will be DEVELOPED and/or documented in this course

Through the student's involvement in this course, she/he will develop his/her ability in the following PACT skill areas:

1. Valuing Diversity
 - The student will expand his/her awareness of diversity throughout the class and provide feedback on what he/she has learned through a self-assessment inventory.
2. Critical Thinking
 - The student will develop critical thinking and analytical skills through written assignment and other activities conducted in class.

Secondary Skills (developed but not documented):

Team Work
Ethical Conduct
Historical Interpretation
Writing
Speaking

Computer Literacy
Effective Citizenship
Problem Solving
Reading
Listening

Major Summative Assessments Task(s)

These learning outcomes and the primary learning PACT skills will be demonstrated by:

1. Completing a written critique of evidence collected and interrogation techniques used in various criminal scenarios
2. Completion of a self assessment diversity inventory, including a self-reflection of how his/her awareness of diversity impacts his/her application of the rules of evidence.

Course Content

- I. Themes – Key recurring concepts that run throughout this course:
 - A. Relevance of evidence
 - B. Authenticity of evidence
 - C. Competency of evidence
 - D. Materiality of evidence
- II. Issues – Key areas of conflict that must be understood in order to achieve the intended outcome
 - A. Sources and types of criminal evidence
 - B. The court process
 - C. Traditional ways that the admissibility of evidence has evolved
- III. Concepts – Key concepts that must be understood to address the issues:
 - A. Constitutional and practical grounds for criminal procedures
 - B. Role of the judiciary and the rule of law in society
 - C. Early and contemporary Fourth, Fifth, and Sixth Amendments
 - D. Foundations and principles underlying the basic rules of evidence
- IV. Skills/Competencies – Actions that are essential to achieve the course outcomes:
 - A. Writing
 - B. Reading
 - C. Computer
 - D. Analytical thinking
 - E. Ability to compare and contrast
 - F. Memorization
 - G. Application of concepts

Learning Units

- I. Introduction to the law of evidence and the pre-trial process
 - A. Explain what constitutes evidence
 - B. State the objectives of the rules of evidence
 - C. Describe the three basic police functions

- D. Describe the dual court system in the United States
 - E. Define probable cause to arrest
- II. The trial process
- A. describe the sequence of events in a typical criminal trial
 - B. describe the various duties of a judge, prosecuting attorney and defense attorney during a criminal trial
 - C. cite probable cause to arrest
- III. Evidence – basic concepts
- A. List the four general categories of evidence
 - B. Define relevant evidence
 - C. Define judicial notice
 - D. List the two factual components of a true presumption
 - E. Explain what a stipulation is
- IV. Witnesses - competency and privileged communications
- A. Explain the qualifications required to be considered a competent witness
 - B. List the three characteristics that comprise witness capacity
 - C. State the rationale for privileged communications
 - D. Identify and describe the seven major forms of privileged communications
- V. Witnesses – lay and expert
- A. Explain the difference between lay and expert witnesses
 - B. Define a leading question
 - C. Explain how a witness may be qualified as an expert and list the three foundational requirements for an expert's testimony
- VI. Credibility and impeachment
- A. Name the four components of witness capacity
 - B. List and describe the five basic methods of impeaching a witness
 - C. Describe when a witness may invoke the privilege against self incrimination
 - D. Name the prevailing form of witness immunity in the United States
- VII. The Hearsay Rule
- A. Define hearsay and explain the rationale for the hearsay rule
 - B. Name the two general categories of exemptions from the hearsay rule
 - C. List the four foundational requirements for the dying declarations exceptions to the hearsay rule
 - D. Distinguish between the two types of spontaneous declarations exceptions to the hearsay rule
 - E. State the foundational requirements for the business records exceptions to the hearsay rule
- VIII. Admissions and confessions

- A. Distinguish between confessions and admissions
 - B. State the fundamental requirements for a confession to be usable as evidence
 - C. State the requirements of Miranda
 - D. List the three exceptions to the requirements of Miranda warnings
 - E. Explain when the Sixth Amendment right to counsel attaches
- IX. The Exclusionary Rule – search and seizure
- A. State the main purpose of the exclusionary rule
 - B. Identify the procedure and requirements for obtaining a valid search warrant
 - C. Discuss the requirements and limitations of a search incident to lawful custodial arrest
 - D. List the three ways in which a vehicle may be searched without a warrant
 - E. Explain third party consent
 - F. Describe exigent circumstances and plain-view doctrine
 - G. Discuss the justification needed to conduct a stop and frisk
- X. Exclusionary Rule – Identification Procedures
- A. Name three types of identification procedures
 - B. Explain if and when an accused is entitled to counsel at an identification procedure
 - C. Describe the types of suggestive identification procedures
 - D. List and state the purpose of the five factors set forth in the Bigger's case
- XI. Circumstantial Evidence
- A. distinguish between direct and circumstantial evidence
 - B. state when and how the trial judge determines the relevancy of circumstantial evidence
 - C. explain how motive and intent differ
 - D. explain when the prosecution might prove the defendants bad character
 - E. identify how a victim's character may be attacked and describe the laws shielding victims
- XII. Documentary evidence and the right to discovery
- A. Name the two classifications of documents and each of their categories
 - B. Explain the best evidence rule
 - C. Name the three types of discovery the defendant can obtain from the prosecution
 - D. Identify the range of matters that may be subject to discovery by the defendants in a criminal case
- XIII. Physical evidence
- A. Identify the four general categories of physical evidence
 - B. List the order and person in a typical chain of custody
 - C. Describe the process for marking and storing physical evidence

XIV. Photographic, recorded, and computer-generated evidence

- A. State the circumstances in which video and audio evidence may be used in court
- B. List the various uses of photographic and recorded evidence
- C. Identify the methods of presenting photographic or recorded evidence

XV. How to testify effectively

- A. Name the different methods used to notify an officer to appear in court
- B. Explain appropriate officer conduct on the witness stand
- C. Explain what an officer should do while testifying with respect to objections and when asked argumentative questions

Learning Activities

Lecture, instructor-led class discussions, group study, field trips, library research, various audio/visual aids, case studies, guest speakers and student presentations. The student will be required to examine professional journals in this course.

Grade determination

The student will be graded on completion of assessment tasks, research papers, tests, daily work, class participation, out-of-class assignments and other methods of evaluation at the discretion of the instructor.