COURSE OUTLINE OF RECORD

Number: CJ G128  TITLE: Criminal Procedure & Evidence

ORIGINATOR: Victor Quiros  EFF TERM: Summer 2010
FORMERLY KNOWN AS:  DATE OF OUTLINE/REVIEW: 12-12-2012
CROSS LISTED COURSE:  TOP NO: 2105.00

COURSE DESCRIPTION:
This course provides an overview of procedural criminal and evidentiary law. This course examines state and federal constitutional, statutory, and case law governing criminal prosecutions and post-conviction proceedings.

JUSTIFICATION FOR COURSE:

PREREQUISITES:

COREQUISITES:

ADVISORIES:

ASSIGNED DISCIPLINES:
Administration of justice (police science, corrections, law enforcement)

MATERIAL FEE: Yes [ ] No [X] Amount: $0.00

CREDIT STATUS: Noncredit [ ] Credit - Degree Applicable [X] Credit - Not Degree Applicable [ ]

GRADING POLICY: Pass/No Pass [ ] Standard Letter [X] Not Graded [ ] Satisfactory Progress [ ]

OPEN ENTRY/OPEN EXIT: Yes [ ] No [X]

TRANSFER STATUS: CSU Transferable[X] UC/CSU Transferable[ ] Not Transferable[ ]

BASIC SKILLS STATUS: Yes [ ] No [X] LEVELS BELOW TRANSFER: Not Applicable

CALIFORNIA CLASSIFICATION CODES: Y - Not Applicable

NON CREDIT COURSE CATEGORY: Y - Not applicable, Credit Course

OCCUPATIONAL (SAM) CODE: D

REPEATABLE ACCORDING TO STATE GUIDELINES: No [X] Yes [ ] NUMBER REPEATS:

REQUIRED FOR DEGREE OR CERTIFICATE: No [ ] Yes [X]
Criminal Justice – Administration of Justice( Associate in Arts)  Criminal Justice--Corrections (27 total units):(Associate in Arts)  Law Enforcement Option(Certificate of Achievement)

GE AND TRANSFER REQUIREMENTS MET:

COURSE LEVEL STUDENT LEARNING OUTCOME(S) Supported by this course:
1. Identify the functions of, and the procedural and evidentiary laws related to, court proceedings in criminal cases including arraignment, pretrial, preliminary hearing, grand jury indictment, trial, sentencing, and appeal.

2. Distinguish adult and juvenile criminal procedural law.

3. Distinguish between the terms arrest, detention, and consensual encounter and determine their significance within the meaning of the Fourth Amendment.

4. Specify the foundational requirements for the admissibility and the exclusion of evidence in a criminal court proceeding.

5. Identify when proffered evidence is in violation of the Hearsay Rule and the Exclusionary Rule, and explain the circumstances where an exception to these rules exists.

6. Study the evidentiary privileges associated with a criminal court proceeding.

COURSE OBJECTIVES:
1. Distinguish between the terms arrest, detention, and consensual encounter and determine their significance within the meaning of the Fourth Amendment.
2. Identify the functions of, and the procedural and evidentiary laws related to, court proceedings in criminal cases including arraignment, pretrial, preliminary hearing, grand jury indictment, trial, sentencing, and appeal.
3. Distinguish adult and juvenile criminal procedural law.
4. Specify the foundational requirements for the admissibility and the exclusion of evidence in a criminal court proceeding.
5. Identify when proffered evidence is in violation of the Hearsay Rule and the Exclusionary Rule, and explain the circumstances where an exception to these rules exists.
6. Study the evidentiary privileges associated with a criminal court proceeding.

COURSE CONTENT:

LECTURE CONTENT:

A. Classifications of Law
   1. Civil v. criminal
   2. Procedural v. substantive

B. Sources of Law
   1. Constitutions
   2. Statutes
   3. Judicial decisions / case law

C. Concepts of Criminal Procedure
   1. Adversarial system of justice
   2. Presumption of innocence
   3. Burden of proof
   4. Corpus delicti
   5. Ex post facto
   6. Jurisdiction
   7. Venue
   8. Court structure
   9. Judicial process
   10. Law enforcement, judiciary, and corrections components of the criminal justice system

D. Search and Seizure
   1. Fourth Amendment
   2. Search warrant and exceptions
   3. Probable cause
4. Reasonable suspicion
5. Consensual encounter

E. Laws of Arrest
   1. Elements of a lawful arrest
   2. Authority to arrest
   3. Arrest warrant and exceptions

F. Crime Charging Procedure
   1. Duties of law enforcement officers
   2. Duties of prosecutors
   3. Role of defense attorneys
   4. Prosecutorial discretion and limitations in the filing of criminal charges
   5. Formal charging requirements and amendments to pleadings

G. Arraignment
   1. Time for arraignment
   2. Advisement of charges
   3. Advisement of rights
   4. Bail
   5. Appointment of counsel
   6. Plea
   7. Demurrer

H. Pretrial Conference
   1. Investigation of case
   2. Discovery
   3. Pleas and case settlement

I. Diversion I. Pretrial Motion
   1. Disqualification of judge
   2. Suppression of evidence
   3. Setting aside the information or indictment
   4. Mental health
   5. Speedy trial
   6. Change of venue
   7. Line-up
   8. Discovery
   9. Continuance
   10. Production of physical evidence by defendant (e.g., hair, blood, handwriting, saliva)
   11. Evidentiary motions
   12. Other motions

J. Preliminary Hearing
   1. Time for preliminary hearing
   2. Burden of proof
   3. Motion to suppress evidence
   4. Penal Code section 17(b) motion
   5. Factual v. legal findings by the court
   6. Proposition 115 hearsay testimony
   7. Use of preliminary hearing testimony

K. Grand Jury Indictment
   1. Role of the grand jury
   2. Role of the district attorney
   3. Burden of proof
   4. True bill

L. Trial
   1. Time for trial
   2. Court trial v. jury trial
   3. Jury selection
   4. Opening statements
5. Prosecution case-in-chief
6. Defense case
7. Rebuttal
8. Argument
9. Jury instructions
10. Jury deliberation
11. Verdict
12. Discharge of the jury

M. Sentencing
1. Time for sentencing
2. Motion for new trial
3. Probation and sentencing report
4. Statutory factors in mitigation and aggravation
5. Victim impact statements
6. Restitution

N. Post-conviction Issues
1. Appeal
2. Probation
3. Parole
4. Set aside verdict and change of plea (Penal Code section 1203.4)

O. Juvenile Law
1. Differences between adult and juvenile criminal procedural and evidentiary law

P. Concepts of Evidence
1. Definition of evidence
2. Purposes of evidence
3. Foundational requirement for the admissibility of evidence
4. Reasons for the exclusion of evidence
5. Types of evidence
6. Direct v. circumstantial evidence
7. Admission v. confession
8. Judicial notice
9. Presumption
10. Stipulation

Q. Witness Testimony
1. Lay witness
2. Expert witness
3. Subpoena
4. Exclusion of witnesses from courtroom
5. Competency of witness

R. Rules of Evidence
1. Hearsay Rule
2. Exclusionary Rule

S. Privileges
1. Self-incrimination
2. Marital
3. Attorney-client
4. Clergyman-penitent
5. Physician-patient
6. Psychotherapist-patient
7. Victim-counselor
8. Official information
9. Identity of informant
10. Newsmen
METHODS OF INSTRUCTION:

A. Lecture:
B. Online:
C. Independent Study:

INSTRUCTIONAL TECHNIQUES:

COURSE ASSIGNMENTS:

Out-of-class Assignments
1. Using practical case scenarios in group discussions, the student will apply the appropriate laws of criminal procedure and evidence in court. 2. Students will apply the applicable laws of criminal procedure and evidence to questions presented orally to students by the instructor during weekly in-class review sessions.

Writing Assignments
1. Written homework exercises addressing specific issues addressed in textbook and instructor’s lectures.
2. Class discussion, small group discussion, role-playing, and practical exercises related to criminal procedure and evidence as assigned by instructor throughout the semester.

Reading Assignments
1. Textbook 2. Selected instructor handouts

METHODS OF STUDENT EVALUATION:
Midterm Exam
Final Exam
Short Quizzes
Written Assignments
Problem Solving Exercises
Skills Demonstration

Demonstration of Critical Thinking:
1. Using practical case scenarios in group discussions, the student will apply the appropriate laws of criminal procedure and evidence in court. 2. Students will apply the applicable laws of criminal procedure and evidence to questions presented orally to students by the instructor during in-class review sessions.

Required Writing, Problem Solving, Skills Demonstration:
1. Written homework exercises addressing specific issues addressed in textbook and instructor’s lectures. 2. Class discussion, small group discussion, role-playing, and practical exercises related to criminal procedure and evidence as assigned by instructor throughout the semester.

TEXTS, READINGS, AND RESOURCES:

TextBooks:

Other:
1. Handouts

LIBRARY:

Adequate library resources include: Print Materials

Comments:

Attachments:

Attached Files