

COURSE OUTLINE

LEGAL ASPECTS OF EVIDENCE

Course Title

CJ 212

Dept. & Course No.

I. COURSE DESCRIPTION

This course covers the history, development, and philosophy of law as it relates to criminal evidence and procedural consideration and in its application to such areas as arrests, search and seizure, kinds and degrees of evidence, and rules governing admissibility of evidence in court. Case studies and individual rights are reviewed in light of judicial decisions and interpretations.

II. SEMESTER CREDITS: 3

III. CONTACT HOURS PER WEEK: 3 0 3
 Lecture Lab Total

IV. PREREQUISITES: CJ 111

V. STUDENTS LEARNING OUTCOMES:

Upon completion of the course, the student will be able, with 65% accuracy, to:

1. Explain the history and development of rules of evidence.

2. Identify and explain the court processes in the United States and Palau.

VI. COURSE CONTENT:

- A. From evidence to proof
 1. Rules of evidence
 2. Burden of proof
 3. Burden of producing evidence
 4. Preliminary determination on admissibility
 5. Case studies

- B. Court process
 1. The criminal complaint
 2. Arraignment
 3. Preliminary hearing
 4. U.S. grand jury vs. Palau judge
 5. Suppression hearing
 6. Plea bargaining
 7. The trial
 8. Sentencing
 9. Appeal

3. Identify and explain the kinds of testimonial evidence and the requirements of admissibility

4. Discuss the different types of witnesses.

5. Explain the concepts and types of hearsay evidence.

6. Explain the issues surrounding articles and exhibits of evidence.

C. Testimony

1. Attendance of witnesses
2. Competence
3. Privileged communications
4. Personal knowledge requirement
5. Evidence on direct examination
6. Cross examinations and attack techniques

D. Witnesses

1. Lay witness
2. Expert witness
3. Accomplice
4. Character
5. Police
6. Defendant

E. Hearsay evidence

1. Dying declaration
2. Exception to the hearsay rule
3. Admission and confession
4. Spontaneous statements and contemporaneous declaration
5. Mental and physical state
6. Hearsay within hearsay
7. Statement of past recollection
8. Exceptions-Federal Rules

F. Articles and exhibits of evidence

1. Physical evidence
2. Associative evidence
3. Eyewitness evidence of identification
4. Primary and secondary evidence
5. Crime scene evidence
6. Scientific evidence
7. Case studies in U.S. and Palau

7. Explain the difference between direct and circumstantial evidence.

8. Explain the legal process to control police misbehavior and illegal conduct.

9. Explain the procedures and requirements for arrest warrants and search warrants.

10. Discuss the process of preparing a case for the court.

G. Direct vs. Circumstantial evidence

1. Weight of evidence
2. Circumstantial evidence of ability to commit the crime
3. Circumstantial evidence of intent
4. Circumstantial evidence of guilt
5. Other acts evidence
6. Case studies in U.S. and Palau

H. The Exclusionary Rule

1. Federal agents and proceedings
2. State agents and proceedings
3. Derivative use of illegal evidence
4. Motion to suppress attacking the exclusionary rule
5. Case studies in Palau and U.S.

I. Search and Seizures

1. Probable cause search
2. Search incident to arrest
3. Legal vs. Illegal search
4. Person and property search
5. Stop and frisk
6. Arrest, bench, and search warrant
7. Case studies in Palau

J. Preparing a case for trial

1. Review facts of the case
2. Working with the prosecutor
3. Dress and demeanor
4. Contacts with lawyers, witnesses, and jurors
5. Role of the prosecutor
6. Role of the defense counsel
7. Role of defendant
8. Preparing a case brief
9. Case studies in U.S. and Palau

VII. MATERIALS AND EQUIPMENT

- A. Projector
- B. Handout
- C. Film
- D. Library materials
- E. Routine classroom materials

VIII. TEXTS:

Text:

Kaci, Judy H. *Criminal Evidence*. 4th ed. Incline Village, Nevada: Copperhouse Publishing Company, 2000.

IX. METHOD OF INSTRUCTION:

- A. Lecture
- B. Discussion
- C. Assignments
- D. Courtroom proceeding observation

X. METHOD OF EVALUATION

Final grades will be computed from percent to letter grades as follows:

1. Participation	10%
2. Quizzes/Tests/Assignments	10%
3. Midterm Exam	30%
4. Final Exam	30%
5. Project/Report	20%
6. Total	100%

Transmutation of percent to letter-grade is as follows:

90 – 100%	A
80 – 89%	B
70 – 79%	C
65 – 69%	D
0 – 64%	F

Palau Community College
CJ 212 Legal Aspects of Evidence
Course Learning Outcomes

During the course experience, the course learning outcomes (CLOs) will be assessed through the use of signature assignments. A rating scale will be used to determine the students' proficiency level of each CLO using specifically aligned assignments. The numerical ratings of 4, 3, 2 and 1 are not intended to represent the traditional school grading system of A, B, C, D and F. The descriptions associated with each of the numbers focus on the level of student performance for each of the course learning outcomes listed below.

- Rating Scale:**
- 4 – Exceeds Expectations
 - 3 – Meets Expectations
 - 2 – Developing
 - 1 – Below Expectations

CLO1: At the completion of the course, students will be able to discuss criminal evidence and describe the development of the rules of evidence.

Numerical Value	
4	Perform all of the following tasks accurately and completely: <ul style="list-style-type: none"> * Explain the rules of evidence. * Explain the burden of proof. * Explain the burden of producing evidence. * Explain the preliminary determination on admissibility. * Explain case studies.
3	Perform the tasks mentioned above with mixed quality, but most are adequate and complete.
2	Perform the tasks mentioned above with mixed quality, but most are inadequate or incomplete.
1	Perform the tasks mentioned above inaccurately or incompletely.

CLO 2: At the completion of the course, students will be able to discuss the court system and the stages of a criminal trial.

Numerical Value	
4	Perform all of the following tasks accurately and completely: <ul style="list-style-type: none"> * Identify and describe court processes in the United States and Palau. * Explain the criminal complaint. * Explain arraignment. * Explain the preliminary hearing. * Explain the United States grand jury vs. Palau Judge. * Explain the suppression hearing. * Explain plea bargaining. * Explain the trial. * Explain sentencing. * Explain appeal.
3	Perform the tasks mentioned above with mixed quality, but most are adequate and complete.

2	Perform the tasks mentioned above with mixed quality, but most are inadequate or incomplete.
1	Perform the tasks mentioned above inaccurately or incompletely.

CLO 3: At the completion of the course, students will be able to discuss the basic concepts of evidence and identify types of evidence and admissibility.

Numerical Value	
4	Perform all of the following tasks accurately and completely: <ul style="list-style-type: none"> * Discuss relevance, direct and circumstantial evidence, testimonial evidence, and real evidence. * Discuss witnesses. * Discuss hearsay and the hearsay rule. * Discuss privileges. * Discuss crime scene evidence and experiments.
3	Perform the tasks mentioned above with mixed quality, but most are adequate and complete.
2	Perform the tasks mentioned above with mixed quality, but most are inadequate or incomplete.
1	Perform the tasks mentioned above inaccurately or incompletely.

CLO 4: At the completion of the course, students will be able to discuss constitutional issues pertaining to procedures and duties carried out by law enforcement and prosecution.

Numerical Value	
4	Perform all of the following tasks accurately and completely: <ul style="list-style-type: none"> * Discuss issues surrounding the Fourth Amendment and the Exclusionary rule. * Discuss issues regarding detentions. * Discuss warrantless searches. * Discuss self-incrimination. * Discuss the role of a police officer when going to court.
3	Perform the tasks mentioned above with mixed quality, but most are adequate and complete.
2	Perform the tasks mentioned above with mixed quality, but most are inadequate or incomplete.
1	Perform the tasks mentioned above inaccurately or incompletely.