JEFFERSON COLLEGE

COURSE SYLLABUS

CRJ114

RULES OF CRIMINAL EVIDENCE

3 credit hours

Prepared by:
Mark A. Byington

Revised by: Mark A. Byington
Revised date: August 2014

Dr. Sandy Frey, Chair, Social Science Division
Ms. Shirley Davenport, Dean, Arts & Science Education
CRJ114 Rules of Criminal Evidence

I. CATALOGUE DESCRIPTION

A. Prerequisite: reading proficiency

B. 3 semester credit hours

C. Rules of Criminal Evidence studies the basic rules of evidence applicable to criminal and other related police activities. Emphasis is placed on admissibility of evidence and the practical application of procedural and constitutional guarantees. (F, S, Su)

II. EXPECTED LEARNING OUTCOMES/CORRESPONDING ASSESSMENT MEASURES

<table>
<thead>
<tr>
<th>Expected Learning Outcomes</th>
<th>Assessment Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Describe the trial procedures, including how evidence is gathered and presented at trial</td>
<td>Class discussion</td>
</tr>
<tr>
<td></td>
<td>Written examination</td>
</tr>
<tr>
<td></td>
<td>Case studies</td>
</tr>
<tr>
<td>Identify the different types and forms of evidence and be able to classify information in categories</td>
<td>Class discussion</td>
</tr>
<tr>
<td></td>
<td>Class assignments</td>
</tr>
<tr>
<td></td>
<td>Written examination</td>
</tr>
<tr>
<td>Identify how the presumption is used in the court process</td>
<td>Class discussion</td>
</tr>
<tr>
<td></td>
<td>Written examination</td>
</tr>
<tr>
<td>Define cross-examination, hearsay exceptions, and the standards of necessity and reliability, as it pertains to evidence</td>
<td>Class discussion</td>
</tr>
<tr>
<td></td>
<td>Class assignments</td>
</tr>
<tr>
<td></td>
<td>Written examination</td>
</tr>
<tr>
<td>Describe 1) the difference between a statement of opinion and a statement of fact, and 2) the use of opinions in language; understand the nature and role of expert opinion testimony</td>
<td>Class discussion</td>
</tr>
<tr>
<td></td>
<td>Written examination</td>
</tr>
<tr>
<td>Discuss the laws that protect certain relationships by the use of privileges and the priorities of those relationships over the truth-finding functions of a trial, including immunity testimony and the relationship of immunity and the privilege against self-incrimination</td>
<td>Class discussion</td>
</tr>
<tr>
<td></td>
<td>Class assignments</td>
</tr>
<tr>
<td></td>
<td>Written examination</td>
</tr>
</tbody>
</table>

III. OUTLINE OF TOPICS

A. Introduction
   1. What is evidence
   2. Burden of proof
   3. Role of judge and jury
   4. Role of prosecutor
   5. Role of defense attorney
   6. History of the development of rules of evidence
   7. Sources of evidence law
B. The role of the court
1. Checks and balances
2. Independent judiciary
3. Court organization
4. Geographic jurisdiction
5. Statute of limitations
6. Functions of various levels of courts
7. Evidentiary standards used by courts
8. Post-conviction proceedings

C. The adjudication process
1. The criminal complaint
2. Arraignment
3. Preliminary hearing
4. Grand jury
5. Suppression hearing
6. Discovery
7. Plea bargaining
8. The trial
9. Sentencing
10. Post-conviction proceedings

D. Types of evidence
1. Relevant evidence
2. Direct and circumstantial evidence
3. Testimonial and real evidence
4. Substitutes for evidence

E. Direct and 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. Character
6. Other acts of evidence
7. Offers to plead guilty
8. Circumstantial evidence involving the victim
9. Rape Shield laws

F. Witnesses
1. Competency of witness
2. Impeachment
3. Rehabilitation
4. Corroboration
5. Memory failures
6. Unavailable witnesses
7. Opinion rule

G. Crime scene evidence and experiments
1. Crime scene evidence
2. Scientific evidence
3. Commonly accepted scientific tests
4. Tests that are not commonly accepted
5. Experiments

H. Documentary evidence, models, maps, and diagrams
1. Definitions used to describe documents
2. Authentication
3. Forensic document examiners
4. Introducing the contents of documents
5. Photographic evidence
6. Models, maps, and diagrams

I. Hearsay and its exceptions
1. Basic hearsay definitions
2. The Hearsay Rule
3. Testimonial hearsay
4. Unavailability of the hearsay declarant
5. Exceptions to the Hearsay Rule
6. Admissions and confessions
7. Declarations against interest
8. Spontaneous statements
9. Contemporaneous declarations
10. Dying declaration exception
11. Mental or physical state
12. Business records and official documents
13. Reputation
14. Former testimony
15. Prior inconsistent statements
16. Prior consistent statements
17. Ancient documents
18. Past recollection recorded

J. Privileged communications
1. Basis of privileges
2. Attorney-client
3. Husband-wife
4. Physician-patient
5. Clergy-penitent
6. Media report
7. Executive privilege
8. Privilege for official information

K. Developing law of search and seizure
   1. History and development of Fourth Amendment
   2. Definitions
   3. Warrant requirements
   4. Exclusionary Rule
   5. Impermissible methods of obtaining evidence

L. Field interviews, arrests and jail searches
   1. Right to use force to detain or arrest suspects
   2. Field interviews
   3. Arrests
   4. Booking
   5. Jail and prison searches

M. Plain view, consent, vehicle, and administrative searches
   1. Plain View and Open Fields Doctrines
   2. Abandoned property
   3. Consent searches
   4. Vehicle searches
   5. Administrative searches

N. USA Patriot Act, foreign intelligence, and other types of electronic surveillance covered by Federal law
   1. Eavesdropping and the Misplaced Reliance Doctrine
   2. Electronic surveillances and Wiretap Act of 1968
   3. National security letters

O. Self-incrimination
   1. Scope of privilege against self-incrimination
   2. Miranda warnings
   3. Sequential interrogations
   4. Special situations
   5. Post-arraignment confessions

P. Identification procedures
   1. Definitions used for identification procedures
   2. Fourth Amendment rights
   3. Fifth Amendment rights
   4. Sixth Amendment rights
   5. Due process rights during identification procedures
   6. Use of identification testimony

Q. Preparing the case for court
   1. Reviewing facts of the case
2. Working with prosecutors
3. Dress and demeanor

IV. METHODS OF INSTRUCTION

A. Lectures
B. Class discussion
C. In-class assignments/case studies/work sheets

V. REQUIRED TEXTBOOK


VI. REQUIRED MATERIALS

Black’s Law Dictionary (Pocket Edition)

VII. SUPPLEMENTAL REFERENCES

To be determined and placed on reserve at the library or made available to the student online

VIII. METHODS OF EVALUATION

A. Class attendance/participation - 10%
B. Class assignments/key terms - 30%
C. Chapter tests - 40%
D. Final - 20%

IX. ADA AA STATEMENT

Any student requiring special accommodations should inform the instructor and the Coordinator of Disability Support Services (Library; phone 636-481-3169).

X. ACADEMIC HONESTY STATEMENT

All students are responsible for complying with campus policies as stated in the Student Handbook (see College website, [http://www.jeffco.edu](http://www.jeffco.edu)).

XI. ATTENDANCE STATEMENT

Students earn their financial aid by regularly attending and actively participating in their
coursework. If a student does not actively participate, he/she may have to return financial aid funds. Consult the College Catalog or a Student Financial Services representative for more details.