

CJ G128: CRIMINAL PROCEDURE AND EVIDENCE

Item	Value
Curriculum Committee Approval Date	10/17/2023
Top Code	210500 - Administration of Justice
Units	3 Total Units
Hours	54 Total Hours (Lecture Hours 54)
Total Outside of Class Hours	0
Course Credit Status	Credit: Degree Applicable (D)
Material Fee	No
Basic Skills	Not Basic Skills (N)
Repeatable	No
Grading Policy	Standard Letter (S)

Course Description

This course is a study of procedural criminal and evidentiary law. It provides an examination and analysis of due process in criminal proceedings from pre-arrest through trial and appeal. It also focuses on the categories of evidence and legal rules governing its admission and exclusion in the criminal process. Transfer Credit: CSU. C-ID: AJ 122.C-ID: AJ 122.

Course Level Student Learning Outcome(s)

1. Course Outcomes
2. Distinguish between the terms arrest, detention, and consensual encounter within the meaning of the Fourth Amendment.
3. Identify the procedural and evidentiary laws in criminal proceedings including arraignment, pretrial, preliminary hearing, grand jury indictment, trial, sentencing, and appeal.
4. Evaluate when proffered evidence is in violation of the Hearsay Rule in criminal proceedings.
5. Differentiate the evidentiary privileges associated with a criminal court proceeding.

Course Objectives

- 1. Classify the stages in the criminal trial process.
- 2. Analyze the constitutional concepts of due process in court proceedings.
- 3. Describe the history and application of the exclusionary rule in criminal cases.
- 4. Identify the classifications and rules of evidence.
- 5. Apply the rules of evidence to specific case facts.

Lecture Content

Classifications of Law Civil v. criminal Procedural v. substantive Sources of Law Constitutions Statutes Judicial decisions / case law Concepts of Criminal Procedure Adversarial system of justice Presumption of innocence Burden of proof Corpus delicti Ex post facto Jurisdiction Venue Court structure Judicial process Law enforcement, judiciary, and corrections components of the criminal justice system Search and Seizure Fourth Amendment Search warrant and exceptions Probable cause Reasonable suspicion Consensual encounter Laws of Arrest

Elements of a lawful arrest Authority to arrest Arrest warrant and exceptions Crime Charging Procedure Duties of law enforcement officers Duties of prosecutors Role of defense attorneys Prosecutorial discretion and limitations in the filing of criminal charges Formal charging requirements and amendments to pleadings Arraignment Time for arraignment Advisement of charges Advisement of rights Bail Appointment of counsel Plea Demurrer Pretrial Conference Investigation of case Discovery Pleas and case settlement Pretrial Motion Disqualification of judge Suppression of evidence Setting aside the information or indictment Mental health Speedy trial Change of venue Line-up Discovery Continuance Production of physical evidence by defendant (e.g., hair, blood, handwriting, saliva) Evidentiary motions Other motions Preliminary Hearing Time for preliminary hearing Burden of proof Motion to suppress evidence Penal Code section 17(b) motion Factual v. legal findings by the court Proposition 115 hearsay testimony Use of preliminary hearing testimony Grand Jury Indictment Role of the grand jury Role of the district attorney Burden of proof True bill Trial Time for trial Court trial v. jury trial Jury selection Opening statements Prosecution case-in-chief Defense case Rebuttal Argument Jury instructions Jury deliberation Verdict Discharge of the jury Sentencing Time for sentencing Motion for new trial Probation and sentencing report Statutory factors in mitigation and aggravation Victim impact statements Restitution Postconviction Issues Appeal Probation Parole Set aside verdict and change of plea (Penal Code section 1203.4) Juvenile Law Differences between adult and juvenile criminal procedural and evidentiary law Concepts of Evidence Definition of evidence Purposes of evidence Foundational requirement for the admissibility of evidence Reasons for the exclusion of evidence Types of evidence Direct v. circumstantial evidence Admission v. confession Judicial notice Presumption Stipulation Witness Testimony Lay witness Expert witness Subpoena Exclusion of witnesses from courtroom Competency of witness Rules of Evidence Hearsay Rule Exclusionary Rule Privileges Self-incrimination Marital Attorney-client Clergy-penitent Physician-patient Psychotherapist-patient Victim-counselor Official information Identity of informant Media

Method(s) of Instruction

- Lecture (02)
- DE Live Online Lecture (02S)

Reading Assignments

Textbook, court cases, supplemental material provide by instructor.

Writing Assignments

Written homework exercises addressing specific issues addressed during class lectures and course material.

Out-of-class Assignments

Practical case scenarios where the student will apply the appropriate laws of criminal procedure and evidence. Formative assessment quizzes to check on student understanding of the course material.

Demonstration of Critical Thinking

Using practical scenarios, the student will apply the appropriate laws of criminal procedure and evidence.

Required Writing, Problem Solving, Skills Demonstration

Written homework exercises addressing specific issues addressed in class lectures and course material. Instructor facilitated class discussion, small group discussion, role-playing, and practical exercises applying concepts of criminal procedure evidence.

Eligible Disciplines

Administration of justice (police science, corrections, law enforcement):
Any bachelors degree and two years of professional experience, or any
associate degree and six years of professional experience.

Textbooks Resources

1. Required Roberson, Cliff and Winters, Robert. Procedures in the Justice
System, 12th ed. Pearson, 2021 , ISBN: 9780131735903.

Other Resources

1. Handouts