Evidence
Course Design
2008-2009

Course Information
Organization
EASTERN ARIZONA COLLEGE
Division
Social Sciences
Course Number
AJS 270
Title
Evidence
Credits
3
Developed by
Steven Johnson
Lecture/Lab Ratio
3 Lecture/0 Lab
Transfer Status
<table>
<thead>
<tr>
<th>ASU</th>
<th>NAU</th>
<th>UA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elective Credit</td>
<td>Valid thru Summer II 2008: CJ Departmental Elective</td>
<td>Elective Credit</td>
</tr>
<tr>
<td></td>
<td>Fall 2008 and beyond: CCJ Departmental Elective</td>
<td></td>
</tr>
</tbody>
</table>

Activity Course
No
CIP Code
43.0107
Assessment Mode
Pre/Post Test (100 Questions/100 Points)
Semester Taught
Spring
GE Category
None
Separate Lab
No
Awareness Course
No
Intensive Writing Course
No

Prerequisites
None

Educational Value
An excellent course for sophomore students and in-service Criminal Justice workers to better understand the rules of evidence, including maintaining its integrity from its discovery until it is offered in court. Although not required, it is suggested students complete AJS 102 and AJS 202 prior to taking the course.
Description
Rules of evidence in general; including origin, development, philosophy, and constitutional basis of evidence. Special attention given to rules governing admissibility of evidence as determined by statute and case law. Specific landmark decisions will be considered.

Supplies
Access to a personal computer and the Internet. (Both free to students at the EAC Media Center)

Competencies and Performance Standards
1. Identify the basic concepts of evidence.

Learning objectives
What you will learn as you master the competency:

a. Identify the rules of evidence.
b. Describe the pre-trial court process.
c. Identify the participants in the Criminal Justice System.
d. Describe the jury or court trial.
e. Discuss the responsibilities of the courtroom work group.
f. Identify the different types of evidence.

Performance Standards
Competence will be demonstrated:

- by completion of online quizzes and examinations
- through Internet web based assignments
- through an objective cumulative final exam
- by observing an actual court hearing
- by defining the chapter key terms, answering the chapter questions and questions for review

Criteria - Performance will be satisfactory when:

- learner explains what constitutes evidence
- learner describes the objectives of the rules of evidence
- learner identifies the most common version of evidence law in the United States
- learner contrasts the jobs of the prosecuting attorney and the defense attorney
- learner describes the dual court system in the United States
- learner discusses probable cause to arrest
- learner describes the sequence of events in a typical criminal trial
- learner contrasts the level of proof required in a criminal case with that needed in a civil case
- learner describes the various duties of a judge in a criminal trial
- learner lists the 5 requirements for being a witness
2. **Explain the basic concepts of witnesses.**

*Learning objectives*

*What you will learn as you master the competency:*

a. Identify the different types of witnesses.
b. Explain the witness privileges allowed by law.
c. Discuss how a witness's recollection or memory is refreshed.
d. Describe the basic methods of impeachment.

*Performance Standards*

*Competence will be demonstrated:*

- by completion of online quizzes and examinations
- through Internet web based assignments
- through an objective cumulative final exam
- by observing an actual court hearing
- by defining the chapter key terms, answering the chapter questions and questions for review

*Criteria - Performance will be satisfactory when:*

- learner explains the qualifications required to be considered competent to be a witness
- learner identifies the 3 characteristics that comprise witness capacity
- learner identifies the marital communications privilege
- learner identifies the attorney-client privilege
- learner identifies the physician-patient privilege
- learner identifies the psychotherapist-patient privilege
- learner describes when the government may refuse to reveal the identity of an informer
- learner identifies the news reporter-news source privilege
- learner lists 5 exceptions to the rule prohibiting leading questions on direct examination
- learner identifies the 5 methods of impeachment
- learner explains how a witness may be qualified as an expert
- learner explains how and when a witness's recollection may be refreshed
- learner identifies the 5 basic methods of impeaching a witness
- learner describes when a witness may invoke the privilege against self-incrimination

3. **Describe the legal aspects of the Exclusionary Rule**

*Learning objectives*

*What you will learn as you master the competency:*

a. Describe the rationale for the hearsay rule and its constitutional considerations.
b. Discuss the legal aspects of the hearsay rule.
c. Describe the general principles and considerations of admissions and confessions.
d. Discuss the rationale for the exclusionary rule.
e. Identify what a search is.
f. Identify what a seizure is.
g. Explain identification procedures and the right to counsel.

**Performance Standards**

*Competence will be demonstrated:*

- by completion of online quizzes and examinations
- through Internet web based assignments
- through an objective cumulative final exam
- by observing an actual court hearing
- by defining the chapter key terms, answering the chapter questions and questions for review

*Criteria - Performance will be satisfactory when:*

- learner lists the 4 foundational requirements for the dying declaration exception to the hearsay rule
- learner explains the rationale for the hearsay rule and its implications
- learner identifies the 5 types of admissions by a party opponent that are exempt from the hearsay rule
- learner identifies a major limitation upon the state of mind exception to the hearsay rule
- learner explains the differences between confessions and admissions
- learner discusses the requirements of Miranda
- learner explains the main purpose of the exclusionary rule and its implication
- learner identifies 2 requirements for a valid consent
- learner describes the plain-view doctrine
- learner discusses the requirements and limitations of a search incident to a lawful custodial arrest
- learner explains 3 types of identification procedures
- learner identifies the purpose of the Biggers 5 factors analysis

4. Discuss the different types of evidence commonly used in court.

**Learning objectives**

*What you will learn as you master the competency:*

- Identify the different types of evidence commonly used in court.
- Discuss documentary evidence and the right of discovery.
- Describe pre-trial discovery and its ramifications.
- Discuss physical evidence.
- Discuss photographic, recorded, and computer-generated evidence.
**Performance Standards**

*Competence will be demonstrated:*
- by completion of online quizzes and examinations
- through Internet web based assignments
- through an objective cumulative final exam
- by observing an actual court hearing
- by defining the chapter key terms, answering the chapter questions and questions for review

**Criteria - Performance will be satisfactory when:**
- learner distinguishes between direct and circumstantial evidence
- learner describes when and how a trial judge determines relevancy of circumstantial evidence
- learner explains how motive and intent differ
- learner explains what modus operandi means in the context of the "other acts" evidence rule
- learner describes when a victim's character is at issue
- learner identifies how a witness's character may be attacked
- learner identifies the 2 classifications of documents and each of their categories
- learner lists the 6 situations in which secondary evidence of the contents of a writing may be introduced
- learner describes what statements are covered by the Jencks Act
- learner identifies the 4 general categories of physical evidence
- learner describes the 3 methods an officer can use to identify positively the object in court as the original object
- learner discusses the circumstances in which video and audio evidence may be used in court
- learner identifies when a posed or reconstructed scene is acceptable

5. **Explain how to testify effectively in court as a police officer.**

**Learning objectives**

*What you will learn as you master the competency:*
- a. Identify what the officer's role is when testifying in court.
- b. Describe the importance of wearing proper attire.
- c. Discuss the common tactics used by defense attorneys against officers testifying in court.
- d. Identify problems of the new officer.
- e. Describe how to properly prepare for trial.

**Performance Standards**

*Competence will be demonstrated:*
- by completion of online quizzes and examinations
through Internet web based assignments
through an objective cumulative final exam
by observing an actual court hearing
by defining the chapter key terms, answering the chapter questions and questions for review

Criteria - Performance will be satisfactory when:

- learner identifies the different methods used to notify an officer to appear in court
- learner describes the appropriate clothing for officers to wear to court
- learner identifies those people to whom the officer should not speak during recesses
- learner explains what an officer should do while testifying with respect to objection
- learner explains what an officer should do when he or she does not remember the answer to a question asked
- learner explains what an officer should do when asked an argumentative question on cross-examination that the defense attorney insists should be answered yes or no
- learner describes how to review the case both before and after the trial

Types of Instruction
Participative Lecture
Multimedia

Grading Information

Grading Rationale
Each instructor has the flexibility to develop evaluative procedures within the following parameters:
1. A Pre Test MUST be administered to EACH student during the first 2 weeks of class. It will NOT count toward the student's grade.
2. The Final Examination and Post Test will be the same test. It will represent 20% of the final course grade.
3. Quizzes represent 40% and the midterm exam represents 20% of the final course grade.
4. Other activities will represent 20% of the final course grade.
5. Within the Administration of Justice Program there is NOT credit given toward the final course grade for extra credit activities or attendance. Such activities will be assigned a value and listed under "Other Activities".

Grading Scale
A  90% - 100%
B  80% - 89%
C  70% - 79%
D  60% - 69%
F  Below 60%