

CJ-1130: CRIMINAL EVIDENCE

Cuyahoga Community College

Viewing: CJ-1130 : Criminal Evidence

Board of Trustees:

2018-01-25

Academic Term:

Fall 2021

Subject Code

CJ - Criminal Justice

Course Number:

1130

Title:

Criminal Evidence

Catalog Description:

Overview of trial procedures: classification of evidence, proof, presumptions, relevance, eyewitness identification, testimonial privileges, character, hearsay, impeachment, scientific evidence, collection and preservation of evidence.

Credit Hour(s):

2

Lecture Hour(s):

2

Requisites

Prerequisite and Corequisite

ENG-0995 Applied College Literacies, or appropriate score on English Placement Test; or departmental approval.

Note: ENG-0990 Language Fundamentals II taken prior to Fall 2021 will also meet prerequisite requirements.

Outcomes

Course Outcome(s):

Define, analyze, and apply key concepts of the Ohio and the Federal Rules of Evidence.

Essential Learning Outcome Mapping:

Critical/Creative Thinking: Analyze, evaluate, and synthesize information in order to consider problems/ideas and transform them in innovative or imaginative ways.

Written Communication: Demonstrate effective written communication for an intended audience that follows genre/disciplinary conventions that reflect clarity, organization, and editing skills.

Objective(s):

1. Interpret and differentiate key privileges.
 2. Apply Brady standards to disclosure of evidence.
 3. Evaluate the key differences between criminal and civil rules of evidence.
 4. Evaluate the relevancy of evidence.
 5. Critique character as an issue regarding witnesses.
 6. Analyze common law and modern rules of witness competence.
 7. Differentiate and explain various methods of impeachment.
 8. Create foundations for the introduction of lay and expert opinions.
 9. Analyze arguments for hearsay and hearsay exceptions.
 10. Evaluate the various constitutional constraints on the admissibility of evidence.
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Methods of Evaluation:

1. Quizzes
2. Midterm and final examinations
3. Term project
4. Case studies
5. Presentations

Course Content Outline:

1. Introduction to Evidence
 - a. Definition of Evidence
 - b. Proof
 - c. Burden of Proof
 - d. Reasons for the Rules of Evidence
 - e. Reasons why Evidence could be excluded in Court
 - f. Purposes for Offering Evidence in Court
 - g. Tests for the Admissibility of Evidence
 - h. Sources of Evidence Law
2. Types of evidence
 - a. Testimonial (Testimony)
 - b. Documentary (Writings)
 - c. Real (Material Objects)
 - d. Demonstrative Evidence
 - e. Physical Evidence
 - f. Relevant Evidence
 - g. Admissions and Confessions
 - h. Hearsay Rule
 - i. Consciousness of Guilt Evidence
 - j. Propensity Evidence
3. Ways of Presenting Evidence
 - a. Direct Evidence
 - b. Circumstantial Evidence
 - c. Presumption
 - d. Inference
 - e. Judicial Notice
 - f. Stipulation
 - g. Discovery
4. Witness Testimony
 - a. Lay Witness
 - b. Expert Witness
 - c. Subpoena
 - d. Opinion Evidence Rule
5. Witness Competency and Credibility
 - a. Competency
 - b. Presumption and Burden of Proof
 - c. Tests for Competency
 - d. Credibility
 - e. Impeachment
 - f. Rehabilitation
6. Documentary Evidence (Writings)
 - a. Authentication
 - b. Best and Secondary Evidence
 - c. Gruesome Photographs
 - d. Recording Communications
7. Real and Physical Evidence (Material Objects)
 - a. Authentication
 - b. Chain of Possession
 - c. Duty to Collect/Preserve Evidence
 - d. Examples of Material Objects

8. Privileges and Privileged Communications
 - a. Privileges in General
 - b. Husband-Wife Testimonial Privilege
 - c. Husband-Wife Confidential Communications Privilege
 - d. Attorney-Client Privilege
 - e. Clergy-Confessor Privilege
 - f. Doctor-Patient Privilege
 - g. Officer-Informant Privilege
 - h. Privilege Against Self-incrimination
9. Hearsay Evidence
 - a. Hearsay Defined
 - b. Admissions and Confessions
 - c. Dying Declarations
 - d. Spontaneous Statements

Resources

Klotter, John J. *Criminal Evidence*. 12th. Anderson Publishing, 2015.

Gardner, Thomas J. and Anderson, Terry M. *Criminal Evidence: Principles and Cases*. 9th. Wadsworth, 2016.

Hails, Judy. *Criminal Evidence*. 7th. Cengage, 2012.

Regensburger. *Criminal Evidence: From Crime Scene to Courtroom*. Aspen Publishing, 2012.

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