

CJL 4133 – Criminal Evidence

Course Description:

A study of evidentiary principles and rules of evidence, and their application in a courtroom setting. **Pre – req. CCJ 1210**

Course Competencies:

Competency 1: The student will analyze the various types of evidence by:

- a. defining and discussing direct evidence, indirect and circumstantial evidence
- b. outlining the rules of admissibility of direct evidence, indirect and circumstantial evidence

Competency 2: The student will analyze forms of evidence by:

- a. defining and discussing testimonial and demonstrative evidence
- b. summarizing real evidence
- c. analyzing judicial notice

Competency 3: The student will outline the procedures for admitting or excluding evidence of admissibility by:

- a. evaluating questions of admissibility
- b. identifying and discussing the rules of admissibility
- c. delivering and discussing the grounds for reversal of evidence erroneously admitted or excluded

Competency 4: The student will explore the relevancy of evidence by:

- a. defining character evidence
- b. distinguishing between materiality and probativeness of offered evidence
- c. describing and discussing the doctrine of limited admissibility
- d. reviewing a judge's broad discretionary power to exclude evidence

Competency 5: The student will discuss the hearsay rule and its exceptions by:

- a. defining hearsay
- b. identifying and describing statements exempted from hearsay rule by the federal rules of evidence
- c. enumerating the "exceptions to the hearsay rule"

- d. determining conditions under which admission of hearsay violates one's right to confrontation

Competency 6: The student will discuss "privilege" by:

- a. defining privilege
- b. enumerating the general principles applicable to all privileges
- c. discussing specific privileges such as: attorney-client, doctor-patient, spouse-spouse and clergy-penitent
- d. analyzing the "right against self incrimination"

Competency 7: The student will summarize competency to testify by:

- a. defining competency
- b. specifying the rules which affect competency
- c. delineating the common law and modern law of competency
- d. analyzing the "Erie doctrine"

Competency 8: The student will evaluate opinion evidence and expert witnesses by:

- a. defining opinion and "opinion rule"
- b. outlining the procedures for qualifying expert witnesses
- c. determining how expert witnesses may be impeached

Competency 9: The student will describe and discuss examination, cross examination and impeachment of witnesses by:

- a. specifying the forms of questioning allowed
- b. identifying circumstances under which an attorney can impeach his/her own witness
- c. describing and discussing right to cross examine and types of questions permitted
- d. describing and discussing the right to and methods of impeachment

Competency 10: The student will explore burden of proof and parole evidence rule by:

- a. defining burden of proof, burden of going forward and burden of persuasion
- b. differentiating between conclusive and rebuttable presumptions
- c. analyzing the parole evidence rule

