

CJC 132
COURT PROCEDURES AND EVIDENCE

COURSE DESCRIPTION:

Prerequisites: None

Corequisites: ENG 090 and RED 090, or satisfactory score on placement test

This course covers judicial structure, process, and procedure from incident to disposition; kinds and degrees of evidence; and the rules governing admissibility of evidence in court. Topics include consideration of state and federal courts, arrest, search and seizure laws, exclusionary and statutory rules of evidence, and other related issues. Upon completion, students should be able to identify and discuss procedures necessary to establish a lawful arrest and search, proper judicial procedures, and the admissibility of evidence. Course Hours Per Week: Class, 3. Semester Hours Credit, 3.

LEARNING OUTCOMES:

Upon completion of this course, the student will be able to:

- a. Define the structure of the judicial system of North Carolina as it relates to handling criminal cases.
- b. Define and discuss the process by which a criminal case moves from incident to disposition.
- c. Define and apply the legal concept of probable cause.
- d. Identify the process for preparing a search warrant.
- e. Define and apply certain constitutional rights and due process.
- f. Define and apply stop and frisk procedures.
- g. Identify the procedures for obtaining a search warrant.
- h. Apply the appropriate legal rights of juveniles to juveniles and parents.
- i. Identify and apply the constitutional limitations to interrogation.
- j. Define and apply Miranda warnings.
- k. Identify and apply the constitutional limitations on the use of lineups and other identification procedures.
- l. Define and describe the various kinds of evidence.
- m. Define and describe the various types of witnesses.
- n. Define and describe the methods of examination and cross-examination of witnesses.
- o. Define and apply the general principles of admissibility of evidence.
- p. Define and apply the general rules governing hearsay and its exceptions.

OUTLINE OF INSTRUCTION:

- I. An introduction to constitutional law and N.C. criminal law and procedures
 - A. Sources of criminal law
 - 1) Statutes
 - 2) Common law
 - 3) City and county ordinances
 - 4) Constitutional restrictions on enactments of criminal laws
 - B. Constitutional and statutory restrictions on an officer's authority
 - 1) Constitutional restrictions
 - 2) Statutory restrictions
 - C. Criminal pretrial and trial procedure
 - 1) Misdemeanors and infractions
 - 2) Felonies

- II. Law of arrest
 - A. Jurisdiction
 - 1) Territorial jurisdiction
 - 2) Arrest after continuous flight
 - 3) Subject matter jurisdiction
 - 4) Special jurisdiction problems
 - B. Legal standards for stopping and arresting persons
 - 1) Introduction
 - (a) Objective standard
 - (b) Is the seizure stop or arrest
 - (c) Determination made at the time of arrest or stop
 - 2) The authority to stop: reasonable suspicion
 - (a) Definition of reasonable suspicion
 - (b) Factors to consider in determining reasonable suspicion
 - 3) The authority of arrest: probable cause
 - (a) Definition
 - (b) Determining probable cause

- III. Special aspects of stopping authority
 - A. Stop based on reasonable suspicion
 - 1) Length of time allowed for an investigatory stop
 - 2) Investigatory techniques used during a stop
 - 3) Frisk after a stop
 - B. Authority to stop without reasonable suspicion
 - 1) Stopping to serve legal process
 - 2) Stopping and detaining during execution of a search warrant
 - 3) Authority of act during public emergencies
 - 4) Stopping vehicles for driver's license and vehicle registration checks
 - 5) Special authority of wildlife and marine fisheries' officers

- IV. The arrest warrant and other criminal process
 - A. Criminal process
 - B. Arrest warrant
 - C. Criminal summons
 - D. Citation
 - E. Order of arrest

- V. Arrest without a warrant
 - A. Arrest without a warrant when a warrant has been issued
 - B. Arrest without a warrant for a felony
 - C. Arrest without a warrant for misdemeanor
 - 1) General rules
 - 2) Arrest of a resident of a reciprocal state
 - 3) Delay in making a warrantless misdemeanor arrest
 - D. Rearrest without a warrant of an escaper from arrest
 - E. Arrest for violating probation or parole
 - F. Arrest of a juvenile (taking children into custody)

- VI. Making the arrest
 - A. The use of force
 - 1) Generally
 - 2) If the arrestee resists or flees lawful arrest
 - 3) Convicted felon escaping from custody
 - B. Assistance from private person
 - C. Notice of authority
 - D. Entering premises to arrest
 - 1) Entering defendant's place of residence to arrest
 - 2) Entering a third party's home to arrest
 - 3) Consent to enter
 - 4) Exigent circumstances
 - E. Completing custody of the arrestee

- VII. Law of search and seizure
 - A. Observations and actions that do not violate fourth amendment rights
 - 1) Abandoned property
 - 2) Sensory perceptions: plain view (smell and hearing)
 - 3) Areas outside the home: cartilage and open fields
 - B. Search and seizure by valid consent
 - 1) Persons entitled to give valid consent
 - 2) Officer's reasonable mistake of fact about the validity of consenting person
 - 3) Content of a valid consent
 - 4) Scope of the search with a valid consent

- VIII. Invading privacy by a search of seizure with sufficient reason
 - A. Evidence that may be searched for and seized
 - B. Search and seizure of evidence with probable cause
 - C. Advantage of a search warrant
 - D. Searching and seizing vehicles with probable cause
 - E. Seizing evidence with reasonable suspicion
 - 1) Seizing luggage or other containers of personal effects
 - 2) Seizing evidence during execution of a search warrant
 - F. Searches and seizure to protect the officer, others, or property
 - 1) Search incident to arrest
 - 2) Scope of search incident to the arrest of an occupant of vehicle
 - G. Inventory of an arrestee's possessions before he enters a detention facility
 - H. Frisk of a person for weapons
 - I. Protective search of a vehicle
 - J. Protective search of a home

- IX. Search warrants, administrative inspection warrants, and nontestimonial I.D. orders
 - A. Search warrants
 - 1) Introduction
 - 2) The issuing official
 - B. The form and content of the application and warrant
 - 1) Preparing the search warrant worksheet
 - 2) Description of the property to be seized
 - 3) Relation of the property to a crime
 - 4) Description of the premises, vehicle, or person to be searched
 - 5) Statement of facts showing probable cause to search
 - C. Execution and return of the search warrant

- X. Law of investigation
 - A. Interrogation and confessions
 - 1) Introduction
 - 2) Unconstitutional seizure and the resulting statement
 - 3) Consequences of violating N.C. Statutes
 - 4) Voluntariness of the defendant's statement
 - 5) The Miranda Rule and additional statutory rights
 - (a) Overview
 - (b) When Miranda Rule applies: custody and interrogation
 - (c) Waiver of Miranda rights
 - (d) The defendant's assertion of these rights and later
 - (e) Obtaining statements when the defendant has a sixth amendment right to counsel
 - (f) Distinction between the Miranda right to counsel and the Sixth Amendment right to counsel
 - (g) Beginning of adversary judicial proceedings in N.C.
 - (h) Possible Sixth Amendment violations

- B. Lineups and other identification procedures
 - 1) Introduction
 - 2) Nonsuggestiveness of the identification process
 - 3) The Sixth Amendment right to counsel at the identification
 - C. Undercover officers and informants
 - 1) Constitutional issues
 - 2) Entrapment
 - 3) Confidentiality of informants
- XI. Rules of evidence in criminal cases
- A. Kinds of evidence
 - B. Kinds of witnesses
 - C. Hearsay
 - D. Constitutional issues
- XII. Involuntary commitment process
- A. Various types of commitment
 - B. Judicial detainment of patients
 - C. Documentation and procedures in involuntary commitment cases

REQUIRED TEXTBOOKS AND MATERIALS:

Ferdico, J. Criminal Procedure for the CJ Professional. 9th ed. Thompson Learning.

STATEMENT FOR STUDENTS WITH DISABILITIES:

Students who require academic accommodations due to any physical, psychological, or learning disability are encouraged to request assistance from a disability services counselor within the first two weeks of class. Likewise, students who potentially require emergency medical attention due to any chronic health condition are encouraged to disclose this information to a disability services counselor within the first two weeks of class. Counselors can be contacted by calling 686-3652 or by visiting the Student Development Office in the Phail Wynn Jr. Student Services Center, room 1309.