



# WESTERN STATE COLLEGE OF LAW

AT ARGOSY UNIVERSITY

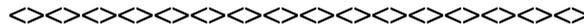
## **CRIMINAL LAW 110A**

**Professor Elizabeth N. Jones**

**enjones@wsulaw.edu**

**Spring 2018**

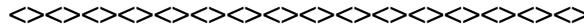
**Mondays 6:40 p.m. – 9:50 p.m.**



### **REQUIRED TEXT**

Dressler & Garvey, *Cases and Materials on Criminal Law* (7th ed., West Publishing)

Students must enroll in the Lexis Blackboard course titled “Criminal Law 110A Spring 2018”



### **COURSE OVERVIEW**

Welcome to Criminal Law! The prosecution and defense of an accused is one of the most (if not the most) exciting areas of the law to study and practice. This introductory course covers general principles and policies in addition to substantive “black letter” doctrine. Topics include the components required to criminalize behavior (voluntary act, mental state, causation, and social harm), crimes against the person, property crimes, inchoate crimes, crimes of complicity, and affirmative defenses.

### **LEARNING GOALS**

After completion of this course, students should be able to:

- ◆ Understand the elements and policies of basic crimes and defenses.
- ◆ Identify the factual and legal issues implicated by a fact pattern.

- ◆ Apply and distinguish cases, including the ability to identify the salient features of an appropriate precedent case and to identify legally significant similarities and differences between the precedent case and a fact pattern.
- ◆ Apply rules to facts, including the ability to correctly articulate a rule implicated by the issue, to identify legally significant facts in a fact pattern, and to explain why the facts are significant by connecting the facts to the requirement(s) of the rule.
- ◆ Identify issues related to ethics and the professional responsibility required of those practicing within the criminal justice system.

## **ATTENDANCE, EXAMINATIONS, & GRADES**

Class attendance is important, and it is mandatory. Per the WSCL Attendance Policy (reprinted in the Student Handbook) students who miss more than two (2) classes may be dismissed from the class and thus receive a “0” for the course.

Each student will earn a numeric grade for the course. The final course grade consists of two “closed book” examinations (a midterm administered during a regularly scheduled class (15%) and a final examination (70%)) as well as P&P (participation & professionalism) (15%).

## **PARTICIPATION, PROFESSIONALISM, & PREPARATION**

**Participation & Professionalism (P&P):** Law school is a cooperative venture. I commit to being prepared for class, and promise to have read, critically analyzed, and reflected upon the assigned readings, notes and problems; I expect the same of you. Success in law school requires active learning, which includes re-reading material you do not fully understand prior to class, listening in class to what I say and what your fellow students are saying, and refraining from multi-tasking (checking email, studying for other courses, etc) during class. You may not record the class without my prior approval.

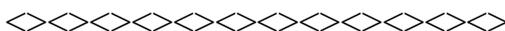
This course works best if our time together includes a considerable amount of lively and thoughtful class discussion. I utilize a variety of teaching methods, including the Socratic method, and highly encourage volunteers. For volunteer participation, I value quality over quantity, but being an active and engaged participant is important. All views are welcome.

15% of your final course grade will be based on the quality and quantity of your contributions to class discussions, preparation for class, attendance and punctuality, conduct during class time, and any attendance at CLPC-sponsored events (to be announced throughout the semester).

**Outside Preparation:** Criminal Law is a bar-tested topic and a graduation requirement. You should anticipate that, on average, preparing your weekly case reading and brief writing assignments will take you a minimum of two hours for every one hour of class time. To repeat with specificity and at risk of redundancy: because Criminal Law is a three-unit class, you should estimate your preparation for class to require six or more hours outside of class to complete.

## **OFFICE HOURS**

Students are encouraged to take advantage of office hours. Please sign up in advance using the Faculty Appointments Book maintained by the second-floor faculty support staff. You may sign up individually or as a group, but you may only block off one slot per individual or group. As a courtesy to your fellow classmates, you may not sign up for more than one appointment at a time. S2018 Office Hours TBA



## **SYLLABUS**

### **FOUNDATIONAL PRINCIPLES OF CRIMINAL LAW**

#### **WEEK 1: Monday January 22**

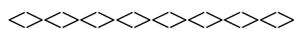
Introduction to Course; Overview of Criminal Law Principles & Components

pp. 38-41; 97-102; 133-136; 141-142 (notes 7 & 8); 146 (note 2)-147; 157-158; 165-168; 173-177; 195-196 (note 2)

#### **WEEK 2: Monday January 29**

Criminal Law Components, continued

pp. 235-244; 246-248; 229-230



### **CRIMES AGAINST THE PERSON**

#### **WEEK 3: Monday February 5**

Homicide: Intentional Killings (First Degree Murder  $\leftrightarrow$  Voluntary Manslaughter)

pp. 253-258; 273-292; 297

#### **WEEK 4: Monday February 12**

Homicide: Unjustified Risk Taking (Second Degree Murder  $\leftrightarrow$  Involuntary Manslaughter) & Felony Murder)

pp. 316-322; 325-328; 333-336; 346-350; 353-358

**WEEK 5: Tuesday February 20\*\***

**\*\*this is not a typo; for this week only, Monday classes meet on Tuesday (as a “Legislative Day”) and Tuesday classes do not meet at all**

Rape

pp. 407; 412-413 (notes 2-4); 440-448; 454-463 (through note 2); 485-488



**CRIMES AGAINST PROPERTY**

**WEEK 6: Monday February 26**

Theft Offenses

pp. 961-967 (through note 5); 975-982; 988-993



**WEEK 7: Monday March 5**

MIDTERM



**WEEK 8 SPRING BREAK – Enjoy! No Class This Week ☺**



**INCOMPLETE CRIMES & CRIMES OF COMPLICITY**

**WEEK 9: Monday March 19**

Attempt

pp. 764-765; 779-785; 792-800

**WEEK 10: Monday March 26**

Solicitation & Conspiracy

pp. 830-834 (through note 5); 836-841; 857-863

**WEEK 11: Monday April 2**

Accomplice Liability

pp. 891-897; 909-915; 921-922 (note 3)







Western State College of Law's curriculum is designed so that every student achieves a level of competency prior to graduation in each of the eight Programmatic Learning Outcomes listed below:

**(1) Doctrinal Knowledge**

Students will demonstrate knowledge of substantive and procedural law in the core curriculum subjects, including Contracts, Criminal Law, Criminal Procedure, Torts, Real Property, Business Associations, Evidence, Civil Procedure, Constitutional Law, Estates, Community Property, Remedies, and Professional Responsibility.

**(2) Practice Skills**

Students will demonstrate the development of other law practice skills. Each student's chosen outcomes within this category will be varied based on the student's particular interests, coursework and work experiences. They may include, but are not limited to, the following topics: oral presentation and advocacy; interviewing; counseling; client service and business development; negotiations, mediation, arbitration, or other alternate dispute resolution methods; advanced legal research and writing (excluding purely academic papers and the first four units earned in introductory first-year legal research and writing class); applied legal writing such as drafting contracts, pleadings, other legal instruments; law practice management or the use of technology in law practice; cultural competency; collaboration or project management; financial analysis, such as accounting, budgeting project management, and valuation; cost benefit analysis in administrative agencies; use of technology, data analyses, or predictive coding; business strategy and behavior; pre-trial preparation, fact investigation, such as discovery, e-discovery, motion practice, assessing evidence, or utilizing experts; trial practice; professional civility and applied ethics; a law clinic that includes a classroom component; or a legal externship that includes a classroom component.

**(3) Legal Analysis**

Students will demonstrate the ability to identify the factual and legal issues implicated by a fact pattern and to appropriately use cases (including identifying the salient features of an appropriate precedent case, identifying legally significant similarities or differences between the precedent case and a fact pattern and explaining why those are legally significant) and rules (including the ability to connect legally significant facts in a fact pattern to the rule) to predict how a court would decide the issue. Students will also demonstrate the ability to identify and evaluate the public policies of a precedent case or rule, and be able to evaluate how public policy can impact the application of a rule to the legal issue.

**(4) Legal Research**

Students will demonstrate the ability to locate relevant legal authority using a variety of book and electronic resources, and to properly cite to such legal authority.

**(5) Communication**

Students will demonstrate the ability to communicate both orally and in writing in a manner appropriate to a particular task to effectively convey the author or speaker's ideas. This includes audience sensitivity in written and oral communication (the ability to adopt a tone, style and level of detail appropriate to the needs, knowledge and expertise of the audience); and written communication basic proficiency (the ability to use the conventions of grammar, spelling, punctuation, diction and usage appropriate to the task and sufficient to convey effectively the author's ideas).

**(6) Advocacy of Legal Argument**

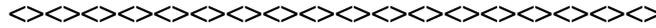
Students will demonstrate the ability, in both oral and written formats, to evaluate the legal, economic and social strengths and weaknesses of a case and use case and statutory authority as well as public policy to persuade others. Making policy-based arguments includes the ability to identify and evaluate the public policies of a precedent case or rule and their implications, and be able to assert such appropriate arguments to support a particular application or distinction of a precedent case to a legal controversy or a particular resolution of the application of a rule to the legal controversy.

**(7) Client Sensitivity and Cultural Competency**

Students will demonstrate an awareness of clients' needs and goals, including a sensitivity to clients' background and circumstances (including, but not limited to, socio-economic, gender, race, ethnicity, educational, disability and/or religious background(s)), the ability to make decisions that reflect an appropriate focus on those needs and goals, and awareness that cultural issues may affect the relevance of facts and application of the law.

**(8) Legal Ethics**

Students will demonstrate the ability to identify ethical issues in law practice contexts and make appropriate decisions to resolve such issues.



Argosy University

Institutional Learning Outcomes:

**1. Analytical Reasoning**

Analyze issues objectively, interpret and synthesize data and ideas, and develop feasible, flexible, and creative solutions to real world problems.

**2. Effective Communication**

Identify audiences, assess information provided, interpret needs, and present relevant information using appropriate written, oral, and listening skills and media to meet the needs of the situation.

**3. Information Competency**

Gather, evaluate, and ethically use information from a variety of relevant technological and library resources to make decisions and take action.

**4. Interpersonal Effectiveness**

Develop individual and group interpersonal skills to improve and foster participation and interaction critical for achieving individual and group goals.

**5. Personal and Professional Integrity and Ethical Behavior**

Demonstrate a multi dimensional awareness of individual and social responsibility to act ethically and with integrity in a diverse, global society.

**6. Professional Competence**

Apply skills appropriate to program objectives and employ critical reasoning to contribute to one's field and profession.