



WESTERN STATE COLLEGE OF LAW

AT ARGOSY UNIVERSITY

CRIMINAL LAW 110 § C

Professor Elizabeth N. Jones

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Fall 2017

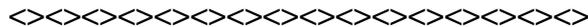
W 6:40 p.m. – 9:50 p.m.



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 110 A&C JONES Fall 2017” prior to the first day of class.



COURSE DESCRIPTION

Welcome to Criminal Law! The prosecution and defense of an accused is one of the most exciting, and significant, areas of the law. This introductory course covers general principles and policies of criminal law in addition to substantive “black letter” doctrine. Topics include the components required to criminalize behavior (act, mental state, causation, social harm), crimes against the person, crimes against property, 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, with the ability to identify the salient features of an appropriate precedent case and to identify and explain legally significant similarities and differences between the precedent case and a fact pattern.
- ◆ Apply rules to facts, with the ability to 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.

ATTENDANCE, EXAMINATIONS, & GRADES

Class attendance is mandatory. Students who miss more than two class sessions are subject to administrative dismissal from the course per the WSCL Attendance Policy (reprinted in the Student Handbook).

Students earn a numeric grade for the course. The final course grade will consist of two “closed book” examinations: a midterm (during a regularly scheduled class) and a three-hour final examination. Final grades will be based on the midterm (15%), the final examination (70%), and P&P (participation & professionalism) (15%).

PREPARATION, PARTICIPATION, & PROFESSIONALISM

Participation & Professionalism (P&P): Law school is a cooperative venture. I will commit to being prepared for class and 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, actively listening in class to what I say and what your fellow students are saying, and refraining from multi-tasking (checking email, thinking about other courses, etc) during class.

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 of interaction, 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 in CLPC-sponsored events (to be announced throughout the semester).

Cell phones must be silenced, and you may not access the internet or any form of social media during class unless upon my specific request. You may not record the class without my prior

approval. Students in violation of these policies may be referred to the Associate Dean for Academic Affairs.

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 time slot per individual or group. As a courtesy to your fellow classmates, do not sign up for more than one appointment at a time. F2017 Office Hours will be announced during the first week of class.



SYLLABUS

FOUNDATIONAL PRINCIPLES OF CRIMINAL LAW

WEEK 1: Wednesday August 23

Introduction to Course; Overview of Criminal Law Principles & Components

pp. 38-41; 14-17; 97-102; 133-136; 141-142 (notes 7 & 8); 146 (note 2)-147

WEEK 2: Wednesday August 30

Criminal Law Components, continued; Arson

pp. 157-158; 161-177 (through note 4); 195-196 (note 2); Fell, Michael L. and Jones, Elizabeth N., *Understanding and Utilizing Marsy's Law*, Orange County Lawyer Magazine, Vol. 55, No. 11, November 2013. Available on SSRN: <http://ssrn.com/abstract=2347828>

WEEK 3: Wednesday September 6

Criminal Law Components, continued

pp. 235-244; 246-248

CRIMES AGAINST THE PERSON

WEEK 4: Wednesday September 13

Homicide: Intentional Killings (First Degree Murder ←→ Voluntary Manslaughter)

pp. 253-258; 273-292

WEEK 5: Wednesday September 20

Homicide: Unjustified Risk Taking (Second Degree Murder ←→ Involuntary Manslaughter) & Felony Murder

pp. 316-322 (through note 2); 325-330 (through note 6); 333-336; 346-350; 353-358

WEEK 6: Wednesday September 27

Rape

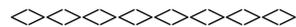
pp. 407; 440-448; 454-463 (through note 2); 485-489

CRIMES AGAINST PROPERTY

WEEK 7: Wednesday October 4

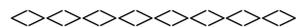
Theft Offenses (Larceny, Grand & Petty Theft, Carjacking, Robbery, Embezzlement, Larceny by Trick, Theft by False Pretenses, Burglary)

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



WEEK 8: Wednesday October 11

Midterm



INCOMPLETE CRIMES & CRIMES OF COMPLICITY

WEEK 9: Wednesday October 18

Attempt

pp. 764-765; 779-785; 792-800; 816-820

WEEK 10: Wednesday October 25

Solicitation & Conspiracy

pp. 830-834 (through note 5); 836-842; 848 note 3; 857-863

WEEK 11: Wednesday November 1

Accomplice Liability; Kidnapping

pp. 891-897; 909-915

AFFIRMATIVE DEFENSES

WEEK 12: Wednesday November 8

Excuse / Justification Defenses: Self-Defense, Castle Doctrine, & “Stand Your Ground” Laws

pp. 517-518; 521-542; 547-548 (notes 9 & 10)

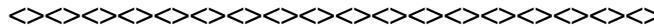
WEEK 13: Wednesday November 15

Excuse / Justification Defenses: Necessity, Duress, & Intoxication (Voluntary & Involuntary)

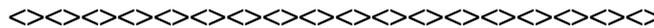
pp. 586-590; 591-592 (note 1); 601-605 (+ pp. 52-53); 613-616 (through note 1); 607-608 (through note 5); 634-637 (through note 2); Jones, Elizabeth N., *Questioning a Juvenile’s Capacity for Criminal Liability in Street Gangs Post-J.D.B. v. North Carolina*, 32 Child. Legal Rts. J. 1 (2012). Available on SSRN:

<http://ssrn.com/author=1641671> (pp. 1-7)

WEEK 14: THANKSGIVING HOLIDAY NO CLASS WED 11/22



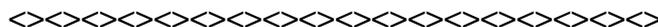
Disability Services Statement: Western State College of Law provides accommodations to qualified students with disabilities. The Disabilities Services Office assists qualified students with disabilities in acquiring reasonable and appropriate accommodations and in supporting equal access to services, programs, and activities at Western State College of Law. To seek reasonable accommodations, a student must contact Senior Assistant Dean Donna Espinoza, Student Services Director and Disabilities Services Coordinator. Dean Espinoza’s contact information: (714) 459-1117; despinoza@wsulaw.edu. When seeking accommodations, a student should notify Dean Espinoza of her or his specific limitations and, if known, her or his specific requested accommodations. Students who seek accommodations will be asked to supply medical documentation of the need for accommodation. Classroom accommodations are not retroactive, but are effective only upon the student sharing approved accommodations with the instructor or professor. Therefore, students are encouraged to request accommodations as early as feasible with Dean Espinoza to allow for time to gather necessary documentation. If you have a concern or complaint in this regard, please notify Dean Espinoza; or please notify Dean Allen Easley at (714) 459-1168. Complaints will be handled in accordance with the College of Law’s “Policy against Discrimination and Harassment.”



Western State College of Law Programmatic Learning Outcomes: 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 Association, Evidence, Civil Procedures, 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.