

CRIMINAL LAW 110 § B

SPRING 2024 TUE/THUR. 3:30 p.m. – 5:00 p.m.

Professor Zoha Khan

zkhan@wsulaw.edu

REQUIRED TEXT

1. Dressler & Garvey, *Criminal Law Cases and Materials* (9th ed., West Publ.)
 2. Students must enroll in the Lexis Classroom page titled “Crim Law – Khan – Fall 2024”
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COURSE DESCRIPTION

This introductory course covers general principles and policies of criminal law as well as substantive “black letter” doctrine. Topics include the basic components required to criminalize behavior, crimes against the person, crimes against property, inchoate crimes, crimes of complicity, and affirmative defenses. Prosecuting and defending those accused of committing crime is a significant area of the law; this course provides the necessary foundation to understand and critically analyze this subject matter.

ATTENDANCE

You should attend every class. WSCL written policy for students whose class regularly meets twice per week, is that upon your fifth absence, you will fail this course and receive a grade of 0.0 (on the 4.0 scale). See Student Handbook, § 5.13. For students whose class meets once per week, if you are absent for an entire, or substantially all, of a three hour class period, you will have accumulated two official absences. If, however, you are absent for only half of a three hour class period or a significant portion thereof, you will accumulate just one absence.

PARTICIPATION, PROFESSIONALISM, & PREPARATION

PARTICIPATION & PROFESSIONALISM (P&P):

Law school success involves active learning. You should read the assigned material prior to class, listen to what is said in class (including what is said in response to other students), and refrain from multi-tasking (checking social media, thinking about other courses, etc) during class. This Crim Law class only meets 2X a week for 180 total minutes; if you devote yourself to this class time you will derive its maximum benefits.

For volunteer participation, quality is valued over quantity, but being an engaged participant is important. All views are welcome. Your “P&P” grade will be based on the quality & quantity of your contributions to class discussions, preparation for class, attendance, punctuality, and conduct during class time.

You may not record this 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 for class 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 will require six or more hours outside of class to complete.

LEARNING GOALS

1. Understand, and think critically about, the components, elements, and policies of basic crimes and defenses.
2. Identify the factual and legal issues implicated by a fact pattern.
3. Apply and distinguish cases, with the ability to identify the salient features of appropriate precedent cases and to identify and explain legally significant similarities and differences between the precedent case and a fact pattern.
4. 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.

OFFICE HOURS

TBD - Please email me directly at zkhan@wsulaw.edu to schedule an office hour appointment.

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, whose office is in the Students Services Suite. Dean Espinoza's phone number and email address are: (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 Marisa Cianciarulo at mcianciarulo@wsulaw.edu or (714) 459-1168. Complaints will be handled in accordance with the College of Law's "Policy against Discrimination and Harassment."

SYLLABUS:

The listed chapters and corresponding page numbers reference our course textbook, Dressler & Garvey, *Criminal Law Cases and Materials* (9th ed., West Publ.) All reading should be completed by the beginning of the week, for our Tuesday class session.

WEEK:	TOPICS:	READING/ASSIGNMENT:
WEEK 1: Tue August 20 Thur August 22	FOUNDATIONAL PRINCIPLES OF CRIMINAL LAW Introduction: Overview of Criminal Law Principles	<u>Reading:</u> <u>Introduction: Overview of Criminal Law Principles</u> pp. vii & viii; 5(n6)-12(thru n2); 406-407(n2 & n3); 149(n2); 200(n3); 208(n3); 133
WEEK 2: Tue August 27 Thur August 29	FOUNDATIONAL PRINCIPLES OF CRIMINAL LAW Criminal Law Components	<u>Reading:</u> <u>Criminal Law Components</u> pp. 134-136; 149(n4)-151; 161-162; 168(n3)-181; 237-244; 252(C)
WEEK 3: Tue September 3 Thur September 5	CRIMES AGAINST THE PERSON Homicide: Intentional Killings (1° Murder - Voluntary Manslaughter)	<u>Reading:</u> <u>Homicide: Intentional Killings (1° Murder - Voluntary Manslaughter)</u> pp. 257; 263-265; 281-300
WEEK 4: Tue September 10 Thur September 12	CRIMES AGAINST THE PERSON Homicide: Unjustified Risk Taking (2° Murder - Involuntary Manslaughter); Felony Murder	<u>Reading:</u> <u>Homicide: Unjustified Risk Taking (2° Murder - Involuntary Manslaughter); Felony Murder</u> pp. 324-330; 333-339(thru n9); 342

<u>WEEK 5:</u> Tue September 17 Thur September 19	CRIMES AGAINST THE PERSON Rape	<u>Reading:</u> <u>Rape</u> pp. 417-418; 423(n4); 445-454; 460-469; 483-486
<u>WEEK 6:</u> Tue September 24 Thur September 26	CRIMES AGAINST PROPERTY Theft Offenses	<u>Reading:</u> <u>Theft Offenses</u> pp. 965-975(thru n5); 982-990; 995-1000
<u>WEEK 7:</u> Tue October 1 Thur October 3	Review– 10/1 Midterm – 10/3	Review– 10/1 Midterm – 10/3
<u>WEEK 8:</u> Tue October 8 Thur October 10	INCOMPLETE CRIMES & CRIMES OF COMPLICITY Attempt	<u>Reading:</u> <u>Attempt</u> pp. 766-767; 781-786; 794-802; 818-821
<u>WEEK 9:</u> Tue October 15 Thur October 17	INCOMPLETE CRIMES & CRIMES OF COMPLICITY Solicitation; Conspiracy; Accomplice Liability	<u>Reading:</u> <u>Solicitation; Conspiracy; Accomplice Liability</u> pp. 825-829(thru n4); 831-838; 852-857; 893-899; 911-916
<u>WEEK 10:</u> Tue October 22 Thur October 24	AFFIRMATIVE DEFENSES Self Defense	<u>Reading:</u> <u>Self Defense</u> pp. 511; 521-522; 524-542; 547(n8)-548
<u>WEEK 11:</u> Tue October 29 Thur October 31	AFFIRMATIVE DEFENSES Intoxication (Voluntary & Involuntary); Necessity; Duress	<u>Reading:</u> <u>Intoxication (Voluntary & Involuntary); Necessity; Duress</u> pp. 637-640; 644(n6)-645; 589-592; 595(n5); 53-55; 605-612(thru n6); 617-620
<u>WEEK 12:</u> Tue November 5 Thur November 7	AFFIRMATIVE DEFENSES Insanity; Infancy	<u>Reading:</u> <u>Insanity; Infancy</u> pp. 645-660; 706-712

<p><u>WEEK 13:</u> Tue November 12 – NO CLASS – Legislative Day Thur November 14</p>	<p>SPECIAL TOPIC IN CRIMINAL LAW</p> <p>Issues of Diversity, Cross- Cultural Competency and Bias</p>	<p><u>Reading:</u></p> <p>TBA</p>
<p><u>WEEK 14:</u> Tue November 19 Thur November 21</p>	<p>Course Wrap-Up & Review</p>	<p>Final Review</p>
<p><u>WEEK 15:</u> Tue November 26</p>	<p>Final Practice (Asynchronous class time)</p>	<p>Final Practice</p>

Expectations for Students in Zoom Sessions:

- **Find a dedicated quiet space to attend Zoom sessions, to minimize the chances that you will be disrupted during the session.**
- **Arrive to class early and dressed as you would to attend an in-person class.**
- **Your camera must be turned on for the duration of the class. If desired, you can use the background settings in Zoom to create an artificial background that blocks the view of your space while still allowing you to be seen on camera.**
- **Come prepared, as you would for an in-person class. Participation in Zoom classes is as important as it is during an in-person class session.**
- **Do not multitask – stay focused on the class discussion – do not wander in and out of the Zoom session.**
- **If you have to miss a Zoom session, or arrive late or leave early, notify the professor in advance, as you would for an in-person class.**
- **If you have connectivity issues, whether it be long-term or short-term, that impact your ability to participate (e.g., if you are limited to dial-in without video), notify your professor so other accommodations can be explored.**
- **Do not post screenshots or recordings of any Zoom classes on social media. Such actions would constitute a violation of the Student Honor Code. If you need access to a recording of the Zoom session, please contact your professor.**
- **Sign into Zoom with the name under which you are registered for class. If you prefer to be called by a different name or nickname, please notify your professor in advance so you are not marked absent.**
- **Unless your professor instructs you otherwise, mute your microphone when you are not speaking. Unmute to speak or to ask or answer questions.**
- **Zoom classes are not YouTube or Netflix. You should be actively engaged in answering questions, taking notes, writing down questions you wish to ask later during class or during office hours, etc. This will not only help you**

stay engaged and participating in class, it will also help your learning in the online format.

- **If you are using your computer to take notes and/or using an e-casebook, remember that you may not be able to easily switch between those apps and the Zoom session. This could undermine your ability to pay attention to the class discussion. Figure out how you will resolve that technological issue before your first class session and consider possible modifications to your normal note taking style (e.g., handwritten notes) or using a two-screen set-up.**
- **Zoom has a number of tools available to you as a student: yes/no symbols, raise hand and thumb icons, share screen (with permission of the professor), chat windows, etc. Please familiarize yourself with those tools before class so that you can use them as requested by the professor. Your professor will inform you about the ways in which you should use these tools in that particular class.**
- **Professors may use a number of interactive functions in Zoom to engage with students, e.g., polling questions, breakout rooms, as well as asking you to share your screen, type in the chat window. Like being called on in a live classroom, you are expected to participate fully in these activities and functions, i.e., answer polling questions, speak with your classmates in breakout groups, share your screen as requested, etc.**

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.