

CRIMINAL LAW

Western State University College of Law
Professor Stacey Sobel
Fall Semester 2014

Course Information

Section 110 B: Meeting time – Tuesday and Thursday, 1:00-2:30
Online Course Materials: TWEN, sign up by August 26
Office: 714-459-1186
Email: ssobel@wsulaw.edu

Office hours: Tuesdays 10:00-12:00; Thursdays 2:45-5:00; and by appointment. I may schedule additional office hours at particular times during the semester. You will be notified in class and/or via TWEN of when those hours will occur. Meetings during office hours should be scheduled in the book maintained by the faculty staff assistant on the 3rd floor. If you cannot make an appointment during regular office hours, please email me to schedule a meeting. Meetings should be scheduled at least 24 hours in advance. If they are made less than 24 hours in advance, I may make alternative plans and might not be available to meet. If you need to cancel a meeting or if you will be late, please contact me.

Required Text

Dressler & Garvey, *Cases and Materials on Criminal Law*, (6th ed., West)

Recommended Text

Dressler, Understanding Criminal Law, 6th Edition (Lexis Publishing)
Levenson, The Glannon Guide to Criminal Law 3rd Edition (Aspen Publishers)
Dressler, Sum & Substance Audio on Criminal Law, 6th Edition (5th edition is acceptable)

These books are recommended. You may want to review these materials in the library before deciding which ones are best for you. **I do not recommend commercial briefs and they are not permitted in class.**

Reading and Class Participation – Students are expected to complete the assigned reading prior to class. All students are expected to engage in class discussion. Participation is key to making this class enjoyable, so I expect everyone to be prepared to intelligently discuss and critically evaluate that day's assignment in class. In particular, be prepared to discuss the pertinent facts, issues, law and court findings and rulings of each case. All students are expected to engage in professional and respectful discussion of the case materials and subject matter. All views are welcomed. I use a combination of cold-calling and volunteers for class discussion. For volunteer participation, I value quality over quantity, but being an active participant is important. A consistent lack of preparation may result in a grade reduction of up to .3 (e.g., from 3.3 to 3.0) on a student's course grade. Exemplary performance may result in a grade increase of .1 (e.g., from 3.0 to a 3.1) on a student's course grade.

Attendance – The WSU policy on required attendance at all classes will be followed: students may be absent no more than four (4) class periods. Students who miss more than four (4) classes may be dismissed from the class, thus receiving a “0” for the course absent extenuating circumstances. See the WSCL Attendance Policy, reprinted in the Student Handbook. Students are expected to be in class at the time the course begins. Students who are late may be considered absent at the discretion of the professor. Students who know that they will be late or absent should email me prior to class if possible.

Examinations and Grading – The course grade is based on one mid-term and a final exam. The mid-term is an essay exam and comprises 20% of your grade. The mid-term covers the assigned readings from the beginning of the semester until the mid-term. The final examination counts as 80% of your grade and covers all materials for the semester. There may be occasional on-line quizzes for pass-fail credit. Failure to complete or pass a quiz may result in a grade reduction of up to .3.

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, to identify legally significant similarities between the precedent case and a fact pattern, and explain why the similarities are legally significant, and also to identify legally significant differences between the precedent case and a fact pattern, and explain why the differences are legally significant.
- 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.
- Evaluate legal arguments, and identify the strengths and weaknesses of the argument.

Ethics – Ethics are an important part of the practice of law. All students should be familiar with WSU’s Honor Code. Any violation of law school rules and regulations relating to cheating, plagiarism, or other ethical matters addressed in the Honor Code will be vigorously enforced.

COURSE READING

Week 1 (8/21-26)	<u>Introduction, Criminal Statutes, Actus Reus</u> 1-13, 92-105, 113-119, 127-136
Week 2 (8/28-9/2)	<u>Actus Reus Cont., Mens Rea</u> 136-148, 149-168, People v. Heitzman (TWEN)
Week 3 (9/4-9/9)	<u>Mens Rea Cont.</u> 186-212
Week 4 (9/11-9/16)	<u>Causation, Homicide</u> 213-234, 235-240, 254-265

- Week 5 (9/18-9/23) Homicide Cont.
265-272, 276-284, 294-310, 319-326
- Week 6 (9/25-9-30) Homicide Cont., Rape
326-338, 390-392, 397-415, 419-428
- Week 7 (10/2-10/7) Rape, Practice Exam
429-439, 446-449
- Week 8 (10/9-10/14) Mid-term, Inchoate Crimes – Theft
893-910
- Week 9 (10/16-10/21) Theft Cont., Attempt
911-927, People v. Estes, (TWEN), 711-732
- Week 10 (10/23-10/28) Attempt, Assault, Solicitation, Conspiracy
737-745, 759-765, 772-796
- Week 11 (10/30-11/4) Conspiracy Cont., Accomplice Liability
796-818, 828-850
- Week 12 (11/7-11/11) Self Defense
481-521
- Week 13 (11/14-11/18) Defense of Others, Defense of Property, Necessity, Duress, Intoxication, Insanity
530-544, 553-559, 564-567, 572-576, 584-592, 592-603
- Week 14 (11/21-11/25) Insanity Defense Cont.
603-622, Practice Exam
- Week 15 (11/27) No Class (Thanksgiving)
- Final Exam – Monday, December 8