



WESTERN STATE COLLEGE OF LAW

AT ARGOSY UNIVERSITY

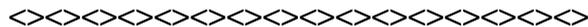
CRIMINAL LAW 110 § A

Professor Elizabeth N. Jones

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Fall Semester 2014

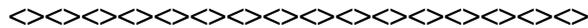
T & Th 1 p.m.



Required Text

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

Students MUST enroll in the Lexis Blackboard course titled “Criminal Law 110A JONES Fall 2014” prior to the first day of class



I. COURSE DESCRIPTION

Welcome to Criminal Law! The law related to the prosecution and defense of an accused is one of the most exciting areas to both study and practice. From the multitude of flashy television shows and movies based on the criminal justice system to everyday crimes that impact all segments of society, you have probably already been exposed a bit to criminal law. This course will teach you not only “black letter” doctrine, but also the underlying theory and policies behind the criminalization of certain actions. This course also provides instruction in lawyering skills fundamental to “real world” criminal law cases and issues.

II. 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.

III. EXAMINATIONS AND GRADES

Each student will receive a numeric grade for the course. The final course grade will consist of two closed-book examinations administered during the semester: a midterm (during a regularly scheduled class time) and a three-hour, “closed book” final examination. You may be tested on any material assigned in the textbook, any material covered in class discussions, and any skills materials assigned. Final grades will be based on the midterm (15%), the final examination (70%), and P&P (professionalism & participation) (15%).

Professionalism & Participation (P&P): 15% of your final grade will be based on your preparation for class, your class attendance (including timeliness), your class participation, your conduct during class time, your participation and work on the skills materials, and any extra-curricular attendance/participation in CLPC-sponsored events.

I. CLASS ATTENDANCE AND PARTICIPATION

Students are expected to be present and ready to participate at each class, to be seated in class before the time the class is scheduled to begin, and to stay for the entire class period. A late arrival or early departure may be treated as an absence.

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. See the WSCL Attendance Policy, reprinted in the Student Handbook.

Students must 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 everyone is expected 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 rulings of each case. Merely reading from the textbook is not a proper presentation of the case. 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. All views are welcome.

Cell phones must be turned off during class, and you may not access the internet during class unless I specifically request that you do so. No use of social media during class, please. Students who violate this policy will forfeit the privilege of using a computer in class and may be referred to the Associate Dean of Students.

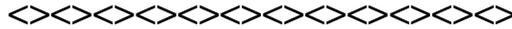
You must enroll in the course Lexis Blackboard page. Please check this site often for announcements and/or assignment updates.

II. OFFICE HOURS

Students are encouraged to take advantage of office hours. To reserve an appointment time, you must personally sign up in the appointment book located at the receptionist’s desk on the third floor. You must sign up at least 24-hours in advance for an appointment. Please notify the faculty secretaries if you need to cancel, and e-mail me directly. You may sign up individually or as a group of two, three, or four students, but you may only block off one conference time slot per individual and/or group. A student who fails to keep an appointment without timely and proper cancellation will not be allowed to reserve appointment times for the rest of the semester.

F2014 Office Hours will be announced during the first class session.

SYLLABUS



I. FOUNDATIONAL PRINCIPLES OF CRIMINAL LAW:

WEEK 1: Thursday August 21

Introduction to Course; Basic Criminal Law Principles

pp. 1-9; 127-136; 142-148 *

*BLACKBOARD: People v. Heitzman, 9 Cal.4th 189 (1994)

Fell, Michael L. and Jones, Elizabeth N., *Understanding and Utilizing Marsy's Law* (2013). Orange County Lawyer Magazine, Vol. 55, No. 11, November 2013. Available at SSRN: <http://ssrn.com/abstract=2347828>

WEEK 2: Tuesday August 26 & Thursday August 28

Mens Rea

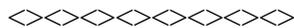
pp. 149-168

(Intro to) Lawyering Skills Exercises

WEEK 3: Tuesday September 2 & Thursday September 4

Mens Rea (Mistake of Fact & Mistake of Law); Causation

pp. 193-207; 213-232



II. CRIMES AGAINST THE PERSON:

WEEK 4: Tuesday September 9 & Thursday September 11

Homicide

pp. 235-240; 254-272; 276-284

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 at SSRN:

<http://ssrn.com/author=1641671>

WEEK 5: Tuesday September 16 & Thursday September 18

Homicide

pp. 294-310; 319-335

WEEK 6: Tuesday September 23 & Thursday September 25

Rape

pp. 390-392; 397-415; 419-439; 446-449

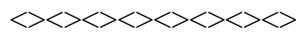
WEEK 7: Tuesday September 30 & Thursday October 2

III. CRIMES AGAINST PROPERTY

Theft Offenses

pp. 893-913; 918-922 *

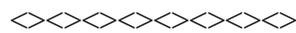
*BLACKBOARD: People v. Estes, 147 Cal.App.3d 23 (1983)



WEEK 8: Tuesday October 7 & Thursday October 9

Midterm (Tuesday)

Lawyering Skills Exercise (Thursday)



IV. INCOMPLETE CRIMES / CRIMES OF COMPLICITY

WEEK 9: Tuesday October 14 & Thursday October 16

Inchoate Crimes: Attempt; Abandonment

pp. 717-732; 737-745; 759-763

WEEK 10: Tuesday October 21 & Thursday October 23

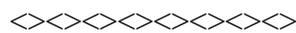
Inchoate Crimes: Solicitation; Conspiracy

pp. 772-789; 797-804

WEEK 11: Tuesday October 28 & Thursday October 30

Accomplice Liability

pp. 828-834; 838-850



V. DEFENSES

WEEK 12: Tuesday November 4 & Thursday November 6

Defenses: Self-Defense; Defense of Others

pp. 478-499; 506-521; 530-534

WEEK 13: Tuesday November 11 & Thursday November 13

Defenses: Necessity; Duress; Intoxication

pp. 541-544; 553-559; 564-567; 572-576; 584-592

WEEK 14: Tuesday November 18 & Thursday November 20

Defenses: Insanity

pp. 592-622

WEEK 15: Tuesday November 25

Lawyering Skills Exercise; Review

