

Dean Adams
Telephone: 714-459-1140
Office Hours: TH 1-6 PM

Spring Semester 2014
e-mail: weadams@wsulaw.edu

CRIMINAL LAW I SYLLABUS (January, 2014 version)

This Syllabus will be revised during the semester. The school's rules on attendance, class preparation and grading will apply. In addition to scheduled office hours, please feel free to schedule appointments with me to discuss questions.

I. Required Book

The required text for the course is:

Joshua Dressler, CASES AND MATERIALS ON CRIMINAL LAW, (West, Sixth Edition).

All page references are to this text. Principle cases with starting page numbers are noted for your reference. However, you are responsible for all material within the listed pages of the week's assignment.

II. Class Preparation and Participation

A. Class preparation is required. Students must also read the notes and questions included in the reading assignment and be prepared to answer the questions through the application of the assigned reading. **I will follow the school's rules concerning absences.** These rules will be enforced. Students who leave after the break will be considered absent for that portion of a class.

Students who are late for class may be counted as absent at the discretion of the professor. It is also within the professor's discretion to lower a student's grade if the student disrupts class by talking excessively, sending e-mails to other students, or using his/her computer to view inappropriate material during class. Repeat violators may be banned from bringing their laptop computer to class.

B. It is strongly recommended that students brief each case in order to facilitate preparation. A properly prepared brief (one prepared by the student, not a commercially-prepared brief) will create a rebuttable presumption that the student is prepared for class. A recommended format for the brief would include the following information (when case excerpts do not contain all of the following information, include what is present in the excerpt):

1. Case name
2. Court which decided case (and Jurisdiction).
3. Date of the decision.
4. Crimes charged and the procedural posture of the case.
5. Essential facts.
6. The issue upon which the case is decided.
7. Analysis, which includes:

What conclusions did the court reach (how did it answer the question posed by the issue?)?

What is the method by which the court reached those conclusions (i.e., what law(s) did it use and how did it apply that law to the facts of the case)?

If the case concerned an issue concerning statutory construction, what interpretational rules or doctrines did it use to resolve the interpretational issue?

What defenses did the court consider?

8. What was the logic of any dissenting or concurring opinions?

D. Remember that in addition to briefing the cases, it is important to read and understand the essays and other explanatory materials between the cases.

III. Examination

- A. The examination for this course will be closed-book. The questions may cover (1) any material in any of the assignments (in the casebook) even if it was not discussed in class, and (2) any material which was discussed in a class, even if the matter discussed was not covered in any reading assignment. The exam may include essay questions (long or short), objective questions, multiple choice questions, or any combination of the above.
- B. There will also be a Midterm Examination

IV. Course Goals

The course will cover the following topics:

- 1. Presentation of theories of punishment.
- 2. Division of crimes into *actus reus* and *mens rea* components.
- 3. Understanding of justification and excuse defenses and theoretical difference between each type.
- 4. Study of various forms of homicide, rape and theft offenses.
- 5. Inchoate crimes and theoretical distinctions between and underlying each.

V. Learning Outcomes

At the end of the course, students should be able to do the following:

- 1. Identify the basic components of a crime.
- 2. Describe the different theories of punishment.
- 3. Identify defenses to alleged criminal conduct.
- 4. Describe critical differences between common law crimes and modern statutory crimes.
- 5. Demonstrate the ability to analyze appellate opinions.
- 5. Demonstrate knowledge of basic Model Penal Code crimes and defenses.

VI. Assignments—The materials assigned for the first two classes will be presented primarily in a lecture format, except for the cases, which will be discussed as a class.

Class	TOPICS	ASSIGNMENT	CASES
<u>1</u>	Criminal Law Procedure Punishment Theories	pp. 1-38 49-69	<i>Queen v. Dudley and Stephens</i> <i>People v. Superior Court</i> <i>People v. Du</i> <i>United States v. Gementera</i>
<u>2</u>	Role of Criminal Statutes Actus Reus	pp. 71-113 119-136	<i>Coker v. Georgia</i> <i>Ewing v. California</i> <i>Commonwealth v. Mochan</i> <i>Keeler v. Superior Court</i> <i>In re Banks</i> <i>Muscarello v. United States</i> <i>Martin v. State</i> <i>State v. Utter</i>
<u>3</u>	Review of Punishment and Actus Reus Mens Rea	pp. 136-192	<i>People v. Beardsley</i> <i>Barber v. Superior Court</i> <i>Regina v. Cunningham</i> <i>People v. Conley</i> <i>State v. Nations</i> <i>Flores-Figueroa v. United States</i> <i>Staples v. United States</i> <i>Garnett v. State</i>
<u>4</u>	Mens Rea (Mistake) Causation Homicide—Intentional Killings	pp. 193-234	<i>People v. Navarro</i> <i>People v. Marrero</i> <i>Cheek v. United States</i> <i>Oxendine v. State</i> <i>People v. Rideout</i> <i>Velazquez v. State</i> <i>State v. Rose</i>
<u>5</u>	Review of Mens Rea and Causation Homicide—Intentional Killings (Continued)	pp. 235--238 254-272 275-291	<i>People v. Eulo</i> <i>State v. Guthrie</i> <i>Midgett v. State</i> <i>State v. Forrest</i> <i>Girouard v. State</i> <i>Director of Public Prosecutions v. Camplin</i> <i>People v. Casassa</i>

Class	TOPICS	ASSIGNMENT	CASES
<u>6</u>	Homicide--Unintentional Manslaughter Reckless Killings Felony Murder Handout on Death Penalty Review Homicide	pp. 294-310 319-337	<i>People v. Moore</i> <i>State v. Williams</i> <i>People v. Fuller</i> <i>People v. Howard</i> <i>People v. Smith</i> <i>State v. Sophophone</i>
<u>7</u>	Midterm Exam Defenses Justifications	pp. 481—504	<i>United States v. Peterson</i> <i>People v. Goetz</i>
<u>8</u>	Defenses Justification (continued) Excuses	pp. 512-527 530-548 564-584	<i>State v. Norman</i> <i>People v. Kurr</i> <i>People v. Ceballos</i> <i>Nelson v. State</i> <i>United States v. Contento-Pachon</i> <i>People v. Unger</i> <i>People v. Anderson</i>
<u>9</u>	Intoxication & Insanity Review of Defenses Inchoate Offenses Attempt	pp. 584-622 708-711 716-745 <u>Carefully read,</u> <u>fn. 5 on p. 725</u>	<i>United States v. Veach</i> <i>State v. Johnson</i> <i>State v. Wilson</i> <i>People v. Gentry</i> <i>Bruce v. State</i> <i>Commonwealth v. Peaslee</i> <i>People v. Rizzo</i> <i>People v. Miller</i> <i>State v. Reeves</i>
<u>10</u>	Inchoate Offenses Assault, Solicitation, Conspiracy	pp. 745-804	<i>People v. Thousand</i> <i>Commonwealth v. McCloskey</i> <i>United States v. Alkhabaz</i> <i>State v. Cotton</i> <i>Pinkerton v. United States</i> <i>People v. Swain</i> <i>People v. Lauria</i> <i>Commonwealth v. Azim</i> <i>Commonwealth v. Cook</i>

Class	TOPICS	ASSIGNMENT	CASES
<u>11</u>	Review of Inchoate Offenses	pp. 804-827	<i>People v. Foster</i> <i>Kilgore v. State</i> <i>Braverman v. United States</i> <i>Iannelli v. United States</i> <i>Gebardi v. United States</i> <i>People v. Sconce</i>
	Complicity	pp. 828--873	<i>State v. Hoselton</i> <i>Riley v. State</i> <i>State v. Linscott</i> <i>State v. V.T.</i> <i>Wilcox v. Jeffery</i> <i>State v. Helmenstein</i> <i>People v. Genoa</i> <i>Bailey v. Commonwealth</i> <i>United States v. Lopez</i> <i>People v. McCoy</i> <i>In re Meagan R.</i> <i>Pinkerton v. United States</i>
<u>12</u>	Review of Complicity Theft	pp. 893-927	<i>Lee v. State</i> <i>Rex v. Chisser</i> <i>United States v. Mafnas</i> <i>Topolewski v. State</i> <i>Rex v. Pear</i> <i>Brooks v. State</i> <i>Lund v. Commonwealth</i> <i>People v. Brown</i> <i>People v. Davis</i> <i>Rex v. Bazely</i> <i>People v. Ingram</i> <i>People v. Whight</i>
	Rape	379-389, 397-415	<i>State v. Alston</i> <i>Rusk v. State</i>
<u>13</u>	Rape	pp. 415-452	<i>Commonwealth v. Berkowitz</i> <i>State of New Jersey in the Interest of M.T.S.</i> <i>Commonwealth v. Sherry</i> <i>Boro v. Superior Court</i>
<u>14</u>	Review of Theft and Rape Review for Final Exam		