



WESTERN STATE COLLEGE OF LAW
AT ARGOSY UNIVERSITY

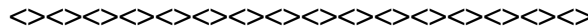
CRIMINAL LAW 110 § A

Professor Elizabeth N. Jones

enjones@wsulaw.edu

Spring 2015

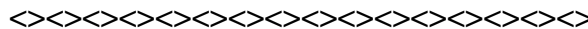
Mondays 6:30 p.m. – 9:45 p.m.



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 Spring 2015” prior to the first day of class (and in any event no later than the second class session)



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 an introduction to lawyering skills and issues fundamental to “real world” criminal law cases.

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. 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 (quality and amount), your conduct during class time, and any extra-curricular attendance/participation in CLPC-sponsored events (to be announced throughout the semester).

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 two (2) class periods. Students who miss more than two (2) 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.

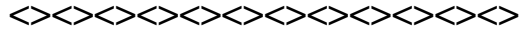
Cell phones must be turned off during class, and you may not access the internet during class unless I specifically request that you do so. No use of social media during class, please. Students who violate this policy may forfeit the privilege of using a computer in class and may be referred to the Associate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

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.

S2015 Office Hours will be announced during the first class session.

SYLLABUS



I. FOUNDATIONAL PRINCIPLES OF CRIMINAL LAW

WEEK 1: Monday January 12

Introduction to Course; Overview of Criminal Law Components & Principles

pp. 13-16; 34-36; 95-103; 127-136; 142-148

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): NO CLASS (MLK Holiday)

WEEK 3: Monday January 26

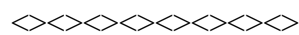
The Concept of Mens Rea & Strict Liability Offenses

pp. 149-168; 174-176

WEEK 4: Monday February 2

Mistake of Fact & Mistake of Law; Causation

pp. 193-207; 218-232



II. CRIMES AGAINST THE PERSON

WEEK 5: Monday February 9

Homicide: Intentional Killings (First Degree Murder & Voluntary Manslaughter)

pp. 235-240; 254-272; 276-281

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:

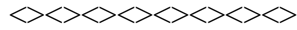
<http://ssrn.com/author=1641671> (this article is also assigned reading for Monday April 27)

WEEK 6: Tuesday February 17

(Note that we are meeting on a TUESDAY this week as a “legislative day” accommodation)

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

pp. 294-310; 319-330



V. DEFENSES

WEEK 14: Monday April 13

Defenses: Self-Defense: Castle Doctrines, “Stand Your Ground” Laws & Testimony on Battering and Its Effects

pp. 478-498; 513-522

WEEK 15: Monday April 20

Defenses: Necessity; Duress; Intoxication (Voluntary & Involuntary)

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

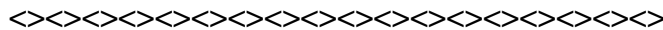
WEEK 16: Monday April 27

Defenses: Insanity; Infancy

pp. 592-607; 612-622; 652-658

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> (previously assigned reading for Monday February 9)



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 Second Floor 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 Associate Dean of Students Charles Sheppard at csheppard@wsulaw.edu or (714) 459-1152. Complaints will be handled in accordance with the College of Law’s “Policy against Discrimination and Harassment.”