



WESTERN STATE COLLEGE OF LAW

AT ARGOSY UNIVERSITY

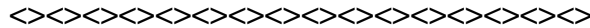
CRIMINAL LAW 110 § A

Professor Elizabeth N. Jones

enjones@wsulaw.edu

Spring 2016

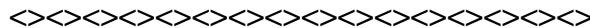
Tuesday evenings



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 2016” prior to the first day of class (and in any event no later than the second class session)



COURSE DESCRIPTION

Welcome to Criminal Law! The prosecution and defense of an accused is one of the most exciting areas of the law to study and practice. From the multitude of television shows and movies based on the criminal justice system to extensive media coverage of local and national “real life” crimes, you have most likely 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 activities and behavior.

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 and to identify legally significant similarities and differences between the precedent case and a fact pattern.
- ◆ 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.

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 course grade will be based on the quality and quantity of your class participation, your preparation for class, your class attendance (including timeliness), your conduct during class time, and any extra-curricular attendance/participation in CLPC-sponsored events (to be announced throughout the semester).

CLASS ATTENDANCE AND PARTICIPATION

Law school is a cooperative venture. I will commit to being prepared for class and to have thoroughly read and reflected upon the assigned readings, notes and problems; I expect the same of you. This course works best if our time together each week includes a considerable amount of lively and thoughtful class discussion. I will use a variety of teaching methods, including cold-calling, and highly encourage volunteers. For volunteer participation, I value quality over quantity, but being an active participant is important. All views are welcome.

Class attendance is mandatory. 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.

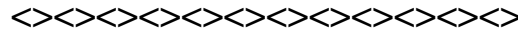
Cell phones must be turned off during class, and you may not access the internet or any form of social media during class unless I specifically request that you do so. You may not record the class without prior approval. Students who violate this policy may forfeit the privilege of using a computer in class and may be referred to the Associate Dean of Students.

OFFICE HOURS

Students are encouraged to take advantage of office hours. To reserve an appointment, you must personally sign up in the appointment book located with the faculty secretaries. You must sign up at least 24-hours in advance for an appointment; please email me directly if you need to cancel. You may sign up individually or as a group of up to four students, but you may only block off one time slot per individual 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.

S2016 Office Hours will be announced during the first class session.

SYLLABUS



FOUNDATIONAL PRINCIPLES OF CRIMINAL LAW

WEEK 1: Tuesday January 19

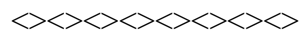
Introduction to Course; Overview of Criminal Law Components & Principles

pp. 34-36; 95-103 (incl. note 1); 127-130; 134-135 (notes 6 & 7); 142-150; 218-219; 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 January 26

Overview of Criminal Law Components & Principles, continued

pp. 153-168; 174-176; 218-224



CRIMES AGAINST THE PERSON

WEEK 3: Tuesday February 2

Homicide: Intentional Killings (First Degree Murder ←→ Voluntary Manslaughter)

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

WEEK 4: Tuesday February 9

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

pp. 294-310; 319-330; 334-335 (notes 1 & 2)

(WEEK 5: LEGISLATIVE DAY – NO CLASS)

WEEK 6: Tuesday February 23

Rape

pp. 390-392; 404-415; 419-428; 446-449 (incl. note 1)

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WEEK 7: Tuesday March 1

Midterm

(WEEK 8: SPRING BREAK – NO CLASS)

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CRIMES AGAINST PROPERTY

WEEK 9: Tuesday March 15

Theft Offenses (Larceny, Grand & Petty Theft, Carjacking, Robbery, Embezzlement, Larceny by Trick, Theft by False Pretenses, Burglary, *Estes* Robbery (CA))

pp. 893-899; 906-913; 918-923; *People v. Estes* (1983) 147 Cal.App.3d 23. Available on course Blackboard

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INCOMPLETE CRIMES & CRIMES OF COMPLICITY

WEEK 10: Tuesday March 22

Attempt

pp. 708-711; 724-732; 737-743 (incl. note 5); 771 (note 2)

WEEK 11: Tuesday March 29

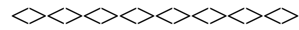
Solicitation & Conspiracy

pp. 772-785; 797-803

WEEK 12: Tuesday April 5

Accomplice Liability

pp. 828-833; 844-851 (incl. note 3)



AFFIRMATIVE DEFENSES

WEEK 13: Tuesday April 12

Excuse / Justification Defenses: Self-Defense, Castle Doctrines, & “Stand Your Ground” Laws

pp. 478-498 (incl. note 4); 539-541

WEEK 14: Tuesday April 19

Excuse / Justification Defenses: Necessity, Duress, & Intoxication (Voluntary & Involuntary)

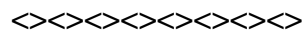
pp. 541-544; 553-559 (+ pp. 49-50); 564-567; 572-576; 584-592

WEEK 15: Tuesday April 26

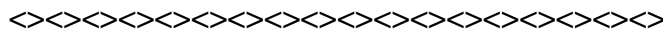
Capacity Defenses: Insanity & Infancy

pp. 592-607 (incl. note 4); 652-658 (incl. note 1); 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> (pp. 1-7)



WEEK 16: Tuesday May 3



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. 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.”