

CRIMINAL LAW

FALL 2023

Mark S. Brown
Adjunct Professor
Western State College of Law
msdebrun@gmail.com

COURSE MEETING TIMES AND LOCATION:

Days: Wednesdays; 6:30 p.m. to 9:40 p.m.
Location: TBD

OFFICE HOURS:

By appointment

REQUIRED TEXT

Dressler & Garvey, *Cases and Materials on Criminal Law*, (Ninth Edition, West Academic)

COURSE LEARNING GOALS:

Upon successful completion of the course, you should expect to achieve a level of competency in each of the following areas:

- (1) The ability to identify the elements of, and policies for, crimes and defenses.
- (2) The ability to identify the factual and legal issues implicated by a fact pattern for a criminal matter.
- (3) The ability to locate and cite relevant legal authorities.
- (4) The ability to apply and distinguish cases, including the ability to identify the salient features of an appropriate precedent case, legally significant similarities between cases and fact patterns, and explain why the similarities or differences are legally significant.
- (5) The ability to 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.
- (6) The ability to evaluate legal arguments and identify the strengths and weaknesses of the arguments.
- (7) The ability to identify ethical issues in criminal matters and make appropriate decisions to resolve those issues.

COURSE REQUIREMENTS:

1. Attendance and Class Participation – You are expected to come to class each night prepared to discuss the assigned readings and participate in class discussions. For this reason, attendance is mandatory. Students who miss more than four class sessions are subject to administrative dismissal from the course per the WSCL Attendance Policy (reprinted in the Student Handbook). Please note that just because you can miss four classes without being dismissed does not mean that you should miss four classes.
2. Reading Assignments and Preparation for Class – Unless otherwise specifically assigned, reading assignments are taken from the required resources specified above. The reading assignments listed for each class are those readings which a student must complete *before* the class to be prepared for class that week. **Students should expect to spend at least six hours per week on assigned reading and preparation for class.**

COURSE GRADE:

Your final grade will be made up of the following:

1. Your participation in class discussions. In each class, you should expect to be called upon to lead the discussion on one or more of the readings and to answer questions posed by the professor and other students. A consistent or significant lack of preparation or professionalism may result in a grade reduction of up to 0.3 (e.g., from 3.3 to 3.0). Exemplary performance may result in a grade increase of 0.1 (e.g., from 3.0 to a 3.1).
2. There will be a Midterm, which will comprise 40% of your grade.
3. There will be a Final Exam, which will comprise 60% of your grade.
4. No individualized "extra-credit" work will be permitted.

COURSE SCHEDULE & ASSIGNMENTS:

CLASS/DATE	TOPIC	READING ASSIGNMENT:
1. August 23, 2023	Introduction and Principles of Punishment	Chapter 1: pages 1-14 Chapter 2: pages 31-53 Chapter 3: pages 95-131
2. August 30, 2023	Actus Reus and Mens Rea	Chapter 4: pages 129-136 and 141-148 Chapter 5: pages 157-173
3. September 6, 2023	Mens Rea (cont.)	Chapter 5: pages 177-180, 190-207, 208-211, 213-220 and 225-229
4. September 13, 2023	Causation and Homicide	Chapter 6: pages 231-244 Chapter 7: pages 257-291 and 293-300
5. September 20, 2023	Homicide (cont.)	Chapter 7: pages 305-316, 324-329, 333-336, 342-345 and 353-371
6. September 27, 2023	Rape	Chapter 8: pages 417-421; 439-443, 445-452, 460-469, 471-479 and 483-487
7. October 4, 2023	Theft REVIEW for Midterm	Chapter 12: pages 965-1000
8. October 11, 2023	MIDTERM	
9. October 18, 2023	Inchoate Crimes: Attempt and Assault	Chapter 10: pages 766-775, 777-778, 780-782, 785-786, 794-799 and 818-821
10. October 25, 2023	Inchoate Crimes (cont.): Solicitation and Conspiracy. Accomplice Liability	Chapter 10: pages 825-828, 831-836, 839-842, 845-849 and 850-868 Chapter 11: 893-895, 897-899, and 911-916
11. November 1, 2023	Self Defense	Chapter 9: pages 524-530, 536-542, 549-552 and 556-566
12. November 8, 2023	General Defenses to Crimes: Defense of Others, Defense of Property, Necessity and Duress	Chapter 9: pages 576-585, 589-592, 605-609 and 617-620
13. November 15, 2023	General Defenses to Crimes (cont.): Intoxication, Insanity and Infancy	Chapter 9: pages 637-640, 646-651, 653-657 and 706-712
14. November 22, 2023	HOLIDAY	
15. November 29, 2023	RECAP AND REVIEW	

WESTERN STATE COLLEGE OF LAW – PROGRAMMATIC LEARNING OUTCOMES:

Western State College of Law's curriculum is designed so that every student achieves a level of competency prior to graduation in each of the eight Programmatic Learning Outcomes listed below:

(1) Doctrinal Knowledge

Students will demonstrate knowledge of substantive and procedural law in the core curriculum subjects, including Contracts, Criminal Law, Criminal Procedure, Torts, Real Property, Business Association, Evidence, Civil Procedures, Constitutional Law, Estates, Community Property, Remedies, and Professional Responsibility.

(2) Practice Skills

Students will demonstrate the development of other law practice skills. Each student's chosen outcomes within this category will be varied based on the student's particular interests, coursework and work experiences. They may include, but are not limited to, the following topics: oral presentation and advocacy; interviewing; counseling; client service and business development; negotiations, mediation, arbitration, or other alternate dispute resolution methods; advanced legal research and writing (excluding purely academic papers and the first four units earned in introductory first-year legal research and writing class); applied legal writing such as drafting contracts, pleadings, other legal instruments; law practice management or the use of technology in law practice; cultural competency; collaboration or project management; financial analysis, such as accounting, budgeting project management, and valuation; cost benefit analysis in administrative agencies; use of technology, data analyses, or predictive coding; business strategy and behavior; pre-trial preparation, fact investigation, such as discovery, e-discovery, motion practice, assessing evidence, or utilizing experts; trial practice; professional civility and applied ethics; a law clinic that includes a classroom component; or a legal externship that includes a classroom component.

(3) Legal Analysis

Students will demonstrate the ability to identify the factual and legal issues implicated by a fact pattern and to appropriately use cases (including identifying the salient features of an appropriate precedent case, identifying legally significant similarities or differences between the precedent case and a fact pattern and explaining why those are legally significant) and rules (including the ability to connect legally significant facts in a fact pattern to the rule) to predict how a court would decide the issue. Students will also demonstrate the ability to identify and evaluate the public policies of a precedent case or rule, and be able to evaluate how public policy can impact the application of a rule to the legal issue.

(4) Legal Research

Students will demonstrate the ability to locate relevant legal authority using a variety of book and electronic resources, and to properly cite to such legal authority.

(5) Communication

Students will demonstrate the ability to communicate both orally and in writing in a manner appropriate to a particular task to effectively convey the author or speaker's ideas. This includes audience sensitivity in written and oral communication (the ability to adopt a tone, style, and level of detail appropriate to the needs, knowledge, and expertise of the audience); and written communication basic proficiency (the ability to use the conventions of grammar, spelling, punctuation, diction, and usage appropriate to the task and sufficient to effectively convey the author's ideas).

(6) Advocacy of Legal Argument

Students will demonstrate the ability, in both oral and written formats, to evaluate the legal, economic, and social strengths and weaknesses of a case and use case and statutory authority as well as public policy to persuade others. Making policy-based arguments includes the ability to identify and evaluate the public policies of a precedent case or rule and their implications, and be able to assert such appropriate arguments to support a particular application or distinction of a precedent case to a legal controversy or a particular resolution of the application of a rule to the legal controversy.

(7) Client Sensitivity and Cultural Competency

Students will demonstrate an awareness of clients' needs and goals, including a sensitivity to clients' background and circumstances (including, but not limited to, socio-economic, gender, race, ethnicity, educational, disability and/or religious background(s)), the ability to make decisions that reflect an appropriate focus on those needs and goals, and awareness that cultural issues may affect the relevance of facts and application of the law.

(8) Legal Ethics

Students will demonstrate the ability to identify ethical issues in law practice contexts and make appropriate decisions to resolve such issues.

WESTCLIFF UNIVERSITY – INSTITUTIONAL LEARNING OUTCOMES:

(1) Analytical Reasoning

Analyze issues objectively, interpret and synthesize data and ideas, and develop feasible, flexible, and creative solutions to real world problems.

(2) Effective Communication

Identify audiences, assess information provided, interpret needs, and present relevant information using appropriate written, oral, and listening skills and media to meet the needs of the situation.

(3) Information Competency

Gather, evaluate, and ethically use information from a variety of relevant technological and library resources to make decisions and take action.

(4) Interpersonal Effectiveness

Develop individual and group interpersonal skills to improve and foster participation and interaction critical for achieving individual and group goals.

(5) Personal and Professional Integrity and Ethical Behavior

Demonstrate a multi-dimensional awareness of individual and social responsibility to act ethically and with integrity in a diverse, global society.

(6) Professional Competence

Apply skills appropriate to program objectives and employ critical reasoning to contribute to one's field and profession.

DISABILITY SERVICES STATEMENT:

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 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 Dean Marisa Cianciarulo at mcianciarulo@wsulaw.edu or (714)459-1168. Complaints will be handled in accordance with the College of Law's "Policy against Discrimination and Harassment."