

**CALIFORNIA STATE UNIVERSITY, SACRAMENTO**  
**Division of Criminal Justice**

**CRJ 002**  
**Law of Crimes**

**Professor Goldsmith**

Introduction to the case method of studying criminal law. Understanding and correlating the common law crimes and substantive law crimes. Study and emphasis on the classification and nature of crimes, the requisite elements of the major common law felonies and criminal responsibility of various persons involved in crime.

**Note:** Not open for credit to students who have completed CRJ 002A

**TEXTS:**        Criminal Law and Procedure, Perkins and Boyce, 9th or 10th edition, Foundation Press.  
                  California Penal Code  
                  Blacks Law Dictionary - Always prepare your assignments near one.

**GRADING SCHEME AND EXAMS:**

This course **must be completed with a grade of "C" or better** to qualify for student classification as a criminal justice major or minor.

Two midterms and a final. The first midterm counts as 10% of the grade. The second midterm is 30% and the final is 60%. The class experience is virtually without value if the text assignment has not been thoroughly prepared before the class. This includes preparation of your own personal briefs of the assigned cases. All examinations will present a fact situation followed by the request to discuss the legal implications of the fact situation in an organized essay. All exams are closed book. There will be no make-up midterm exams for any reason. Students who miss a mid-term exam will be conclusively presumed to intend to shift the grading weight to the final exam.

Little credit will be given for an answer which merely states a correct conclusion. A best answer will be one which identifies the legal problems raised, defines the legal terms and conditions which are to be applied in the answer, applies those terms and conditions properly, and comes to a conclusion. The following information also can be found in the University catalog. An "A" grade signifies exemplary achievement of the best answer objective. In addition to being clearly and significantly above the objective, the answer is of an independent and creative nature. A "B" grade signifies superior achievement of the best answer objective. The answer is clearly and significantly above the satisfactory fulfillment of the best answer objective. A "C" grade signifies satisfactory achievement of the best answer objective. A "D" grade signifies unsatisfactory achievement of the best answer objective, yet achievement of a sufficient scope of that objective to be above the level of failing. An "F" grade signifies unsatisfactory achievement of the best answer objective to the extent that the answer is not worthy of credit.

**OFFICE HOURS:**

I am available in my office for any personal attention you wish regarding this class. If my announced hours are not convenient for you, we may arrange for another time which suits both of us.

Email: [jgoldsmith@csus.edu](mailto:jgoldsmith@csus.edu).

## **READING, WRITING, and CRITICAL THINKING:**

Your ability to function in this course on an acceptable basis is predicted on your ability to read and take notes adequately. If you feel insecure about your skills in this area, please go to the Criminal Justice Student Service Center, Alpine Hall 133, or the Skills Center, second floor Lassen Hall, early in the semester for such help as you need. In order to do well in this course you will have to be able to recite and write using proper English presented in a logical manner. If this requirement strikes insecurity in your heart, please go to the Criminal Justice Student Service Center or the English Tutoring Center, Calaveras 128, and obtain a free and cheerful tutor who will remain at your side for the whole semester.

## **LEARNING OBJECTIVES:**

At the conclusion of the course, the student will be able to demonstrate the ability to:

- 1) apply substantive criminal law to complex facts, without those issues and facts being isolated from surrounding distracters, by:
  - a) isolating and defining the applicable facts
  - b) identifying and applying the legal concepts appropriate to these facts
  - c) reaching a clear, defensible conclusion, even in cases open to multiple interpretations, from their analysis
  - d) incorporating the forgoing analysis and conclusion in clear, concise oral and written communication
- 2) apply the substantive law of defenses as articulated in both common and California statutory law to complex series of facts without those issues or facts being isolated from surrounding distracters by:
  - a) isolating and defining the applicable facts
  - b) identifying the appropriate legal defenses applicable to these facts
  - c) formulating clear, concise and defensible oral and written form,
  - d) incorporating the forgoing into clear, concise written and oral analysis and conclusions even in cases open to multiple interpretations, specifically addressing the defenses associated with causation, intent, immaturity, intoxication, insanity, mistake and the affirmative defenses such as public and domestic authority, self-defense, and defense of property among others
- 3) interpret and explain in a logical and defensible manner the meaning of statutes related to substantive legal defenses within an environmental context of statute and common law.
- 4) demonstrate the application through inductive reasoning of ethical and societal values to the interpretation of legal defenses
- 5) explain in a logical, reasonable and defensible manner the substantive law of defenses, applying the unique terms of art associated with this law including manipulation of these terms in their application to varied factual situations
- 6) use research resources and tools independently to permit continued independent learning beyond the classroom

## **CRJ 002 Assignment Syllabus**

**All page references are to Boyce, Drips and Perkins CRIMINAL LAW AND PROCEDURE, TENTH EDITION 2007, West Publishing**

### **COURSE INTRODUCTION AND THE TECHNIQUES OF LAW STUDY**

Read Pgs 1&2 and 94-98 and Thode, **INTRODUCTION TO THE STUDY OF LAW** Pgs 49-59 & 349-352.

1. The evolution of the common law and the dynamic of stare decisis, precedent cases, res judicata, expansion of the scope of prior cases through later case applications, distinguishing of prior cases, and overruling.
2. The mechanics and interrelationship of common law, statute law, and Constitutional law in the American legal system.
3. An overview of the California and Federal courts. Original jurisdiction. Division of labor as to venue and jurisdiction, trial and appeal. The unique roles of the trial courts and the courts of appeal.
4. An overview of the law of criminal procedure including the paths followed by adult misdemeanor and felony cases in California and the federal system from trial through appeal, illustrating the flow of cases from complaint to adjudication and on to appeal including the crossover from the state to the federal system for appeal of federal issues. (removal is excluded from discussion)
5. The mechanics of case briefing with particular focus on the ratio.
6. A discussion of law essay exams.

### **THE CLASSIFICATION OF CRIMES**

1. Felony vs misdemeanor (PC 15, 16, 17, 19.6, 19.7, 19.8)
2. Malum in se and malum prohibitum
3. Distinction between potential classification ("shoot; don't shoot") and ultimate classification of a conviction. (PC 1203.3 & 1203.4 issues are excluded)
4. Lesser and included offenses

### **PROOF OF CRIMINAL RESPONSIBILITY**

1. The actus rea & strict liability crimes (public health safety & welfare)  
*State v Quick* Pg 414; *State v Taft* Pg 416  
*Peo v Decina* Pg 417; *State v Kimbrell* Pg 419  
*Commonwealth v Olshefski* pg 654  
*Staples v US* Pg 655

- A. Negative acts
  - Stepniewski v Gagnon* Pg 662
  - Commonwealth v Koczwara* Pg 667
- 2. Mens rea and specific intent and general intent crimes
  - A. Negligence as a substitute for *mens rea*(PC7&20)
  - B. Motive is not an element
  - C. Concurrence of *mens rea* and *actus rea*
    - Peo v Jeffers* Pg 683; *Thabo Meli v Reginam* Pg 687
- 3. Causation (limited to its logical connection between *actus rea* and forbidden result)
- 4. The forbidden result contemplated in the law
- 5. The identity of the responsible party

## EVIDENCE

- 1. Forms: Testimony, physical, documents, judicial notice, and presumptions of fact.
- 2. Circumstantial and Direct.

## CRIMES AGAINST THE PERSON

- 1. Homicide defined and briefly grouped as criminal and non-criminal (excusable and justifiable).
- 2. Murder-general concepts (PC 187)
  - Elements for criminal responsibility including
    - A. Missing body cases
    - B. Fetus as a person
      - Keeler v Superior Court* Pg 16
    - C. "Year and a day rule" PC 194
    - D. Malice implied (PC 188,189, 189.5, 199)
      - Patterson v NY* Pg 99; *R. v Vickers* Pg 105
      - Commonwealth v McLaughlin* Pg 108
      - Commonwealth v Drum* Pg 131
    - E. Felony murder rule (California statute only)
      - Peo v Perez* Pg 134
- 3. Manslaughter - general concepts (PC 192 & PC 191.5a)
  - Errington and Others Pg 105
    - A. Voluntary Manslaughter
      - a. Mechanics of heat of passion
        - State v Guebara* Pg 148; *Peo v Chevalier* Pg 153;
        - Commonwealth v Troila* Pg 157; *Peo v Borchers* Pg 158
      - b. Mistake of law
        - Harris v State* Pg 178; *State v Sety* Pg 179
        - State v Howard* Pg 598
    - B. Involuntary manslaughter (non-vehicular and vehicular)

- a. Criminal Negligence (Gross civil negligence)  
*Murray v State* Pg 167; *Peo v Rodriguez* Pg 170;  
*State v Bier* Pg 173; *Peo v Ochoa* Pg 182  
*Gian-Cursio v State* Pg 589  
*Conroy v State* Pg 593; *State v Sealy* Pg 673
  - b. Misdemeanor manslaughter rule
  - c. Unreasonable mistake of fact  
*Peo v Watkins* Pg 175
  - d. Felony involuntary manslaughter rule
- 4. Justifiable homicide (PC 196 & 197)
  - A. Legal and reasonable force (defense of self, property, others, crime prevention and public authority)
  - B. Relationship to mistake of fact and mistake of law
  - C. Excessive force
- 5. Excusable homicide (PC 195)
  - A. Reasonable mistake of fact (PC26[3])
  - B. Non-criminal negligence
  - C. Insufficient culpability (PC26[5])
- 6. Assault and Battery (PC 415,417,422,240,242,245, attempt murder)
  - A. California statute definitions of assault & battery
    - a. Factual possibility as an element of assault.
    - b. Touching as the key element
    - c. Specific intent element
    - d. Distinction between brandishing and assault
  - B. Domestic Battery (PC 273d & 275)  
*Peo v Santiago* Pg 207
- 7. Rape (PC 261)
  - A. California statute rape (261,261.6,263,1127d&e)  
*Commonwealth v Berkowitz* Pg 239  
*Peo v Iniguez* Pg 248; *Jones v State* pg 255
  - B. Unlawful intercourse (PC 261.5)
  - C. Spousal rape (PC 262)
  - D. Penetration by a foreign object (PC 289)
- 8. Other sex crimes
  - A. Sodomy (PC 286)  
*Lawrence v Texas* Pg 47
  - B. Prostitution (647 a & b)
- 9. Other crimes against the person
  - A. Kidnapping (PC 207)
  - B. False imprisonment (PC 236)
  - C. Mayhem (PC 203)  
*Terrell v State* Pg 623

## PROPERTY CRIMES

1. Burglary (PC 459)
  - A. Trespassory entry (occupancy vs ownership) (CA: removal of window screen is sufficient)  
*Davis v Commonwealth* Pg 271
  - B. Target structures  
*State v Mann* Pg 270
  - C. Intent may be inferred  
*State v Bowen* Pg 287; *Dobbs Case* Pg 606
2. Arson (PC 451)
  - A. Requirement of charring  
*State v Laughlin* Pg 622; *State v Nastoff* Pg 625
3. Theft (PC 484,485,487,488,503,514 CVC 10851)
  - A. Requirement of value
    - a. Market value at time of theft
    - b. Contraband  
*Peo ex rel Koons* Pg 303
    - c. Intangibles (various 484, 499 & 502)
    - d. Grand theft vs petty theft & theft from person  
*State v Delmarter* Pg 350
  - B. Greater right of possession
    - a. Stolen goods
    - b. Artisan & mechanic's lien  
*State v Cohen* Pg 307
    - c. Lost property - All property is possessed except abandoned property
    - d. Asportation  
*Thompson v State* Pg 319; *Peo v Brown* Pg 342  
*State v Savage* Pg 343
  - C. Receiving stolen property (PC496)  
*State v Beale* pg 630
    - a. Mens rea issues-scienter & specific intent
4. Robbery & Extortion (PC211 & 518)  
*Peo v Butler* Pg 354
  - A. Comparison of statute robbery & extortion
  - B. Use of force (comparison of 487 & 211 purse snatch)
5. Attempts PC21, 663 & 1159
  - A. Attempt as a statute crime
    - a. As a lesser and included offense
    - b. Specific intent mens rea (logical consequences but limited to what has occurred as a matter of fact)  
*Peo v Collie* Pg 423; *Peo v Van Ronk* Pg 425
    - c. Factual possibility not required (except for assault)  
*State v Mitchell* Pg 434; *State v Wilson* Pg 445
    - d. Legal possibility is required (H&S11355)  
*Peo v Rojas* Pg 435; *Booth v State* Pg 437; *US v Ovido* Pg 439

- e. Distinction between preparation and overt act (certainty that crime would occur)  
*Moffett v State* Pg 421; *Young v State* Pg 430
- f. Remoteness in fact & act sufficient to warrant sanction  
*Peo v Rizzo* Pg 428

## **VICARIOUS LIABILITY**

- 1. Accessories before the fact (PC31,971,972)  
*Peo v Beeman* Pg 506
  - A. Natural and probable consequences  
*Peo v Keefer* Pg 509; *Peo v Brown* Pg 511  
*US v Roberson* Pg 516
- 2. Accessories after the fact PC32 (Ca limits to felonies)  
*State v Truesdale* Pg 518
  - A. mens rea requires knowledge & specific intent  
*State v Williams* Pg 516

## **CAUSATION**

- 1. Cause as a matter of fact - but for test
- 2. Cause as a matter of foreseeability - Probable or legal cause
  - A. You take your victim as you find him (glass skull)  
*Ex Parte Heigho* Pg 535; *Peo v Stamp* Pg 539
  - B. Natural and probable consequences are foreseeable  
*Letner v State* Pg 544; *Green v State* Pg 553

## **CRIMINAL CAPACITY AND DEFENSES**

- 1. Immaturity
  - A. Review of California juvenile procedure

## **MENTAL ILLNESS**

- 1. The general concept of mental illness.
  - A. Clinical mental illness
  - B. Legal mental illness
  - C. Personality defects as a mental defect is never clinical mental illness.
  - D. Developmental disability (PC1370.1 & 1001.20)
  - E. Senile dementia

2. Some legal mental illness yields lack of responsibility at the time of the crime, others yield lack of competence to stand trial, and yet others may yield immunity from punishment.
  - A. M'Naughton rule
  - B. Ability to cooperate with counsel
  - C. Ability to understand pending execution
  - D. Importance of gathering evidence regarding mental state at the time of crime investigation.
  - E. Legal insanity finding results in involuntary treatment (PC 1026.5)