

CALIFORNIA STATE UNIVERSITY, SACRAMENTO
Criminal Justice Division

CrJ 2A – Spring 2009
Section 5
Law of Crimes
Mondays and Wednesdays 12:00 p.m. – 1:15 p.m. Calaveras Hall 123

Professor Margarita
Spring 2009
Office: SS 207
Office Hours: Mondays – Wednesdays 3:00 p.m. – 4:15 p.m.
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Course Description

This course is designed to provide an in depth examination of the concepts of the substantive law of crimes. Each crime is defined by specific elements or requirements, and the prosecution must prove all elements of the crime charged before a defendant may be found guilty. This course examines in detail the elements of the major crimes. This study is achieved by the Case Method of study, which will develop the student's ability to read and analyze reported criminal cases, and to apply the substantive law to other new factual situations by deductive reasoning. The goal is for each student to achieve the ability to articulate the law and reach reasoned conclusions.

Learning Objectives

The learning mastery goals of the course are as follows:

1. The substantive law of crimes including their specific common law elements and their statutory variations in California and federal law and other significant variations which may be found in other jurisdictions. These matters are contained in Criminal Law and Procedure, 10th Edition, Boyce and Perkins, pages 1 - 604.

A. General terminology and classification of the substantive law of crimes.

B. Crimes against the person.

1. Homicide

2. Abduction, kidnapping, and false imprisonment
3. Assaults and battery including sexual trespasses

C. Crimes against property

1. Burglary
2. Larceny and its variations including robbery
3. Arson and malicious damage of property

D. Crimes against the public health, safety, and welfare

1. Sexual regulation
2. Peace disturbances
3. Regulatory violations

E. Criminal Responsibility

1. Imputability - Criminal agency, negative and incomplete acts, crimes in concert with others
2. An overview of causation
2. Techniques of statutory interpretation and the application of common law principles to statutory and case law.
3. The ethics and societal values associated with the American substantive law system.
4. Skills and techniques of expression related to the substantive law including terms of art and their application to concept manipulation.
5. Research and learning tools associated with the course subject matter sufficient to promote lifelong learning.

At the completion of this course, the student will be able to:

1. The ability to apply the substantive criminal law articulated within the above mastery goals to a complex series of facts, where the focus of the substantive criminal law issues are not isolated from their surrounding detractors, by first defining the applicable legal concepts, then applying those concepts to the facts in a reasoned and defensible manner of deduction, and then coming to a conclusion as to the appropriate application of a substantive law to those facts, even where the possible solution is subject to a multiplicity of correct conclusions.

2. The ability to interpret and explain in a logical and defensible manner the meaning of substantive legal statutes within an environmental context of statutory and case law.
3. The ability to engage in inductive reasoning from the ethical and societal values associated with the American substantive law system in the logical interpretation of statutory and substantive common law.
4. The ability to express in a logical and reasoned manner the substantive law as articulated in the above course goals, applying the unique terms of art associated with this law including the manipulation of these terms in their application to varied fact situations.
5. The ability to make use of research and tools independent of the structured learning environment so as to permit independent and lifelong learning. This includes the ability to engage in the learning technique of case briefing as engaged in as a standard of study commonly followed in American law schools.

Instruction Methods

Lectures, video tapes, slides, overheads, guest speakers, and active class discussion will drive weekly sessions.

Course Requirements

To earn a passing grade in this course, you are required to:

1. Attend class **on time**. Attendance will be taken.
2. **Complete assigned readings.**
3. Participate in class discussions and exercises.
4. Achieve passing scores on exams, quizzes, and writing assignments.
5. Brief all cases and prepare for in class presentations.

Any test may include all prior readings, lectures, videos, etc. Exams may be structured with fill-in, essay, multiple choice, true/false, and short answer type questions. Neatness, spelling, and accuracy are important.

The course **testing schedule** is as follows:

Quiz # 1:	February 23, 2009
Midterm Exam:	March 16, 2009
Quiz # 2:	April 27, 2009
Final Exam:	May 22, 2009 (10:15 a.m. – 12:15 p.m.)

(Make up exams are NOT given unless there is a medical emergency and a physicians note).

Grading

Quizzes	30%
Participation/Attendance	10%
Midterm	30%
Cumulative Final Exam	30%

GRADING SCALE

93 - 100	A
90 - 92	A-
87 - 89	B+
83 - 86	B
80 - 82	B-
77 - 79	C+
73 - 76	C
70 - 72	C-
67 - 69	D+
63 - 66	D
60 - 62	D-
<60	F

Required Texts

1. **Criminal Law and Procedure (CL&P)**, Perkins and Boyce, 10th Edition, Foundation Press

Recommended Texts

1. **California Penal Code**, Matthew Bender, 2008 Edition
2. **Class Outline, Margarita**

COURSE OUTLINE

DATE TOPIC

READINGS

WEEK OF:

1/26/09

Introduction to Course
Criminalization, Definition,

Texts Review
CL&P pp. 1-42

2/2/09

Criminalization, Definition, and Classification

CL&P pp. 43-98

2/9/09

Homicide

CL&P pp. 99- 196

2/16/09

Assault and Battery

CL&P pp. 197-267

2/23/09

QUIZ # 1 (2/23/09)

Other Offenses
(Abduction, Abortion, Rape, False
Imprisonment, Kidnapping,
Mayhem, Dueling)

Offenses Against the Habitation and
Other Protected Entities

(Burglary, Arson)

CL&P pp. 268 - 299

3/2/09

Offenses Against the Habitation and

CL&P pp. 300-353

Other Protected Entities (Burglary, Arson)

Offenses Against Property
(Larceny)

3/9/09

Offenses Against Property
(Robbery, Embezzlement, False Pretenses)

CL&P pp. 353-397

Offenses Against Property
(Theft, Receiving Stolen Property,
Computer Crime, Malicious Mischief,
Forgery, Counterfeiting, Extortion)

3/16/09

MIDTERM EXAMINATION (3/16/09)

3/23/09

Other Offenses
(Morality and Decency, Public Peace)

CL&P pp. 398 - 414

Imputability
(Necessity, What Constitutes an Act,
Attempts,
Negative Acts)

CL&P pp. 414 - 463

3/30/09

SPRING RECESS – NO CLASSES

4/6/09

Imputability
(Conspiracy)

CL&P pp. 463 - 494

4/13/09

Imputability
(Agency, Incorporation, Parties to Crime,
Causation)

CL&P pp. 494 - 555

Imputability
(Agency, Incorporation, Parties to Crime)

4/20/09

Responsibility: In General
(Mens Rea, Negligence and Recklessness,
Intent, General, Specific and

CL&P pp. 555 - 653

Conditional, Other Particular States
Of Mind)

4/27/09

Responsibility: In General
(Strict Liability, Unlawful
Conduct)

5/4/09

Class Review
Practice Exams

5/11/09

5/22/09

QUIZ # 2 (4/27/09)

CL&P pp. 653 - 691

Review for Final Examination

FINAL EXAMINATION
10:15 p.m. – 12:15 p.m.
(CUMULATIVE)

CASE NAME	<u>YEAR:</u>	<u>CITATION:</u>	<u>PAGE:</u>	<u>TOPIC:</u>
Kansas v. Crane	2002	534 U.S. 407	3	Criminalization
In re Winship	1970	397 U.S. 358	8	Criminalization
Keeler v. Superior Court of Amador County	1970	2 Cal. 3d 619	16	Criminal Sanction
City of Chicago v. Morales	1999	527 U.S. 41	20	Criminal Sanction
Robinson v. California	1962	370 U.S. 660	37	Conduct/Status
R.A.V. v. City of St. Paul, Minnesota	1992	505 U.S. 377	42	Liberty Protected
Lawrence v. Texas	2003	539 U.S. 558	47	Unenumerated Rights
United States v. Armstrong	1996	517 U.S. 456	66	Equality
Ewing v. California	2003	538 U.S. 11	76	Proportionality
Patterson v. New York	1977	432 U.S. 197	99	Homicide
Errington and Others' Cases	1838	2 Lewin C.C. 217	105	Homicide
R. v. Vickers	1957	2 All ER 741	105	Homicide
Commonwealth v. McLaughlin	1928	293 Pa. 218	108	Homicide
King v. State	1987	505 So. 2d 403	110	Homicide
State v. Hokenson	1974	96 Idaho 283	115	Homicide
People v. Patterson	1989	49 Cal.3d 615	118	Homicide
State v. Mayle	1987	178 W. Va. 26	124	Homicide
People v. Hansen	1994	9 Cal. 4th 300	126	Homicide
Commonwealth v. Drum	1868	58 Pa. 9	131	Homicide
People v. Perez	1992	2 Cal. 4 th 1117	134	Homicide
Callins v. Collins	1994	510 U.S. 1141	139	Homicide
State v. Guebara	1985	236 Kan 791	148	Homicide
People v. Chevalier	1989	131 Ill. 2d 66	153	Homicide
Commonwealth v. Troila	1991	410 Mass. 203	157	Homicide
People v. Borchers	1958	50 Cal. 2d 321	158	Homicide
State v. Dumlao	1986	6 Hawaii App. 173	161	Homicide
Murray v. State	1993	855 P. 2d 350	167	Homicide
People v. Rodriguez	1960	186 Cal. App. 2d 433	170	Homicide
State v. Bier	1979	181 Mont. 27	173	Homicide
People v. Watkins	1978	196 Colo 377	175	Homicide
Harris v. State	1937	55 Ga. App. 189	178	Homicide
State v. Sety	1979	121 Ariz. 354	179	Homicide
People v. Ochoa	1993	6 Cal. 4th 1199	182	Homicide
State v. Jimmerson	1980	27 Wn. App. 415	197	Assault & Battery

United States v. Bell	1974	505 F. 2d 539	200	Assault & Battery
United States v. Jacobs	1980	632 F. 2d 695	202	Assault & Battery
State v. Capwell	1975	52 Or. App. 43	204	Assault & Battery
People v. Santiago	2003	2003 WL 21507176	207	Assault & Battery
Commonwealth v. Matsos	1995	421 Mass. 391	215	Assault & Battery
Commonwealth v. Mlinarich	1988	518 Pa. 247	222	Rape
Commonwealth v. Berkowitz	1994	537 Pa. 143	239	Rape
People v. Galvarino-Gonzalez	2003	2003 WL 21214264	245	Rape
People v. Iniguez	1994	7 Cal. 4 th 847	248	Rape
Jones v. State	1992	589 N.E. 2d 241	255	Rape
Commonwealth v. Lopez	2001	433 Mass. 722	257	Rape
Woods v. State	1939	186 Miss. 463	268	Burglary
State v. Neff	1940	122 W. Va. 549	269	Burglary
State v. Mann	1981	129 Ariz. 24	270	Burglary
Davis v. Commonwealth	1922	132 Va. 521	271	Burglary
People v. Gauze	1975	15 Cal. 3d 709	273	Burglary
Stowell v. People	1939	104 Colo 255	276	Burglary
People v. Dupree	1893	98 Mich. 26	277	Burglary
Nichols v. State	1887	68 Wis 416	280	Burglary
Hebron v. Maryland	1992	92 Md. App. 508	282	Burglary
Walker v. State	1879	63 Ala. 49	284	Burglary
Gray v. State	1943	243 Wis. 57	285	Burglary
State v. Bowen	1997	262 Kan. 705	287	Burglary
Taylor v. United States	1990	495 U.S. 575	290	Burglary
People v. Caridis	1915	29 Cal. App. 166	301	Larceny
People v. ex rel. Koons v. Elling, Sheriff	1948	190 Misc. 998	303	Larceny
Bell v. State	1874	63 Tenn 426	304	Larceny
The Queen v. Townley	1871	L.R. 1 C.C. 315	306	Larceny
State v. Cohen	1935	196 Minn. 39	307	Larceny
People v. Walker	1980	44 Colo App. 249	309	Larceny
The King v. Bazeley	1799	2 Leach 835	309	Larceny
Rex v. Sullens	1826	1 Moody 129	311	Larceny
State v. Brooks	1993	116 N.M. 309	312	Larceny
Morgan v. Commonwealth	1932	242 Ky. 713	314	Larceny
United States v. Bowser	1976	532 F. 2d. 1318	316	Larceny
Thompson v. State	1891	94 Ala. 535	319	Larceny

Cummings v. Commonwealth	1883	5 Ky. L. Rep. 200	320	Larceny
The King v. Pear	1779	1 Leach 212	321	Larceny
The Queen v. Prince	1868	L.R. 1 C.C. 150	322	Larceny
Wilkinson v. State	1952	215 Miss. 327	324	Larceny
Regina v. Hands	1887	16 Cox C.C. 188	325	Larceny
Regina v. Thurborn	1848	1 Den. 387	326	Larceny
Brooks v. State	1878	35 Ohio St. 46	327	Larceny
State v. Kaufman	1981	310 N.W. 2d 709	329	Larceny
Cooper v. Commonwealth	1901	110 Ky. 123	331	Larceny
State v. Langford	1985	467 So. 2d. 41	333	Larceny
Rex v. Banks	1821	Russ. & Ry. 441	336	Larceny
Regina v. Riley	1853	6 Cox C.C. 88	337	Larceny
State v. Coombs	1868	55 Me. 477	339	Larceny
People v. Khoury	1980	108 Cal. App 3d Supp 1	340	Larceny
People v. Brown	1894	105 Cal. 66	342	Larceny
State v. Savage	1936	37 Del. 509	343	Larceny
State v. Langis	1968	251 Or. 130	345	Larceny
State v. Komok	1989	113 Wash. 2d 810	347	Larceny
State v. Delmarter	1980	94 Wn. 2d. 634	350	Larceny
People v. Butler	1967	65 Cal. 2d 569	354	Robbery
State v. Skaggs	1979	42 Or. App. 763	356	Robbery
State v. Stahl	1979	93 N.W. 62	359	Embezzlement
United States v. Faulkner	1981	638 F 2d. 129	361	Embezzlement
People v. Ashley	1954	42 Cal. 2d 246	363	False Pretenses
State v. Duncan	1979	181 Mont. 382	366	False Pretenses
Allen v. State	1926	21 Ohio App. 403	370	False Pretenses
Barker v. State	1979	599 P. 2d 1349	371	False Pretenses
Bell v. United States	1983	462 U.S. 356	374	Theft
State v. Moses	1979	123 Ariz. 296	377	Theft
State v. McCartney	1978	179 Mont. 49	379	Theft
State v. Saylor	1980	228 Kan. 498	382	Theft
People v. Home Insurance Co.	1979	197 Colo. 260	387	Theft
United States v. McGovern	1981	661 F. 2d 27	390	Forgery
Salaiscooper v. Eighth Judicial District	2001	117 Nev. 892	400	Prostitution
State v. Quick	1942	199 S.C. 256	414	Act
State v. Rider	1886	90 Mo. 54	415	Act

State v. Taft	1958	143 W. Va. 365	416	Act
People v. Decina	1956	2 N.Y. 2d 133	417	Act
State v. Kimbrell	1987	294 S.C. 51	419	Act
Moffett v. State	1980	96 Nev. 822	421	Attempt
People v Collie	1981	30 Cal. 3d 43	423	Attempt
People v. VanRonk	1985	171 Cal. App. 3d 818	425	Attempt
People v. Rizzo	1927	246 N.Y. 334	428	Attempt
Young v. State	1985	303 Md. 298	430	Attempt
State v. Mitchell	1902	170 Mo. 633	434	Attempt
People v. Rojas	1961	55 Cal. 2d 252	435	Attempt
Booth v. State	395	398 P. 2d 863	437	Attempt
United States v. Oviedo	1976	525 F. 2d 881	439	Attempt
State v. Wilson	1959	218 or. 575	445	Aggravated Assault
State v. Blechman	1946	135 N.J. L. 99	447	Solicitation
Stewart v. State	1969	85 Nev. 388	449	Abandonment
State v. Peterson	1942	213 Minn. 56	450	Abandonment
Biddle v. Commonwealth	1965	206 Va. 14	453	Negative Acts
Commonwealth v. Texeira	1986	396 Mass. 746	455	Negative Acts
Walker v. Superior Court	1988	47 Ca. 3d. 112	457	Negative Acts
Jones v. United States	1962	113 U.S. App. D.C. 352	457	Negative Acts
Davis v. Commonwealth	1985	230 Va. 201	458	Negative Acts
Van Buskirk v. State	1980	611 P. 2d 271	461	Negative Acts
State v. Hanks	1995	39 Conn. App. 333	464	Conspiracy
United States v. Payan	1993	992 F. 2d. 1387	466	Conspiracy
Gebardi v. United States	1932	287 U.S. 112	470	Conspiracy
People v. Swain	1996	12 Cal. 4th 593	473	Conspiracy
United States v. Loscalzo	1994	18 F. 3d 374	478	Conspiracy
Pinkerton v. United States	1946	328 U.S. 640	480	Conspiracy
United States v. Rosado-Fernandez	1980	614 F. 2d 50	482	Conspiracy
Marquiz v. People	1986	726 P. 2d 1105	484	Conspiracy
United States v. Turkette	1981	452 U.S. 576	487	Conspiracy
Rex v. Huggins	1730	2 Ld. Raym. 1574	494	Agency
United States v. George F. Fish Inc. 1946	1946	154 F. 2d. 798	497	Incorporation
People v. Canadian Fur Trappers Corp.	1928	248 N.Y. 159	498	Incorporation
People v. Beeman	1984	35 Cal. 3d 547	506	Parties to Crimes

People v. Keefer	1884	65 Cal. 232	509	Parties to Crimes
People v. Brown	2005	WL 1899400	511	Parties to Crimes
U.S. v. Roberson	2007	474 F. 3d 432	516	Parties to Crimes
State v. Truesdell	1980	620 P. 2d 427	518	Parties to Crimes
State v. Hallett	1980	619 P. 2d335	523	Causation
People v. Roberts	1992	2 Cal. 4th 271	526	Causation
People v. Lewis	1899	124 Cal. 551	531	Causation
Ex Parte Heigho	1910	18 Idaho 566	535	Causation
People v. Stamp	1969	2 Cal. App. 203	539	Causation
State v. Sauter	1978	120 Ariz. 222	542	Causation
Letner v. State	1927	156 Tenn. 68	544	Causation
State v. Leopold	1929	110 Conn. 55	546	Causation
State v. Iten	1987	401 N.W. 2d 127	547	Causation
Regina v. Bengé and Arthur	1865	4F. & F. 504	549	Causation
Lewis v. State	1985	474 So. 2d 766	550	Causation
Green v. State	1996	266 Ga. 758	553	Causation
Morissette v. U.S.	1952	342 U.S. 246	558	Mens Rea
U.S. v. Bailey	1980	444 U.S. 394	568	Mens Rea
U.S. v. Feola	1975	420 U.S. 671	576	Mens Rea
Gian-Cursio v. State	1965	180 So. 2d 396	589	Negligence
State v. Petersen	1974	17 Or. App. 478	592	Negligence
Conroy v. State	1992	843 S.W. 2d 67	593	Negligence
State v. Howard	1979	597 P. 2d 878	598	Negligence
State v. Wickstrom	1987	405 N.W. 2d 1	604	Intent
Dobbs' Case	1770	2 East, P.C. 513	606	Intent
Thacker v. Commonwealth	1922	134 Va. 767	606	Intent
Commonwealth v. Shea	1986	398 Mass. 264	609	Intent
Holloway v. U.S.	1999	526 U.S. 1	611	Intent
State v. Laughlin	1861	53 N.C. 354	622	States of Mind
Terrell v. State	1888	86 Tenn. 523	623	States of Mind
State v. Nastoff	1993	124 Idaho 667	625	States of Mind
State v. Beale	1973	299 A. 2d 921	630	States of Mind
People v. Kanan	1974	186 Colo. 255	635	States of Mind
U.S. v. Jewell	1976	532 F. 2d. 697	636	States of Mind
Fields v. U.S.	1947	164 F. 2d 97	643	States of Mind
Bryan v. U.S.	1998	524 U.S. 184	645	States of Mind
Commonwealth v. Olshefski	1948	64 Pa. D & C. 343	654	Strict Liability

Staples v. U.S.	1994	511 U.S. 600	655	Strict Liability
Stepniewski v. Gagnon	1984	732 F 2d. 567	662	Strict Liability
Commonwealth v. Koczwarra	1959	397 Pa. 575	667	Strict Liability
Commonwealth v. Mink	1877	123 Mass. 422	670	Unlawful Conduct
State v. Horton	1905	139 N.C. 588	671	Unlawful Conduct
State v. Sealy	1961	253 N.C. 802	673	Unlawful Conduct
Harrod v. State	1985	65 Md. App. 128	676	Transferred Intent
Regina v. Smith	1855	Dears. 560	679	Transferred Intent
Regina v. Faulkner	1877	13 Cox C.C. 550	679	Transferred Intent
People v. Jeffers	1996	41 Cal. App. 4 th 917	683	Concurrence of Mens Rea and Actus Reus
Thabo Meli and Others v. Reginam	1954	1 All. Eng. Rep. 373	687	Concurrence of Mens Rea and Actus Reus