

**CALIFORNIA STATE UNIVERSITY, SACRAMENTO  
DIVISION OF CRIMINAL JUSTICE**

**CRJ 173  
Law of Responsibility  
Spring 2009**

**Professor Russell Loving, J.D.**

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***COURSE DESCRIPTION***

Most people love a well-written mystery. Add a crime to the plot and it's sure to be a best-seller. This course will be similar to a well-written mystery. Many times throughout this semester, we will witness a crime. We will then follow leads that will tell us who are culpable. As with a well-written mystery, false leads will arise. Booby traps, ready to destroy your trail, appear from nowhere. As with a well-written mystery, the good guys usually win. That is, we will find out the truth; truth as defined by law.

The 2008-2010 Catalog describes the content of this course as: "Substantive criminal law of responsibility and culpability. Topics includes legal cause, mens rea, negligence, intent and it equivalents, motive, immaturity, mental incapacities, mistake, and affirmative defenses including authority and privileges found in American statute and case law. A case method law course."

The goal of this class is to develop your skills so you can function within the criminal justice system. Therefore, the focus is on your ability to apply your knowledge to solving problems. When is the accused responsible for a crime? Can the accused justify committing a crime? Will the accused be excused for committing a crime?

***METHOD OF LEARNING***

The "case method" of learning is quite simple. Like a well-written mystery, each "case" has a beginning, a middle, and an end. The beginning or "facts" of a case is the human story behind the law. When was the crime committed? Where did the crime occur? Who did what? The middle is the relevant "rule of law." What do the words of a statute mean? What acts constitute a crime? What public policy is advanced by the rule of law? Lastly,

the end is when the facts are analyzed according to the relevant rule of law, thus justifying a conclusion. Did the accused commit a crime? If so, will the law excuse the accused from responsibility?

You will be assigned appellate cases to read. These cases will be found on SacCT under different learning modules. There is no mandatory textbook. To provide context for your readings, I have recommended certain chapters within “Criminal Law: Examples & Explanations” by Richard G. Singer and John Q. La Fond. As you read the cases posted on SacCT, you will develop the ability to extract the rule of law created by the appellate decision. You will also see how the court applied the rule of law to its facts. These assignments will prepare you for class discussion. I will supplement your reading assignments through in-class lectures and problem solving exercises. I will use PowerPoint presentations since my handwriting is illegible. My PowerPoint presentations will be posted on SacCT after each class. Your exams will replicate what we do in class: identifying legal issues, describing relevant rules of law, and analyzing a fact pattern.

**Prerequisite:** Restricted to declared majors and minors or instructor permission.

**Note:** Majors must earn a grade of C- or better to receive credit towards graduating with a baccalaureate degree in Criminal Justice.

**Units:** 3

### ***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.

### ***REQUIRED READINGS***

All of your required readings are posted on SacCT.

### ***RECOMMENDED READINGS***

Richard G. Singer and John Q. La Fond, "Criminal Law: Examples & Explanations." Fourth Edition, 2007. Aspen Publishers, ISBN 978-0-7355-6243-1.

A copy of the textbook is available at the Library reserve room.

### ***GRADE***

- I. *Student Conduct*
  - a. This course is governed by this university's Student Conduct Code (Title 5, Article 2, Student Conduct Code, Section 41031).
  - b. In particular, you will be subject to disciplinary sanctions including, but not limited to, failing the class for "Cheating, plagiarism, or other forms of academic dishonesty that are intended to gain unfair academic advantage." Section 41031(b)(1)(A).
  - c. Please view the university's student tutorial on how not to plagiarize. <http://library.csus.edu/content2.asp?pageID=353>.
  - d. If you have any question as to whether you are acting within the Student Conduct Code, err on the side of strict interpretation of the code.
  - e. Ask for permission from me to proceed with any practice that might violate the code.

- f. You are expected to attend your midterms and final examinations as scheduled. Do not make travel or other plans for those dates.
- g. If you have any conditions requiring you to take your test at the Testing Center, please advise me at your earliest opportunity.
- h. Please respect your professor and fellow students. Turn off or set to silent all cell phones and pagers. Do not talk among yourselves, text message, sleep, or eat during class. Water for drinking is fine. Do not interrupt another student while they are speaking. Please raise your hand before speaking.
- i. If you have a disability and require accommodations, you need to provide disability documentation to SSWD, Lassen Hall 1008, (916) 278-6955. Please discuss your accommodation needs with me during my office hours early in the semester.

## II. *Point System*

- Case briefs 15
- First midterm 20
- Second midterm 25
- Final Exam 40

## III. *Case briefs*

- a. A case brief is a summary of an appellate case. You will be assigned three (3) cases to brief. You must turn in your case briefs on the day that the case is discussed in class. The briefing schedule is merely a tentative due date. No late briefs will be accepted. A sample of a case brief is attached to this syllabus as Appendix B.
- b. Each case brief is worth five (5) points towards your final grade.
- c. Your case brief must not exceed three pages. Please follow the format used in the sample brief. Failure to follow the format will result in reduced points. Your brief must include the following:
  - i. Case Name, Citation and Year
  - ii. Summary of the facts
  - iii. Legal issue in dispute
  - iv. Applicable rules of law including history and public policy behind law
  - v. Holding (conclusion regarding the issue in dispute)
  - vi. Reasoning (rationale) supporting conclusion
  - vii. Concurring/dissenting opinion

- d. A brief composed of quoted text from a case does not inform me of whether you understood the material. Paraphrase the contents of the case and reserve quotes to phrases with significant meaning. Briefs composed mostly of quotes will receive reduced points.
- e. In addition to briefing the cases, you must be prepared to discuss the case in class. If you do not present your brief, you will receive only 3 of the 5 possible points.

#### IV. *Midterm and Final Examinations*

- a. I will give two midterms and one final examination. The final examination will be comprehensive.
- b. Your exams will focus on identifying the legal issues relevant to responsibility, describing the relevant rules of law, and analyzing the fact pattern. Prior to an exam, we will practice with a sample exam. I will also post a sample of a well-answered exam on SacCT.
- c. Your midterms and final examinations will be in essay form. You are expected to provide your own large-format (8 ½ x 11) blue/green books. You must write in ink.
- d. Unexcused absence from an examination will result in a reduction by an entire grade (i.e., A to B, B- to C-) from your overall class grade. If you were ill, you must provide a doctor's verification.
- e. If you miss a midterm and wish to take a makeup midterm, you must contact me within 48 hours of the midterm. For example, if you miss a Monday, 1:30 p.m. midterm, you must contact me before Wednesday, 1:30 p.m. Failure to contact me within 48 hours will result in forfeiting the opportunity to make up the midterm.
- f. If you miss the final exam, you will receive an "I" (incomplete) grade. The "I" grade will convert to an "F" after one year. To avoid the "F" grade, you must sign an "incomplete" contract with me before 5:00 p.m., May 25, 2009. As a term of the "incomplete" contract, you must agree to take a make-up final.

V. *Grading rubric for essay questions*

<b>Possible points per question/ Score</b>	<b>Law</b>	<b>Analysis</b>
5 → 5 10 → 10 - 9 15 → 15 - 13 20 → 20 - 17 25 → 25 - 21	Identified all of the relevant rules of law given the question. Displayed an in-depth understanding of the relevant rules of law. Explained each relevant law with clarity and precision. Used the correct legal terminology.	Correctly identified the relevant legal issues. Specific information is given to support your conclusions. Identified the relevant facts given the legal issue and discarded the facts which were distracters. There is strong evidence of preparation and organization. Delivery is easy to follow.
5 → 4 10 → 8 - 7 15 → 12 - 10 20 → 16 - 13 25 → 20 - 16	Identified most of the relevant rules of law given the question. Displayed an adequate understanding of the relevant rules of law. Explained each relevant law with clarity and precision. Used the correct legal terminology.	Correctly identified the relevant legal issues. Adequate information is given to support your conclusions. Identified generally the relevant facts but some confusion with facts which were distracters. There is evidence of preparation and organization. Delivery is easy to follow.
5 → 3 10 → 6 - 5 15 → 9 - 7 20 → 12 - 9 25 → 15 - 12	Identified an adequate amount of the relevant rules of law given the question. Displayed an adequate understanding of the relevant rules of law. Explained each relevant law with clarity but lacked the precision of above. Used the correct legal terminology.	Correctly identified the relevant legal issues. Adequate information is given to support your conclusions but not as strong as above. Identified generally the relevant facts but some confusion with facts which were distracters. There is some indication of preparation and organization. Delivery is adequate.
5 → 2 10 → 4 - 3 15 → 6 - 4 20 → 8 - 5 25 → 10 - 7	Identified some of the relevant rules of law given the question. Displayed a minimal understanding of the relevant rules of law. Explained each relevant law but with less clarity or precision than above. Did not use the correct legal terminology.	Failed to identify the relevant legal issues. Inadequate information is given to support your conclusions. Did not identify the relevant facts. Evidence of preparation and organization is lacking. Delivery is difficult to follow.

VII. *Grade Scale*

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

VIII. *Course Grade*

- “A” - an exemplary understanding of the course material.
- “B” - a superior understanding of the course material.
- “C” - a satisfactory understanding of the course material.
- “D” - an unsatisfactory understanding of the course material, but enough understanding to warrant credit.
- “F” - an unsatisfactory understanding to the extent not worthy of credit.

**APPENDIX A  
TENTATIVE SCHEDULE  
SPRING 2009**

<b>DATE</b>	<b>TOPIC</b>	<b>RECOMMENDED READINGS</b>	<b>REQUIRED READINGS SacCT</b>
T 1-27	Introduction to course, SacCT, case study method	None	
	<b><i>Defenses related to the elements of the crime</i></b>		
TH 1-29	Lack of corpus delicti, criminal intent or criminal act	Ch. 3 - pp. 37-41; Ch. 4 - pp. 53-55, 59-65,	CALCRIM 250; CALCRIM 251; Jones v. Superior Court; People v. Jones; People v. McCoy; People v. McDaniel; People v. Bland; People v. Levitt; People v. Scott
T 2-3	No class	Research	
TH 2-5	No class	WSC Conference	
T 2-10	Lack of causation; alibi	Ch. 7 - pp. 141-151.	CALCRIM 3400; CALCRIM 240; CALCRIM 402; People v. Costello; People v. Sanchez; People v. Cervantes; People v. Prettyman; People v. Nguyen
	<b><i>Responsibility based on intent</i></b>		
TH 2-12	Strict and vicarious liability	Ch. 6 - pp.117-132.	CALCRIM 402; CALCRIM 450; People v. Matthews; Sea Horse Ranch v. Superior Court; People v. Brigham; People v. Garcia; People v. Nguyen; People v. Woods
	<b><i>Defenses based on capacity</i></b>		
T 2-17	Mistake	Ch. 5 - pp. 89-96, 98-101	CALCRIM 3406; CALCRIM 3407; People v. Reed;

			People v. Russell; People v. Scott; People v. Snyder; People v. Vineberg
TH 2-19	NO CLASS	CASOMB MEETING	
T 2-24	Insanity/diminished capacity	Ch. 17 - pp. 476-487	CALCRIM 428; CALCRIM 3450; People v. Mendoza; People v. Kelly; People v. Robinson; People v. Skinner; People v. Stress
TH 2-26	Practice midterm		
T 3-3	<b>FIRST MIDTERM</b>	Scores will be posted on SacCT by March 10 <sup>th</sup> .	
TH 3-5	Review midterm, infancy	Ch. 17 - pp. 495-498	In re M.; In re Manuel L.
T 3-10	Intoxication	Ch. 17 - pp. 499-507	CALCRIM 3426; CALCRIM 3427; People v. Heffington; People v. Velez
TH 3-12	Biological excuses	Ch. 17 - pp. 531-533	People v. Mathews; People v. Tanner; People v. Jefferson
T 3-17	Psychological excuses	Ch. 17 - pp. 533-534	"Commandeering of Free Will"; "Admissibility of Mob Mentality Defenses"
TH 3-19	NO CLASS	CASOMB MEETING	
T 3-24	Sociological excuses	Ch. 17 - pp. 535-536	"Rotten Social Background Revisited"; "Urban Survival Syndrome"
	<b><i>Defenses based on external influences</i></b>		
TH 3-26	Entrapment	Ch. 17 - pp. 521-524	CALCRIM 3408; US v. Williams; People v. Barraza; People v. McIntire; Provigo v. ABC
T 3-31	<b>SPRING BREAK</b>		
TH 4-2	<b>SPRING BREAK</b>		
T 4-7	Unconscious/Duress	Ch. 16 - pp. 424-428.	CALCRIM 3402; CALCRIM 3426;

			People v. Graham; People v. Lovercamp; People v. Pena; People v. Condley; People v. Heath; People v. Cox; People v. Freeman; People v. Methever; People v. Newton; People v. Wilson
TH 4-9	Necessity	Ch. 16 - pp. 429-434.	CALCRIM 3403; People v. Garziano; In re Eichorn
T 4-14	Practice midterm		
TH 4-16	NO CLASS	CASOMB MEETING	
T 4-21	<b>SECOND MIDTERM</b>	Scores will be posted on SacCT by April 28 <sup>th</sup> .	
TH 4-23	Review of second midterm, self-defense	Ch. 16 - pp. 442-454	CALCRIM 3474; People v. Quach; People v. Silvey
T 4-28	More self-defense, defense of others		CALCRIM 505; CALCRIM 506; CALCRIM 3470; CALCRIM 3471; CALCRIM 3477; People v. Brown; People v. Hughes;
TH 4-30	Defense of property, habitat	Ch. 16 - pp. 459-463.	CALCRIM 3475; CALCRIM 3476; People v. Ceballos
T 5-5	Public authority	Ch. 16 - pp. 465-470.	CALCRIM 507; Hamburg v. Wal-Mart
TH 5-7	Consent		People v. Samuels; People v. Ross; People v. Stuedemann
T 5-12	Immunity		People v. Campbell; Silva v. Superior Court
TH 5-14	Practice final		
TH 5-21	<b>FINAL EXAM</b>	10:15 a.m. to 12:15 a.m.	

**APPENDIX B  
SAMPLE CASE BRIEF**

NAME: Russell Loving  
CLASS: CRJ 174A – 1:00 PM  
DATE: June 4, 2007

CASE BRIEF

CASE: *Katz v. U.S.*, 389 U.S. 347 (1967)

SUMMARY OF THE FACTS: The defendant was sending wager information by telephone from Los Angeles to Miami and Boston. He made his calls from a public telephone booth. The FBI attached an electronic listening and recording device to the outside of the booth and recorded his conversation. The recording was used as evidence against the defendant.

ISSUE:(1) Whether a public telephone booth is a constitutionally protected area so that evidence obtained from the electronic listening and recording device violated the right to privacy of the user.

(2) Whether physical penetration of the protected area is necessary for a violation of the Fourth Amendment.

APPLICABLE RULES OF LAW: The Fourth Amendment protects against certain kinds of government intrusion into privacy, not locations or objects. Therefore, the Fourth Amendment protects people, not places. What is exposed to the public, even at home or in an office, is not protected. What a person seeks to preserve as private, even in a public place, is protected. Since the Fourth Amendment protects privacy and not objects, oral statements as well as tangible objects are protected. Therefore, physical intrusion is not necessary for a violation of the Fourth Amendment.

HOLDING: The FBI's use of an electronic listening and recording device was a violation of the Fourth Amendment.

REASONING (RATIONALE): The defendant expressed a desire to preserve his privacy when he closed the door to the telephone booth. Any reasonable person would assume that his conversation from an enclosed telephone booth would not be broadcasted to the public. That the listening device did not physically intrude into the booth is irrelevant since what was protected was the conversation, not the booth. As mentioned above, the Fourth Amendment protects people, not places.

CONCURRING/DISSENTING OPINION:

Concurring: Whether a person has a reasonable expectation of privacy relies on two factors: (1) Did the person expressed an actual expectation of privacy? (2) Was the expectation one that society is prepared to recognize as reasonable?

Dissenting: The Fourth Amendment is limited to tangible objects, not words. The words of the Fourth Amendment specifically refers to "person, houses, papers, and effects, ..." Also, the Fourth Amendment requirement for a valid warrant requires that the place to be searched and the persons or things to be seize be described with particularity. Therefore, the plain wording to the Fourth Amendment limits it to tangible objects. Also, the Fourth Amendment protects against unreasonable searches and seizure. It does not create a general right to privacy. The Fourth Amendment is devoid of any language referring to privacy.