

**CRIMINAL JUSTICE DIVISION**  
**LAW OF RESPONSIBILITY**  
**CRJ 173**

Office: Alpine 219  
Office Hours: Tues. 6:00-6:45 p.m.  
and by Appointment  
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Barry Newman  
CRJ 173, Section 2  
Spring 2009  
Tues. 7:00-9:50 p.m.  
Alpine 148

**COURSE DESCRIPTION**

From the 2006-2008 Catalog:

“**CRJ 173. Law of Responsibility.** Substantive criminal law of responsibility and culpability. Topics include legal cause, mens rea, negligence, intent and its equivalents, motive, immaturity, mental incapacities, mistake, and affirmative defenses including authority and privilege as found in American statute and case law. A case method law course. **Note:** Not open for credit to students who have completed CRJ 002B. **Prerequisite:** Restricted to declared majors and minors or instructor permission. 3 units.”

**REQUIRED TEXTS**

1. Criminal Law and Procedure by Rollin M. Perkins, Ronald N. Boyce, Donald A. Dripps, 10<sup>th</sup> (or 9<sup>th</sup>) Ed, Foundation Press.

**RECOMMENDED TEXT**

- Black's Law Dictionary

## LEARNING OBJECTIVES

This course is an in-depth study of the substantive criminal law of responsibility and culpability and the substantive law of defenses using the case law method.

“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” (**CSUS Criminal Justice Department Learning Objectives for CRJ173.**)

## ACADEMIC DISHONESTY

I do not tolerate any form of academic dishonesty. A statement of what constitutes academic dishonesty is attached to the back of this syllabus. If you engage in any form of academic dishonesty, including but not limited to, copying, plagiarism, cheating, or any other form of misrepresentation, you will receive zero points for that assignment and other sanctions as deemed appropriate by the professor, including but not limited to, deduction of points from the final course grade or a grade of F in the course.

### GRADES

	<u>Possible Points</u>	<u>Percentage of Final Grade</u>
1. Attendance/ Participation	50	16.7 %
2. Case Briefs	50	16.7 %
3. Midterm Exam/Quiz	100	33.3 %
4. Final Exam	<u>100</u>	<u>33.3 %</u>
TOTAL	300	100 %

### Grading Scale

270-300 pts.	90-100 %	=	A- to A
240-269 pts.	80-89 %	=	B- to B+
210-239 pts.	70-79 %	=	C- to C+
180-209 pts.	60-69 %	=	D- to D+
Less than 180 pts.	< 60 %	=	F

## **BRIEFS**

During the semester students will read cases as assigned in the casebook and in handouts. Each student will be assigned two cases from the reading assignment to brief and to discuss in class. The brief assignments and structure of the briefs will be discussed at the second class meeting. Briefs will be submitted on the class date of the reading assignment. Late briefs will be accepted but a penalty of one letter grade reduction (or more) will be assessed unless otherwise approved by instructor. These briefs will constitute part of your grade.

## **ATTENDANCE AND PARTICIPATION**

1. Attendance - because this course involves a high degree of participation, attendance is required. Roll will be taken and as discussed below, absences can affect your grade. Missing any one class will be a serious detriment to your success in this course. Nonetheless, it is understood that illness and emergencies are unfortunate facts of life. Students with excessive absences need to contact the instructor.
2. Participation - the material in this course will be presented in both lecture and “case method” format. Students are to read and be prepared to discuss each assignment. Participation is a factor in the grading scheme for this course. Students will be randomly called upon to answer questions and analyze factual scenarios in light of the reading assignment. Excessive absences will lower your points received for participation.

## **EXAMS**

There will be two exams. The examinations will be short answer or essay exams in which you will be required to analyze factual scenarios and/or discuss legal principles. In addition, there may be periodic unannounced quizzes. Large “Bluebooks” will be required for both the midterm and the final exams. Make-up exams are at the discretion of the instructor.

## **STUDENTS WITH DISABILITIES**

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 after class or during my office hours early in the semester.

## **LAPTOP AND CELLPHONE REGULATION**

No photographing, recording or text messaging is allowed without permission of the instructor. The use of cell phones in class is not permitted. Please turn off your cell phone prior to the beginning of the class. The use of laptops for taking notes is permitted.

## **GRADING RUBRIC FOR EXAMS AND ASSIGNMENTS**

- Content/Analysis: 80% of the total score
- Organization/Grammar/Spelling: 20% of the total score

### A - Excellent Answer:

- Correctly identifies and incorporates all applicable case law and legal principles in the analysis.
- Analyzes all relevant facts given in the exam and applies them to applicable case law and legal principles.
- Thoughtfully analyzes alternative points of view.
- Demonstrates coherent organization.
- Contains no grammatical or spelling errors.

### B - Strong Answer:

- Identifies and incorporates some of the applicable case law and legal principles in the analysis.
- Analyzes some of the relevant facts given in the exam and applies them to applicable case law and legal principles.
- Analyzes alternative points of view.
- Demonstrates coherent organization.
- Contains minimal grammatical or spelling errors.

### C - Adequate Answer:

- Identifies some of the applicable case law and legal principles.
- Applies a few of the facts given in the exam to applicable case law and legal principles.
- Discusses one point of view.
- Demonstrates coherent organization.
- Contains several grammatical or spelling errors.

### D - Seriously Flawed Answer:

- Names case law and legal principles inapplicable to the issues.
- Misapplies the facts given in the exam to case law and legal principles.
- Discusses one point of view.
- Lacks organization.
- Contains many grammatical or spelling errors.

### F - Fundamentally Flawed Answer:

- Fails to identify or incorporate applicable case law and legal principles.
- Fails to apply the facts given in the exam to case law and legal principles.
- Fails to discuss any point of view.
- Lacks organization.
- Contains many grammatical or spelling errors.

## READING ASSIGNMENTS & TENTATIVE SCHEDULE

You must be prepared to discuss the subject matter covered by the reading assigned for that date. Moreover, you must be prepared to engage in class discussion about the cases and topics covered by the reading assignments. The reading assignments are subject to change depending on time limitations.

<b>Date</b>	<b>Pages: 9<sup>th</sup></b>	<b>10<sup>th</sup> Edition</b>	<b>Topic/Case</b>
Jan. 27 <sup>th</sup>	Lecture		Introduction  Criminal Procedure  Classification of Crimes  Statutory Interpretation
Feb. 3 <sup>rd</sup>	605-617 640-644 646-654 655-659 662-674 674-681	556-568 587-591 593-601 602-606 609-621 621-628	Proof of Criminal Responsibility: Mens Rea, Actus Reus, Intent, Negligence  [Briefing Assignments]
			<b>WHO IS CRIMINALLY RESPONSIBLE?</b>
Feb. 10 <sup>th</sup>	510-512 516-519  548-555  569-580 595-597 599-602	463-466 470-473  502-509 511-516 521-531 547-549 550-553	Conspiracy, Parties to Crime  Causation – when can a person be deemed liable for an act?
Feb. 17 <sup>th</sup>	120-125 129-136 155-160 200-202 212-216	99-104 108-114 134-139 170-172 182-186	Homicide – Is there sufficient proof of the elements of the various grades of homicide?

Feb. 24 <sup>th</sup>	226-229 232-247	197-200 202-218	Other Crimes Against the Person: Assault & Battery, Domestic Violence, Stalking
	892-904	841-850	<b>MODIFYING CIRCUMSTANCES</b>  Consent as a Defense
			<b>JUSTIFICATION DEFENSES</b>
Mar. 3 <sup>rd</sup>	956-978 980-990 993-995	902-924 926-935 939-941	
Mar. 10 <sup>th</sup>	996-1021 913-931	942-952 859-877	
Mar. 17 <sup>th</sup>	933-943  Catch up and Review	879-889	
Mar. 24 <sup>th</sup>	<b>MIDTERM</b>  Lecture		
Mar. 31 <sup>st</sup>	<b>SPRING RECESS</b>		
			<b>PROPERTY CRIMES AND JUSTIFICATION DEFENSES</b>
April 7 <sup>th</sup>	301-306 312-313  335-338 341-343 346-347 353-354 363-365	271-276 282-283  300-304 307-309 312-314 319-320 329-331	Offenses Against the Habitation: Burglary  Offenses Against Property: Larceny, Embezzlement, Appropriation of Lost Property

Apr. 14 <sup>th</sup>	906-909 943-955 1006-1021	852-855 889-901 952-966	Guilt/Fault of Injured Party  Crime Prevention Defense of Habitation, Property
			<b>EXCUSE DEFENSES</b>
Apr. 21 <sup>st</sup>	745-757  Handouts  Lecture	692-704	Immaturity  Idiocy, Incompetence  Insanity
Apr. 28 <sup>th</sup>	758-802	705-748	Insanity
May 5 <sup>th</sup>	802-806 814-822 833-859	749-753 761-769 780-805	Intoxication  Ignorance/Mistake of Law  Ignorance/Mistake of Fact
			<b>EXTERNAL CAUSES</b>
May 12 <sup>th</sup>	859-887  1022-1034	806-834  968-980	Duress or "Impelled Perpetration"  Entrapment
May 19 <sup>th</sup>			<b>FINAL EXAM</b> 7:30-9:30 p.m.

## DEFINITIONS OF ACADEMIC DISHONESTY

Excerpt from California State University, Sacramento, Policies and Procedures Regarding Academic Honesty:

### “III. DEFINITIONS OF ACADEMIC DISHONESTY

A. CHEATING. At CSUS, cheating is the act of obtaining or attempting to obtain credit for academic work through the use of any dishonest, deceptive, or fraudulent means. Cheating at CSUS includes but is not limited to:

1. Copying, in part or in whole, from another’s test or other evaluation instrument;
2. Using crib notes, “cheat sheets,” or any other device, including electronic devices, in aid of writing the exam not permitted by the instructor;
3. Submitting work previously graded in another course unless doing so has been approved by the course instructor or by department policy;
4. Submitting work simultaneously presented in more than one course, unless doing so has been approved by the respective course instructors or by the department policies of the respective departments;
5. Altering or interfering with grading or grading instructions;
6. Sitting for an examination by a surrogate, or as a surrogate;
7. Any other act committed by a student in the course of his or her academic work that defrauds or misrepresents, including aiding or abetting in any of the actions defined above.

B. PLAGIARISM. Plagiarism is a form of cheating. At CSUS plagiarism is the use of the distinctive ideas or works belonging to another person without providing adequate acknowledgment of that person’s contribution. Regardless of the means of appropriation, incorporation of another’s work into one’s own requires adequate identification and acknowledgment. Plagiarism is doubly unethical because it deprives the author of rightful credit and gives credit to someone who has not earned it. Acknowledgment is not necessary when the material used is common knowledge. Plagiarism at CSUS includes, but is not limited to:

1. The act of incorporating into one’s own work the ideas, words, sentences, paragraphs, or parts thereof, or the specific substance of another’s work without giving appropriate credit thereby representing the product as entirely one’s own. Examples include not only word-for-word copying, but also the “mosaic” (i.e., interspersing a few of one’s own words while, in essence, copying another’s work), the paraphrase (i.e., rewriting another’s work while still using the other’s fundamental idea or theory); fabrication (i.e., inventing or counterfeiting sources), ghost-writing (i.e., submitting another’s work as one’s own) and failure to include quotation marks on material that is otherwise acknowledged; and
2. Representing as one’s own another’s artistic or scholarly works such as musical compositions, computer programs, photographs, paintings, drawing, sculptures, or similar works.”

A tutorial on how not to plagiarize may be found at:

<http://library.csus.edu/content2.asp?pageID=353>