

California State University, Sacramento

Criminal Justice Division

CRJ 2: CRIMINAL LAW SPRING 2008

Course: Section 2, Alpine Hall, Room 144, MWF 10:00 am
Office: Alpine Hall, Room 107
Office Hours: MTW 3:00 pm to 6:00 pm

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Criminal Justice Division - Faculty links.

Required Text

1. Crime In California: A Case Reader Of California Criminal Law, Kubicek (Kendall Hunt)

Recommended Texts

1. Gould's Penal Code Handbook of California, 2007 Edition

Course Description

“CRJ 002. Law of Crimes. 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 002.A. 3 units.”

Goals and Objectives

This is an in-depth study of the substantive criminal law using the case law method. In this course, you will:

1. Understand the development of the criminal law by reading and interpreting case law, statutory law, and, to a lesser extent, the Model Penal Code.
2. Learn to read, analyze and summarize court decisions.
3. Comprehend the law and its applications by working through numerous factual scenarios.
4. Learn substantive criminal law such as the offenses against the person, offenses against habitation, and offenses against property.
5. Understand the requisite elements of the major criminal law felonies, including *actus reus* and *mens rea*.
6. Learn the criminal culpabilities of various persons involved in the commission of a crime.
7. Become familiar with defenses to crime, including self-defense, insanity, reasonable doubt and mistake of fact and law.

Academic Dishonesty

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. A copy of the University Definition of Academic Dishonesty is attached.

Grades

Grades will be determined as follows:

1. Attendance/Participation	10%
2. Case Briefs (written assignment, presentation and assigned bullet point lists)	20%
3. Exam No. 1	20%
4. Exam No. 2	20%
5. Final Exam	30%
<i>Total:</i>	<i>100%</i>

Grading Scale

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

Course Procedure

Students will learn about search and seizure law by reading and analyzing judicial decisions. The case method approach of teaching will be emphasized, with supplementation by lecture when appropriate. Lectures may include the use of power-point presentations and overheads. Guest speakers will provide

students with practical realities of the criminal justice system.

All Court decisions may be read on-line through two websites, www.findlaw.com or www.lawcornell.edu/index.html. Students will also become familiar with how to retrieve court opinions and legal articles through Lexis-Nexis.

Attendance and Participation

This course will involve a great deal of class discussion. As such, attendance and participation in class will represent a portion of your grade. I expect all students to be prepared to discuss each assigned case and to have summarized each case before class.

Case Brief Assignment

A. Case Assignment:

Within the first two weeks of the semester, each student will be assigned one case from the Reading Assignment to brief fully and to lead the discussion in class. Assignment of cases will be through a random selection.

Two other students will be designated for each case assigned to question the presenting student on important facts, issues and conclusions reached by the court. Only the presenting students are expected to submit a written brief in the format described below. However, the two “questioning” students must submit a typed one page list of bullet points they have prepared for discussion of that case in class.

In completing this assignment, it is particularly important to describe what happened in the case in your own words. Reciting the facts verbatim from the court’s opinion, for instance, will not be viewed favorably. Additionally, to be fully successful, the student must identify not only the main argument but also opposing positions as well. Personal observations about the Court’s opinion by the student who is leading the discussion will be rewarded.

B. Due Date:

This assignment will be due in class on the first day of the week that the case is scheduled to be discussed in class. Students must turn in the case brief, be present in class and discuss the case assigned to receive credit for the assignment.

C. Format:

The case brief must be typewritten [double-spaced, 1-inch margin on all sides, 12 point font size, and maximum 3 pages], in the following format and with the following headings in italics:

Case Name

(A) Facts and Procedural History of the Case.

[What crime did the defendant commit? How did the case get to the U.S. Supreme Court? What are the facts relevant to resolving the legal issue?]

- (B) *Issues of the Case.*
[What are the legal questions before the Court? Why is the Court reviewing this case?]
- (C) *Rule of Law Applied.*
[What is the answer to the legal issue?]
- (D) *Rationale for the Answer.*
[What is the basis or reasoning for the Court's decision?]
- (E) *Conclusion.*
[What happened to the case, i.e., reversed, affirmed, etc.]

Exams

There will be three exams. The types of questions may include multiple-choice, short answer, and essay in any combination. Exam questions may be drawn from all sources, including the required text, lectures, class handouts, class discussions, and required court opinions.

There will be NO make-up exams except for extraordinary and documented reasons.

Exams will be on the following dates:

- (1) Exam No. 1: **February 25, 2008**
- (2) Exam No. 2: **March 26, 2008**
- (3) Exam No. 3: **Week of May 18, 2008 (exact time to be announced)**

If you have a disability and require accommodation, you need to provide disability documentation to SSWD, Lassen Hall, Room 1008, telephone (916) 278-6955. Please discuss your accommodation needs with me after class or during my office hours early in the semester.

Potential Problems

Please silence all beepers, cell phones, etc., before coming to class, including making sure that all text messaging capabilities have been turned off. The use of laptops to take notes during class is permitted.

In the event you must leave early, please advise me before the class begins. I expect students to arrive on time for class, particularly since attendance will be taken.

I fully appreciate that unforeseeable events may arise during the semester which affect your responsibilities as a student. I suggest that you notify me immediately so that your performance in the course is not jeopardized.

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 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, drawings, sculptures, or similar works.”

GRADING RUBRIC

FOR ASSIGNMENTS AND EXAMS

Content/Analysis: 80% of the total score

Organization/Grammar/Spelling: 20% of the total score

A - Excellent Answer:

- Accurately addresses the question.
- Demonstrates an excellent understanding of the issues.

- Incorporates all applicable case law and legal principles in the discussion.
 - Demonstrates coherent organization.
 - Contains no grammatical or spelling errors.
- B - Strong Answer:
- Accurately addresses the question.
 - Demonstrates a good understanding of the issues.
 - Incorporates some of the applicable case law and legal principles in the discussion.
 - Demonstrates coherent organization.
 - Contains minimal grammatical or spelling errors.
- C - Adequate Answer
- Adequately addresses the question.
 - Demonstrates an adequate understanding of the issues.
 - Incorporates several of the applicable case law and legal principles in the discussion.
 - Demonstrates coherent organization.
 - Contains several grammatical or spelling errors.
- D- Seriously Flawed Answer
- Partially addresses the question.
 - Demonstrates a superficial understanding of the issues.
 - Incorporates few of the applicable case law and legal principles in the discussion.
 - Lacks organization.
 - Contains several grammatical or spelling errors.
- F- Fundamentally Flawed Answer
- Fails to address the question.
 - Demonstrates a total lack of understanding of the issues.
 - Fails to incorporate any of the applicable case law and legal principles in the discussion.
 - Lacks organization.
 - Contains many grammatical or spelling errors.

The grading rubric assumes that your writing on the exams is legible. Please make sure that your writing is indeed legible.

Course Reading Assignment

Date	Reading Material	Subject
1/28/08 to 2/1/08	Text: pp 7-11, including <i>Fisher</i>	Introduction to the course, review of syllabus and course requirements, methods of instruction, explanation of researching and analyzing cases with corresponding penal statutes, access to Lexis-Nexis; proper method of briefing a case;
2/4/08 to 2/8/08	California Penal Code Sections 1, 9, 12, 13, 15 through 19.6; CALCRIM 103, 200, 220, 240, 250 THROUGH 254; Penal Code Sections 26 through 33, 777 through 805, 1170 through 1170.85	Understanding origins of criminal law, its sources and general principles; defining crimes through elements of each crime, distinguishing civil from criminal law and federal from state; classification of crimes; following a typical case through the system and defining various roles of the participants; limitations on criminal liability (jurisdiction, statutes of limitation, the Bill of Rights, legality, double jeopardy, etc.); parties to criminal liability; role of sentencing in criminal law
2/11/08 to 2/15/08	CALCRIM 500 THROUGH 522, 540a THROUGH 549, 560 THROUGH 563, Penal Code Sections 20 through 22, 25; Penal Code Sections 654, 954, 1170, 12022 and 667; Text (<i>Keeler, Davis, Mathews, Bland</i>); Penal Code Sections 187 through 199	Basic requirements for a crime (act, intent, causation, etc.); criminal negligence, recklessness, strict liability offenses and culpable omissions; multiple defendants, counts and offenses; lesser included offenses; sentencing; introduction to homicide, including degrees of murder, manslaughter, instructional errors; transferred intent
2/18/08 to 2/22/08	Text (<i>Chavez, Virginia, Anderson, Perez</i>); Penal Code Sections 192, 193; CALCRIM 570 through 572, 580 through 582, 590 through 595, 600 through 604, 625 through 627, 700; Text (<i>Billa, Stamp, Curtis, Satchell</i>); Text (<i>Ireland, Breberman, Flannel</i>)	Specific intent, requisite mental state, transferred intent, causation, felony murder; premeditation, sufficiency of evidence for conviction; death in commission of another crime; defense of self, home, imperfect self-defense; conspiracy; lesser included offenses, malice REVIEW FOR FIRST EXAM
2/25/08	FIRST EXAM	
2/27/08	GUEST SPEAKER	

2/29/08	Text (<i>Penny, Humphrey, Rodriguez, Thompson</i>); Vehicle Code Sections 23136, 23152 through 23158, 23536 through 23568; CALCRIM 915 through 917, 925, 926, 875, 890	DUI; involuntary manslaughter, gross vehicular manslaughter; Battered Women's Syndrome
3/3/08 to 3/7/08	Text (<i>Banks, Button, Myers, Curtis</i>); Penal Code Sections 195 through 198.5; Text (<i>Skinner, Kelly, Saille, Velez, Lucero</i>); Penal Code Sections 240, 241, 242, 243, 243.4, 245; CALCRIM 3470 through 3477, 3450 through 3455, 3425 through 3428	Mutual combat; burden of proof; importance of jury instructions; assault & battery with G.B.I., insanity; assault with deadly weapon, intoxication, diminished capacity
3/10/08 to 3/14/08	Text (<i>Meyers, Lara, Martinez, Lopez</i>); CALCRIM 800, 801, 935, 1000, 1005, 1015, 1030, 1060, 1071, 1215, 1200 through 1204, 1225, 1240, 1242; Text (<i>Iniguez, T.A.J., Agnew, Moyer</i>); Penal Code Sections 207 through 209.5, 236, 237, 261 through 264	Battery with G.B.I., requisite intent, mayhem; rape, unlawful intercourse, false imprisonment, kidnapping
3/17/08 to 3/21/08	Text (<i>Ewing, Avaredo, Hoard</i>); Penal Code Sections 646.9, 211 through 213, 215; CALCRIM 1300, 1301, 1600, 1602, 1650	Stalking, robbery with firearm, carjacking REVIEW FOR SECOND EXAM
3/24/08	REVIEW FOR SECOND EXAM	
3/26/08	SECOND EXAM	
4/7/08	GUEST SPEAKER	
4/9/08 to 4/11/08	Text (<i>Amber S., Rodriguez, Labaer</i>); Penal Code Sections 450 through 453, 459 through 461; CALCRIM 1500 through 1515, 1530 through 1532, 1700, 1701, 2929 through 2933	Arson, burglary
4/14/08 to 4/18/08	Text (<i>Williams, Shannon, Wooten</i>); Penal Code Sections 484, 487, 489 through 490(a), 503; CALCRIM 1800 through 1806, 1820, 1821, 1750, 1751, 1862, 1863	Larceny, embezzlement, false pretenses, receiving stolen property
4/21/08 to 4/25/08	Text (<i>Hidalgo, Pugh Hesslink</i>); Penal Code Sections 470, 518-519; CALCRIM 1830 through 1832, 1900, 1904 through 1906, 1930 through 1932, 1935, 1970, 1971	Forgery, extortion, issuing a worthless check

4/28/08 to 5/2/08	Text (<i>Guerra, Saepanh, Van Ronk, Toledo, Cecil</i>); Penal Code Sections 21(a), 663, 664, 665; CALCRIM 415 through 420, 440 through 443, 460; Text (<i>Meyer, Swain, Saugsted, Russo, Gordon</i>); Penal Code Sections 182, 184, 653(f)	Attempts to commit crime; conspiracy, solicitation
5/5/08	GUEST SPEAKER	
5/7/08 to 5/9/08	Text (<i>Cook, Hill, Nicholas Y.</i>); Penal Code Sections 30 through 33; CALCRIM 400 through 403, 2900, 2901	Aiding and abetting, accessories, prostitution, vandalism
5/12/08 to 5/16/08	SCENARIO REVIEWS	
Week of 5/18/08	FINAL EXAM WEEK	