

CALIFORNIA STATE UNIVERSITY, SACRAMENTO
Division of Criminal Justice

CRJ 2 (Law of Crimes) Syllabus
Spring, 2009

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CRJ 002. Law of Crimes. Introduction to the case method of studying criminal law. Understanding and correlating the common law 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: Pre-majors must achieve a grade of “C” or better in this course to be eligible for the Criminal Justice major.

Text: Criminal Law, Brody, Acker & Logan

Learning Objectives: In this course, you will:

1. Understand the development of the criminal law by synthesizing case law, statutory law, and the Model Penal Code.
2. Learn to read, analyze and brief case law.
3. Comprehend the law and its applications by working through new fact scenarios.
4. Learn substantive criminal law such as the offenses against the person, offenses against the habitation, and offense against the property.
5. Understand the requisite elements of the major common 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 and insanity defense.

At the end of this course the student will achieve:

1. The ability to apply the substantive criminal law taught in class to a complex series of facts, where the focus of the substantive criminal issues are not isolated from their surrounding distractors by;
 - a. *Defining* the applicable legal concepts;
 - b. *Applying* those concepts to the facts in a reasoned and defensible manner of deduction; and then
 - c. *Coming to a conclusion* as to the appropriate application of 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 legal statutes within an environmental context of statute and case law.

3. The ability to *engage in inductive reasoning* from ethical and societal values associated with the American substantive law system, in the logical interpretation of statutory and common law.
4. The ability to *express in a logical, reasonable and defensible manner* the substantive law learned in this class, *applying the specific terms* of art associated with this law 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 continued lifelong learning. This includes the ability to engage in learning techniques of case briefing commonly followed in American law schools.

Grades:

The grade in this class is determined by the number of points a student earns on a **200 point scale**. Grades are as follows:

A... 180 pts B+...170 pts C+ ...150 pts D+ ...130 pts
A-...175 pts B ... 160 pts C ...140 pts D ... 120 pts
B- ...155 pts C- ...135 pts

Your course grade will be determined by your performance in the following activities:

1. QUIZZES (40% of your grade (80 points))

There will be **four quizzes** during the course of the semester. **Each quiz** will be worth **10% (20 points)** of the semester grade. **There will be NO makeup quizzes provided.**

2. THE FINAL EXAM (30% of your grade (60 points))

The Final Exam in this course will require the student to demonstrate a **CUMULATIVE** knowledge of all the principals of search and seizure learned during the semester.

3. CASE BRIEFS (10% (20 points))

Each student will be assigned **six cases** to brief during the course of the semester. **Each** case brief **is worth as much as 2% towards your grade(4 points per brief)**. (Yes, that means you could earn 2% (4 points) extra credit, if you submit all six briefs assigned.). The desired format is discussed later in the syllabus. All briefs **MUST** be typed and **SUBMITTED WHEN DUE**. Neither late nor handwritten submissions will be accepted.

4. COURT VISITATION REPORT (20% of your grade (40 points))

This assignment will be due on **MONDAY, MAY 4TH** . You will be provided a series of questions pertaining to your courtroom experience. Your typed/word-processed paper should be no longer than 7 pages. **NO LATE PAPERS WILL BE ACCEPTED.**

An important requisite of this course is that you supplement the learned insights of the classroom with observations of a courtroom. In order to better understand the function, procedures, and environment in which criminal law is applied in the courtroom, each student shall participate as a JUROR in a criminal trial at the McGeorge Law School Practice Court project.

As a JUROR, you will be obliged to attend a one day trial located on the McGeorge Law School campus. While both criminal and civil cases are tried at McGeorge, you are obliged to make sure you are part of a CRIMINAL CASE. A few of the trials are conducted on SATURDAYS and the rest are conducted Mondays through Fridays.

Each student is responsible to reserve their position as a JUROR in an upcoming CRIMINAL trial. Sign ups will occur in class after February 12th. The contact person at the **McGeorge** is **Heather Mendez**. Her e-mail is hmendez@pacific.edu. The phone number is **(916) 739-7120**.

NOTE: 1) Each student is REQUIRED to participate in this experience.
2) THEREFORE each student is responsible for signing up and attending a criminal trial at McGeorge.
3) NO EXCUSES WILL BE ACCEPTED AND NO ALTERNATIVE ASSIGNMENTS WILL BE PROVIDED.
4) A STUDENT WHO FAILS TO PARTICIPATE IN THE McGEORGE ASSIGNMENT WILL FORFEIT THE 40 POINTS THAT THIS ASSIGNMENT CARRIES.

4. Possible EXTRA CREDIT: CLASS PARTICIPATION AND ATTENDANCE (A possible 5% (10 Points))

It is *possible* for a student to gain as much as 5% (10 points) extra credit if their performance in class warrants. Whether you qualify for any extra credit will be determined by the following:

- A. Your class preparation as evidenced by your knowledge of the assigned cases;
- B. Your participation in classroom discussions;
- C. Whether you submit on time the required number of briefs assigned.
- D. Attendance. You will automatically lose 1% (2 points) of possible extra credit for each absence past the second absence.

Note: In order for one to succeed in this class, class preparation, attendance and participation is essential. Learning the legal concepts presented and developing the skills necessary to accurately apply these concepts to real life situations requires the discussion and illustration of concepts only available in the classroom. [BE ADVISED: Attendance will be taken **at the START** of each class. If a student is not present when role is taken, then they are deemed absent for that class.]

- E. A student who regularly leaves during class sessions will suffer a 2% (4 points) forfeiture of possible extra credit.
- F. THERE IS NO EATING IN CLASS

Academic Integrity and matters of makeup exams and late assignments:

One would hope that the following admonitions would be unnecessary in an upper division course in the Division of Criminal Justice.

1. Any student who engages in any form of **cheating, plagiarism, or other acts of dishonesty** shall a) receive **ZERO points** for the assignment or test, b) **forfeit all extra credit points**, and then c) be referred to the Office of Student Affairs for the appropriate discipline.

2. The general rule is there will be NO makeup exams provided NOR late assignments accepted.

CASE BRIEF FORMAT:

Basics:

1. Each case you will brief is an Appellate Court decision. The rules of law that impact and guide people and agencies in conducting themselves in society (including law enforcement) are created and defined in Appellate Court opinions.

2. Each case we will study is an Appellate Court answer to a particular legal problem (generally called an **ISSUE** in the language of the Law). It is only by understanding

a.) The facts of the case;

b.) The procedural history of the case (the path it took to get to the appellate court);

c.) Who is the **Appellant** and who is the **Respondent** (Hint: Why are there TWO “L”s in Appellant?)

d.) The legal issues (questions) that were raised by the Appellant;

and e.) How the Court answered these issues (called the Court’s **HOLDING** that we can begin to understand the complexities of the law and how to follow it.

3. An appeal occurs when the losing side seeks a review of the lower court’s decision in a higher court. **NOTE: The Lower court Loser will be called the APPELLANT in the appellate court.** (Do you now see why there are TWO “L’s” in Appellant?) The side that **WON** in the lower court will generally be called the **RESPONDENT**. (Note: In a few jurisdictions the quaint term “Apellee” is used in place of RESPONDENT, but they each refer to the side responding to the appeal.). Commonly the Defense is the APPELLANT...but **NOT** always. Sometimes the Prosecution loses in the lower court and seeks an appeal, in which case they become the APPELLANT. Whoever won at the lower court is “responding” to the appeal, so they are normally called the **RESPONDENT**.

THE ORGANIZATION OF A CASE BRIEF (For this Course):

Your Case Brief grades will be determined by how well you are able to follow this **10 step** format and correctly and concisely provide the relevant information.

1. THE CASE CAPTION

A. The parties to the appeal. (e.g. *Wilson v. Arkansas; People v. Lorenzana*)

B. Which court wrote the opinion you’re reading. (e.g. The USSC; The California Court of Appeals, The Alabama Supreme Court etc.)

C. The case citation. (23Cal App. 4th ed. 123 (1986))

[Note: What this citation tells you is

- It's in **volume 23**
- of the **4th Edition**
- of the **California Appellate Reports**
- At **page 123**
- And the case was **decided in 1986**]

2. THE CHARGES FILED AGAINST THE DEFENDANT

(e.g. Possession for sale of heroin; or, Murder, etc.)

3. THE FACTS OF THE CASE

What did the defendant and/or officers do that resulted in the defendant's arrest. This should be a concise summary of the crime and the relevant actions of law enforcement that are necessary in understanding the Court's opinion... **not every fact, address or person's name mentioned** in the Appellate Court opinion (unless necessary to understand the ISSUE in the case).
(e.g. "The Deft. forced the victim into the car at gunpoint and then drove out of town." (Would knowing the name of the parties, the name of the town or the make of the car be important to understand the facts?).

4. THE PROCEDURAL HISTORY OF THE CASE

This would be a brief explanation of the earlier court proceedings that will explain how the case got to the Appellate Court.
(e.g. "The Defendant was found guilty at the trial court. The Defendant appealed to the State Supreme Court, which reversed the Defendant's conviction. The Prosecution then appealed to the USSC. ")

5. Who is the APPELLANT ?

Is it the **PROSECUTION** or the **DEFENSE**

6. The Appellant's Position on Appeal

Briefly explain what the Appellant believes is wrong with the lower court ruling and needs to be fixed by the Appellate Court.
(e.g. "The appellant contends that his conviction for statutory rape should be reversed because he believed the victim was 20 years old.")

7. What is the ISSUE (Question) the Appellate Court is trying to answer (What's the fight all about?)

It is necessary that we be clear of what question the Court is wrestling with if we are to understand the Court's HOLDING (Answer). Traditionally, a court will highlight the issue it is working on by using the word "**WHETHER**"
(e.g. "We now deal with **WHETHER** the Prosecution was required to prove that the Defendant knew the victim was underage at the time they were sexually intimate")

The good student would then phrase the ISSUE in their brief as “**The issue was WHETHER the officer should have obtained a search warrant before proceeding with the search of the defendant’s house.**”

[NOTE: Obviously the wise student would be sure to **both**, begin the ISSUE section with the word **WHETHER**, and to **underline** the entire statement of ISSUE...in order to focus in on what question the court is dealing with...and to make the grader happy]

8. The Case Result

A. Define the outcome. (Did the court **AFFIRM** or **REVERSE** ?)

If the Appellate Court agreed with the lower court it will AFFIRM. If it disagrees, it will REVERSE (and likely REMAND).

B. Who won? (**Prosecution** or **Defense**)

9. The Court’s HOLDING

In this section of the brief you will BOTH lay out the Court’s answer to the ISSUE that was presented AND, most importantly, explain WHY the Court ruled the way it did.

(e.g. “The court ruled that it was an error for the trial court to fail to permit the Defendant to present evidence that might establish his belief that the victim was not a minor. For if the jury were to conclude that the Defendant truly believed the victim was an adult, then this would provide a defense to a charge of statutory rape.”)

10. What RULE of Law did you learn from this case?

Each appellate case teaches us at least one or more RULES of LAW. The quizzes and final exam in this class will test how well you have learned the various rules of law AND how well you can apply them to case facts. In order to prepare you for this type of analysis, part 10 of your brief will state what RULE of LAW this case provided.

(e.g. “**THAT** if the Defendant can establish that he believed that female was an adult, then he may not be guilty of statutory rape”)

Notice how the Rule of Law began with the word “**THAT**” and was underlined. Somehow it is easier to remember a RULE of LAW if it begins with the word THAT and is underlined.

THE GRADING RUBRIC FOR CASE BRIEFS:

You may earn as many as 4 points (2% towards your final grade) on any given case brief. Points will be earned in the following manner:

2 POINTS: A student who correctly answers the first 8 parts as outlined in the Case Brief Format will be assured of 2 points (1% towards your final grade).

2 POINTS: Accurate, well articulated statements of the Court's Holding (Part 9 of the Format) and of the Rule of Law (Part 10 of the Format) is worth as much as an additional 2 points.

WEEKLY CLASS TOPICS AND ASSIGNMENTS

Week 1 (Jan. 26th) Getting Started: Chapt. 1 (pp.1-56)

Week 2 (Feb. 2nd) Constitutional Considerations: Chapt. 2 (pp 57-100)

- (1) Papachristou v. City of Jacksonville p.62
- (2) Chicago v. Morales p.65
- (3) Lambert v. Calif. p.76
- (4) Miller v. Florida p.78
- (5) Bowers v. Hardwick p. 83
- (6) Washington v. Glucksberg p.91

Week 3 (Feb.9th) Constitutional Considerations (cont'd..pp. 100-159)

- (7) Cohen v. Calif. p.104
- (8) Michael M. v. Superior Ct. p124
- (9) Vacco v. Quill p.129
- (10) Coker v. Georgia p. 133
- (11) Mich. V. Harmelin p140

Week 4 (Feb. 16th) *****QUIZ #1***** (covers WKS 1,2,3)

Corporate Crimes: Chapt. 11 "Vicarious Liability" (pp.548-552)
Chapt. 10 (pp.509-536)

- (1) State v. Beaudry p.549
- (2) NY Central R.R. v.U.S. p.510
- (3) U.S. v. Park p.518
- (4) U.S. v. Carpenter p.526
- (5) U.S. v. Hanousek p.528
- (6) U.S. v. Johnson & Towers p.531
- (7) Cornelier v. Black p.533

Week 5 (Feb. 23d) Elements of a Crime: Chapt. 3 (pp. 161-213)

- (8) Morrisette v. U.S. p.164
- (9) Frey v. State p.171
- (10) Commonwealth v. Flemings p.181
- (11) Harvey v. Slate p.185
- (1) People v. Haney p.192
- (2) People v. Decina p.196
- (3) Robinson v. Calif. p.200
- (4) Powell v. Texas p.202
- (5) People v. Beardsley p.210

Week 6 (Mar.2nd) Elements of Crime (cont'd: pp.213-240)

- (6) Picou v. Gillum p.218
- (7) State v. Brown p.220
- (8) People v. Shacker p.222
- (9) Kusmider v. State p.225
- (10) People v. Schmies p. 228

Week 7 (Mar 9th) *****QUIZ #2*** (Covers WKS 4,5,6)**

Aiding and Abetting & Conspiracy: Chapt. 11 (537-548)

- (11) State v. Vaillancourt p.538
- (1) State v. Gladstone p.540
- (2) U.S. v. Graves p.544

Week 8 (Mar. 16th) Crimes Against Persons: Batteries/Assaults Chapt. 8 (pp.455-474)
Homicide: Chapt. 6 (pp.331-348)

- (3) People v. Owusu p. 460
- (4) Stae v. Masino p. 466
- (5) State v. Fitouri p.471
- (6) Girouard v. State p. 334

Week 9 (Mar.23d) Criminal Homicide (cont'd: pp.348-372)

- (7) State v.Dumlas p.350
- (8) State v. Brown p.358
- (9) State v. Forrest p.363
- (10) Chestnut v. State p. 365

Week 10 (Mar 30th) *****SPRING BREAK*****

Week 11 (April 6th) *****QUIZ #3*** (Covers Wks 7,8,9)**

Criminal Homicide (cont'd : pp 372-418)

- (11) People v. Stamp p. 372
- (1) State v. Stewart p.375
- (2) State v. Hearn p.379
- (3) People v. Hernandez p.386
- (4) Alston v. State p. 391
- (5) Commonwealth v. Feinberg p.397
- (6) Commonwealth v. Nixon p. 402
- (7) Todd v. State p.406
- (8) State v. Guess p. 413

Week 12 (Apr. 13th) Crimes of Sexual Violence: Chapt.7 (pp.419-449)

- (9) State v. Rusk p.420
- (10) In re MTS p.423
- (11) State v. Smith p.429
- (1) People v. Boro p. 433
- (2) Commonwealth v. Mlinarich p.436
- (3) State v.Sheline p.439

Week 13 (Apr.20th) ***** QUIZ #4*** (Covers Wks 11 & 12)**

Theft Related Crimes: Chapt. 9 (pp. 475-498)

- (4) People v. Gasparik p. 476
- (5) Lund v. Commonwealth p. 479
- (6) State v. Hanson p.482
- (7) State v. Frasher p. 484
- (8) Commonwealth v. Reske p. 487
- (9) State v. Morgan p. 490

Week 14 (Apr.27th) Theft Crimes (cont'd)

Week15 (May 4th) *****CRIMINAL TRIAL PAPERS DUE*****

Crimes Against Habitation: Chapt 9 (pp. 499-509)

- (10) State v. Miller p. 499
- (11) Bruce v. Commonwealth p.502

Week 16 (May 11th) REVIEW

