

# CRIMINAL LAW COURSE SYLLABUS

## INTRODUCTION AND COURSE DESCRIPTION

**Course: CRIMINAL LAW**  
**Course Number: L135F-2-1**  
**Number of Units: 3.0**

**Term: FALL 2017**  
**TUESDAY & THURS. - 9:30-10:50**  
**am Instructor: Phillip H. Cherney**  
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### **Course Description:**

*Criminal Law* explores elements of crimes against property, habitation, and persons, as well as the principles and theories of responsibility, including mental state requirements for various crimes, imputability, and the classic common law defenses, legal excuses and justifications for otherwise unlawful conduct; sentencing policies and practices will also be briefly covered. (Second semester *Criminal Procedure* concentrates on investigations and processes leading to prosecution and adjudication with emphasis upon the individual rights embodied in the Fourth, Fifth, Sixth, Eighth, and Fourteenth Amendments to the United States Constitution, but reference to procedural aspects inevitably arise in the first semester to place substantive law in context.)

### **Student Learning Outcomes (SLO) and Performance Criteria (PC):**

**Student Learning Outcome 1.** Demonstrate knowledge and understanding of the structures and processes of the U.S. legal system and foundational substantive law, including subjects tested on bar examinations.

**Performance Criteria for SLO 1.** Graduates will demonstrate the ability to

1. Identify and comprehend the principles of the substantive subjects tested on bar examinations, including the evolution of that law and its policy underpinnings.
2. Identify and comprehend the structure and jurisdiction of federal and state courts in the United States and the function of precedent.
3. Explain the processes of federal and state civil procedure.

**Student Learning Outcome 2.** Demonstrate proficiency in legal analysis and problem solving.

**Performance Criteria for SLO 2.** Graduates will demonstrate the ability to

1. Read critically applicable authority (Constitutions, statutes, administrative regulations, cases), including identifying relevant legal rules and underlying policy.
2. Identify key issues in a factual situation.
3. Synthesize relevant rules of law into a logical framework for analysis, including determining which rule a court is likely to apply where rules conflict.
4. Apply identified rules to the relevant facts and evaluate potential counterarguments to predict the likely outcome of the case.

5. Analogize the facts to and distinguish the facts from those of precedent cases to predict the likely outcome of the case.

**Student Learning Outcome 3.** Demonstrate competence in written and oral communication in a variety of settings.

**Performance Criteria for SLO 3.** Graduates will demonstrate the ability to

1. Speak in a clear, concise, well-organized, well-reasoned and professional manner.
2. Speak effectively in both objective and persuasive styles as appropriate to the circumstances.
3. Write clear, concise, well-organized, well-reasoned, and professionally expressed documents.
4. Write effectively in both objective and persuasive styles as appropriate to the circumstances.
5. Cite appropriate authority with candor, including any relevant contrary authority.
6. Listen actively to clients, judges, and others.

**Student Learning Outcome 4.** Demonstrate mastery of appropriate strategies and technologies to research legal issues effectively and efficiently.

**Performance Criteria for SLO 4.** Graduates will demonstrate the ability to

1. Design and implement a logical research plan, weighing time and resource constraints.
2. Employ appropriate resources and technologies to retrieve, use and manage research materials.
3. Assess accurately the weight of authority.

**Student Learning Outcome 5.** Demonstrate the ability to recognize and resolve ethical issues and exhibit professionalism.

**Performance Criteria for SLO 5.** Graduates will demonstrate the ability to

1. Identify and comprehend the applicable law governing legal ethics.
2. Apply knowledge of legal ethics to representation of clients, performance of duties as an officer of the courts, and resolution of ethical dilemmas.
3. Demonstrate professional judgment and professionalism through conduct consistent with the legal profession's values and standards.
4. Collaborate effectively with others in a variety of legal contexts.

**Student Learning Outcome 6.** Demonstrate practical skills commonly used in legal practice.

**Performance Criteria for SLO 6.** Graduates will demonstrate the ability to

1. Recognize and appreciate litigation alternatives, including arbitration, mediation, and negotiation.
2. Identify the practical considerations in pursuing legal remedies.
3. Interview a client, accurately identifying the client's objective.
4. Synthesize a client's issue(s), including an assessment of the facts, culminating in a client letter or position memorandum.
5. Design a plan to resolve the client's issue(s), tailored to the client's objectives and legal options available.

**GRADING POLICIES:****Class Participation 4%****Final Examination 90%****Assessment Tests****(2 x 3%= 6%)**

Success in legal practice often depends upon the presentation of incisive and persuasive written opinion and argument; students are expected to express their knowledge of the law in concise and clear prose. Class participation and presentation are expected and scored up to 4 percentage points.

Two short tests will be given during the semester to assess progress and each is scored up to 3 percentage points. Answers will be reviewed in class. A final written examination will provide students the opportunity to demonstrate knowledge of the basic principles of *Criminal Law* studied during the semester is scored up to 90 percentage points.

\* Cell phones and audio or video recording are strictly prohibited in the classroom.

**REQUIRED MATERIALS:**

*Criminal Law and Procedure, 13th Edition (2016 University Casebook Series) Dripps, Boyce & Perkins [N.B. same textbook used in Criminal Procedure];*  
*Billy Budd, Herman Melville*

**RECOMMENDED:**

*Understanding Criminal Law, 7th Edition (2016 LEXIS Publishing), Dressler ("CL" refers to this optional text, Understanding Criminal Law.)*  
*Billy Budd and Capital Punishment: A Tale of Three Centuries (1997), Franklin, H. Bruce (1997, American Literature), 16 pp., for text: <http://andromeda.rutgers.edu/~hbf/bbcap.htm>*

## ***COURSE SCHEDULE***

*The following weekly schedule for this course includes case reading assignments from Criminal Law and Procedure unless otherwise noted, and are subject to change during the course of the semester depending on progress made in class and at instructor discretion:*

DATE	ASSIGNMENT	TOPICS COVERED	NOTES
8/15/17	Ch. 1 (3-150; CL 1-65. <i>In re Winship</i> [10-15].)	Introduction to <i>Criminal Law</i> - Course overview; goals and expectations. "The Golden Thread" - Proof Beyond Reasonable Doubt and Presumption of Innocence.	Lecture; Ch.1; SLO 1-2; PC 1-2
8/17	Read Ch. 1 (3-150; CL 1-65; <i>Johnson v. US</i> [41-59]; <i>Graham v. Florida</i> [110-130].)	General Overview (cont'd) - origins, classification principles and practice; Constitutional limitations, Due Process and rules of statutory interpretation; penological theories and policies.	Lecture; Ch 1 SLO 1-2; PC 1-2
8/22	661-694	Criminal Responsibility - Mens Rea (mental state issues)	Ch. 6; SLO 1-4; PC 1-4
8/24	694-710	Criminal Responsibility (cont'd)	Ch.6 SLO 1-4; PC 1-4
8/29	710-727; 784-785; 788-789	Criminal Responsibility (cont'd)	Ch.6 SLO 1-4; PC 1-4
8/31	728; 736-37; 744-758; 769-770; 790-795	Criminal Responsibility (cont'd)	Ch.6 SLO 1-4; PC 1-4
9/5	503-534	Imputability - parties; conspiracy; aiding/abetting; causation.	Ch.5 SLO 1-4; PC 1-4
9/7	534-541; 547-551; 552-557		
9/12	558-578; 584-586; 593-598; 615-617; 624-626; 630-638; 658-659	Imputability (cont'd);	Ch.5 SLO 1-4; PC 1-4
9/14		Imputability/Responsibility Review Assessment Test #1	Ch. 5 SLO 1-4; PC 1-4

9/19	387-401; 407-410	<b>Test #1 review</b> Crimes against Property - Larceny and other property crimes	Ch. 4; SLO 1-4; PC 1-4
9/21	412-418; 421-425; 427-432; 436-440; 463-471; 480-483; 494-501	Crimes against Property (cont'd)	Ch. 4; SLO 1-4; PC 1-4
9/26	359-367; 372-373; 377-386; 445-462	Habitation crimes - Burglary, Arson; Crimes against Persons/Property (Robbery)	Ch. 3; 4 SLO 1-4; PC 1-4
9/28	287-308; 355-358	Crimes against Persons - Assault & Battery; Kidnaping; stalking; domestic and other (non-homicidal) crimes of violence.	Ch.2 SLO 1-4; PC 1-4
10/3	308-338	Rape. Offenses against morals, public peace, and sovereignty (handout).	Ch.2; SLO 1-4; PC 1-4
10/5	255-286	Introduction to Homicide - Murder/Capital Punishment <i>Callins v. Collins</i>	Ch. 2 SLO 1-4; PC 1-4
10/10	161-180	Homicide - murder/degrees (express/implied).	Ch. 2; SLO 1-4; PC 1-4
10/12	181-203	Murder (cont'd) - Felony Murder Rule	Ch. 2; SLO 1-4; PC 1-4
10/17	215-245; 247-255	Lesser Offenses - Manslaughter (voluntary/involuntary)	Ch.2; SLO 1-4; PC 1-4
10/19	<b>Supplemental</b> 204-214	Homicide (cont'd) - <i>Billy Budd</i> Capital Punishment - <i>Callins v. Collins</i>	Ch.2; SLO 1-4; PC 1-4
10/24	801-815	Limitations on capacity (immaturity, mental disease/defect [insanity].)	Ch.7; SLO 1-4; PC 1-4
10/26	815-852; 863-875	Limitations on capacity (cont'd)	Ch. 7; SLO 1-4; PC 1-4

10/31	875-879; 888-916	Limitations of capacity (cont'd) Modifying Circumstances (duress, consent, etc.)	Ch. 7 SLO 1-4; PC 1-4
11/2	917-926; 928-937; 946-966;	Modifying Circumstances (cont'd)	Ch. 8; SLO 1-4; PC 1-4
11/7	984-987; 993; 995	Review; <b>Assessment Test #2</b>	Ch. 2,7,8; SLO 1-4; PC 1-4
11/9	1001-1028;1029-1031; 1040-1044	<b>Test #2 review;</b> Defenses - Justification (Public Authority); Crime Prevention	Ch.9; SLO 1-4; PC 1-4
11/14	1045-1101	Defenses - (cont'd) self-defense; special defenses (entrapment)	Ch. 9; SLO 1-4; PC 1-4
11/16	1101-1122; 1125-1126; 1128-1141	<i>Defenses (cont'd)</i>	<i>Ch.9;</i> SLO 1-4; PC 1-4
11/21	1170-98	Sentencing and Appellate Review; * <i>Graham v. Florida</i> [109-126].) <b>Semester Review</b>	Ch. 10; SLO 1-4; PC 1-4
<b>11/29</b>	<b>9:30 AM</b>	<b>FINAL EXAM</b>	