



## ACADEMIC COURSE SYLLABUS

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| <b>COURSE TITLE:</b>  | <b>CRIMINAL LAW</b>  |   |
| <b>COURSE NUMBER:</b>   | LAW 501A   | Criminal Law - 1st semester of two-semester course* |
|   | LAW 501B   | Criminal Law - 2nd semester of two-semester course* |
|   | LAW 501A/B*  | Criminal Law  |
|   | * Denotes all non-severable, two semester courses. Both semesters must be successfully completed to receive final A/B course grade.  |   |
| <b>UNITS:</b>   | 3 Units/Semester (must complete both semesters to earn 6-Unit final grade at the end of both semesters)  |   |
| <b>COURSE TYPE:</b>   | Required   |   |
| <b>PROFESSOR(S) NAME:</b>   | Spring 2014 – Hon. Elliot Lee Daum   |   |
| <b>PROFESSOR CONTACT INFO:</b>  | <u>New</u><br><a href="mailto:edaum@sonomacourt.org">edaum@sonomacourt.org</a>   |   |
| <b>SCHEDULE:</b>  | Two-semester class:<br>Spring 2014, Tuesdays 6-9:00pm, Room TBA and<br>Summer 2014, Tuesdays 6-9:00pm, Room TBA  |   |
| <b>PREREQUISITES:</b>   | Successful completion of Introductory course work or equivalent  |   |
| <b>COREQUISITES:</b>  | None   |   |
| <b>TEXTS AND MATERIALS:</b><br>(Identification of any texts, materials and references used throughout the course.)  | <i><b>Criminal Law and Procedure: Cases and Materials, 12<sup>th</sup> Edition;</b></i><br>Boyce, Dripps, & Perkins, Foundation Press, - 12 <sup>th</sup> Edition ISBN #9781609302351<br><br><i><b>Criminal Law, 3<sup>rd</sup> Edition;</b></i> Perkins & Boyce, Foundation Press, ISBN# 0882770675<br><br>Optional: <i><b>Criminal Law Hornbook,</b></i> LaFave, WestGroup (not required) 5 <sup>th</sup> Edition, 6/2010, ISBN# 9750314912688   |   |
| <b>COURSE DESCRIPTION:</b>  | Nature and sources of criminal law; elements of crimes; analyses of specific crimes; legal defenses; California Penal Code and decisions; procedure.   |   |
| <b>COURSE OBJECTIVES / ANTICIPATED LEARNING OUTCOMES:</b> (Description of what students will be expected to know and be able to do at the end of the course. What skills or knowledge will be gained by the end of the course.) | This course will provide an understanding of common law and California Criminal Law where applicable. The California State Bar tests on the area of common law, and also on widely adopted modern statutes. Students should be prepared for general discussions in criminal law and current events in the area of criminal law. The student will be expected to learn the substantive criminal law as is contained in the casebook as well as imputability, responsibility, and defenses. It will be expected that the student will supplement his/her study of the weekly assigned cases with the hornbook, which has been keyed together with the text. Students will be expected to brief, recite, and discuss no less than twelve (12) cases per week. |   |

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|   | <p>Students must demonstrate they possess a minimum level of knowledge to pass a CA State Bar Examination question involving the subject matter of criminal law.</p> <p>Students should expect to spend a <u>minimum</u> of two hours/per hour of instruction time on assigned readings and briefing cases. For example, a 3-hour class would require at least 6 hours of outside preparation time per week.</p>   |
| <p><b>FORMAT OVERVIEW / METHOD OF INSTRUCTION</b> (Description of how the course will be taught, including breakdown of lecture, practicum, etc.)</p> | <p>Course material will be presented in a lecture-discussion and Socratic method format.</p> <p>Students should be prepared to brief all cases assigned.</p>   |
| <p><b>EXAMS:</b></p>  | <p>There will be three parts making up the final grade. Each of three parts will be graded between 0-100 and rounded off to 5-point increments for a final grade. One part will be a series of questions that are comprised of multiple-choice questions (MBE's). The remaining two parts will be essay questions. The essay portions of the exam will count for 80% (40% each) of the total grade. The MBE's will make up 20% of the final grade.</p> <p>The midterm exam will be cumulative for the first semester. The final exam will be cumulative, covering all course material from both semesters.</p> <ol style="list-style-type: none"> <li>1) <u>Issue spotting</u> - A fact pattern will be given with multiple criminal law issues. The student is expected to identify the issue and give a discussion of the application of the law.</li> <li>2) <u>Discussion</u> - The student is expected to discuss the applicable law with the facts given and analyze the issues with the law coming to a rational conclusion. A prosecutorial viewpoint as well as a defense stance should be demonstrated through factors in mitigation and aggravation.</li> </ol> <p>Exams begin promptly at 6 p.m. All students must take examinations as scheduled. It is recognized that in special circumstances and due to emergencies, it may be necessary to schedule delayed examinations. An emergency is defined as a serious illness or injury to the student or a member of his or her immediate family. Special Circumstances are defined as other situations that, in the opinion of the Dean, are sufficient to warrant delay in taking examinations. <b>Any student taking delayed examinations <u>must have the prior written approval of the Dean.</u></b> No examination may be taken <u>prior</u> to the day of the regularly scheduled examination. If delayed examinations are approved by the Dean, <u>a fee of \$75 will be charged for each such exam taken.</u> Failure to complete an exam is not sufficient reason for a late or retake exam.</p> |
| <p><b>GRADING / ASSESSMENT CRITERIA/CLASS POLICIES:</b></p>   | <p>Empire College uses the following grading system:</p> <p><u>Numerically graded classes:</u></p> <p>90 – 100 A Outstanding<br/>80 - 89 B Superior</p>  |

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|                                     | <p>70 - 79 C Satisfactory<br/> 65 - 69 D Unsatisfactory<br/> 64 and Below Failing/No Credit</p> <p>Only numeric grades in Required courses are used to calculate grade point average.</p> <p>There will be three parts making up the final grade. Each of three parts will be graded between 0-100 and rounded off to 5-point increments for a final grade. One part will be a series of questions that are comprised of multiple-choice questions (MBE's). The remaining two parts will be essay questions. The essay portions of the exam will count for 80% (40% each) of the total grade. The MBE's will make up 20% of the final grade.</p> |
| <b>ATTENDANCE:</b>                  | <p>Regular and punctual attendance is essential for the successful completion of law school. Students should plan to attend every class. Students must attend a <b>minimum of 80% (36 hours — 12 of 15 classes)</b> of the class sessions during each semester. Roll will be taken at each class.</p>  |
| <b>ASSIGNMENTS:<br/>SPRING 2014</b> | <p><b>PLEASE BE PREPARED TO DISCUSS AND HAVE BRIEFED THE FIRST 12 CASES IN THE BOOK FOR THE FIRST NIGHT OF CLASS.</b></p> <p><b>Instructor: Professor Daum</b></p>   |
| <b>WEEK 1:</b>                      | <b>CHAPTER 1: CRIMINALIZATION, DEFINITION AND CLASSIFICATION</b>   |
|                                     | Section:   |
|                                     | 1. Nature and Purpose of the Criminal Law  |
|                                     | 2. Moral and Constitutional Limits   |
|                                     | 3. Classification  |
| <b>WEEKS 2-4</b>                    | <b>CHAPTER 2: OFFENSES AGAINST THE PERSON</b>  |
|                                     | Section:   |
|                                     | 1. Homicide  |
|                                     | 2. Assault and Battery   |
|                                     | 3. Other Offenses Against the Person   |
| <b>WEEK 5:</b>                      | <b>CHAPTER 3: OFFENSES AGAINST THE HABITATION</b>  |
|                                     | 1. Burglary<br>2. Arson  |
| <b>WEEK 6:</b>                      | <b>CONTINUATION OF CHAPTER 3, BEGIN CHAPTER 4</b>  |
| <b>WEEKS 7-11:</b>                  | <b>CHAPTER 4: OFFENSES AGAINST PROPERTY</b>  |
|                                     | Section:   |
|                                     | 1. Larceny   |
|                                     | 2. Robbery   |
|                                     | 3. Embezzlement  |
|                                     | 4. False Pretenses   |
|                                     | 5. Theft   |
|                                     | 6. Receiving (or Concealing) Stolen Property   |

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|              | 7.                        | Computer Crime   |
|              | 8.                        | Malicious Mischief   |
|              | 9.                        | Forgery and Uttering a Forged Instrument                                       |
|              | 10.                       | Counterfeiting   |
|              | 11.                       | Extortion  |
| WEEKS 12-13: | CHAPTER 5: OTHER OFFENSES |  |
|              | Section:                  |  |
|              | 1.                        | Offenses Against Morality and Decency  |
|              | 2.                        | Offenses Against the Public Peace  |
|              | 3.                        | Offenses Affecting Sovereignty or the Administration of Governmental Functions |
|              | CHAPTER 6: IMPUTIBILITY   |  |
|              | Section:                  |  |
|              | 1.                        | The Necessity of an Act  |
|              | 2.                        | The Necessity of an Act  |
|              | 3.                        | Attempt and Kindred Problems   |
|              | 4.                        | Negative Acts  |
|              | 5.                        | Conspiracy   |
| WEEK 14:     | Review                    |  |
| WEEK 15:     | Midterm Exam – date TBA   |  |

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| <b>ASSIGNMENTS:<br/>SUMMER 2014</b> | <b>Instructor: Professor Daum</b>              |                                 |
| WEEKS 1 – 2                         | CHAPTER 6: IMPUTABILITY (cont'd.)              |                                 |
|                                     | Section:                                       |                                 |
|                                     | 6.   | Agency                          |
|                                     | 7.   | Incorporation                   |
| WEEKS 3 – 4                         | CHAPTER 6: IMPUTABILITY (cont'd.)              |                                 |
|                                     | Section:                                       |                                 |
|                                     | 8.   | Parties to Crime                |
|                                     | 9.   | Causation                       |
| WEEK 5                              | CHAPTER 7: RESPONSIBILITY—IN GENERAL           |                                 |
|                                     | Section:                                       |                                 |
|                                     | 1.   | Mens Rea                        |
|                                     | 2.   | Criminal Negligence             |
|                                     | 3.   | Specific Intent                 |
|                                     | 4.   | Other Particular States of Mind |
| WEEK 6                              | CHAPTER 7: RESPONSIBILITY—IN GENERAL (cont'd.) |                                 |
|                                     | Section:                                       |                                 |
|                                     | 5.   | Strict Liability                |
|                                     | 6.   | Unlawful Conduct                |
|                                     | 7.   | Transferred Intent              |

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| WEEK 7   | CHAPTER 7: RESPONSIBILITY—IN GENERAL (cont'd.)                       |
|          | Section:   |
|          | 8. Motive  |
|          | 9. Concurrence of Mens Rea and Actus Rhus                            |
|          | CHAPTER 8: RESPONSIBILITY, LIMITATIONS ON CRIMINAL CAPACITY          |
|          | Section:   |
|          | 1. Mental Disease or Defect (Insanity)                               |
|          | 2. Intoxication  |
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| WEEK 8   | CHAPTER 8: RESPONSIBILITY—LIMITATIONS ON CRIMINAL CAPACITY (cont'd.) |
|          | Section:   |
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|          | CHAPTER 9: RESPONSIBILITY—MODIFYING CIRCUMSTANCES                    |
|          | Section:   |
|          | 1. Ignorance or Mistake  |
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| WEEK 9   | CHAPTER 9: RESPONSIBILITY—MODIFYING CIRCUMSTANCES (Cont'd.)          |
|          | Section:   |
|          | 1. Ignorance or Mistake (continued)                                  |
|          | 2. Impelled Perpetration   |
| WEEK 10  | CHAPTER 9: RESPONSIBILITY—MODIFYING CIRCUMSTANCES (Cont'd.)          |
|          | Section:   |
|          | 3. Consent of the Other Party  |
|          | 4. Guilt of the Injured Party  |
|          | 5. Conduct of the Injured Party                                      |
|          | 6. Condonation by Injured Party                                      |
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| WEEK 11  | CHAPTER 10: SPECIAL DEFENSES   |
|          | Section:   |
|          | 1. Public Authority  |
|          | 2. Domestic Authority  |
|          | 3. Prevention of Crime   |
|          | 4. Self Defense  |
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| WEEK 12  | CHAPTER 10: SPECIAL DEFENSES (cont'd.)                               |
|          | Section:   |
|          | 4. Self Defense (continued)  |
|          | 5. Defense of Others   |
|          | 6. Defense of Habituation  |
|          |  |
| WEEK 13  | CHAPTER 10: SPECIAL DEFENSES (cont'd.)                               |
|          | Section:   |
|          | 7. Defense of Property   |
|          | 8. Entrapment  |
|          |  |
| WEEK 14: | Review   |
|          |  |
| WEEK 15: | FINAL EXAM – date TBA  |

