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**Office Hours: Monday: 2:45-3:30;Wednesday 3:00-5:30**  
**Other hours by appointment**  
**Class meets Wednesdays 5:30-8:15 523 MacQuarrie Hall**  
**FALL 2007**

**JS 14**  
**CRIMINAL LAW**

**COURSE DESCRIPTION**

Historical development of philosophy of law and constitutional provisions, legal definitions, classifications of crime, case law, methodology and concepts of criminal law as a social force.

**COURSE OBJECTIVES**

AT THE TIME OF THE FINAL EXAM STUDENTS SHOULD BE ABLE TO:

1. Articulate the nature and limits of criminal law in the United States.
2. Understand Constitutional limitations on criminal law such as the void-for-vagueness And Equal Protections doctrines.
3. Understand the mens rea and actus rea principles.
4. Apply principles of causation, concurrence and vicarious liability to fact situations.
6. Master definitions of crimes against persons and property as well as defenses to those offenses.
7. Brief cases from the text book in a format that identifies the facts, the legal issue presented to the Court, and the Court's findings.

**REQUIRED TEXTS**

Samaha, Joel(2008), Criminal Law. Thomson Wadsworth, 9<sup>th</sup> edition.

Kessler, Raymond(2006) Study Guide for Samaha's Criminal Law 9<sup>th</sup> edition. Thomson Wadsworth.

LawTech, abridged California Penal Code 2007

## **CLASS REQUIREMENTS**

Three exams will be required: two midterms and a final exam administered during finals week. The exams will be a combination of true/false, multiple choice and short essay. Students should utilize the study guide in preparation for the exams and attend class for notes and reviews. In addition, students will be assigned cases to brief and present in class. Exams that are missed may be made up during finals week, if there is proper documentation. Students who are absent when brief presentations are due will receive a zero for that assignment. Study groups are encouraged and will be facilitated by the instructor if necessary. **Oral presentations of case briefs are mandatory! Sign up sheets will be distributed, students will choose their cases. The student must be prepared on the date they have signed up for or no credit will be given.** A format will be included in the greensheet for the students to refer to. The briefs must be turned in on that date, or no credit will be given. The point is to keep us on track, without students scrambling at the end of the semester. Again, class participation is mandatory, an important objective is students achieving a level of comfort speaking in front of a class.

## **EVALUATION**

Each exam will be assigned a point value and a grade will be determined by a class generated curve. Each student will know their class standing at all times. There is no extra credit offered in this course, however, exceptional class participation may raise the student's grade in the course by ½ grade point (B to B+).

Midterm 1	30%	100 pts
Midterm 2	30%	100 pts
Final	30%	100 pts
Case briefs	10%	25 pts

## **STUDENTS WITH DISABILITIES**

Students who need accommodation due to a disability must register with SJSU's Disability Resource Center. The Center will work with the student to determine the disability, document it, and determine the services and accommodations necessary for student success. The DRC will contact the instructor to determine the types of consideration necessary. Students must register with the Center during the first three weeks of the semester. The DRC Web Site: <http://www.drc.sjsu.edu/>.

## **CHEATING AND PLAGIARISM:**

In accordance with University Policy, students caught cheating or plagiarizing will both fail the entire course and be reported to the University Judicial Affairs Officer. If you are considering a career in the Criminal Justice field, be aware that reports of cheating will go on your academic record and thus may be discovered by employer's background investigations of job candidates. For more information, take the SJSU Library Tutorial at <http://tutorials.sjlibrary.org/plagiarism/index.htm>.

## COURSE SCHEDULE

- (29 August)**            **Introduction, class mechanics, how to brief a case, Assignment of students to cases. Nature and limits of criminal law.**  
**Text: Cp. 1**
- (5 Sept.)**                Constitutional limits on criminal law, doctrines of void for vagueness, Equal protection, free speech, right to privacy, cruel and unusual Punishment.  
**Text: Cp. 2**
- (12 Sept.)**              General principles of criminal liability; actus reas, failure to act, Possession as an act.  
**Text: Cp. 3**
- (19 Sept.)**              General principles of criminal liability, mens rea, concurrence and causation.  
**Text: Cp. 4**
- (26 Sept)**                **First Midterm: 75 MINUTES; LECTURE REMAINED OF CLASS.**
- (Oct. 3)**                 Parties to Crime and Vicarious Liability; Inchoate Crimes: Attempt, conspiracy and solicitation.  
**Text: Cp. 5-6**
- (Oct. 10)**                Defenses to Criminal Liability: Justifications, self-defense Defense of home and others, choice of evils, “panic” defense In transgender/gay rape/homicide. Defense of property, Consent.  
**Text Cp. 7**
- (Oct. 17)**                Defenses to Criminal Liability: Excuses, Insanity, Diminished Capacity, Duress, intoxication, entrapment, syndromes.  
**Text Cp. 8**
- (Oct. 24)**                Crimes against persons: homicide, murder, manslaughter

Text Cp. 9

(Oct.31)

Crimes against persons: sex offenses.

Text Cp. 10

(Nov. 7)

MIDTERM 2; SAME FORMAT AS #1

(Nov.14)

Crimes against property, larceny, theft, vandalism, white-collar, Receiving stolen property, forgery, extortion, arson, burglary.

Text: Cp. 11

(Nov.21)

Crimes against public order, disorderly conduct, vagrancy, panhandling, Gang activity, victimless crimes.

Text Cp. 12

(Nov. 28)

Crimes against the State, treason, sedition, sabotage, espionage, terrorism

Text Cp. 13 MAKE UP FOR MISSED EXAMS ON LAST DAY OF CLASS.

(Dec.5)

Last day of class, review for final, missed exams make-up day

**FINAL EXAM**

**WEDNESDAY DECEMBER 12 1945-2200**

**EXAMS WILL ONLY BE DISTRIBUTED DURING THE FIRST 15 MINUTES OF THE EXAM, DO NOT BE LATE!!!**