

CONCEPTS OF CRIMINAL LAW

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Office Hours: Tuesday/Thursday 10:00 – 11:30; Tuesday afternoons 3:00 – 5:00

Catalog Course Description:

Historical development of philosophy of law and constitutional provisions, legal definitions, classification of crime, case law, methodology, and concepts of criminal law as a social force. No prerequisites.

Course Objectives:

1. To understand the theories of the criminal law.
2. To trace the development of American criminal law and the common law/statutory distinction.
3. To distinguish between tort and crime.
4. To understand the general principles of criminal culpability.
5. To understand justifications, defenses, and excuses.
6. To distinguish between crimes against persons and crimes against property.

Course Requirements:

Required Text: Joel Samaha, **Criminal Law, 7th ed.** Since there have been major changes from edition to edition of this textbook, you will need to get the 7th edition, the earlier editions are not current and the page numbers for assignments will not match earlier editions. It is available in the bookstore

Reading Assignments: Please complete all reading assignments before the class in which they are to be discussed. All tests, class discussions, and the final exams will be based on these readings. There will not be a large number of pages to read for each class, but students will be expected to know them well.

Testing and Evaluation: There will be approximately seven in-class tests during the course periods and a final exam that will be administered at the final exam time assigned by the university in the Spring 2003 Schedule of classes. Of the in-class tests, every student may either miss one test or have the lowest test score dropped from the course grade calculation. These in-class tests will be administered approximately every second week of the semester. The precise dates of these in-class tests is not specified in advance in order to encourage class attendance and class preparedness. Class participation may also be taken into account in the final grading to the extent of one half-grade upward or downward. The total of the five in-class tests that will count for each student is 70% of the final grade. The final exam will also count for 30% of the final grade. The in-class tests and the final exam may cover anything discussed in class as well as the assigned readings up to that point in the course.

Class Discussion: Prepare be prepared to discuss everything in the reading assignments.

Other: Please see SJSU Catalog for the Add/Drop regulations, policies regarding grades of Incomplete, and for all issues of plagiarism and other questions of academic conduct. Students with disabilities who desire accommodation should see the instructor at the beginning of the semester. Classroom evacuation procedures are posted adjacent to the room.

Schedule of Assignments:

- August 26: Getting started; an introduction to the course, the professor and the textbook. **Please bring your textbook to this class and to every subsequent class meeting. We will work directly from the textbook.**
- August 28: Nature and Purposes of Criminal Law; Samaha Chapter 1.
- September 2: Constitutional limits: vagueness, Samaha, Chapter 2.

- September 4: Constitutional limits: equal protection and free speech, Samaha Chapter 2.
- September 9: Constitutional limits: privacy, Samaha Chapter 2.
- September 11: Constitutional limits: cruel and unusual punishment, Samaha Chapter 2.
- September 16: Actus Reus: The principle of action: voluntary action and status; Samaha Ch. 3.
- September 18: The principle of action: omissions as acts, Samaha Chapter 3.
- September 23: The principle of action: Possession and constructive possession as actus reus, Samaha Ch.3.
- September 25: Mens Rea The principle of intention: purposely, knowingly, recklessly, negligently, and accidentally; Ch 4.
- September 30: Mens rea cont'd, objective and subjective standards, strict liability Ch. 4.
- October 2: Mens Rea continued.
- October 7: Causation,;Samaha Chapter 4.
- October 9: Parties to Crime: before, during, and after crime; Samaha Chapter 5.
- October 14: Parties to crime: vicarious liability; Samaha Chapter 5.
- October 16: Uncompleted crimes: mental and physical elements of attempt; Samaha, Ch. 6.
- October 21: Uncompleted crimes: impossibility and abandonment; Samaha Chapter 6.
- October 23: Conspiracy and solicitation; Samaha Ch. 6.
- October 28: Justification: self-defense; Samaha Chapter 7.
- October 30: Justification: defense of home and consent, Samaha Chapter 7.
- November 4: Justification: resisting arrest, Samaha, Chapter 7.
- November 6: Excuses: insanity, Samaha Chapter 8.
- November 11: Excuses: age and syndromes, Samaha Chapter 8.
- November 13: Criminal homicide: the meaning of death; Samaha Chapter 9.
- November 18: Criminal homicide: murder; Samaha Chapter 9.
- November 20: Guest speaker (tentative)
- November 25: Criminal homicide: manslaughter; Samaha Chapter 9.
- November 27: Happy Thanksgiving!
- December 2: Assault, Battery, Criminal sexual conduct; Samaha Chapter 10.
- December 4: Crimes against Habitations: Burglary and Arson; Samaha Ch. 11.
- December 9: Crimes against Property: Larceny and Robbery; Samaha Ch 12 and pre-exam review.

Monday December 15: FINAL EXAM 9:45 -- 12:00 (per SJSU Schedule of Classes).