

**ADVANCED CRIMINAL LAW AND CORRECTIONS  
ADMINISTRATION OF JUSTICE 111**

Spring, 2004

Tuesdays & Thursdays, 9:00 - 10:15 A.M.

Lecturer: Dan Peak  
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**COURSE DESCRIPTION**

This course is an advanced criminal law and correction course with the purpose of more closely examining the criminal justice material provided in introductory courses on criminal justice. The goal of this course is to give the student with a professional career objective in law enforcement or related fields a more comprehensive familiarity with crime, victims of crime, criminal defendants and corrections. While every effort has been made to avoid repetition of material presented in introductory classes, there will be a limited review of the fundamental characteristics of criminal law including sources of criminal and correctional law; the legal process, parties to crime, criteria of criminal responsibility, principles of evidence and proof, and legal aspects of corrections, including the rights and remedies of inmates and personnel. The focus in this class will be on California criminal laws, with special emphasis on the laws affecting domestic violence, sexual crimes, homicides, insanity and sentencing in California. The determinative sentencing laws and the more recent indeterminate sentencing in the form of the three-strikes and one-strike laws will be thoroughly discussed.

**REQUIRED READING**

Required text: Gardner, T. J., and Anderson, T. M., Criminal Law (8<sup>th</sup> ed. 2003) published by Thomson Learning. An earlier edition is and a similar text on criminal law may be acceptable.

Required text: Tozzini, S., Guide to Criminal Law for California (2<sup>nd</sup> ed. 2002) published by Thomson Learning. This text come packaged with the above Gardner text.

Other reading includes statutes and cases available on the internet. In the early sessions, the additional material will be accessible by hyperlink from the course schedule on line, or by typing the provided web addresses into a connected computer. In later sessions the student should be able to find the material on his or her own. World Wide Web access is a requirement of the course. All documentation and assignments will be posted on the World Wide Web at [www.danpeak.com](http://www.danpeak.com), so students should check there regularly.

**GRADING**

Student=s mastery of the material will be evaluated through observation of the student=s class participation and execution of in class quizzes and assignments in addition to the student=s performance on a final examination. The assignments will include a short paper on a criminal law or corrections topic of the student's choice. The student will be expected to make an oral presentation of his or her paper to the class. Communication: Students should not hesitate to contact me by telephone at the above provided number or drop by the office at any time. Email communications are encouraged.

Course Grade: All assignments are graded ABCDF. The final grade will be based on a weighted average of the assignment and test grades. Please note that University and Departmental guidelines require a serious and compelling reason to drop a course. A course cannot be dropped because of grades alone.

*If you need course adaptation or accommodations because of a disability, or if you have emergency medical information to share with me, or if you need to make special arrangements in case the building must be evacuated, please see me during office hours.*

## **SCHEDULE OF TOPICS, ASSIGNMENTS AND DUE DATES**

*Subject to Changes*

January 29:

Introductions and Course Schedule. How to find material for reading assignments. Introduction to California's sentencing philosophy.

General Objectives of Sentencing  
Basic Sentencing Statutes

### **Topic I: SENTENCING PROVISIONS**

February 3, 5, 10 and 12

This section will cover the determinate sentencing rules of California and follow the historical transformation of the law from indeterminate to determinate and back to indeterminate in the form of the three strikes laws, the sex offense one strike laws and the gun one strike law.

Read: Gardner, Chapter 8  
Probation Statutes  
California Rules of Court.

### **Topic II: ELEMENTS OF CRIMINAL CONDUCT**

February 17, 19 and 24.

Review of the essential elements of crime by breaking down, comparing and contrasting theft, robbery and related crimes. Special attention will be given to "attendant circumstances," additional requirements for criminal liability, which are neither part of the criminal act or state of mind.

Read: Gardner, Chapter 3,  
Tozzini, Chapter 12, pp. 139 - -148  
Read theft and robbery sections from the Penal Code: Penal Code §§484 - 502  
Penal Code §§211 - 215  
People v. Garcia 45 C.A.4th 1242  
People v Hill 23 Cal.4th 853 excerpt.

### **Topic III: CRIMINAL RESPONSIBILITY**

February 26, and March 2 and 4.

An examination of the various mental conditions that may excuse crime or prevent punishment of an accused. This section focuses on psychological impairment in relation to criminal liability.

Read: Gardner, Chapter 5, pp. 82-95. Read California Penal Code §§25-29, and §1026  
Tozzini, Chapter 8, pp. 71, 75-77. Read People v. Williams 16 Cal.4th 635, pp. 673-677.

### **Topic IV: Aiding and Abetting and Conspiracy**

March 9 and 11.

Vicarious liability for acts committed by others.

Read: Gardner, Chapter 4, pp. 59-63 and 67-74.  
Tozzini, Chapter 5, pp. 44-51. Read excerpt: People v. Williams 16 Cal.4th 635. or Full Text.

**Topic V: Domestic Violence and Syndrome Evidence**

March 16, 18, 23 and 25

Battery, assault, mental abuse and rape of are crimes which take on particular importance when committed against a family member or cohabitant. Students will discuss how the laws related to domestic violence differ from the treatment of other similar crimes, not committed against family members, and why there is a special need for this differential treatment.

Read: Gardner, Chapter 14, pp. 311 through 316.

Penal Code §§ 273.8-273.88

Penal Code §§273.5 & 273.6

85 CALR 643 DOMESTIC VIOLENCE AS A CRIME AGAINST THE STATE

Motion to exclude expert testimony on battered spouse syndrome

**SPRING BREAK, March 30 and April 1.**

**Topic VI: Sexual Offenses**

April 6, 8, 13 and 15.

This section will cover sexual offenses from rape to child molestation and related crimes as well as Penal Code §290 sexual offender registration requirement.

Read: Gardner, Chapter 18, pp. 391 – 412

Sexual assault statutes, Penal Code §§261-269

In re John Z., in Word format or

People v. Linwood

Penal Code §290

**Topic VII: Drug Treatment Courts**

April 20, 22 and 27.

There is some movement in California toward the decriminalization of drug offences. The class will discuss the pros and cons of this trend.

Read: Penal Code §§1000 Deferred Entry of Judgment.

And Penal Code section 1210.1, subdivision (e)(3)(A)

**Topic VIII: Homicide**

April 29 and May 4 and 6.

The various forms and degrees of homicide will be explored along with defenses thereto.

Read: Gardner, Chapter 13, pp. 272 – 284

Tozzini, Chapter 9.

People v. Contreras (1994) 26 Cal.App.4th 944

**Topic IX: Probation**

May 11 and 13.

Duties and responsibilities of a deputy probation officer. The art of probation report writing, including the different types of reports, as well as how to use the Rules of Court to evaluate a case and present a recommendation will be discussed. Charting the available sentences for crimes will be demonstrated.

Read: California Rules of Court, Rule 4.413. Probation eligibility when probation is limited;

Rule 4.414. Criteria affecting probation; Rule 4.420. Selection of base term of imprisonment;

Rule 4.421. Circumstances in aggravation; and Rule 4.423. Circumstances in mitigation

Last Class: May 18<sup>th</sup>. Review.

