

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

Fall, 2005

Thursdays, 5:30 - 8:15 P.M.

Lecturer: Dan Peak
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Office Hours: Thursday 5:00 p.m. 5:30 p.m., and Monday/Wednesday 10:30 to 11:30 a.m. or by appointment
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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. The focus in this class will be on California criminal laws, with special emphasis on the laws affecting domestic violence, sexual crimes, homicides, insanity defense 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. Probation and parole standards and policies will be examined.

REQUIRED READING

Required text: None. Reading will include statutes, cases and articles 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 <http://www.danpeak.com/JS111.html>, 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 midterm and final examination. There will be several, short, unannounced writing assignments in class related to the reading for that week. These are commonly called "pop" quizzes. Students should attend all meetings of their classes, not only because they are responsible for material discussed therein, but also because active participation is frequently essential to insure maximum benefit for all members of the class. Attendance per se shall not be used as a criterion for grading, but the results of unannounced "pop" quizzes will be included in the final grade.

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 assignments 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 as soon as possible, or see me during office hours. Presidential Directive 97-03 requires that students with disabilities register with the Disability Resource Center to establish a record of their disability (924-6000).

SCHEDULE OF TOPICS, ASSIGNMENTS AND DUE DATES

Subject to Changes

August 25:

Introductions and Course Schedule. How to find material for reading assignments.

An ungraded pretest will be administered to get a feel for the general level of knowledge in the class. Rehash of General Criminal Law from JS 14.

Read: Criminal Liability

People v. Gilbert on mental defect and criminal negligence

Robinson v. California 370 U.S. 660

Topic I: CRIMINAL RESPONSIBILITY

September 1, 8, and 15.

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: Insanity from Court TV's Crime Library

Mad Dogs from Crime Library

People v. Ferris <http://www.courtinfo.ca.gov/opinions/documents/F045368.DOC>

Just the portion on sanity.

The Temporary Insanity Defense in California.

Andrea Yates Article in Chronicle

Battered Women's Syndrome Defense

Personality Disorders

Antisocial Personality Disorder: When Is It Treatable?

Topic II: SENTENCING PROVISIONS

September 22 & 29.

California's sentencing philosophy and practices. 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: General Objectives of Sentencing

Basic Sentencing Statutes

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

California Rules of Court.

Topic III: Sexual Offenses

October 6 & 13.

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

Read: the Reversal of Michaels's Conviction from:

<http://www.law.unkc.edu/faculty/projects/trials/mcmartin/mcmartin.html>

Sexual assault statutes Penal Code §§261-269

In re John Z.

People v. Linwood

Penal Code §290

Topic IV: Domestic Violence and More Syndrome Evidence

October 20.

Battery, assault, mental abuse and rape of spouse 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: *Penal Code §§ 273.8-273.88*
85 CALR 643 DOMESTIC VIOLENCE AS A CRIME AGAINST THE STATE
Domestic Violence Project at <http://www.growing.com/nonviolent/index.htm>
Motion to exclude expert testimony on battered spouse syndrome
Read the Santa Clara County Section from this survey <http://www.library.ca.gov/crb/03/13/03-013.pdf>

MidTerm Examination: October 27

Topic V: Criminal Procedure – Constitutional restraints

October 27 & November 3.

This section is included to familiarize the student with the requirements for search and seizure, including the differences between a citizen contact, a detention and an arrest. The Miranda rule, which is not a constitutional requirement, will also be taken up.

Read: *Terry v. Ohio*
Motion to suppress evidence.
People v. Roquemore <http://www.courtinfo.ca.gov/opinions/documents/B171255.DOC> Read only the portion of the opinion related to Miranda warnings.

Topic VI: Probation and Community Treatment

November 10 & 17.

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: Review the information at <http://www.ojp.usdoj.gov/bjs/pandp.htm>
California Rules of Court,
Rule 4.413. Probation eligibility when probation is limited;
Probation Statutes
Criteria Affecting Probation
Topics in Corrections at <http://www.nicic.org/pubs/2003/period243.pdf>
Read about the Santa Clara County Jail including each of the sub-pages from Friends Outside to Jail Industries at <http://www.scvmed.org/channel/0,4770,clid%253D104015%2526sid%253D10710,00.html>
Review Jail Statistics at: <http://www.ojp.usdoj.gov/bjs/jails.htm>
Peruse *A Second Look at Alleviating Jail Crowding: A Systems Perspective* at <http://www.ncjrs.org/pdffiles1/bja/182507.pdf>
Providing Services for Jail Inmates With Mental Disorders at <http://www.ncjrs.org/txtfiles/162207.txt>
Benefits of Privatization from <http://www.independent.org/issues/article.asp?id=472>

November 24th – Thanksgiving Holiday. Have a safe and enjoyable holiday

Topic VI: Prisons and Parole

December 1 & 8

Planning Guide for Corrections

Read:

Review the information on <http://www.ojp.usdoj.gov/bjs/prisons.htm>
Challenges of Reentry and Parole in California at: <http://www.ucop.edu/cprc/parole.html>
From Classrooms to Cell Blocks: How Prison Building Affects Higher Education and African American Enrollment in California from <http://www.cjcj.org/pubs/higher/highercal.html>

Last Class: December 8th. Review.

Final Exam: December 15, 2005, at 5:15 p.m.