

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

Spring, 2005

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

Lecturer: Dan Peak
Phone: (408) 398-2070
Office Hours: Tuesday & Thursday 10:30 a.m. 12:00 p.m., or by appointment
Email: dcpeak@comcast.net

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 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.sjsu.edu/faculty/peak/>, 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. 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 during office hours.

SCHEDULE OF TOPICS, ASSIGNMENTS AND DUE DATES

Subject to Changes

January 27 and February 1:

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

February 3, 8, 10, 15, 17.

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. Williams 16 Cal.4th 635, pp. 673-677

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

February 22, 24 and March 1 and 3.

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

March 8, 10 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: the Reversal of Michaels's Conviction from:

<http://www.law.umkc.edu/faculty/projects/ftrials/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 Syndrome Evidence

March 17, and 22 and April 5 and 7.

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: *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: March 24

SPRING BREAK, March 29 and 31.

Topic V: Probation and Community Treatment

April 12, 14, 19 and 21 and May 3 and 5.

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.chid%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>

Topic VI: Prisons and Parole

May 10, and 12

Planning Guide for Corrections

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: May 17th. Review.

RESEARCH PAPER GUIDELINES

Most of your grade in this class will be based upon this assignment. This is a research paper of at least eight pages (not including title and reference pages), on a topic of your choosing within the general topic of criminal law. The general topic of criminal law for this class does not include criminal procedure, i.e. constitutional arrest issues; rather it includes crimes and criminals, proof issues, evidentiary issues and punishment or treatment. This paper should answer a question of interest to the writer, such as, "how can the sexual offender laws be made more effective," or "do anti-loitering laws need to be beefed up (to curb curbside drug sales)," or "are probation caseloads too large," or should Coby Bryant be allowed to attack his accuser's reputation for promiscuity. The answer suggested by the paper should be based upon, at least four references to scholarly articles and other citations to news or periodical articles, internet articles or web sites, and interviews.

You will want to provide a compelling argument, written in a reasonable, convincing tone. Think of putting your paper together as if you were presenting it to a jury who will consider the evidence you have collected, how well you present it, and then vote on it. You will be evaluated on both the **evidence and your discussion** of that evidence. The grade will depend on how well the argument is presented, including the quality of supporting research. The length of the paper is relevant only insofar as the quantity is supported by quality.

Most important, choose a topic that is relevant to your planned career and interesting to you. Stuck for a topic? Go to someone in your chosen field and ask about his or her pet peeves. You can be sure you will get an earful.

The paper should be five to eight pages long and double-spaced. Font and margins should be standard (10-12 font, margins 1 inch top, bottom, left and right) Use headings and sub headings. Use APA style in text citations.

Here is a suggested format for developing your paper; your format may vary but it should incorporate the following components:

- I. Introduction
 - A. Thesis
 - B. Background
 1. Historical background necessary to understand the controversy as you define it.
 2. Definition of relevant terms, if necessary
- II. *Body*
Compare and contrast articles and other data sources.
- VII. Conclusion
Concluding statement, which wraps up your paper and inspires the reader to act!

Paper Due: April 7, 2005 or before.