

Instructor: Dorian Dreyfuss, M.A., J.D.
Office: 512 Macquarrie Hall
Phone (408) 924-2947; Email; Dreyfussda@aol.com
Fax (408)924-2953
Office Hours: Monday 3:00-5:30, Monday 11:00-12:00
Other hours by appointment
Class meets MW 1:30-2:45; 523 MacQuarrie Hall

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(2006), Criminal Law. Thomson Wadsworth, 8th edition.

Kessler, Raymond(2006) Study Guide for Samaha's Criminal Law 8th edition. Thomson Wadsworth.

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.

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 Add/Drop Statement

Instructors are permitted to drop students who fail to attend the first scheduled class meeting and who fail to inform the instructor prior to the second class meeting of the reason for any absence and their intention to continue in the class. Some instructors will drop students who do not meet the stated course prerequisites. However, instructors are not required to drop a student from their course. ***It is the student's responsibility to make sure classes are dropped. You, the student,*** are responsible for understanding the policies and procedures about add/drops, academic renewal,

withdrawal, etc. found at: http://sa.sjsu.edu/student_conduct

Academic Integrity Statement

Academic integrity is essential to the mission of San José State University. As such, students are expected to perform their own work (except when collaboration is expressly permitted by the course instructor) without the use of any outside resources. Students are not permitted to use old tests, quizzes when preparing for exams, nor may they consult with students who have already taken the exam. When practiced, academic integrity ensures that all students are fairly graded. Violations to the Academic Integrity Policy undermine the educational process and will not be tolerated. It also demonstrates a lack of respect for oneself, fellow students and the course instructor and can ruin the university's reputation and the value of the degrees it offers. We all share the obligation to maintain an environment which practices academic integrity. Violators of the Academic Integrity Policy will be subject to failing this course and being reported to the Office of Student Conduct & Ethical Development for disciplinary action which could result in suspension or expulsion from San José State University. The policy on academic integrity can be found at: http://sa.sjsu.edu/student_conduct

To better understand plagiarism and to aid you in making sure that you are not plagiarizing, please see me and/or visit: <http://tutorials.sjlibrary.org/plagiarism/index.htm>

COURSE SCHEDULE

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| <u>WEEK 1</u> | Introduction, class mechanics, how to brief a case, Assignment of students to cases. Nature and limits of criminal law.
<i><u>Text: Cp. 1</u></i> |
| <u>WEEK 2</u> | Constitutional limits on criminal law, doctrines of void for vagueness, Equal protection, free speech, right to privacy, cruel and unusual Punishment.
<i><u>Text: Cp. 2</u></i> |
| <u>WEEK 3</u> | General principles of criminal liability; actus reas, failure to act, Possession as an act.
<i><u>Text: Cp. 3</u></i> |
| <u>WEEK 4</u> | General principles of criminal liability, mens rea, concurrence and causation.
<i><u>Text: Cp. 4</u></i> |
| <u>WEEK 5</u> | Review for first midterm
First Midterm: SEPTEMBER 25 |
| <u>WEEK 6</u> | Parties to Crime and Vicarious Liability; Inchoate Crimes: Attempt, conspiracy and solicitation.
<i><u>Text: Cp. 5</u></i> |

- WEEK 7** 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
- WEEK 8** Defenses to Criminal Liability: Excuses, Insanity, Diminished Capacity,
Duress, intoxication, entrapment, syndromes.
Text Cp. 8
- WEEK 9** Crimes against persons: homicide, murder, manslaughter
Text Cp. 9
- WEEK 10** Crimes against persons: sex offenses.
Video
Text. Cp. 10
- WEEK 11** Review for Midterm 2
SECOND MIDTERM WEDNESDAY NOVEMBER 1
- WEEK 12** Crimes against property, larceny, theft, vandalism, white-collar,
Receiving stolen property, forgery, extortion, arson, burglary.
Text: Cp. 11
- WEEK 13** Crimes against public order, disorderly conduct, vagrancy, panhandling,
Gang activity, victimless crimes.
Text Cp. 12
- WEEK 14** Crimes against the State, treason, sedition, sabotage, espionage, terrorism
Text Cp. 13 MAKE UP FOR MISSED EXAMS ON LAST DAY OF
CLASS.

LAST DAY OF INSTRUCTION: DECEMBER 7

FINAL EXAM TUESDAY DECEMBER 12 1215-1430

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