

Marshall University Course Syllabus

Course Title/Number	CJ 322: Criminal Law
Semester/Year	Fall, 2018
Days/Time	Section 102 (CRN 1691): TR 11:00 am – 12:15 pm
Location	SH 418
Instructor	Margaret Phipps Brown
Office	Smith Hall 735, Marshall University, One John Marshall Drive, Huntington, WV 25755
Phone	304-696-3086; 304-696-3085 (fax)
E-Mail	brownmp@marshall.edu
Office/Hours	Tuesday & Thursday: 9:00-11:00 am; 1:00 – 2:00 pm. Appointments at other hours or on other days are available by request.
University Policies	By enrolling in this course, you agree to the University Policies listed below. Please read the full text of each policy by going to www.marshall.edu/academic-affairs and clicking on “Marshall University Policies.” Or, you can access the policies directly by going to http://www.marshall.edu/academic-affairs/?page_id=802 Academic Dishonesty/ Excused Absence Policy for Undergraduates/ Computing Services Acceptable Use/ Inclement Weather/ Dead Week/ Students with Disabilities/ Academic Forgiveness/ Academic Probation and Suspension/ Academic Rights and Responsibilities of Students/ Affirmative Action/ Sexual Harassment

Course Description: From Catalog

This course covers the history and development of criminal law; elements of a crime; parties to a crime; and types of offenses. PR: Introduction to Criminal Justice, or permission.

Program Learning Outcomes

1. Students will <i>identify</i> the components, roles, and practices that are integral to the criminal justice system using specialized terminology.
2. Students will <i>interpret</i> scholarly research in the field of criminal justice/criminology and <i>describe</i> the limitations and/or potential policy implications.
3. Students will <i>examine</i> the principles of substantive, procedural, and evidentiary criminal law that regulate and guide the criminal justice system and its primary actors.
4. Students will <i>explain</i> the nature, extent, causation, and prevention of crime using theoretical foundations in criminal justice/criminology.
5. Students will <i>incorporate</i> information from relevant media sources to support a written product with citations that follow the <i>APA Publication Manual</i> .

The table below shows the following relationships: How each student learning outcomes will be practiced and assessed in the course.

Course Student Learning Outcomes	How students will practice each outcome in this Course	How student achievement of each outcome will be assessed in this Course
Students will be able to describe and explain the basic concepts of criminal law, including: <ul style="list-style-type: none"> • The decision to criminalize conduct • The various philosophies of punishment • Constitutional limits on criminal law • The concepts of <i>mens rea</i> and <i>actus reus</i> • Inchoate crime • Party liability (complicity) • Types and elements of criminal offenses • Types and elements of defenses to criminal conduct 	<ul style="list-style-type: none"> • Readings in the textbook • Classroom discussion • Case Briefs • Homework Assignments 	<ul style="list-style-type: none"> • Exam questions • Case Briefs
Students will be able to analyze and apply appellate court opinions	Case Briefs	<ul style="list-style-type: none"> • Case Briefs • Exam questions
Students will be able to describe the types of arguments made by both sides in a criminal case	<ul style="list-style-type: none"> • Readings in the textbook • Class discussion • Case Briefs • Homework assignments 	<ul style="list-style-type: none"> • Case Briefs • Exam questions

Required Texts, Additional Reading, and Other Materials

Samaha, J. (2018). *Criminal Law*, 12th ed. Boston: Cengage Learning.

The Marshall University Library and the University College have implemented a Textbook Loan Program. Under this program, textbooks for courses are placed on reserve at the Circulation Desk at the Drinko Library. This program is intended to help students who don't have access to textbooks, especially at the beginning of the semester. I have provided the textbook information to the Textbook Loan Program, so the text for this course should be reserved at the Circulation Desk. More information on the loan program, along with a link to a listing of the textbooks offered, is available by visiting University College's website at www.marshall.edu/uc/textbook-loan-program.

Course Requirements / Due Dates

1. Case Briefs are due at the end of the class period on the day the case is discussed. In class work may be assigned. Late case briefs or in class assignments may not be made up and will not be accepted, without university excuse. Case briefs are collectively worth 100 points toward each student's final grade. The grade for case briefs is calculated as follows: (# of case briefs submitted) ÷ (# of case briefs possible).
2. Exam 1 will take place on, September 25, 2018.

3. Exam 2 will take place on, October 23, 2018.
4. Final exam for Section 101 will take place on December 11, 2018 @ 10:15 am.
5. Each student must complete 4 YOU Decide Assignments. Each YOU Decide assignment is worth 20 points. YOU Decide Assignments are due on the date they are covered in class. (Instructions follow the Course Outline in your syllabus.)
6. Students will complete Assessment Exercises prior to each exam. Assessment Exercises are worth 10 points each.

Grading Policy

Exam 1 - 100 points	90-100% = A
Exam 2 – 100 points	80-89% = B
Final Exam (comprehensive) – 200 points	70-79% = C
Case Briefs – 100 points	60-69% = D
Homework, YOU Decide assignments, Assessment exercises – up to 150 pts.	Below 60% = F

Once assignments/exams are returned to students, it is the responsibility of the students to maintain those documents in case there is a discrepancy between my grade book and your actual grade. Please maintain your graded papers until you receive your final grade.

Academic Dishonesty

All students must be familiar with the university's policy concerning academic dishonesty. Academic dishonesty includes cheating, fabrication and falsification of data or information, plagiarism, bribes/favors/threats, and complicity with any of these activities. Students who violate this policy face sanctions included in the Academic Dishonesty Policy, including lowering of a grade on an assignment, lowering of a final grade, or failing the course.

Classroom Rules

1. Be on time.
2. Be prepared.
3. Respect each other.
4. Never, ever cheat.
5. Put your cell phones away. This includes earphones.
6. Do not sleep in my class.

Violation of any of these rules will result in you being asked to leave the classroom for the remainder of the class period.

Attendance Policy

Class attendance is not required. However, those students who want and/or expect to do well in the class should attend class regularly. If a student misses a class other than for a university excused absence, that student cannot make up any assignments completed in class or due on that day. If a student misses due to a university excused absence, the work covered on the day(s) missed will be due within one week of the student returning to class.

Course Schedule

Please note: this is an estimate at the rate we will progress through the semester.

Week	Subject	Pages
Aug. 20	<p>Introduction</p> <p>Chapter 1 – Criminal Law & Criminal Punishment</p> <p>ASSIGNMENT: Read instructions on pages 4, then review the 8 cases on pages 4-5 and assign each case to one of the five categories listed in the instructions.</p> <p>BRIEF: <i>Bond v. United States</i></p> <p><i>Aug 20-24: Late registration and schedule adjustment</i></p>	2-37
Aug. 27	<p>Chapter 2 – Constitutional Limits on Criminal Law</p> <p>BRIEF: <i>State v. Metzger</i></p> <p><i>Commonwealth v. Johnson</i></p> <p><i>Wollard v. Gallagher</i></p> <p><i>Lawrence v. Texas</i></p> <p>ASSIGNMENT: YOU Decide (pp. 66-67). Is shaming right?</p> <p>BRIEF: <i>Kennedy v. Louisiana</i></p> <p><i>State v. Ninham</i></p> <p><i>Ewing v. California</i></p> <p><i>Gall v. United States</i></p> <p><i>Aug. 27: "W" Withdrawal period begins</i></p> <p><i>Sept. 1-3: University computing services unavailable</i></p>	38-93
Sept. 3	<p>Chapter 3 – The Criminal Act: The First Principle of Criminal Liability</p> <p>BRIEF: <i>State v. Burrell</i></p> <p><i>State v. Newman</i></p> <p><i>People v. Levy</i></p> <p>ASSIGNMENT: YOU Decide (pp. 108-110). Did he kill during "insulin shock?"</p> <p>BRIEF: <i>Commonwealth v. Pestinakas</i></p> <p><i>Williams v. State</i></p> <p><i>Sept. 3: Labor Day – University closed</i></p>	94-123
Sept. 10	<p>Chapter 4 – The General Principles of Criminal Liability: <i>Mens Rea</i>, Concurrence, and Causation</p> <p>BRIEF: <i>State v. Fleck</i></p> <p><i>State v. Stark</i></p> <p><i>State v. Jantzi</i></p> <p><i>Koppersmith v. State</i></p> <p>ASSIGNMENT: YOU Decide (p. 137). Which court's decision . . . HIV?</p> <p><i>State v. Loge</i></p> <p><i>State v. Bauer</i></p> <p><i>State v. Jacobson</i></p> <p><i>Sept. 14: Application for December 2018 graduation due in academic dean's office</i></p>	122-151
Sept. 17	<p>REVIEW FOR EXAM # 1</p> <p><i>Sept. 21: Last day to drop 1st 8 Weeks Courses</i></p>	

Sept. 24	EXAM # 1 (9/25) Chapter 7 – Parties to Crime and Vicarious Liability BRIEF: <i>State v. Ulvinen</i> <i>State v. Chism</i> <i>State v. Zeta Chi Fraternity</i> <i>City of Waukesha v. Boehnen</i> <i>State v. Akers</i>	242-269
Oct. 1	Chapter 8 – Inchoate Crimes: Attempt, Conspiracy, and Solicitation BRIEF: <i>Dabney v. State</i> <i>State v. King</i> <i>George Lee Mims, Sr., v. U.S.</i> <i>State v. Damms</i> <i>LeBarron v. State</i> <i>Griffin v. Gipson</i> <i>Alexander v. U.S.</i> <i>State v. Schleifer</i>	270-319
Oct. 8	Chapter 9 – Crimes against Persons I: Criminal Homicide BRIEF: <i>State v. Snowden</i> <i>Duest v. State</i> <i>People v. Thomas</i> <i>People v. O'Neil</i> ASSIGNMENT: YOU Decide (pp. 354-355). Murder or manslaughter? <i>Commonwealth v. Schnopps</i> <i>Commonwealth v. Carr</i> <i>State v. Mays</i> Oct. 8: Deadline for submitting freshman/sophomore midterm grades Oct. 10: Mid-semester, 1 st 8 weeks Courses End Oct. 11: 2 nd 8 Weeks courses begin	320-379
Oct. 15	REVIEW FOR EXAM # 2	
Oct. 22	EXAM # 2 (10/23) Chapter 10 – Crimes against Persons II: Criminal Sexual Conduct, Bodily Injury, and Personal Restraint BRIEF: <i>Commonwealth v. Berkowitz</i> <i>In the Interest of S.M.I.</i> <i>State v. Triestman</i> <i>Hamilton v. Cameron</i> BRIEF: <i>State v. Hoying</i> ASSIGNMENT: YOU Decide: Should Cyberbullying be a crime? (P. 421) BRIEF: <i>People v. Allen</i> Oct. 22: Students should schedule appointments with advisors to prepare for advance registration Oct. 26: Last day to drop individual classes with W grade	380-429

Oct. 29	Chapter 11 – Crimes against Property BRIEF: <i>People v. Lee</i> <i>U.S. v. Maze</i> <i>State v. Rolon</i> <i>Sonnier v. State</i> <i>Commonwealth v. Mitchell</i> <i>Jewell v. State</i> <i>Flores-Figueroa v. U.S.</i> <i>U.S. v. Ancheta</i> <i>U.S. v. Ulbricht</i> <i>Oct. 29: Recommended date to apply for May 2019 graduation</i> <i>Oct. 29 – Dec. 7: Complete withdrawals only</i>	430-482
Nov. 5	Chapter 12 – Crimes against Public Order and Morals BRIEF: <i>City of Chicago v. Morales</i> <i>City of St. Paul v. East Side Boys & Selby Siders</i> <i>U.S. Department of Justice v. Civil Rights Division</i> Chapter 13 – Crimes against the State BRIEF: <i>U.S. v. Khan</i> <i>Nov. 5-16: Advance registration for Spring classes</i>	484-517 518-543
Nov. 12	Chapter 5 – Defenses to Criminal Liability: Justifications BRIEF: <i>State v. Batie</i> <i>U.S. v. Haynes</i> <i>People v. Goetz</i> <i>State v. Stewart</i> BRIEF: <i>Toops v. State</i> <i>State v. Shelley</i> <i>Apr. 9 – Apr. 28: Advance Registration for Fall Semester (currently enrolled students only)</i> <i>Nov. 13: Last Day to Drop 2nd 8 Weeks Classes</i>	162-203
Nov. 19	THANKSGIVING BREAK – CLASSES DISMISSED	
Nov. 26	Chapter 6 – Defenses to Criminal Liability: Excuses BRIEF: <i>Myers v. State</i> <i>State v. K.R.L.</i> <i>Oliver v. State</i> <i>DePasquale v. State</i> <i>State v. Belew</i>	204-241
Dec. 3	Review for Final Exam <i>Dec. 3-7:: “Dead Week”</i> <i>Dec. 7: Last day to completely withdraw from fall semester</i>	
Dec. 10	12/11/18 @ 10:15 am: FINAL EXAM	

INSTRUCTIONS FOR YOU Decide Assignments

There are several YOU Decide blocks in your textbook. I have assigned only four for you to complete.

YOU Decide assignments should be completed in three steps. First, carefully read all of the material contained in the assignment – the information in your text book and any additional information you are directed to find in the assignment. Second, carefully re-read the questions and outline your answer(s) to each question. Third, prepare a response to each question in the assignment. Your response should be typed, one inch margins, 1.5 to 2.5 pages in length. You will be evaluated based upon the accuracy of your answers, your ability to back up your answers with information and examples from the readings, and your writing. I expect your writing to be grammatically correct and to demonstrate an organized and thoughtful response to each of the questions in each assignment.

Because things appear and disappear on the Internet, I will address each assignment and provide you with alternative sources of any information that is no longer available at the web site listed in your textbook.

1. YOU Decide: Is shaming “right”? (pp. 66-67) After you have read the material contained in your text, you can find the *US v. Gementera* opinion at the site provided in Question 4 (p. 67): (<http://law.justia.com/cases/federal/appellate-courts/F3/379/596/475040/>). The article from the Washington Post is no longer available at the web site provided in Question 4 (p. 67). Instead, you may use this web site to access the article: <https://jonathanturley.org/2007/08/18/humiliating-punishments-and-the-abuse-of-judicial-power/> The law review article by Stephen Garvey can be accessed using the site provided in Question 4 (p. 67): <https://scholarship.law.cornell.edu/cgi/viewcontent.cgi?article=1345&context=facpub>
2. YOU Decide: Which court’s decision established the most ethical public policy regarding the control of HIV? (p. 137) The web addresses contained in this assignment are correct. You may access the Maryland Court of Special Appeals opinion and the Court of Appeals opinion at these addresses: <http://mdcourts.gov/opinions/cosa/1995/1678s94.pdf>; <http://mdcourts.gov/opinions/coa/1996/122a95.pdf>
3. YOU Decide: Murder or manslaughter? (pp. 354-355) You should review the material in your textbook under the following sections: “Kinds and Degrees of Murder,” “First Degree Murder,” and “Second Degree Murder.” Then, read the appellate court opinion located at this address: <http://masscases.com/cases/sjc/438/438mass584.html>
4. YOU Decide: Should Cyberbullying be a crime? (p. 421) You should carefully read the article on Cyberbullying from USA Today and answer the questions. The article is located at this web site: <http://usatoday30.usatoday.com/news/nation/story/2012-06-12/bullying-crime-schools-suicide/55554112/1>