

CRIMINAL LAW (CRJ-120-02) - SYLLABUS
Fall 2008

CONTACT INFORMATION

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COURSE INFORMATION

Course Title Criminal Law (Substantive)

Course Number CRJ120-02

Discipline Criminal Justice

Class Meets Tuesdays and Thursdays (3:30 p.m. – 4:45 p.m.) (Hauke 103)

Text Books
Gardner and Anderson's Criminal Law, 10th edition, by Deborah Lantermo (Belmont, California: Thomson Wadsworth, 2009).

COURSE DESCRIPTION AND OBJECTIVES

This course is a thorough introduction to most of the crimes that are routinely investigated and prosecuted in the United States.

Students will begin with a brief introduction to the constitutional principles that set the boundaries of legislative authority (state or federal) to designate a particular act (or omission) as a “crime”.¹ After that, students will consider concepts of criminal liability, including liability of co-conspirators and accomplices, as well as liability for “anticipatory” or “inchoate” crimes such as attempts and solicitation.

¹ This course *does not* deal with 4th, 5th and 6th Amendment principles that establish the frontiers of the government’s authority to *gather evidence of a crime*. These issues are covered in CRJ-121 (“Criminal Procedure”).

Students will examine the “essential elements” of more than thirty crimes ranging from murder and sexual assault to contempt and computer fraud. Students will also study the goals of sentencing and the approaches that have been adopted by government (state and federal) in their efforts to punish, deter and rehabilitate those who are convicted of crimes. As they study selected cases that highlight the essential elements of particular crimes, students will also become familiar with common defenses to crimes.

The primary objective of the course is to enable students to learn and understand the essential elements of crimes – generally the criminal act, combined with the criminal intent that caused the particular criminal result. As they learn to identify the evidence that is required to prove these elements, students will come to understand the relationship between the essential elements of a particular crime and common defenses such as “diminished capacity,” insanity and entrapment. They will also develop informed opinions concerning sentencing, and sentencing alternatives (rehabilitation, education, incapacitation and deterrence) that are most likely to achieve the ultimate goal of any criminal prosecution – protection of the public.

COURSE CALENDAR

September

- 9/2** -- No assignment (Review syllabus and access to Westlaw)
9/4 -- Chapter 1 (pp. 1-18) and *State v. Hamlin*, 146 Vt. 97-101(1985).
9/9 -- Chapter 1 (pp. 19-29) and *Washoe County, Nev. Sheriff v. Burdg*, 39 P3d 484-84 (Nev. 2002), *cert. denied* 123 S. Ct. 2279 (2003).²
9/11 -- Chapter 2 (pp. 34-44) and *U.S. v Park*, 421 U.S. 658-677.
9/16 -- Chapter 2 (pp. 45-57) and *People v. Velez*, 602 NYS2d 758-762 (1993).
9/18 -- Chapter 3 (pp. 58-70) and *State v. Curtis*, 157 Vt. 629-635 (1991).
9/23 -- Chapter 3 (pp. 70-80) and *State v. Miller*, 146 Vt. 164-69; 175-78 (1985).
9/25 -- Chapter 4 (pp. 82-102) and *State v. Messier*, 145 Vt. 622-30 (1985).

October

- 9/30** – Chapter 5 (pp.104-123) and *Brosseau v. Haugen*, 543 U.S. 194-201 (2004).
10/2 – Chapter 6 (pp.126-138) and *State v. Sexton*, 180 Vt. 34; 904 A2d 1092-99 (2006)
10/7-- Chapter 6 (pp.139-155) and *State v. Zaccaro*, 154 Vt. 83-86, 92-95 (1990)
10/9 – Mid-Term Exam

² All students have access to the appellate cases through Westlaw. The cases are selected to provide examples of principles discussed in the text book. Each student will be assigned to brief other students on the facts and principles discussed in at least one of the cases listed in the syllabus.

10/16 -- Chapter 7 (pp. 156-176) and *Blakely v. Washington*, 542 U.S. 296-305 (2004)

10/21 -- Chapter 8 (pp. 180-198)

10/23 -- Chapter 9 (pp. 202-22)

10/28 -- Chapter 10 (pp. 230-24) and *State v. McGee*, 163 Vt. 162-67 (1995)

10/30 -- Chapter 10 (pp.245-255) and *State v. King*, 179 Vt. 400-8 (2006)

November

11/4 -- Chapter 11 (pp. 256-269) and *State v. Pitts*, 174 Vt. 21-27 (2002)

11/6 -- Chapter 11 (pp. 270-283) and *State v. Carrasquillo*, 173 Vt. 557-61 (2002)

11/11 -- Chapter 12 (pp. 284-300) and *State v. Patnaude*, 140 Vt. 361-377(1985).

11/13 - Chapter 12 (pp. 305-310) and *Ashcroft v. Free Speech Coalition*, 535 U.S. 238-59 (2002).

11/18 -- Chapter 13 (pp. 314 -326) and *State v. Hanson*, 141 Vt. 228 - 33 (1982)

11/20 -- Chapter 13 (pp. 314-339)

11/25 -- Chapter 14 (pp. 340-355) and *State v. Galusha*, 164 Vt.91-94 (1995)

11/26-28 - **Thanksgiving Recess**

December

12/2 -- Chapter 15 (pp. 358--377)

12/4 -- Chapter 16 (pp. 382-399), 23 VSA 1094, 1201, 1205, 1210 and *State v. Poirier*, 142 Vt. 595-599 (1983)

12/9 -- Chapter 19 (pp.436-447) and *State v. O'Neill*, 165 Vt. 270, 270-77 (1996).

12/11 -- Review

12/15-12/18 -- **Final Exams**

Participation and Attendance

Students will be required to complete assignments as set out in the syllabus.

Students must attend every class. Students will be allowed three unexcused absences. From the fourth absence on, students will lose a grade each time they miss a class. E.g. B to B-.

Methods of Evaluation

* Grades: The final exam will count for 40% of the total grade. The Mid-Term exam will count for 30%.

Quizzes and class participation, including individual oral presentations, will count for the remaining 30%.

*Quizzes: There will be several quizzes. The quizzes will be based on the reading for the particular week.

* Oral Presentation: Each student will be required to make an oral presentation that summarizes one of the appellate cases that the entire class has been assigned to read. The student making the oral presentation will be expected to lead the class discussion on the assigned case.

Grade Calculation

The following scale will be used to determine letter grades:

Grade	Range
A	93+
A-	90-92
B+	87-89
B	83-86
B-	80-82
C+	77-79
C	73-76
C-	70-72
D+	67-69
D	63-66
D-	60-62
F	Below 60

Students With Disabilities

If you believe that you have a disability requiring accommodations in this class, please contact Janine Allo in the Counseling Department, Office of Disability Services, as soon as possible. After you receive your accommodation form, please contact the instructor ASAP to insure all accommodations are implemented in a timely fashion. It is the student's responsibility to seek and secure accommodations prior to the start of a test or project. Accommodations cannot be provided until you supply the instructor with a form from Janine

Contact: Janine Allo

Counseling Department, Office of Disability Services
Office: Hauke 007
Phone: 802-865-5484
Email: jallo@champlain.edu

Academic Honesty

If a student is found to have cheated, the student will be given a "0" for that assignment. A student found cheating a second time is subject to a harsher penalty, including dismissal from school.

Champlain College Policy:

"In the preparation and presentation of any assigned work-including examinations, tests, quizzes, term papers, reports, themes and other written or oral exercises-every student shall conform to a strict standard of academic honesty. Any attempt to deceive a faculty member or to help another student to do so will be considered a violation of this standard. In all assignments, students must acknowledge the words and/or ideas of others taken from print or electronic media, whether a direct quotation or a paraphrase; any omission of this is dishonest. Cheating on examinations or tests consists of knowingly giving, receiving or using-or attempting to give, receive or use-unauthorized assistance during an examination or test. A faculty member may record a grade of "zero" for any assignment on which a student has plagiarized or cheated. For repeat offenses within a single course, the faculty member may record a grade of "F" for the course. Violations of this policy in multiple courses may result in dismissal from the College. A student may appeal these decisions according to the Academic Grievance Procedure."

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