

Criminal Law (CJ 330) – Fall Minisession 2009
Philip E. Carlan, Ph.D.

Class Period: Monday-Friday 8:00 – 5:00

Office Hours: Arthell Kelly (By Appointment Only)

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Course Description and Objective

This course explores the nature and application of substantive law as it relates to the peacekeeping function. The aim of the course is to provide students with an understanding of the fundamental basics of common law and its application to modern crime definitions, the elements of criminal offenses, and basic defenses to criminal accusation.

Attendance Policy

Due to the importance of interaction and discussion, it is imperative that students be physically and mentally present for ALL class sessions. No course credit will be issued (regardless of current standing) with more than eight hours of absence (equivalent to one full day).

Withdrawal Policy

The last day to drop this class without academic penalty is Wednesday August 12, 2009.

Grading Scale

A = 90+ B = 80-89 C = 70-79 D = 60-69 F = Below 60

Grading Policy

A total of three exams will be administered throughout the week.

<u>Exam</u>	<u>%</u>	<u>Topics</u>
1	35	General Principles of Substantive Law; Homicide
2	35	Assault & Battery; Kidnapping; Sex Crimes; Theft; Robbery & Extortion
3	30	Burglary & Arson; Forgery & Uttering; Affirmative Defenses; Inchoate Offenses; Terrorism Crimes

EXAMS WILL BE ADMINISTERED ON TUESDAY, THURSDAY AND FRIDAY!

Exam Make-Up Policy

In the event of a missed exam, the make-up will be taken (if permitted) at the instructor's discretion. To qualify for this privilege, the instructor must be notified prior to the exam or, in the case of an unavoidable emergency, as soon thereafter as possible.

Disabilities Policy

If a student has a disability that qualifies under the American with Disabilities Act (ADA) and requires accommodations, he/she should contact the Office for Disability Accommodations (ODA) for information on appropriate policies and procedures. Disabilities covered by ADA may include learning, psychiatric, physical disabilities, or chronic health disorders. Students can contact ODA if they are not certain whether a medical condition/disability qualifies.

Mailing Address:

The University of Southern Mississippi
Office for Disability Accommodations
118 College Drive #8586
Hattiesburg, MS 39406-0001

Contact Information:

Telephone: (601) 266-5024
TTY: (601) 266-6837
Fax: (601) 266-6035

Academic Honesty/Plagiarism Statement

Students are expected to adhere to the highest standards of academic honesty as outlined in the USM Student Handbook. The University's academic honesty policy will be strictly enforced. You are expected to understand the policy which is available in the University catalog and at http://www.usm.edu/pubs/studenthandbook/p001_111.pdf. In no instance will lack of familiarity with this policy excuse the violation. Other forms of academic dishonesty include buying papers, copying paragraphs/pages of text/whole papers off the internet, copying another student's answers, etc. Academic dishonesty can result in the grade of a "0" on the assignment and/or in the course and/or the student may be reported to the Vice President for Academic Affairs for further action.

CRIMINAL LAW OUTLINE (EXAM 1)

Social Contract Theory

Legal Wrongs (2)

Civil Law (Torts) and Outcomes Sought (3)

Criminal Law and Branches (2)

Primary Areas of Substantive Criminal Law (3)

Stare Decisis

Jurisdictional Levels (3)

ALI's Model Penal Code and Consolidation Efforts

Requirements for Enacting New Law (3)

Natural and Positive Law

Deviant and Criminal Conducts

Official Public Wrongs (2) and Classifications (3)

Mala in Se and *Mala Prohibita*

Constitutional Violations (Content and Application)

Ex Post Facto Laws

Overbreadth Principle

Bills of Attainder

Due Process Clause (e.g., Status Crimes)

Void-for-Vagueness Doctrine

Equal Protection Clause (e.g., Miscegenation Laws)

Crime defined

Actus Reus

Omissions (Contractual Relation, Good Samaritan Law, Misprision of Felony)

True Crime and Strict Liability Crime (Rebuttable Presumption)

Mens Rea and Culpability Levels (4)

Exoneration and Mitigation

Negligence Factors (4)

Homicide Requirements (3)

Legal Definition of Fetus as Human Being (2)

Feticide Views (Common and Modern)

Legal Definition of Death and Primary Test (4)

Types of Homicide (2)

Actus Reus Requirements for Criminal Homicide (3)

Corpus Delicti (2)

But-For and Substantial Factor Tests

Proximate Cause - Actual and Legal Cause

Year-and-a-Day Rule

Justifiable and Excusable Homicide

Differentiation of Murder and Manslaughter

Malice Aforethought - Express and Implied (4)

Deadly-Weapon Doctrine

Doctrine of Transferred Intent

Depraved-Mind or Depraved-Heart Murder

Felony-Murder Doctrine and Vicarious Liability

First-Degree and Second-Degree Murder (Premeditation and Deliberation); Euthanasia

Voluntary Manslaughter differentiated from Second-Degree Murder

Heat of Passion Test (4)

Imperfect Self-Defense

Involuntary Manslaughter (Negligence and Recklessness)

Genocide

CRIMINAL LAW OUTLINE (EXAM 2)

Assault and Battery Elements (Common law and most modern statutes)
Common Law Assault: Methods (2) Threatened Battery Requirements (4)
Types of Assaults (2) and Differentiation Factors (3)
Forms of Mayhem (2)
Menacing and Harassment
Mutual Affrays
Kidnapping
Common Law Forcible Rape Elements
 Carnal Knowledge Penetration Defined Marital-Rape Exemption
Modern Law Forcible Rape Situations (3)
Viability of Charging a Female with Forcible Rape (w/out changing the law)
Other-than-vaginal penetration; of mentally defective persons
Relationship Between Sodomy and Sexual Battery
 Fellatio, Cunnilingus, Buggery
 Bestiality, Necrophilia, Pederasty, Homosexuality
Common Law Seduction Elements
Common Law Statutory Rape Elements
 Mistake of Age and Chaste Character Defenses
Overriding interests for incest laws (2)
 Consanguinity and Affinity Differences from Child Molestation Offenses
Sexual Predator Registration Law; Megan's Law
Assorted Morality-Based Sexual Offenses
 Fornication and Adultery Indecent Exposure and Lewdness
 Bigamy and Polygamy Voyeurism
Legal Rule Governing 'Obscene Material,' and how it differs from pornography
Gambling and Hate Crimes
Common Law Robbery Elements
 Actual and Constructive Possession Requirements Regarding Degree of Force & Threats
 Superior Right of Possession
Extortion
Types of Robbery (2)
Common Law Theft Offenses (4) and Surrendering of Property
Caveat Emptor
Custody, Possession and Ownership
Common Law Larceny Elements
Larceny Concepts and Terms
 Direct and Indirect Taking Claim of Right; Superior Right of Possession
 Direct and Indirect Asportation Unauthorized Use; Continuing Trespass
 Consent Invalidation Lost, Mislaid, or Abandoned Property
 Tangibles and Intangibles Grand and Petit
Embezzlement Elements
 Missing Larceny Elements Surety
False Pretenses Elements

CRIMINAL LAW OUTLINE (EXAM 3)

Common Law Forgery Elements

Apparent Legal Significance (Legal Efficacy) Pecuniary Damage Actual Damage

Common Law Uttering Elements

Common Law Burglary Elements

Actual and Constructive Breaking Dwelling Defined
Exit Force Only Timing of Intent
Entry Defined Absence of Intent

Modern Burglary Statutory Differences (4)

Common Law Arson Elements

Modern Arson Statutory Differences

Affirmative Defenses

Mistake of Fact Mistake of Law
Entrapment (2) Duress and Consent
Consent of the Victim (Condonation) Necessity

Insanity & Guilty but Mentally Ill

Tests (4) Alternative Faking Elimination of and Consequences

Diminished Capacity

Involuntary Intoxication and Exoneration; Voluntary Intoxication and Mitigation

Self Defense

Property Duty to Retreat Aggressors and Right of Self Defense
Deadly Force Castle Doctrine

Police Use of Force (incl. deadly): *Tennessee v. Garner*, 1985

Graham v. Connor, 1989

Citizen Use of Force and Unlawful Arrest

Contributory Negligence

Inchoate Offenses (3)

Consummation of Abandonment from Wharton Rule Defenses

Feasance Offenses (3)

Crimes Affecting the Integrity of the Judicial Process

Obstruction of Justice Contempt of Court
Resisting Arrest Misprision of felony & Compounding Crime
Perjury & Subornation of Perjury Escape
Embracery & Witness Tampering

Crimes against Public Order and Safety

Unlawful Assembly, Rout, and Riot Nuisance
Fighting Trespass
Disturbing the Peace & Disorderly Conduct

Legal Issues in Terrorism

The Foreign Intelligence and Surveillance Act Aviation and Transportation Security Act
Antiterrorism and Effective Death Penalty Act USA PATRIOT Act
Homeland Security Act

Other Terrorism-Related Crimes

Treason Espionage Sabotage
Misprision of Treason Sedition (Smith Act)