



C.J. 293: Catalogue Description

C.J. 293. Criminal Law. 3 Credits. Examination of substantive criminal law with emphasis on history, theory, classification and elements of crimes, elements of proof, and other issues related to the criminal law.

C.J. 293: Course Rationale

This course is a most important one as it provides a comprehensive basis for understanding substantive criminal law.

It represents an overall study of the legal basis of the criminal justice system. Every citizen should understand how the criminal justice system works. Students majoring in criminal justice will acquire the background knowledge necessary to the understanding of the statutory and codified law in federal, state and local jurisdictions.

C.J. 293 Textbook: Hall, Daniel E. Criminal Law and Procedure. West Legal Studies: Thompson Learning, Clifton Park, N.Y., 2004.



**METHODOLOGY OF COMPUTING GRADE
C.J. 293**

There will be three (4) major examinations valued at 100 points each.

Additionally, a student will receive one participation point for each day they participate in class. At the end of the semester, a point for each class attended and participated in will be given the student. There are about 28 class periods in a semester. If a student participates in all classes, that student would be given a 28 points which would be figured in with the 4 major examinations. Being late for class is not acceptable. Excessive absences and being late will be reported to the student's Dean.

The total points upon which grades are based is 400 plus the points possible for class attendance and participation. Letter grades will be ascribed based on the following criteria:

90-100% = A
80-89% = B
70-79% = C
60-69% = D
0-59% = F

Regular tests will be multiple choice, true/false, essay, fill-in-the-blank, or a combination of the same.

Makeups: The makeup test will be multiple choice, true/false, essay, fill-in-the-blank, or a combination of the same. If a student is absent for a test, the student will be administered a "makeup" during the last day for class in this classroom.

Midterm grades will be issued.

Name of Professor: Bill Kitchens
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Office Hours are posted and sometimes change during the semester.

Holidays: Labor day: Monday, Sep 4
Fall holiday: Thurs, Fri, Oct 5, 6
Thanksgiving: noon Wed, Thur, Fri, Nov 22-24

Final Exam: Tu Dec 5, 10-11:50

NOTE: BRING YOUR OWN SCANTRONS FOR TESTS



GOALS AND OBJECTIVES OF THE COURSE CRIMINAL JUSTICE 293 (CRIMINAL LAW)

By the end of this course, the student should be able to define and discuss:

- 1. Federalism; the separation of powers of the Government; the structure of the courts; compare civil and criminal law.**
- 2. The difference between criminal law and criminal procedure; specific and general deterrence; incapacitation; rehabilitation; retribution.**
- 3. *Actus reus*; *mens rea*; concurrence; causation; grading offenses.**
- 4. Homicide; manslaughter; suicide; *corpus delicti*; assault and battery; sex crimes; kidnapping; false imprisonment; stalking; hate crimes.**
- 5. The following crimes against property: arson; burglary; larceny; embezzlement; robbery; extortion.**
- 6. Prostitution and solicitation; riot and unlawful assembly; perjury; bribery.**
- 7. Parties and inchoate offenses: attempt; conspiracy; solicitation.**
- 8. The following defenses: affirmative defenses; insanity; duress; necessity; use-of-force defenses; intoxication; mistake; entrapment; alibi and consent.**
- 9. The following constitutional defenses: double jeopardy; self-incrimination; immunity; due process and equal protection; privacy and other enumerated defenses.**



CRIMINAL LAW OUTLINE
C.J. 293

- I. Introduction to the Legal System of the United States**
 - A. Federalism**
 - B. Separation of Powers**
 - C. Structure of the Court System**
 - D. The Duties and Powers of the Judicial Branch**
 - E. Comparing Civil Law and Criminal Law**

- II. Introduction to Criminal Law**
 - A. The Distinction Between Criminal Law and Criminal Procedure**
 - B. The Power of the Government to Regulate Behavior**
 - C. The Purposes of Punishing Criminal Law Violators**
 - 1. Specific and General Deterrence**
 - 2. Incapacitation**
 - 3. Rehabilitation**
 - 4. Retribution**
 - D. Sources of Criminal Law**
 - 1. The Common Law**
 - 2. Statutory Law**
 - 3. Ordinances**
 - 4. Administrative Law**
 - 5. Court Rules**
 - 6. The Model Penal Code**
 - 7. Constitutional Law**

- III. The Two Essential Elements**
 - A. Mens Rea**
 - 1. Mens Rea and the Common Law**
 - 2. Strict Liability**
 - 3. Vicarious Liability**
 - 4. Current Approaches to Mens Rea**
 - 5. Proving Mens Rea**
 - 6. Motive**
 - B. Actus Reus**
 - 1. Voluntariness**



2. Thoughts and Statement as Acts
3. Personal Status as an Act
4. Possession as an Act
5. Omissions as Acts
6. Causation

IV. Crimes Against Persons

- A. Studying Crimes
- B. Homicide
 1. Homicide and the Common Law
 2. Statutory Approaches to Homicide
 3. Manslaughter
 4. The Model Penal Code Approach to Homicide
 5. Life, Death and Homicide
 6. Suicide
 7. Corpus Delicti
- C. Assault and Battery
 1. Aggravated Assault and Battery
- D. Mayhem
- E. Sex Crimes
 1. Rape
 2. Nonforcible Rape
 3. Sodomy
 4. Rape Shield Laws
 5. Incest
 6. Sex Offenses Against Children
 7. Megan's Law, Commitment, and Castration
- F. Kidnapping and False Imprisonment
 1. Kidnapping
 2. Parental Kidnapping
 3. False Imprisonment
- G. Stalking
- H. Civil Rights and Hate Crimes

V. Crimes Against Property and Habitation

- A. Arson
- B. Burglary
- C. Theft Crimes
 1. Larceny
 2. Embezzlement
 3. False Pretenses
 4. Receiving Stolen Property
 5. Robbery
 6. Extortion
 7. Consolidated Theft Statutes



- 8. Identity Theft**
- 9. The Model Penal Code Consolidation**
- 10. Destruction of Property**
- 11. Computer Crimes**

VI. Crimes Against the Public

- A. Defining a “Crime Against the Public”**
- B. Crimes Against Public Morality**
 - 1. Prostitution and Solicitation**
 - 2. Deviant Sexual Contact**
 - 3. Indecent Exposure and Lewdness**
 - 4. Obscenity**
 - 5. Regulating the Internet**
- C. Crimes Against the Public Order**
 - 1. Riot and Unlawful Assembly**
 - 2. Disturbing the Peace**
 - 3. Incitement/Advocacy of Unlawful Conduct**
 - 4. Threats**
 - 5. Vagrancy and Panhandling**
 - 6. Crimes Involving Firearms**
 - 7. Drug and Alcohol Crime**
- D. Crimes Against the Administration of Government**
 - 1. Perjury**
 - 2. Bribery**
 - 3. Tax Crimes**
 - 4. Obstruction of Justice**
 - 5. Contempt**
- E. Crimes Against Sovereignty and Security**
 - 1. Treason**
 - 2. Sedition and Espionage**
 - 3. Terrorism**
- F. Crimes Against the Environment**
 - 1. Clean Water Act**
 - 2. Clean Air Act**
 - 3. Comprehensive Environmental Response, Compensation and Liability Act**
 - 4. Resource Conservation and Recovery Act**
 - 5. Occupational Safety and Health Act**
 - 6. Toxic Substances Control Act**
 - 7. Federal Insecticide, Fungicide and Rodenticide Act**
 - 8. Emergency Planning and Community Right-to-Know Act**



- 9. Endangered Species Act**
- 10. Marine Mammal Protection Act**

VII. Parties and Inchoate Offenses

- A. Parties to Crime**
- B. Inchoate Offenses**
 - 1. Attempt**
 - 2. Conspiracy**
 - 3. Solicitation**

VIII. Factual and Statutory Defenses

- A. "Defense" Defined**
- B. Affirmative Defenses**
- C. Insanity**
 - 1. M'Naughten Rule**
 - 2. Irresistible Impulse**
 - 3. Durham Rule**
 - 4. The Model Penal Code Test**
 - 5. Guilty but Mentally Ill**
 - 6. Procedures for the Insanity Defense**
 - 7. Disposition of the Criminally Insane**
 - 8. Insanity at the Time of Trial**
- D. Duress and Necessity**
- E. Use-of-Force Defenses**
 - 1. Self-Defense**
 - 2. Defense of Others**
 - 3. Defense of Property and Habitation**
 - 4. Imperfect Defenses**
 - 5. Arrests**
- F. Infancy**
- G. Intoxication**
- H. Mistake**
- I. Entrapment**
- J. Alibi and Consent**
- K. Statutes of Limitation**

IX. Constitutional Defenses

- A. Double Jeopardy**
- B. Self-Incrimination and Immunity**
- C. Due Process and Equal Protection**
- D. Vagueness and Overbreadth**
- E. Ex Post Facto and Bills of Attainder**
- F. First Amendment and Religion**
- G. First Amendment and Speech**
- H. Privacy and Other Unenumerated Rights**



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