

CJ 110 CRIMINAL LAW

Winter Quarter 2011

Instructor: Kevin Demone Rainge
E-mail: kevin.rainge@bellevuecollege.edu
Phone: 206-300-6972
Office location: D100-C
Office Hours: By Appt.

Course Information

Course Outcomes

Objectives – At the conclusion of this course students are expected to be able to:

1. To understand key cases, legal terms, clauses, and chronologies in criminal law;
2. To understand the criminal elements of crimes against person, property, order, and state;
3. To examine the historical evolution of criminal law maxims, doctrines, and principles;
4. To analyze both early and contemporary judicial thinking and legal reasoning;
5. To articulate informed opinion over important, controversial issues in criminal law;
6. To recognize important considerations dealing with the rights of criminal defendants; and
7. To appreciate the scholarly study of law and its application.

How Outcomes will be met

Reading Assignments – Reading Assignments must be completed prior to the relevant class. You must be prepared to discuss the entire reading assignment in class. I may call on random individuals to answer questions related to the reading assignment.

Budgeting Your Time—The Social Science Division shares the expectations of the campus at large that students should plan on spending at minimum three hours outside of class for every hour in class. This class is two hours per class, which would mean you should plan to spend at minimum six hours outside of class for one class. Students who have been away from the academic environment for an extended period of time, new to college settings, or international students should take note as this amount of time may be different than you might have expected. Preparation time may include reading (and re-reading!) textbooks, being part of a study group, completing chapter questions and assignments, outlining the class, creating index cards, or using other method of preparing for exams, etc.

Keys to Success in this Course – Throughout the course, I will share my suggestions for succeeding in this course. You can take note now that reading and re-reading the assigned materials will help enhance your understanding as will reviewing your class notes. Procrastination in this class, and in the legal profession, can be deadly and is not advised. If you experience overwhelm, disorganization, procrastination, or other difficulties in studying for this course, let me know – there are many tools to combat these problems, and I am here to help you succeed!

Grading

Your grade will be based upon attendance, participation in class exams, and papers. To receive a passing grade in this course, students must complete all of the assignments and exams. Students must submit the assignments on the due dates. The instructor will grade each student individually on a possible total score of 500 points, which is structured as follows:

1. **Exams (300 points):** The exams are based on all of the assigned reading material regardless of whether or not we discuss the material in class. There will be three examinations - two midterms and a final exam. Each exam will consist of short answer questions and essay questions. Each exam will cover all the course work up to the date of the exam, both readings and in class discussion and performance. Tests may also cover handouts, material presented in class including but not limited to, lectures, videos, and guest lecturers. A portion of each exam will be drawn from material presented only in class. ***There will be no make up exams without advance approval from me.*** Such approval will be granted only for true family or medical emergencies. You are encouraged to take notes in class and to make outlines of the readings - *there will be no formal exam review in class, although I will set aside time during the class before each exam to address any issues that may need clarification or review.*
 - a. Midterm 1 (100 points)
 - b. Midterm 2 (100 points)
 - c. Final Exam (100 points)
2. **Court Paper (100 points):** The paper should be approximately five (5) pages, typewritten and double spaced. I will provide the topic and submission instructions and grading criteria to the students in separate documents.
3. **Case Brief (75 points):** I will provide the information on the brief in a separate document.
4. **Class Participation & Attendance (25 points):** is required and expected. Since this course will focus on both mastering the relevant facts and developing the analytic and advocacy skills needed to use what you know, one cannot fulfill the course requirements without attending and participating in the class discussions and presentations. In addition to the above-referenced grading criteria, I do take into account the degree and quality of your class participation when determining the final grades. Thus, class participation can only help your grade and it is highly recommended. Also, the course exams will test both familiarity with the assigned readings and topics covered exclusively in class I will take attendance at every class. If you cannot attend class due to an emergent situation, e-mail

me *in advance*. Class attendance and class participation are very important to your comprehension of the course material, as well as to your grade. Broadly speaking, there are two types of participation – good and unsatisfactory. **“Good participation”** means coming to class on a regular basis; doing the assigned reading carefully; being ready to answer questions if I call on you; and occasionally volunteering questions or comments. To be a good participant, you do *not* always need to have the “right” answer, but you *do* need to give in-class problem-solving your best shot and to demonstrate that you’ve read and thought about the assignment. It’s the *quality*, *not the quantity* of your participation that counts! **“Unsatisfactory participation”** means being unprepared when I call on you; routinely coming to class late; carrying on conversations or surfing the Web when others (including myself) are speaking; and/or missing more than 20 percent of our class meetings. **Modified Socratic Method:** I will call on students randomly to present case facts and holdings and answer questions. If you’re unprepared and I call on you, you can inform me that you are unprepared but I still may ask you for an answer or come back to you later in that class. You don’t need to explain why you’re unprepared. I also encourage you to volunteer, and I hope that many of you will do so from time to time. The use of a modified Socratic method in my class is not designed to intimidate or humiliate you, but rather to help you develop skills in analyzing statutory language, articulating the holdings of cases, defending your formulation of legal rules, reconciling adverse precedent, and recognizing and making use of the underlying, often conflicting, social values which shape the rules of law. If you’re shy about public speaking, you need to start overcoming that inhibition now. I want to help you become better oral communicators, and my modified Socratic method is designed to facilitate that goal.

Books and Materials Required

Required Text: Joel Samaha, Criminal Law, (10th ed., 2008), Wadsworth Press Cengage Learning. REVISED CODE OF WASHINGTON, 2009 ED.

Classroom Learning Atmosphere

Instructor’s Expectation

In this course, we will explore the criminal law from a variety of perspectives. We will study the reasons for punishing convicted criminals, as well as the elements of crimes and the defenses that the accused might raise. We will examine tensions between various Washington state statutes, the common law, and the Model Penal Code. Although you will be responsible for learning criminal law doctrine, it is equally important for you to learn to make the best legal argument on each side of a case and to analyze the policy reasons for embracing or criticizing current laws.

Criminal law does not constitute a uniform body of rules across jurisdictions. In this class, we will often talk about majority and minority trends in the nation, rather than trying to learn the doctrine of all 50

states plus the District of Columbia. Due to the time limitations, it will be difficult to explore the various principles in-depth. Students should not expect to acquire the knowledge, skills, or experience needed to solve criminal problems or represent them selves in any legal action. By the end of this course, however, students should have a better understanding of how our complex criminal justice system functions and how that system relates to our society.

Affirmation of Inclusion

Bellevue College is committed to maintaining an environment in which every member of the campus community feels welcome to participate in the life of the college, free from harassment and discrimination. We value our different backgrounds at Bellevue College, and students, faculty, staff members, and administrators are to treat one another with dignity and respect.

<http://bellevuecollege.edu/about/goals/inclusion.asp>

Division Statements

The social sciences are often seen as occupying a position between the natural sciences and the humanities and to overlap with both types of disciplines. While the natural sciences concern processes that occur in nature and they attempt to discover the universal laws that govern these processes, the humanities deal with human activities that they seek to understand and from which they attempt to derive meanings. Are the social sciences more akin to the natural sciences or to the humanities? This is an issue that divides social scientists and is reflected in the diversity of approaches represented in social science courses.

Preventing Plagiarism: Plagiarism is a form of academic dishonesty occurring when students use information or material from outside sources and do not properly cite those sources. This is grounds for disciplinary action. It is your responsibility to understand plagiarism and its consequences. Plagiarism occurs if:

- a. You do not cite quotations and/or attribute borrowed ideas.
- b. You fail to enclose borrowed language in quotation marks.
- c. You do not write summaries and paraphrases in his/her own words and/or doesn't document his/her source.
- d. You turn in work created by another person.
- e. You submit or use your own prior work for a current or past course, or work from one current course in another course *without express permission* from your professors. This may also be considered academic dishonesty.
- f. Consequences: If it is determined that you have plagiarized or engaged in other forms of academic dishonesty, you will likely fail the assignment and possibly the course, despite points earned through other work. Acts of academic dishonesty are reviewed for disciplinary action.

Information about Bellevue College's copyright guidelines can be found at:

<http://bellevuecollege.edu/lmc/links/copyright.html>

A good resource for Plagiarism is the Writing Lab: <http://bellevuecollege.edu/writinglab/Plagiarism.html>

Student Code

“Cheating, stealing and plagiarizing (using the ideas or words of another as one’s own without crediting the source) and inappropriate/disruptive classroom behavior are violations of the Student Code of Conduct at Bellevue College. Examples of unacceptable behavior include, but are not limited to: talking out of turn, arriving late or leaving early without a valid reason, allowing cell phones/pagers to ring, and inappropriate behavior toward the instructor or classmates. The instructor can refer any violation of the Student Code of Conduct to the Vice President of Student Services for possible probation or suspension from Bellevue College. Specific student rights, responsibilities and appeal procedures are listed in the Student Code of Conduct, available in the office of the Vice President of Student Services.” The Student Code, Policy 2050, in its entirety is located at:

http://bellevuecollege.edu/policies/2/2050_Student_Code.asp

Bellevue College E-mail and access to MyBC

All students registered for classes at Bellevue College are entitled to a network and e-mail account. Your student network account can be used to access your student e-mail, log in to computers in labs and classrooms, connect to the BC wireless network and log in to MyBC. To create your account, go to:

<https://bellevuecollege.edu/sam> .

BC offers a wide variety of computer and learning labs to enhance learning and student success. Find current campus locations for all student labs by visiting the [Computing Services website](#).

Disability Resource Center (DRC)

The Disability Resource Center serves students with a wide array of learning challenges and disabilities. If you are a student who has a disability or learning challenge for which you have documentation or have seen someone for treatment and if you feel you may need accommodations in order to be successful in college, please contact us as soon as possible.

If you are a person who requires assistance in case of an emergency situation, such as a fire, earthquake, etc, please meet with your individual instructors to develop a safety plan within the first week of the quarter.

The DRC office is located in B 132 or you can call our reception desk at 425.564.2498. Deaf students can reach us by video phone at 425-440-2025 or by TTY at 425-564-4110. Please visit our website for application information into our program and other helpful links at www.bellevuecollege.edu/drc

Public Safety

The Bellevue College (BC) Public Safety Department’s well trained and courteous non-commissioned staff provides personal safety, security, crime prevention, preliminary investigations, and other services to the campus community, 24 hours per day, 7 days per week. Their phone number is 425.564.2400. The

Public Safety website is your one-stop resource for campus emergency preparedness information, campus closure announcements and critical information in the event of an emergency. Public Safety is located in K100 and on the web at: <http://bellevuecollege.edu/publicsafety/>

Final Exam Schedule

The Final will be on Monday, 3/21/11 at 9:30 a.m. See this link for the official final schedule:
<http://bellevuecollege.edu/classes/exams>

Academic Calendar

The Bellevue College Academic Calendar is separated into two calendars. They provide information about holidays, closures and important enrollment dates such as the finals schedule.

- Enrollment Calendar - <http://bellevuecollege.edu/enrollment/calendar/deadlines/>. On this calendar you will find admissions and registration dates and important dates for withdrawing and receiving tuition refunds.
- College Calendar - <http://bellevuecollege.edu/enrollment/calendar/holidays/0910.asp>. This calendar gives you the year at a glance and includes college holidays, scheduled closures, quarter end and start dates, and final exam dates.

Course Calendar

Week 1 (1/3)

Chapter 1. Criminal Law and Criminal Punishment: An Overview

Week 2 (1/10)

Chapter 2. Constitutional Limits on Criminal Law

Week 3 (1/17)

NO CLASS 1/17

Chapter 3. The General Principles of Criminal Liability: Actus Reus

Chapter 4. The General Principles of Criminal Liability: Mens Reus

Week 4 (1/24)

Midterm 1/25

Chapter 9. Crimes Against Persons I

RCW Selected Statutes

Week 5 (1/31)

No Class on 2/2

Chapter 10. Crimes Against Persons II

RCW Selected Statutes

Week 6. (2/7)

Chapter 11. Crimes Against Property

Week 7 (2/14)

RCW Selected Statutes

Midterm 2 on 2/18

Week 8 (2/21)

NO CLASS ON 2/21

Chapter 12. Crimes Against Public Order and Morals

Week 9 (2/28)

Chapter 13. Crimes Against the State

Week 10 (3/7)

Chapter 5. Defenses to Criminal Liability: Justifications

Week 11 (3/14)

Chapter 6. Defenses to Criminal Liability: Excuse

Week 12 (3/21)

Final Exam on Monday, 3/21 9:30 am to 11:20 am

Expansion

A NOTE ABOUT COURSE CONTENT: Since lawyers deal with just about every aspect of the social world, it is important that this class discuss and examine provocative and controversial material. Please be advised that when we explore controversial topics, they will always be framed within an academic context. Keeping in mind that, when we find ourselves in a space outside of our comfort zone, it's an opportunity for learning, and you may be confronted with subject matter that is difficult to watch, see, discuss, or listen to. Please note, however, that you will be responsible for any course material you miss if you choose not to participate. If you have any questions or concerns about content or climate, feel free to speak with me about it right away.

EXPLORE THE LMC! The Library Media Center is at your fingertips! I *strongly* encourage you to visit the LMC at least once a week, but you can also access it via the web. Talk to a Reference Librarian at the Library (D-126), by calling (425) 564-6161, or by email: reference@bellevuecollege.edu.

- **Main Library Media Center:** <http://bellevuecollege.edu/lmc/>
- **For the LMC online catalog:** <http://bellevuecollege.edu/lmc/catalogs.html>
- **For article databases:** <http://bellevuecollege.edu/lmc/periodicals.html>
- **Legal research tutorial** <http://bellevuecollege.edu/lmc/ba200/>

For all of your written work: Submit proofread work **only**. Work not proofread will be returned *once* for a rewrite, expected to be handed in within 48 hours. If you need help with your writing, please make use of the following student support services:

- **Academic Success Center:** <http://bellevuecollege.edu/academicsuccess/>

- Academic Tutoring Center: <http://bellevuecollege.edu/tutoring/>
- TRiO Student Support Services: <http://bellevuecollege.edu/TRiO/>
- Writing Lab @ BCC: <http://bellevuecollege.edu/writinglab/>