

## **Criminal Law: CRMJ 2210**

### **Syllabus, Fall 2018**

#### **CONTACT INFORMATION**

Instructor: Dan Fetsco  
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Office: 312 Arts & Sciences  
Office Hours: Mon. & Fri. 9:00-10:00 am,  
Wed. 1:30 to 2:30 pm. and by  
appointment/request

#### **COURSE INFORMATION**

Day/Time: MWF – 8:00 – 8:50 am  
Room: AG 1032  
Credit Hours: 3

#### **GA INFORMATION**

Name: Michael Klepperich  
Office: 313E Arts & Sciences  
Office Hours: Tues. & Thurs. 1:30 – 3:30  
p.m.  
Email: mklepper@uwyo.edu

#### **COURSE DESCRIPTION**

This course is designed to introduce students to the fundamental principles of substantive criminal law; the history and philosophy of modern criminal law, the basic dimensions of criminality, the elements of major crimes, criminal defenses and the nature of criminal sanctions.

#### **COURSE OBJECTIVES**

Upon completion of this course students should possess the following:

- Recognize the primary sources of criminal law in the United States, including common law and the Model Penal Code.
- Appreciate the doctrinal limitations on criminal law, including the limits imposed by the state and federal constitutions.
- Understand the general principles and characteristics of common law and Model Penal Code criminal law, including the role of punishment, the various ways of classifying crimes, the parties to crime, the elements of defenses to crimes and

- inchoate crimes, the elements of crimes generally, the elements of specific major crimes.
- Be able to recognize and apply the elements of crimes and defenses in the context of specific factual situations.

**REQUIRED READINGS:**

Brody, D. & Acker, J. (2015). *Criminal Law* (3rd Ed). Jones & Bartlett Publishers.

**COURSE REQUIREMENTS:**

Grades for this course will be comprised in the following way:

- A. **Semester Exams** - There will be a total of four exams throughout the course (including the final) of the semester. The exams will be a combination of multiple choice, true/false, and short answer. All exams will be worth 100 points.
  - Note: Students who arrive for exams more than 15 minutes late will be considered absent and must schedule a make-up exam pursuant to the guidelines outlined in this syllabus.
- B. **Case Briefing Assignment** – during the course of the semester, you will be required to prepare a legal case brief. The case will be selected from recent Wyoming Supreme Court opinions. The brief will be worth 50 points. Further instructions on the case brief assignments will forthcoming.
- C. **In class quizzes** - during the course of the semester, there will be 7 in class quizzes that will cover the material that we study for that particular class. Each quiz is worth 10 points. At the end of the semester, I will drop your two lowest quiz scores.

**Grading Scale**

Quizzes	50 points
Exam #1 Sept. 24	100 points
Exam #2 Oct. 17	100 points
Case Brief Oct. 31	50 points
Exam #3 Nov. 9	100 points
Exam #4 Dec. 18	100 points
<b>Total</b>	<b>500 points</b>

<b>Grade:</b>	<b>Percentage:</b>	<b>Class Points:</b>
A+	97-100%	485-500
A	90-96.99%	450-484
B+	87-89.99%	435-449
B	80-86.99%	400-434
C+	77-79.99%	385-399
C	70-76.99%	350-384
D	60-69.99%	300-349
F	less than 60%	000-299

## **MAKE-UP WORK**

Make-up work/test opportunities will only be granted for excused absences. Excused absences include:

1. Participation in an organized school activity
2. Death in the immediate family
3. Illness (with doctor's written excuse)
4. Special circumstances that have been approved **in advance** by the instructor

The instructor is the sole arbiter of what (if any) absences are excused. Documentation will be required. All make-up work must be completed during office hours within **ONE WEEK** of the original due date. It is the student's responsibility to schedule and complete the make-up work. The instructor reserves the right to change the format of all make-up exams, quizzes, and other assignments.

### **University and Doctor's Excuses:**

In order to be considered for an excused absence from an examination, a valid University excuse or doctor's excuse must be obtained. University excuses can be obtained from the Office of Student Life (Room 128 Knight Hall, University of Wyoming, Laramie, WY 82070 - telephone: 307-766-3296) between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday. The Office of Student Life (OSL) will provide the excuse, provided the student's absence meets the criteria for an authorized absence. For further information on obtaining an excused absence, contact the OSL or visit their website at: <http://uwacadweb.uwyo.edu/OSL/absences.htm>.

Doctor's excuses must be obtained from your attending physician and must state that you were unable to attend the class period that day. Doctor's appointments do not constitute an excused absence. Excuses need to be presented to the instructor by the class period following the excused absence to be accepted.

## **ACADEMIC DISHONESTY:**

Academic dishonesty in all its forms will not be tolerated in this class. This includes cheating on tests, turning in someone else's work as your own, **plagiarism**, or assisting other students in these activities. Students are expected to do their own work and anyone caught cheating will automatically receive a failing grade on the assignment and may receive a failing grade in the class depending on the severity of the transgression. Each student is encouraged to read University Regulation 802 for further information concerning academic dishonesty and the potential consequences. [http://www.uwyo.edu/generalcounsel/\\_files/docs/UW-Reg-6-802.pdf](http://www.uwyo.edu/generalcounsel/_files/docs/UW-Reg-6-802.pdf)

## **ATTENDANCE:**

Attendance is important to the successful completion of this course. Students are expected to have read assigned readings prior to class and be prepared to participate in class discussions. Students are also expected to check WyoCourses on a regular basis for information pertaining to this course.

## **CLASSROOM EXPECTATIONS:**

Students are expected to abide by the following rules of conduct:

- (1) No texting or other use of the cell phone in class without prior notification and permission from the instructor.
- (2) No surfing the internet
- (3) No sleeping or giving the appearance of sleeping
- (4) Be respectful

Failure to abide by these rules can result in the student being dismissed from the class.

## **TITLE IX:**

The faculty and staff of the University of Wyoming actively strive to provide a learning, working, and living environment that promotes personal integrity, civility, and mutual respect that is free from sexual misconduct and discrimination. Under Title IX, the University has a responsibility to take immediate and effective steps to respond to sexual violence and/or sexual harassment. Title IX mandatory reporters are required to notify Equal Opportunity Report and Response of any allegation of sexual misconduct. Mandatory reporters at the University include every administrative officer, dean, director, department head, supervisor, and all instructional personnel including your instructor. More information, including access to confidential resources, can be found at

<http://www.uwyo.edu/reportit/policies/index.html>.

**STUDENTS WITH DISABILITIES:**

It is University of Wyoming policy to accommodate students, faculty, staff, and visitors with disabilities. If you have a physical, learning, sensory, or psychological disability and require accommodations, please let me know as soon as possible. You will need to register with University Disability Support Services (UDSS) in the Student Educational Opportunity offices, Room 128 Knight Hall, 766-3656, <http://www.uwyo.edu/udss/> and provide UDSS with documentation of your disability.

## COURSE OUTLINE

- August 29: Introduction/Review Syllabus; The Case of *Queen v. Dudley & Stephens*
- August 31: Chapter 1: Introduction to the Study of Criminal Law – principles of criminal law, punishment and purposes, briefing cases (1-17)
- September 3: Classes Closed - Labor Day**
- September 5: Chapter 1 – criminal process, sources of criminal law, burden of proof (16-23)
- September 7: Chapter 2 – Constitutional Limits on the Definition and Punishment of Crimes – federal and state jurisdiction, the Legality Principle, fair notice, ex post facto laws (24-34)
- September 10: Chapter 2 – Constitutional limits on the state’s power to define conduct as a crime, right to privacy, 1<sup>st</sup> Amendment and free speech, equal protection of laws (35-52).
- September 12: Chapter 2 – Constitutional limits on the government’s power to punish – Proportionality (52-68).
- September 14: Chapter 3 - General Elements of Crimes – *Mens Rea*, general intent and specific intent.
- September 17: Chapter 3 – Model Penal Code (MPC) Approach, *Mens Rea* requirements for different crimes, transferred intent (78-92)
- September 19: Chapter 3 – criminal negligence and recklessness, the act, act v. status, culpable omissions (92-110)
- September 21: Chapter 3 – concurrence principle, harm, causation, year-and-a-day-rule (111-127), review for **Exam #1**.
- September 24: Exam #1**
- September 26: Chapter 4 – Justification Defenses – self-defense, provocation and the aggressor, reasonableness of belief, deadly force, retreat, imminent harm and the battered woman syndrome, use of force in resisting unlawful arrest (129-150)
- September 28: Chapter 4 – defense of another, defense of home and property, public duty, necessity and choice of evils, (150-163).
- October 1: Chapter 5 – Excuse Defenses – insanity, M’Naghten Rule, retreat from M’Naghten (164-173)
- October 3: Chapter 5 – mistake, mistake of law, mistake of fact, duress, entrapment, infancy, intoxication (174-203)
- October 5: Chapter 6 – Criminal Homicide – sorting principles: murder and voluntary manslaughter: the Common Law approach, negating malice, burden of proof and provocation, cooling time (204-212)
- October 8: Chapter 6 – The MPC Approach: murder v. manslaughter (for purposeful killings), malice and the burden of proof, different grades of murder, diminished capacity and homicide (212-227)
- October 10: Chapter 6 – felony murder, nature of the underlying felony, vicarious liability: killings by co-felons, murder and the death penalty, killings committed by 3<sup>rd</sup> parties (227-241)
- October 12: Chapter 6 – should the felony murder rule be abolished?, “depraved-heart”

- murder, DUI fatality as murder, manslaughter based on unintentional killings (241-250)
- October 15: Chapter 6 – criminal negligence and recklessness, negligent good Samaritans, misdemeanor-manslaughter, “life” and “death”, life: the killing of a “human being,” death (250-263), review for **Exam #2**
- October 17: Exam #2**
- October 19: Chapter 7 – Rape and Sexual Assault – forcible rape, *Actus Reus*, *Mens Rea* (265-274)
- October 22: Chapter 7 – Special Note: the “marital rape” exception, use of trickery, psychological coercion (274-282)
- October 24: Chapter 7 – prosecuting rape, rape shield laws, rape trauma syndrome, statutory rape, grading and punishing sex crimes (282-295)
- October 26: Chapter 8 – Other Crimes Against the Person – battery: *Actus Reus*, *Mens Rea*, harm required; assault, aggravated assault (296-305)
- October 29: Chapter 8 – stalking and harassment, false imprisonment and kidnapping, custodial interference (305-315)
- October 31: Paper Due.** Chapter 9 – Property Crimes and Crimes Against Habitation – larceny, act required, object of the taking, state of mind (316-324)
- November 2: Chapter 9 – embezzlement, false pretenses, identity theft, receiving stolen property (324-334)
- November 5: Chapter 9 – consolidated theft statutes, robbery, computer crime, extortion (334-342)
- November 7: Chapter 9 – crimes against habitation, burglary, breaking, entry, intent, graded burglary, arson (342-351) review for **Exam #3**.
- November 9: Exam #3**
- November 12: Chapter 10 – Crimes Against Public Order and Security – obstruction of justice, disorderly conduct (352-360)
- November 14: Chapter 10 – riot, gangs and regulation of gun possession (360-370)
- November 16: Chapter 10 – terrorism (370-379)
- November 19: Chapter 11 – Liability for the Conduct of Another – accomplice liability, *Actus Reus*, *Mens Rea*, sharing a common purpose (380-389)
- November 21-23: Thanksgiving**
- November 26: Chapter 11 – defense of withdrawal or abandonment, distinguishing accomplice liability from solicitation and conspiracy, accessory liability, hindering prosecution, failed or deferred prosecutions, vicarious liability (389-397)
- November 28: Chapter 12 – Inchoate Crimes – Attempt, *Actus Reus* of attempt, *Mens Rea* of attempt, defense of impossibility, defense of abandonment (398-415)
- November 30: Chapter 12 – conspiracy, *Actus Reus*, agreement, unilateral or bilateral agreements, overt act, *Mens Rea*, scope and duration of conspiracy, duration, how conspiracy differs from complicity, racketeer influenced and corrupt organization act (RICO) (415-422)

- December 3: Chapter 12 – solicitation, *Actus Reus*, *Mens Rea*, defense of renunciation, defense of impossibility, distinguishing solicitation from attempt and conspiracy, grading, merger (422-427)
- December 5: Guest Speaker
- December 7: Guest Speaker - I will try to have 2 guest speakers this year, attorneys experienced in criminal law, and will most likely spread them out through the semester. However, at this point, I have them scheduled the last week.
- December 10: Catch-up and review for **Final Exam**

**December 18: FINAL EXAM, it's a TUESDAY! – 8:00 am – 10:00 am**

**\*Note: This is a tentative class schedule which may be adjusted due to unforeseen circumstances. The instructor will notify students at least one week in advance of any changes to the test schedule.**