

Criminal Law: CRMJ 2210

Syllabus, Fall 2020

WELCOME!

Instructor: Dan Fetsco
Telephone: 307 766 2988
Email: dfetsco@uwyo.edu
Office: 204 Arts & Sciences
Office Hours: by Zoom appointment

MEET YOUR GA

Name: Jannat Ara Hoque
Office: TBD
Office Hours: By Zoom appt.
Email: jhoque@uwyo.edu

COURSE INFORMATION

Day/Time: MWF – 7:30 – 8:20 am
Room/Delivery: synchronous online
Credit Hours: 3

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.



PREREQUISITES

- CRMJ 1001, Introduction to Criminal Justice
- POLS 1000, American & Wyo. Govt.

COURSE OBJECTIVES

Upon completion of this course students should possess the following:

- Δ Recognize the primary sources of criminal law in the United States, including common law and the Model Penal Code.
- Δ Appreciate the doctrinal limitations on criminal law, including the limits imposed by the state and federal constitutions.
- Δ 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.
- Δ 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 as follows:

- **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. All exams will be online and worth 100 points. You will have 50 minutes to complete an exam once you start it. Exams will be available on WyoCourses.
- **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.
- **Online quizzes** - during the course of the semester, there will be 7 online quizzes that will cover the material that we study for that particular class. When the class is over, I will have the quiz available on WyoCourses. It will be only available within 30 minutes after the lecture ends. Each quiz is worth 10 points. At the end of the semester, I will drop your two lowest quiz scores. These quizzes cannot be made up unless you have an excused absence.

Grading Scale

Quizzes	50 pts	Grade:	Percentage:	Class Points:
Exam #1 Sept. 16	100 pts	A	90-100.00%	450-500
Exam #2 Oct. 9	100 pts	B	87-89.99%	400-449
Case Brief Oct. 23	50 pts	C	70-79.99%	350-399
Exam #3 Nov. 2	100 pts	D	60-69.99%	300-349
Final Exam Dec. 16	100 pts	F	less than 60%	000-299
Total	500 pts			

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>

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.

COVID-19 POLICIES

During this pandemic, you must abide by all UW policies and public health rules put forward by the City of Laramie, the University of Wyoming and the State of Wyoming. Wear face coverings when you are with others, stay the required physical distance apart from others, take required COVID tests for campus presence and travel, and report your health status in COVID app daily. For the health of our UW community, you should limit unnecessary personal travel.

As with other disruptive behaviors, we have the right to dismiss you from the classroom (Zoom and physical), or other class activities if you fail to abide by this policy.

ZOOM AND WYOCOURSES EXPECTATIONS:

I will do my best to make this course useful to you, and will respond to questions, concerns, and feedback as quickly as I am able.

My commitments:

- Respond to questions within 24 hours
- Provide timely and detailed feedback
- Respect you as a learner and an individual

Your commitments:

- Abide by all COVID related policies and rules to promote the health and well-being of fellow students and my personal self-care.
- Give and receive feedback from me and your classmates respectfully and constructively in all interactions. This includes in Zoom chats, on WyoCourses boards, and within physical classroom spaces.
- Actively engage in civil discourse in a respectful manner. Limit your use of person-to-person Zoom chats, and always chat in all forums using professional language.
- Communicate professionally. Whenever you send class-related email or messages, please include a clear, specific subject line and use the body of the email or message to explain the purpose for the email and any attached materials. Conduct yourself professionally.
- Meet assignment deadlines. We expect that you're interacting with course material multiple times during the week.
- Ask for help when you need it.

TECHNICAL ASSISTANCE:

If you have any Information Technology (IT) issues, contact UWIT Service Center at userhelp@uwyo.edu or <https://uwyo.teamdynamix.com/TDClient/1940/Portal/Requests/ServiceDe?ID=8890>.

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.

DIVERSITY AND INCLUSIVENESS:

The University of Wyoming values an educational environment that is diverse, equitable, and inclusive. The diversity that students and faculty bring to class, including age, country of origin, culture, disability, economic class, ethnicity, gender identity, immigration status, linguistic, political affiliation, race, religion, sexual orientation, veteran status, worldview, and other social and cultural diversity is valued, respected, and considered a resource for learning.

SEXUAL HARASSMENT, DISCRIMINATION AND VIOLENCE:

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.htm>

FALL 2020 COURSE SCHEDULE

WEEK 1 Introductions

- Aug. 24: Introduction/Review Syllabus; The case of *Queen v. Dudley & Stephens*
Aug. 26: Chapter 1: Introduction to the Study of Criminal Law – principles of criminal law, punishment and purposes, briefing cases (1-17)
Aug. 28: Chapter 1 – criminal process, sources of criminal law, burden of proof (16-23)

WEEK 2 Constitutional Limits on the Definition and Punishment of Crimes

- Aug. 31: Chapter 2 – federal and state jurisdiction, the Legality Principle, fair notice, ex post facto laws (24-34)
Sept. 2: Chapter 2 – Constitutional limits on the state's power to define conduct as a crime, right to privacy, 1st Amendment and free speech, equal protection of laws (35-52). Sept. 4: Chapter 2 – Constitutional limits on the government's power to punish – Proportionality (52-68).
Sept. 4: Chapter 3 - General Elements of Crimes – *Mens Rea*, general intent and specific intent.



WEEK 3 General Elements of Crime

- Sept. 7: Chapter 3 – Model Penal Code (MPC) Approach, *Mens Rea* requirements for different crimes, transferred intent (78-92)
Sept. 9: Guest Speaker Participation Quiz
Sept. 11: Chapter 3 – criminal negligence and recklessness, the act, act v. status, culpable omissions (92-110)

WEEK 4 Exam 1 & Justification Defenses

- Sept. 14: Chapter 3 – concurrence principle, harm, causation, year-and-a-day-rule (111-127), review for **Exam #1**.
Sept. 16: Exam #1
Sept. 18: 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)



WEEK 5 Justification Defenses, cont'd & Excuse Defenses

- Sept. 21: Chapter 4 – defense of another, defense of home and property, public duty, necessity and choice of evils, (150-163).
Sept. 23: Chapter 5 – Excuse Defenses – insanity, M'Naghten Rule, retreat from M'Naghten (164-173)
Sept. 25: Chapter 5 – mistake, mistake of law, mistake of fact, duress, entrapment, infancy, intoxication (174-203)

WEEK 6 Criminal Homicide

- Sept. 28: Chapter 6 – sorting principles: murder and voluntary manslaughter: the Common Law approach, negating malice, burden of proof and provocation, cooling time (204-212)
- Sept. 30: 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)
- Oct. 2: Chapter 6 – felony murder, nature of the underlying felony, vicarious liability: killings by co-felons, murder and the death penalty, killings committed by 3rd parties (227-241)

WEEK 7 Criminal Homicide, Cont'd & Exam 2

- Oct. 5: Chapter 6 – should the felony murder rule be abolished?, “depraved-heart” murder, DUI fatality as murder, manslaughter based on unintentional killings (241-250)
- Oct. 7: 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**
- Oct. 9 Exam #2**

**WEEK 8 Rape and Sexual Assault**

- Oct. 12: Chapter 7 – forcible rape, *Actus Reus, Mens Rea* (265-274)
- Oct. 14: Chapter 7 – Special Note: the “marital rape” exception, use of trickery, psychological coercion (274-282)
- Oct. 16: Chapter 7 – prosecuting rape, rape shield laws, rape trauma syndrome, statutory rape, grading and punishing sex crimes (282-295)

WEEK 9 Other Crimes Against the Person & Case Brief Due

- Oct. 19: Chapter 8 – battery: *Actus Reus, Mens Rea*, harm required; assault, aggravated assault (296-305)
- Oct. 21: Chapter 8 – stalking and harassment, false imprisonment and kidnapping, custodial interference (305-315)
- Oct. 23: **Case Brief Due.** Chapter 9 – larceny, act required, object of the taking, state of mind (316-324)

WEEK 10 Property Crimes and Crimes Against Habitation

- Oct. 26: Chapter 9 – embezzlement, false pretenses, identity theft, receiving stolen property (324-334)
- Oct. 28: Chapter 9 – consolidated theft statutes, robbery, computer crime, extortion (334-342)
- Oct. 30: Chapter 9 – crimes against habitation, burglary, breaking, entry, intent, graded burglary, arson (342-351) review for **Exam #3**.

WEEK 11 Exam 3 & Crimes Against Public Order and Security

- Nov. 2: Exam #3**
- Nov. 4 Chapter 10 – obstruction of justice, disorderly conduct (352-360)
- Nov. 6: Chapter 10 – riot, gangs and regulation of gun possession (360-370)

WEEK 12 Liability for the Conduct of Another

Nov. 9: Chapter 10 – terrorism (370-379)

Nov. 11: Chapter 11 – accomplice liability, *Actus Reus*, *Mens Rea*, sharing a common purpose (380-389)

Nov. 13: 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)

WEEK 13 Inchoate Crimes

Nov. 16: Chapter 12 – Attempt, *Actus Reus* of attempt, *Mens Rea* of attempt, defense of impossibility, defense of abandonment (398-415)

Nov. 18 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)

Nov. 20 Chapter 12 – solicitation, *Actus Reus*, *Mens Rea*, defense of renunciation, defense of impossibility, distinguishing solicitation from attempt and conspiracy, grading, merger (422-427).

WEEK 14 Guest Speaker

Nov. 23: Guest speaker

Nov 25: Catch-up and review for **Final Exam**

THANKSGIVING BREAK

WEEK 15 Final Exam

Dec. 2: Catch-up and review for **Final Exam**

**Dec 16: 8:00 am – 10:00 am
FINAL EXAM**

***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.**