



NATIONAL PARALEGAL COLLEGE

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Criminal Law

PLG-103-1607

Syllabus and Course Guide

The NPC Criminal Law course meets 15 times over the course of the 8-week term in the NPC interactive classroom. Each session consists of about 60 minutes of online lecture by the course instructor. After the lecture, students may ask questions and make comments on the material being studied.

This class will meet on Mondays and Wednesdays, beginning on Monday, July 11, 2016, at 9:00 PM Eastern time (6:00 PM Pacific time). All class sessions are recorded and may be viewed by students at any time.

To successfully complete the course, each student must satisfactorily complete:

- 5 written assignments
- 3 examinations

Unless an extension has been taken pursuant to the NPC Extensions Policy (see the end of this syllabus), all assignments and exams must be submitted by the course deadline which appears later in this syllabus. No extensions may be taken or granted unless the student has submitted one or more assignments or exams in advance of the original deadline. In addition, extensions are subject to grade penalties and are limited to no more than 30 days from the date of the original deadline.

Please note that students are strongly encouraged to do their work as the course progresses rather than waiting for the days or weeks before the deadline to do all of their work. It is also critically important that students realize that:

1. A grade of "Incomplete" is the same as an "F" and is a failing grade.
2. A grade of "Incomplete" will result in a reduction in the student's grade point average.
3. Student may have to pay to re-take or replace a course for which a grade of Incomplete is assigned.

4. Two consecutive Incompletes may subject the student to dismissal from the college under NPC's chronic incomplete policy.
5. Students with a GPA of under 2.0 are not eligible to receive federal financial aid and cannot graduate until their GPA is at or above 2.0.

If a student is having trouble completing the course, the student is strongly encouraged to contact his or her student mentor or teacher as early as possible.

Please note also that:

- A student who receives an incomplete on his or her first course may be dismissed from NPC.

A student who fails to complete at least one weekly interaction during the first 14 days of the course will automatically be withdrawn from the course per NPC policy. The student may re-join the class by prompt notification to NPC and by prompt completion of an interaction shortly thereafter.

INSTRUCTORS:

The instructor and grader for this course is:

- Dede Sandler (dede@nationalparalegal.edu)

COURSE DESCRIPTION:

This course is designed to introduce our students to the basic concepts of criminal law. The course will outline the definitions and elements of the common law crimes against persons, crimes against property, and the various legal defenses available to criminal defendants. In addition, certain topics in criminal procedure will be covered to highlight the Constitutional safeguards and procedures involved from arrest through trial.

COURSE OBJECTIVES:

At the completion of this course, the student will be able to:

- Describe the necessary elements for the prosecution of any crime.
- Determine whether a crime has been committed based on a fact pattern, and, if so, which crime has been committed.
- Describe the basic elements of the various common law crimes.
- Research and apply the elements of a crime in various state or federal jurisdictions.
- Research criminal codes and apply the elements of a crime in various state or federal jurisdictions.

- Prepare a memorandum with regard to a question of criminal law in a hypothetical fact pattern.
- Describe and apply the various defenses that are available under the criminal laws of different jurisdictions.
- Apply federal and/or state sentencing guidelines (where applicable) to convictions.

READING ASSIGNMENTS:

All reading assignments refer to the NPC courseware, including the interactions attached to each subchapter. Cases and/or statutes that are specifically mentioned in the syllabus are optional reading. The texts of these cases and/or statutes may be accessed directly from the courseware. In addition to the assigned courseware and cases, students should familiarize themselves with the various legal documents listed for each lecture. These documents can be found on the “Slides and Documents” page on the NPC student website. Some, but not all, of these documents will be discussed in class. Reading assignments for each class should be completed prior to the class where possible.

In addition to the courseware’s electronic form, you may also order a book version of the courseware that includes:

- 1) The courseware
- 2) All lectures slides
- 3) Selected sections from the Model Penal Code
- 4) Selected sections from the United States Sentencing Guidelines

You may order this book at: www.freewebstore.org/npc-courseware-books/

This is not mandatory, but may be useful for people who like to read from hard copies as it will save you the time and ink/paper necessary to print out the courseware and slides.

School Virtual Library

All NPC students are encouraged to take advantage of the NPC virtual library, which can be accessed from the “course materials” page on the student menu or directly through this link: <http://nationalparalegal.edu/Students/VirtualLibrary.aspx>.

The NPC virtual library gives students access to Lexis Advance, which is one of the premier online legal databases in the world. It is expected that most legal research can and should be done through Lexis Advance. Online tutorials in the use of Lexis Advance is available on the lower right portion of the default login screen for Lexis Advance.

NPC also subscribes to the Library Information Resources Network (LIRN), which allows our students access to scores of databases containing hundreds of thousands of academic articles and publications. For research that is not legal in nature (for example, for business and general education courses), it is anticipated that students will use LIRN to access reliable academic sources for research papers. Online training in the use of LIRN resources is available here: <http://www.lirn.net/training/>.

NPC students also have access to Computer Assisted Legal Instruction (CALI) lessons. Unless assigned in the course syllabus, these are optional, but can be very helpful.

WRITTEN ASSIGNMENTS:

At the outset of the course, five assignments will be posted on the “assignments and exams” page. The 5 assignments will cumulatively count for 40% of the student’s grade for the course.

Please compose your answers to assignments on your own computer, remembering to save your work frequently. Once your assignment is complete, please submit by uploading it pursuant to the directions on the “Assignments and Exams” page within the NPC student site. Assignments may be submitted as PDF files, Microsoft Word documents, Open Office documents or PowerPoint presentations.

Each submitted assignment will be graded on the following scale:

4 - Excellent

3 - Good

2 – Satisfactory

1 – Poor

0 – Not acceptable (must resubmit)

(Half-points may also be awarded in assignment grading.)

Please see the “Assignment Grading Rubric” (the next page of this syllabus) for more detailed information as to how assignments are graded and the key elements of assignments that instructors look for when grading assignments.

In addition to a grade, students will receive written feedback from the instructor on their assignments, where appropriate.

To the extent possible, it is recommended that students complete the assignments as the course proceeds rather than waiting until after the course ends.

Assignment Grading Rubric

Factor	4 (Excellent)	3 (Good)	2 (Satisfactory)	1 (Poor)	0 (no credit)
Thoroughness	Answers all questions in the exercise completely and in the appropriate order.	Answers all questions in the exercise but not completely and/or not in the appropriate order.	Answers most of the questions in the exercise but not completely and/or not in the appropriate order.	Does not answer many of the questions in the exercise but does make some reasonable effort to do so.	Makes little or no reasonable effort to answer the questions posed in the assignment.
Demonstrates Understanding of the Assignment and has come to an appropriate conclusion	Response demonstrates a thorough understanding of the exercise and the student has justified and enunciated an appropriate conclusion.	Response demonstrates an understanding of the exercise and comes to a conclusion.	Response demonstrates some understanding of the exercise. The conclusion that the student comes to may not be appropriately justified by the rest of the essay.	Response demonstrates some understanding of the exercise but shows a high level of confusion on the part of the student. The student's conclusion, if any, is not supported by the rest of the essay.	Response demonstrates a very poor understanding of the subject matter presented by the assignment.
Documentation/ Legal research (note: For assignments, sources should be those obtained through legal research; for exam essays, legal principles learned in class or the courseware is sufficient.)	Student has cited at least two excellent sources and has applied them appropriately. Appropriate sources are documented and well cited and well integrated.	Student has cited one excellent source or two or more good sources but has missed at least one excellent source. Sources are integrated well in the assignment.	Student has cited appropriate sources but has missed the best available OR student has cited good sources but has done a poor job of integrating them.	Student has cited poor or inappropriate authorities or has failed to establish the relevance of the sources that he or she has cited.	Student has not cited any legal authorities or has cited authorities that are irrelevant.
Organization	Essay is organized very well; the reader can clearly understand where the essay is going at all points and a cohesive easy-to-follow argument is made in the essay. Separate paragraphs are used for separate ideas.	Essay is well organized. The essay is coherent, though may not flow freely. Different components of the essay are broken up appropriately.	Essay shows some level of organization, but is difficult to follow. The essay is not as focused as it should be. Essay may go back and forth between points without using new paragraphs.	Essay is poorly organized and is very difficult to follow. The student did not appropriately separate thoughts and did not properly organize the essay.	Student's essay is in chaos. There is no reasonable attempt to organize the essay coherently.
Critical Thinking and Analysis	Shows excellent critical thinking and analysis. The student is able to apply the cited law to the facts of the given case in a clear and convincing manner.	Shows good critical thinking and analysis. The student's points are well argued and well supported.	Shows adequate critical thinking and analysis. The student's points are supported by logic, but are not exceptionally convincing.	Shows minimal critical thinking and analysis. The student's arguments are weak and unconvincing.	Shows no effort at critical thinking or analysis. The student's points make no sense.

Credit may also be taken off for poor spelling or grammar.

EXAMINATIONS:

Examinations will be posted on the NPC website when indicated on the syllabus of the course. The examinations consist entirely of “short essay” questions. The 3 examinations will cumulatively count for 60% of the student’s course grade.

Examinations are non-cumulative; they cover only the material that was covered since the previous examination. The instructor will provide specific information regarding the content of each examination, as the examination time approaches.

All examinations are timed. A student may begin the examination any time after it is posted to the NPC website. Once begun, the examination must be completed within 4 hours.

Examinations will be graded on a conventional 0-100 scale. The number of points each question is worth is equal to 100 divided by the number of questions on the examination.

For each examination question, full credit will be awarded if the student:

- 1) Correctly identifies the legal issue(s) presented by the question
- 2) Applies the correct law to the legal issue(s) presented (note: full credit may also be awarded if the student’s answer comes to an “incorrect” conclusion if the student bases his or her analysis on correct law and supports his or her position in a convincing manner)
- 3) Presents his or her answer in a clear and understandable manner

The amount of partial credit to be awarded, if any, for an answer that is not complete and correct is at the discretion of the instructor. Instructors are instructed to award partial credit that is proportional to the level of knowledge and legal skill displayed by the student in answering the question.

Please note that, even if not directly stated in the question, you must give reasons for your answers to open ended questions. One word answers such as “yes” or “no” or answers that merely restate the question without explaining the answer given will not be credited.

The following factors are generally NOT taken into account in grading examinations:

Legal research: Although research is a key component of assignments, examinations are graded on the student’s knowledge of the legal concepts taught and do not require independent research.

Grammar and spelling (unless they impact the ability of the graded to understand the student’s answer): Although these are essential skills for a paralegal, examinations test legal knowledge and ability to apply the skills learned, not necessarily the ability to write professional legal memoranda (assignments test this skill). In addition, because exams are taken under time constraints, we would

rather see the students spend their time spotting legal issues and applying applicable law than on proofreading answers for typos and grammar mistakes.

For more information on assignments and examinations, please see the *NPC Student Handbook*.

To the extent possible, it is recommended that students complete the exams as the course proceeds rather than waiting until after the course ends.

Early Assignment Submission Incentive Policy

NPC encourages students to submit their assignments as early as possible. In order to facilitate early submissions, students are advised that in exchange for submitting assignments in the first six weeks of the course, they will be awarded the opportunity to re-do or fix up an assignment after it is graded in order to increase the grade.

The following limitations apply:

1. When resubmitting an assignment, a student will only be able to increase their grade to a maximum of 3 or by one full point, whichever is greater. For example, if a student submits an assignment within the first six weeks of the course and receives a 1.5 or a 2.0, the student may make corrections suggested by the instructor and can potentially raise the grade to a maximum of 3. A student who initially receives a grade of 2.5 may raise the grade as high as 3.5 with a resubmission.
2. A student may exercise this option up to two (2) times per course.
3. Students are not guaranteed the maximum increase if their corrections do not merit such a change. A grader has the discretion to award a smaller or no increase if the student does not follow the graders' feedback.

To resubmit an assignment under this policy, please contact the course grader.

NPC PLAGIARISM POLICY

All work done by NPC students on assignments, examinations and research projects is expected to be their own work. Quoting other sources as part of analyzing a subject is desirable and necessary in many cases. However, when other sources are quoted or used, they must be properly attributed to the original sources. This applies to direct quotes of sources and to paraphrasing other sources or using ideas obtained from other sources even if the exact text is not used.

Plagiarism means using the materials of others without appropriately citing the source and is an academic offence.

Under the NPC plagiarism policy, a student may not, as part of any assignment or exam submission:

- 1) Quote any text from any other source without:
 - a) putting quotation marks around the quoted material;
 - AND
 - b) appropriately citing the source of the quote.
- 2) Pass off the work of another as his or her own, even if the student does not directly quote from the other source.

Please note that the NPC plagiarism policy does not mean that you cannot quote language from the courseware, textbook or slides as part of an answer to a question on an exam. These are resources that are meant to be used on an exam when applied in an appropriate manner. However, quoting any source without attribution is plagiarism.

For more information regarding the NPC Plagiarism Policy, penalties and due process rights where plagiarism is alleged, please see the NPC Plagiarism Policy at:

<http://nationalparalegal.edu/pages/PlagiarismPolicy.pdf>

NPC STUDENT MENTOR

Each NPC student is assigned a student mentor upon enrollment. Your student mentor is a resource that can and should be drawn on if you need academic assistance. This includes advice on studying, help with assignments, general academic questions, etc. You should have received an email from your student mentor upon enrollment. If you have not received such an email or do not know who your student mentor is, please contact Connie Erpelding at connie@nationalparalegal.edu or 800-371-6105 x 115.

WEEKLY INTERACTION REQUIREMENT

To ensure that all students are involved and participating in the course as the course moves forward, each student enrolled in this course must, at least once during each week, either:

1) Attend a live lecture and take and pass a short quiz given during class (where applicable)

OR

2) Submit at least one assignment

OR

3) Take at least one examination

OR

4) Answer a weekly “interaction” question or questions that will be posted on the “Assignments and Exams” page.

The weekly “interaction” question(s) will be straightforward and will cover material covered in class each week. Answers to these questions should be short (typically 1-3 sentences) and to the point.

The student’s response (which is necessary only if the student does not attend a live lecture or take an exam or submit an assignment in the given week) will be graded on a pass/fail basis. The interaction questions will be posted no later than Monday of each week and must be answered on or before the following Sunday.

Any student who does not fulfill this requirement during a given week will receive a reduction in his or her over-all grade of 2 percentage points (10 raw points).

Please also note that a student who does not fulfill an interaction during the first two weeks of a course will be automatically withdrawn from that course, as it will be assumed that the student who does not interact during the first two weeks has no intention of attending the course. The student may re-join the class by prompt notification to NPC and by prompt completion of an interaction shortly thereafter.

If an emergency prevents attendance in this period, please email Susan Israel (susan@nationalparalegal.edu) or Stephen Haas (shaas@nationalparalegal.edu) as soon as possible.

Fulfilling the weekly interaction requirement is particularly important for students receiving financial aid. Federal regulations require the school to withdraw students from financial aid who go 14 consecutive days without fulfilling an interaction requirement and to return any outstanding financial aid money to the government unless the student interacts with the school prior to the time that the withdrawal is completed. If you are unable to fulfill a weekly interaction requirement, it is critical that you stay in contact with the school so that other arrangements can be made.

COURSE GRADES

The following formula will be used to calculate final grades

$$\text{Cumulative exam scores} + (\text{assignment points} \times 10) = \text{raw score}$$

Because exams are worth up to 100 points and assignments up to 4 points each, the maximum raw score is 500. 10 raw points (2% of the raw point total) are deducted for each missed weekly interaction. Extra credit may be available for certain in class activities as may be announced by the instructor.

The following conversion chart is then applied based on the total raw points you have earned:

>474	=	A+
445-474	=	A
420-444	=	A-
395-419	=	B+
365-394	=	B
340-364	=	B-
315-339	=	C+
285-314	=	C
260-284	=	C-
230-259	=	D
<230	=	F

OPTIONAL STUDY SESSIONS

In addition to the 15 classes listed below, instructors and/or graders may run 1 or 2 additional study sessions to discuss assignments and/or the course materials. Attendance and participation in at these sessions is optional and they will be recorded for those who cannot make it to the live sessions.

Please keep an eye on the course message boards to details as to when these will be held.

All examinations and assignments are due no later than Sunday, October 2, 2016 at 11:59 PM EASTERN TIME; that's EASTERN time. That means 8:59 PM Pacific time, 9:59 PM Mountain time, 10:59 PM Central time, etc.

Please see the end of this syllabus for a note on NPC course extensions policy!

Lecture and reading assignments schedule

Class 1

Monday, July 11, 2016

In the first class, we will go through an overview of criminal law and the American justice system. We will introduce and discuss the various reasons for the existence of criminal laws and the various rationales that exist behind punishing criminals. We will also discuss the framework of the criminal justice system, including some of the safeguards that are put into place to try to limit the chances of an innocent person being convicted.

Courseware Reading:

None

Cases and Statutes:

None

Class 2

Wednesday, July 13, 2016

This class will begin with a focus on the basic legal definitions of “act” and “intent” that form the basis for all crimes. We will then take an in depth look at the various common law and Model Penal Code subcategories of intent and how they relate to different classes of crime. Finally, we will briefly examine the requirement of concurrence between the criminal act and the requisite intent.

Courseware Reading:

Chapter 1: Basic Elements of a Crime

- A. Actus Reus
- B. Mens Rea – Common Law
- C. Mens Rea – Model Penal Code
- D. Causation

Cases and Statutes:

Robinson v. California

This case, grounded in the Eighth Amendment’s clause prohibiting “cruel and unusual punishment,” held that no person can be punished for a crime unless he or she committed a criminal act. This forms the foundation for the discussion of what constitutes an actus reus for criminal law purposes. When reading this case, think about the purpose of the actus reus rule and when and if inaction can ever lead to criminal liability.

Class 3: (Assignment/ Lexis walkthrough)

Monday, July 18, 2016

This class will consist of a Lexis tutorial/ assignment walkthrough. The instructor will use a research assignment from a past or current course to demonstrate the manner in which an assignment should be researched and composed.

The instructor will walk the students through the various Lexis databases and explain to students how to most efficiently use the Lexis system to complete research assignments. Various general aspects of navigating Lexis, including Shepardizing, seeking and finding appropriate search databases, getting a document by citation, etc., may be explored.

The Instructor will also discuss how to most effectively plan, outline, organize and draft research assignments. Model answers and/or past student submissions may be used to illustrate what a “4” assignment looks like and how to compose one.

Class 4

Wednesday, July 20, 2016

This class will focus on the inchoate offenses (offense does not need to be completed) of solicitation, conspiracy and attempt. Specifically, we will focus on the basic elements of each crime and the scope of criminal liability for each crime. We will then examine the various kinds of conspiracy and the different ramifications that each kind of conspiracy has on prosecuting of the defendants. Finally, we will review the various defenses a criminal defendant has at his disposal, specifically focusing on the doctrine of withdrawal.

Courseware Reading:

Chapter 2: Inchoate Crimes

- A. Solicitation
- B. Conspiracy
- C. Attempt

Cases and Statutes:

United States v. Jackson

How far in a plan to commit a robbery does one have to go to be considered to have gone beyond “mere preparation” to the realm of attempt? In this case, the prestigious Federal Second Circuit Court of Appeals (which covers, among others, New York State) takes up this issue. We will look at this case specifically to discuss the interaction between the punishment for attempt and what constitutes attempt. For example, would it be fair to punish attempt as severely as the completed crime, if you also hold that attempt can be accomplished by simply preparing to commit the crime?

United States v. Bruno

In this case, the same Second Circuit was called upon to illustrate where to draw the line between a series of smaller agreements and one massive conspiracy. How closely related to each other do the components of a conspiracy have to be for the entire enterprise to be considered to comprise one conspiracy? Because the ramifications of the existence of a conspiracy can mean so much in terms of trial and sentencing, this is an important case to read and discuss.

Class 5

Monday, July 25, 2016

In this class, we will begin our discussion of homicides. We will start with a general background look at the common law definition of homicide and segue into the modern and common law rules regarding the crime of murder. We will discuss the common law “malice aforethought” standard and the differences between first and second degree murder. We will also briefly focus on the death penalty and how it’s applied in the United States today. Finally, we will discuss the felony-murder rule, pursuant to which intent to commit a felony that results in death can make the felon (actor) guilty of murder.

Courseware Reading:

Chapter 3: Homicide

A. Classifications: Common Law and Modern Law

B. Murder

Commonwealth v. Malone

Sometimes, the best way to examine the limits of legal doctrines is to look at extreme circumstances and see how the applicable legal rules apply in those cases. Here, the common law definition of murder is put to the test to determine if it applies to a child who killed his friend during a game of Russian roulette. We will discuss the limits of the “malice aforethought” rule and how it applies to cases like this.

In this class, we will continue our discussion of homicide. We will also look at the lesser forms of homicide, including manslaughter and negligent homicide. We will look at the mitigating circumstances that reduce murder to voluntary manslaughter, the rules regarding involuntary manslaughter and when such a charge is appropriate.

Chapter 3: Homicide

C. Voluntary Manslaughter

D. Involuntary Manslaughter

E. Legal Definitions of Life and Death

Cases and Statutes:

Commonwealth v. Redline

The felony-murder rule is a controversial rule to start with. The controversy becomes more complex when one must decide whether to apply it to cases in which one of the co-felons is the victim. This case discusses the extent of the felony-murder rule by analyzing the reasons for the rule and whether those apply to the “gray area” cases. While reading this case, think about whether the reasons for the rule itself are really all that compelling. Also, how far would you extend the rule if you were in charge of deciding how far to carry the felony- murder rule?

Examination # 1 will be posted at this point.

Class 7

Monday, August 1, 2016

This class will focus on non-homicide crimes against persons. Specifically, we will focus on the basic elements of each crime as well as each crime's classification as either general intent or specific intent. We will look at crimes such as assault, kidnapping, and rape and comparable crimes existing under many modern criminal codes.

Courseware Reading:

Chapter 4: Crimes against Persons

- A. Assault and Battery
- B. Mayhem
- C. Rape
- D. False Imprisonment
- E. Kidnapping

Cases and Statutes:

Tyson v. State

Aside from the obvious celebrity appeal of this case, boxer Mike Tyson's appeal of his rape conviction, there is also some interesting law analysis to be gleaned from this case. Consent is, of course, a defense against a charge of forcible rape. A requirement of this defense, of course, is that the mistake be reasonable. This case discusses what constitutes a reasonable mistake.

Documents for Review:

- Indictment –State

Class 8

Wednesday, August 3, 2016

This class will continue our discussion of non-homicide crimes with a discussion of crimes against the “home.” Specifically, we will look at the crimes of burglary and arson. We will focus on the common law definitions of those crimes and discuss how those definitions have changed over the years and how various states treat those crimes today.

Courseware reading:

Chapter 5: Crimes Against The Home

A. Burglary

B. Arson

Cases and Statutes

Brown v. State

This case discusses the level of “malice” required to sustain a conviction for arson. The crime of arson is one of only two crimes that requires “malice” under the common law (the other being murder). Is burning a building for the purpose of saving on demolition costs considered “malice” to the extent that is required for an arson conviction? Read this case and find out.

Documents for Review:

- Indictment – Burglary– State

This class will focus on crimes against property. Specifically, we will explore types of common law crimes that exist under what today would be the broad heading called “theft.”

Courseware Reading:

Chapter 6: Crimes Against Property

- A. Larceny
- B. Embezzlement
- C. False Pretenses

Cases and Statutes:

People v. Caridis

This case is an oldie (1915), but it deals with an interesting issue. Can a person be convicted of larceny for stealing a winning lottery ticket when the lottery itself was illegal? This case becomes even more important because of the modern trend to assign sentences for theft crimes that are based on the amount of money stolen. Thus, assigning values to objects without inherent value becomes a more important question.

This class will continue our focus on crimes against property. We will look at other “theft” type crimes that involve something other than simply stealing. We will discuss robbery, extortion (including blackmail), and receiving stolen property.

Courseware Reading:

Chapter 6: Crimes Against Property

D. Robbery

E. Extortion

F. Receiving Stolen Property

Cases and Statutes:

Lear v. State

Robbery is the stealing of property by force or violence or by the threat of force or violence. This case discusses what constitutes force. We will analyze this case to determine the applicability of robbery to pickpocketing when the victim can’t feel the theft happening.

Documents for Review:

- Indictment – Robbery– State

Class 11

Monday, August 15, 2016

After having gone through the various crimes and their elements, we will devote this class to discussing various documents that are important to the criminal investigation and trial process. We will discuss a variety of documents, including criminal complaints, case information statements, extradition orders, search and arrest warrants, etc. For each document, we will discuss its role, how to draft one for a particular case and points to keep in mind when using the document.

Courseware Reading:

None

Cases and Statutes:

None

Documents for Review:

- Documents for Review:
- Misdemeanor Complaint – State
- Criminal Complaint – State
- Criminal Summons – State
- Miscellaneous Felony Documents – State
- Criminal Case Information Statement
- Suspension of Prosecution– Order of Community Service – State
- Extradition Order – State

Examination # 2 will be posted at this point.

This class will focus on the scope of accomplice liability. Specifically, we will concentrate on the acts and intentions required to convict a third party as an accomplice. We will also review how far an accomplice's guilt extends. Finally we will focus on the various defenses that a criminal defendant has at his disposal.

Courseware Reading:

Chapter 7: Scope of Criminal Liability

- A. Accomplices: Common Law Classifications
- B. Accomplice Mens Rea and Actus Reus
- C. Scope of Criminal Liability for an Accomplice
- D. Defenses to Accomplice Criminal Liability

Cases and Statutes:

Hicks v. United States

In this case, the United States Supreme Court considered the question of just how much "encouragement" one must give to the perpetrator of the crime in order to be considered an accomplice to that crime. Although the guilt or innocence of an accomplice often turns on questions of fact which are decided by juries, the Supreme Court here ruled on what instructions and guidance a jury must be given in making this determination.

Class 13

Monday, August 22, 2016

In this class, we will begin our examination of the numerous defenses that can be mounted during a criminal trial. We will look at the defense of infancy (where a minor commits a crime) and discuss the juvenile criminal justice system. We will also pay special attention to the insanity defense and the different tests jurisdictions use to determine insanity. We will also focus on the related defenses of diminished capacity and intoxication.

Courseware Reading:

Chapter 8: Defenses

- A. Infancy
- B. Insanity
- C. Diminished Capacity
- D. Intoxication

Cases and Statutes:

State v. Pike

This case comes from the New Hampshire Supreme Court. The state of New Hampshire is the only state in the Union to have instituted the most lenient insanity test. Still, this is a great case to read because it provides an excellent summary of the common law rules regarding insanity (as they existed in the 19th century and still for the most part exist today). Also, the court weaves in an interesting discussion of the relationship between the insanity defense and the malice aforethought and premeditation elements of common law murder.

Tonight, we will continue our discussion of defenses. We will turn to the defense of mistake and analyze to what extent the old maxim “ignorance of the law is no excuse” is true. Then we will turn to some other defenses that existed under the common law and still exist today, including necessity, duress, entrapment, and consent.

Courseware Reading:

Chapter 8: Defenses

E. Mistake of Fact

F. Mistake of Law

G. Necessity and Duress

H. Entrapment

I. Consent

Cases and Statutes:Cheek v. United States

It is one of the oldest sayings in the “book” that “ignorance of the law is no excuse.” However, some crimes, such as tax evasion, stipulate that ignorance of the law is a defense. However, what if a person unreasonably but honestly thinks that he or she does not have to pay taxes and thus does not do so? Is that a crime of tax evasion? In analyzing this case, we will reapply some of the concepts regarding *mens rea* that we discussed earlier in the course.

Williams v. State

This fascinating Maryland case discusses the limits of the “necessity” defense. Here, the defendant was charged with burglary. He raised the defense that he had to burglarize the house, literally, to save his life because of debts he had accumulated to people who would not take kindly to his failure to pay. Should a court deny him the necessity defense because it was his fault that he was in the predicament in the first place or should the court consider saving one’s life to be an adequate reason to commit a burglary, even if the burglar contributed to his predicament? See here what the Maryland court thought and see if you agree with its reasoning.

The final class will continue our discussion of defenses. We will spend most of the class on the defense of self-defense and related defenses. We will discuss when one may use deadly force in self-defense and when one must retreat before using deadly force. We will finish up with some other defenses, including protection of property and use of force to effectuate and arrest.

Courseware Reading:

Chapter 8: Defenses

J. Self Defense

K. Defense of Others

L. Protection of Property

M. Effectuating Arrests and Preventing Crime

Cases and Statutes

State v. Anderson

Self-defense is a complete defense that is applicable to almost any crime. In this case, the Connecticut Supreme Court analyzes whether this defense applies to taking preventative measures such as carrying a gun. We will relate this case to the famous “subway gunman” Bernard Goetz case in which a previous crime victim shot four potential assailants on a New York subway train.

Examination # 3 will be posted at this point.

All examinations and assignments are due no later than Sunday, October 2, 2016 at 11:59 PM EASTERN TIME; That’s EASTERN time. That means 8:59 PM Pacific time, 9:59 PM Mountain time, 10:59 PM Central time, etc.

Please see below for a note on NPC course extensions policy!

NPC EXTENSIONS POLICY

1) Extensions that conform to the rules below may be requested from the “Assignments and Exams” page on the NPC student website.

2) No extensions are possible unless the student has first submitted at least one assignment or examination by the course deadline.

3) The maximum possible extension allowed under the NPC system are as follows:

- A student who has submitted one assignment or exam may take an extension of up to seven (7) days.
- A student who has submitted two assignments or exams (or any combination) may take an extension of up to seven (7) additional days (14 days total).
- A student who has submitted three assignments or exams (or any combination) may take an extension of up to seven (7) additional days (21 days total).
- A student who has submitted four assignments or exams (or any combination) may take an extension of up to seven (7) additional days (28 days total).
- A student who has submitted five assignments or exams (or any combination) may take an extension of up to two (2) additional days (30 days total).
- No extensions of more than thirty (30) days beyond the deadline are possible for any reason at all.

4) Requested extensions are granted automatically. It is not necessary to give any reason for the request. However, for each day of extension you request, you will be penalized 3 raw points (of 500 that determine your final grade). This accounts for 0.6% of your course grade, per day of extension. This is necessary to compensate for the advantage that students who take more time to do their work enjoy over those who complete their work on time. This also means that a short extension (e.g., a day or two) is unlikely to affect your grade, but a long extension (e.g., two weeks) is guaranteed to affect your grade.

5) The penalty referenced in Paragraph 4 may be waived by the dean in extreme cases only. Extreme cases include circumstances beyond the control of the student that caused the student to be unable to complete work for *a significant period of time*. Circumstances such as being busy at work or at home, vacations, family occasions or power or internet outages lasting a few days, are foreseeable life circumstances. Extensions may be taken for these reasons (or, for that matter, for any reason at all), but the grade penalty will not be waived for anything short of a true, unforeseeable emergency. However, please note that the course deadline cannot be extended more than 30 days for any reason at all.