



NATIONAL PARALEGAL COLLEGE

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PLG-103-1005

Criminal Law

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 75-minute session consists of 45 to 60 minutes of online lecture by the course instructor. During the remainder of the time, students may ask questions and make comments on the material being studied. Unless otherwise noted, all lectures begin at 8:00 P.M., Eastern 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 granted by the instructor, all assignments and exams must be submitted within 30 days of the end of the course in order to receive credit. Extensions may be granted at the discretion of the instructor for good cause. *No extensions may be granted unless the student has submitted one or more assignments or exams in advance of the original deadline. In addition, extensions are limited to no more than 30 days from the date of the original extension.*

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.

INSTRUCTORS AND CONTACT INFO:

Lecturer: Stephen Haas; shaas@nationalparalegal.edu

Teacher's Assistant: To be announced

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 required 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 "Documents and Slides" 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.

WRITTEN ASSIGNMENTS:

At the outset of the course, five assignments will be posted. These assignments cover material covered throughout the course, in chronological order (i.e., the first assignment will cover material covered in the first couple of weeks of the class, etc.). It is recommended, but not required, that you do the assignments at approximately the time that the material corresponding to that assignment is covered in class. The 5 assignments will cumulatively count for 40% of the student's grade for the course.

Assignments are to be submitted via the section of the student menu entitled “Assignments & Exam Grades.” If a student wishes to attach a diagram or another document whose formatting does not allow it to be submitted easily through the website, the document may be e-mailed to the instructor.

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 following “Assignment Grading Rubric” 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.

Assignment Grading Rubric

Factor	4 (Excellent)	3(Good)	2(Satisfactory)	1 (Poor)	0 (no credit)
Thoroughness	Answered all questions in the exercise completely and in the appropriate order.	Answered all questions in the exercise but not completely and/or not on the appropriate order	Answered most of the questions in the exercise but not completely and/or not on the appropriate order	Did not answer many of the questions in the exercise but did make some reasonable effort to do so.	Made little or no reasonable effort to answer the questions posed in the assignment
Demonstrated 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 students 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 b 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 point 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 was 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 critical thinking or analysis. The student's points make no sense.

EXAMINATIONS:

Examinations will be posted on the NPC website as indicated on this syllabus. 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 has been covered since the previous examination. The instructor will provide specific information regarding the content of each examination as the examination time approaches.

Each student will be required to designate a single computer to be used for all examinations. NPC will then install a security certificate on the student’s designated computer. A student may only take the examinations on the computer that has the NPC security certificate installed.

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.

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*.

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 one during each week, either:

1) Attend a live lecture

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 simple and straightforward and will cover material covered in class that week. Answers to these questions should be short (typically 1-3 sentences) and to the point.

This student response (which is necessary only if the student does not attend a live class 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 Monday.

The weekly interaction questions will be posted alongside the assignments. Students who do not attend a live class or take an exam or submit an assignment in the given week will be required to answer the questions presented. Students who did attend a live class or take an exam or submit an assignment in the given week may ignore the question.

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 from his or her over-all average. Conversely, any student who demonstrates excellent participation either through message board participation or through relevant in class discussion may receive an increase in his or her over-all grade, in the discretion of the instructor.

All examinations and assignments are due no later than August 8, 2010.

Lecture and reading assignments schedule

Class 1

Monday, May 10, 2010

8:00 PM Eastern Time

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, May 12, 2010

8:00 PM Eastern Time

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 Amendments 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, May 17, 2010

8:00 PM Eastern Time

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
Monday, May 24, 2010

8:00 PM Eastern Time

This class will focus on the inchoate offenses 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 Second Circuit court of appeals takes up this issue. We will look at this case especially to discuss the interaction between the punishment for attempt and what constitutes attempt. For example, would it be fair to punish attempt as strongly 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
Wednesday, May 26, 2010

8:00 PM Eastern Time

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 focus a bit on the death penalty and how it’s applied in the United States today. Finally, we will first discuss the felony-murder rule and the times that intent to commit a felony that results in death can make the 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.

Class 6
Wednesday, June 2, 2010

8:00 PM Eastern Time

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 and 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 heightens when one must decide whether to apply it to cases in which of the co-felons is the victim. This case discussed 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 administered at this point.

Class 7
Monday, June 7, 2010

8:00 PM Eastern Time

This class will focus on the non-homicide crimes against persons. Specifically, we will focus on the basic elements of each crime as well as their classifications as either general intent or specific intent crimes. We will look at crimes such as assault, kidnapping and rape and the various comparable crimes that exist 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 aspect 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, June 9, 2010

8:00 PM Eastern Time

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 look at the common law definitions of those crimes and we will 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 required “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

Class 9
Monday, June 14, 2010

8:00 PM Eastern Time

This class will focus on crimes against property. Specifically we will explore types of common law crimes that existed 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 to discuss 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.

Class 10
Wednesday, June 16, 2010

8:00 PM Eastern Time

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 feel the theft happening.

Documents for Review:

- Indictment – Robbery– State

Class 11
Monday, June 21, 2010

8:00 PM Eastern Time

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:
- Complaint Misdemeanor -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 administered at this point.

Class 12
Wednesday, June 23, 2010

8:00 PM Eastern Time

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 liability 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 Liability
- D. Defenses to Accomplice Liability

Cases and Statutes:

Hicks v. United States

In this case, the United States Supreme Court considered the question of just how much "encouragement" must one give in order to be considered an accomplice to a crime that was committed by somebody else. Although accomplice liability 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, June 28, 2010

8:00 PM Eastern Time

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 various different tests jurisdictions use to determine insanity. We will also focus of 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, but 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 he contributed to his predicament. See here what the Maryland court thought and see if you agree with its reasoning.

Class 15
Monday, July 5, 2010

8:00 PM Eastern Time

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.

review several specialized areas within a corporate legal practice in addition to providing an introduction to other major players in the business world – specifically accountants and investment bankers.

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 applied 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 administered at this point.

All examinations and assignments are due no later than August 8, 2010.