

CRMJ 384, Section 001
Syllabus: Criminal Law
Spring 2021
Prerequisite: See Course Catalog

Contact Information

Instructor Name: Brian Gorman, J.D.
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Office Hours: By appointment
Department Office Phone: (410) 704-2852
Course Classroom: ONLINE
Class Meeting Time: Monday & Wednesday (Synchronous) 2:00 – 3:15 PM

Course Overview

This course examines the basic concepts of substantive criminal law through the case method approach. The role of the common law in the development of criminal law doctrines is examined through an examination of the elements of crime including the role of criminal intent and mental states, in addition to criminal actions. Defenses such as mental disease or defect, youth, self-defense, and involuntary intoxication are examined as well. A number of crimes including: murder, rape, robbery, and assault are covered to explore the aforementioned concepts.

Learning Objectives

By the end of this course, students will be able to:

- Identify common law doctrines and the impact of historical development upon modern law.
- Critique the application of substantive criminal law in the criminal justice system.
- Apply substantive criminal law doctrines to real and hypothetical fact patterns.
- Demonstrate competence in traditional elements of legal scholarship including oral defense of opinions, briefing cases, maintaining course outline, and legal essay writing..

Required Reading Materials

Wayne R. LaFave, Modern Criminal Law: Cases, Comments and Questions, 2006, 5th Ed.
Thomson/West.
Recommended: A pocket legal dictionary such as Black's.

Class Format

But for* the health risks caused by exposure to COVID-19, this class would meet in a classroom on Mondays and Wednesdays between 2:00 PM & 3:15 PM. Instead, we will meet online synchronously **each Monday and Wednesday through Collaborate Ultra's "Course Room," via Blackboard, at our regular class time. **The unusual circumstances requires good faith compliance, understanding, and flexibility by all participating in the class.**

Exam Schedule & Policies

Failure to take an exam without an approved excuse results in an "F" for that exam. Approved excuses include: documented illness or injury such that attendance is not possible, recognized religious holiday/observance, participation in university activities such as athletics so long as advance notice is given, or any other verifiable **exigent** circumstance beyond the student's

control. Vacations are not exigent circumstances, no matter how far in advance the trip is booked or costly it may be. It is the student's responsibility to plan work, travel and vacation schedules around university obligations.

Mid-term exam #1: 33% **Monday Feb. 22, 2021.** (*optimistic projection*)

Mid-term exam #2: 33%, **Wednesday, March 31, 2021.**

Final: 34% **TBD.**

Academic Integrity

Department Statement on Academic Integrity (*Updated Spring 2015*)

The faculty of the Department of Sociology, Anthropology & Criminal Justice expects students to demonstrate academic integrity at all times, and takes a strong stand against academic dishonesty of all forms. Academic dishonesty will not be tolerated in any class. Academic dishonesty includes, but is not limited to, any form of cheating or unapproved help on an exam or academic exercise, copying someone else's written work without citation, presenting fabricated information as legitimate, any unauthorized collaboration among students, or assisting someone to cheat in any way. Penalties for academic dishonesty are determined by the individual faculty member. The minimum penalty in for academic dishonesty in this class is a failing grade for the assignment. Students who are charged with academic dishonesty must remain enrolled in the course and cannot withdraw. Instructors will file a report of academic dishonesty with the Office of the Student Conduct and Civility Education, the Dean of the College of Liberal Arts, and to the Chair's Office in the department.

For more information on academic integrity, see the TU Student Academic Integrity Policy (<http://catalog.towson.edu/undergraduate/appendices/appendix-f-code-student-conduct/>) and the College of Liberal Arts' Academic Integrity and Appeals Information, (<http://www.towson.edu/cla/acadviolations>).

We also encourage students to make use of campus resources to learn more about academic integrity and how to avoid academic dishonesty, such as the resources provided by Cook Library (<http://pages.towson.edu/sara/plagiarism.html#students>).

Disability and Support Services

Students who have, or suspect that they may have, a disability should seek services through Disability Support Services. Students must be registered with DSS and receive written authorization to obtain disability-related accommodations. If you need accommodation due to a disability, please visit DSS for guidance. The office is located at 7720 York Road, Ph: 410-704-2638 or 3475.

Class Participation/Attendance

**Participation & Attendance policy is to be reasonably interpreted, and applied to the online format.*

Attendance and participation in class is expected and worth a half grade (+, -, or, no change) on the course grade. Students will be called on to answer questions and participate in class activities. Positive contributions to class combined with regular attendance can result in an increase of a half grade on the course grade, i.e. a "B" would be raised to a "B+". Detraction from class via disruptions from inappropriate cell phone or laptop usage etc. and/or absences in excess of 2 classes could result in reduction of the course grade by one half grade, i.e. a "B" would be reduced to an "B-". Otherwise, if there is neither a positive nor negative impact on class from attendance or participation, there will be no change in the course grade. Class participation will be measured by the quantity and quality of class participation. Commitments to participate will be documented regularly at the end of each class when students have the opportunity to volunteer in advance for the presentation of case briefs for the following class

Public Health Emergency/General Emergency Contingency Plans/Notifications.

In the event of a University-wide emergency course requirements deadlines and grading schemes are subject to changes that may include alternative delivery methods, alternative methods of interaction with the instructor, class materials, and/or classmates, a revised attendance policy, and a revised semester calendar and/or grading scheme. In the case of a University-wide emergency, please refer to the following about changes in this course:
 Course web page on Blackboard.

- E-mail’s from your instructor at bgorman@towson.edu.
- Instructor’s chosen emergency telephone number: 410-704-2206.
- For general information about any emergency situation, please refer to the following:
 1. Web Site: www.towson.edu
 2. TU Text Alert System: This is a service designed to alert the Towson University community via text messages to cell phones when situations arise on campus that affect the ability of the campus to function normally. Sign up: <http://www.towson.edu/adminfinance/facilities/police/campusemergency/>

Policy on Repeating Course

Students may not repeat this course more than once (make a third attempt at this course) without the prior approval of the Academic Standards Committee. Please call 4-4351 or visit ES 235 for more information.

Final Grades

The grades that can be issued to students in undergraduate courses are: A, A-, B+, B, B-, C+, C, D+, D, F. Note that there is no A+, C-, or D- grade at the undergraduate level. The breakdown for determining grades is: A = 93-100%, A- = 90-92.9, B+ = 87-89.9, B = 83-86.9, B- = 80-82.9, C+ = 77-79.9, C = 72-76.9, D+ = 67-71.9, D = 62.1-66.9, F = 62 and below..

Syllabus subject to change.

Course Schedule

	Monday	Wednesday
1/25 & 1/27	Introduction	Common Law Elements of Crime, Briefing Cases, The Outline Requirement, Establishment and use of Precedents <i>NY v. Abbott/Moon</i> Sup. Ct. App. Div. 4th Dept. 445 N.Y.S.2d 344 (1981).
WEEK 1		
2/1 & 2/3	Limits of the Law: Statutory Interpretation <i>Matter of Nawrocki</i> Packet (Packet under “content”)	Limits of the Law: Territorial Jurisdiction <i>West v. MD</i> <i>US v. Rand</i> (Packet)
WEEK 2		

2/8 & 2/10	Limits of the Law: Ex Post Facto Laws & Void-for-Vagueness Doctrine <i>MD v. Raines</i> <i>Jeandell v. MD I</i> <i>Jeandell v. MD II</i> <i>*practice exam*</i>	Conclude Limits on Defining Criminal Behavior <i>Pierce v. Commonwealth</i> (LaFave Casebook) 102 Mental State: Intent & Knowledge <i>Regina v. Cunningham</i> 113 <i>State v. Rocker</i> 117
WEEK 3		
2/15 & 2/17	Intent & Knowledge <i>Ford v. State</i> 124 <i>Smallwood v. State</i> 129 <i>Sandstrom v. Montana</i> 135	-*Outline Check* <i>State v. Beale</i> p. 140 <i>US v. Jewell</i> p. 145 <i>Barnes v. U.S.</i> p. 150
WEEK 4		
2/22 & 2/24	Exam #1	Recklessness, Negligence & Strict Liability <i>State v. Hazelwood</i> 156 <i>State v. Larson</i> 161 <i>State v. Cushman</i> 171
WEEK 5		
3/1 & 3/3	- Recklessness, Negligence & Strict Liability continued <i>State v. Stepniewski</i> 175 <i>State v. Sexton</i> 188 <i>People v. Marrero</i> 194	The Act Requirement. - Voluntary Act, Act of Possession <i>State v. Caddell</i> 213 <i>People v Gory</i> 230 <i>Smith v. State</i> 234
WEEK 6		
3/8 & 3/10	Act of Possession & Omissions (Failure to Act) <i>Ulster County v. Allen</i> 239 <i>State v. Williquette</i> 246 -Human Being as Protected Interest <i>Hughes v. State</i> 257	Intentional Killing: Heat of Passion Test <i>Mullaney v. Wilbur</i> 268 <i>Patterson v. NY</i> 275 <i>People v. Washington</i> 280 (Note Case) <i>Bedder</i> 282
WEEK 7		
3/15 & 3/17	Spring Break	Spring Break
3/22 & 3/24	- Heat of Passion Test, Deliberate Premeditated Test, & Reckless Negligent Killing <i>People v. Berry</i> 286 <i>State v. Guthrie</i> 295 <i>Hyam v. Dir. Public Prosecutions</i> 309	Reckless & Negligent Killing, Killing by Unlawful Act <i>US v. Escamilla</i> 321 <i>State v. Goodseal</i> 326 <i>State v. Rose</i> 347
WEEK 8		
3/29 & 3/31	Causation <i>Kibbe v. Henderson</i> 350 <i>Regina v. Blau</i> 355 <i>Commonwealth v. .Atencio</i> 360	Exam 2
WEEK 9		
4/5 & 4/7	Death Penalty <i>Gregg v. Georgia</i> 366 Mental Disease and Defect <i>Pate v. Robinson</i> 385	Mental Disease and Defect & Addiction <i>Daniel M'Naghten</i> 402 <i>Powell v. Texas</i> 457
WEEK 10		

	<i>Jackson v. Indiana</i> 392	<i>U.S. v. Moore</i> 469
4/12 & 4/14 WEEK 11	Voluntary & Involuntary Intoxication, Immaturity <i>Montana v. Egelhoff</i> 478 <i>Minneapolis v. Altimus</i> 490 <i>State v. Q.D.</i> 497	Justification & Excuse: Defense of Self & Others <i>U.S. v. Peterson</i> 505 <i>Bechtel v. State</i> 518 <i>Law v. State</i> 513
4/19 & 4/21 WEEK 12	Defense of Property & Response to Law Enforcement <i>Bishop v. State</i> 535 <i>Tennessee v. Garner</i> 538	Defense of Property & Response to Law Enforcement <i>State v. Hobson</i> 548
4/26 & 4/28 WEEK 13	Domestic Authority & Duress/Necessity-Choice of Evils <i>State v. Wilder</i> 536 <i>State v. Warshow</i> 543 <i>U.S. v. LeFleur</i> 568	Victim's Consent and Compromise <i>Washington v. Glucksberg</i> 560 <i>State v. Hiott</i> 585 <i>State v. Alston</i> 599
5/3 & 5/5 WEEK 14	Coercion, Fraud <i>State v. Thompson</i> 608 <i>People v. Evans</i> 614 <i>Jones v. State</i> 626	Scientific Evidence in Criminal Law <i>Daubert v. Merrell Dow Pharmaceuticals</i> (92-102), 509 U.S. 579 (1993). Available at: http://www.law.cornell.edu/supct/html/92-102.ZS.html
5/10 Week 15	Review for Final	
Final	TBD	

END SYLLABUS