

AMERICAN CRIMINAL LAW

JUSTICE STUDIES 325, THREE SEMESTER CREDITS

Crimes, Defenses, and Justice



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Office Hours M/W 1:30-2:30; T/TH 1:30-2:30

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INTRODUCTION TO CRIMINAL LAW

COURSE DESCRIPTION: The objective of this course is to provide a comprehensive perspective of the constitutional limitations and substantive legal conditions for the criminal law of the United States. The course itself is organized into three broad areas including the: (1) Foundations of Criminal Law, (2) Defenses to Criminal Liability, and (3) Dimensions of Particular Crimes. The first part introduces not only the early origins and various sources of criminal law, but also the constitutional limitations placed upon the prohibition and punishment of harmful activities. The fundamental principles of a criminal offense—actus reus, mens rea, concurrence, causation, and injury—are also considered within context of the culpability of various implicated parties. Section two examines how the defenses of justification and excuse allow otherwise guilty persons to avoid criminal liability. Self-defense, execution of public duties, defense of others, necessity, defense of property, and consent are discussed to show when wrongful conduct is legally justified. Duress, intoxication, mistake, infancy, entrapment, insanity, diminished capacity, and syndromes are presented to show when harmful behavior is legally excused. The final part reviews the necessary components of specific types of wrongful conduct. Basic principles are applied to inchoate offenses and various crimes against persons, habitation, property, general order, and public morals. By focusing on these areas, this course will provide students with an opportunity to accomplish the following objectives:

- A. To develop critical thinking about how and why a balance must be maintained between preserving a peaceful society and protecting individual freedom.
- B. To provide a perspective of the general elements of criminal liability with regard to the fundamental requirements of federal and state constitutions.
- C. To explain the theoretical definition and practical application of criminal defenses which justify or excuse otherwise culpable types of conduct.
- D. To understand the particular ingredients of criminal offenses, ranging from crimes against persons or property to crimes against social order or mores.

COURSE TEXTBOOKS: The recommended reading materials for this subject are Joel Samaha, *Criminal Law Casebook*, 12th ed. (London: Thompson Publishing, 2017) and Arnold Loewy, *Criminal Law in a Nutshell*, 5th ed. (Chicago: Reuters, 2012). In writing these texts, the authors have concentrated on the enduring struggle to proscribe, prosecute, and punish socially harmful behavior without sacrificing constitutional freedoms. *Criminal Law* uses excerpts from the opinions of state and federal courts to evaluate the issues, rationales, and significance of the major cases defining the basic principles of criminal liability. The *Nutshell* contains a summarized treatise written by scholars who examine the culpability of offenders, material elements of crimes, liability of parties, justification defenses, excuse defenses, and limitations of constitutional provisions. These texts go beyond simply presenting general information about American criminal law. They also show how judges reach different conclusions according to their own perspectives of political ideologies, legal principles, and case facts.

COURSE WORK AND EVALUATION: The work requirements for this course consist of a research project and three exams—each of which are worth 100 points and amount to 400 possible points. Each test will be made up of essay questions designed to evaluate the ability of students to comprehend, analyze and apply the legal principles of American criminal law. The research paper must examine a dilemma of criminal law and analyze how the law has dealt (empirical component) and should deal (normative component) with the situation. The topic of the paper will be proposed by the student and approved by the instructor. The paper must be a minimum of eight pages long and draw from and cite at least five academic sources, including two from scholarly journals. In addition, the students may receive extra credit by taking part in class discussions and completing any of the end-of-chapter lessons worth three points each. Students are also required to write course assignments in their own words, except for those few occasions where they find it necessary to quote and cite authorities. The course work is structured to evaluate not only the student's knowledge and application of the subject, but also his or her ability to analyze and synthesize it. In terms of the grading scale, the research paper will account for 25% of the course grade and the examinations 75% (or 25% for each test) with the following breakdown:

<u>Grade in Course</u>	<u>Percent of Total</u>	<u>Range of Points</u>
A+	100-97%	400-388
A	96-93%	387-372
A-	92-90%	371-360
B+	89-87%	359-348
B	86-83%	347-332
B-	82-80%	331-320
C+	79-77%	319-308
C	76-73%	307-292
C-	72-70%	291-280
D+	69-67%	279-268
D	66-63%	267-252
D-	62-60%	251-240
F	59-00%	239-00

SUGGESTED STUDY METHODS: No method of study can meet the diverse needs of each student. Still a number of strategies can be used to gain a better perspective of the subject. Before attending class the students need to read the materials and brief the corresponding court opinions assigned by the syllabus. This will allow students to familiarize themselves with the focus of the lectures and at the same time enable them to digest the judicial decisions. After the students have finished the readings, they should outline the material in order to fully understand the basic issues and principles of criminal law. When outlining the students should brief the important case facts and judicial positions emerging from the major court decisions. This will help students to concentrate on what issues of criminal law were raised by each case and how the jurists went about resolving them. The next important strategy is to attend class. After all, the classroom is where the greatest amount of learning takes place through an open dialogue of the subject. Plus the examination questions will be taken directly from the lectures and readings. It is important to realize that students learn what they read and write about on a regular basis. So the key to unlocking the doors of American criminal law is to take the course assignments seriously.

CALENDAR FOR CRIMINAL LAW

Section 1: Foundations of Criminal Law	Dates	Text Assignment	Page #s
A. Crime, Control, and Law	1/17	CL Casebook: Nutshell Text:	02-037 01-026
B. The Principle of Legality	1/24	CL Casebook: Nutshell Text:	38-093 295-310
C. Basic Liability Elements	1/31	CL Casebook: Nutshell Text:	94-161 129-166
D. The Complicity Doctrine	2/07	CL Casebook: Nutshell Text:	242-255 251-268
E. Vicarious Liability Rule	2/14	CL Casebook: Nutshell Text:	255-269 291-294
F. Examination for Section	2/16	Books Listed:	All
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Section 2: Defenses to Criminal Liability	Dates	Text Assignment	Page #s
A. The Person and Property	2/21	CL Casebook: Nutshell Text:	162-191 75-090
B. Lesser Evils and Consent	2/28	CL Casebook: Nutshell Text:	192-203 198-201
C. The Mental Impairments	3/07	CL Casebook: Nutshell Text:	204-222 167-189
D. Age, Duress, and Drugs	3/14	CL Casebook: Nutshell Text:	222-229 189-198
E. Entrapment and Excuse	3/21	CL Casebook: Nutshell Text:	229-241 193-198
F. Examination for Section	3/23	Books Listed:	All
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Section 3: Dimensions of Particular Crimes	Dates	Text Assignment	Page #s
A. Inchoate Based Offenses	4/04	CL Casebook: Nutshell Text:	270-319 225-290
B. Criminal Homicide Acts	4/11	CL Casebook: Nutshell Text:	320-379 27-062
C. Offenses against Persons	4/18	CL Casebook: Nutshell Text:	380-429 62-074
D. Crimes against Property	4/25	CL Casebook: Nutshell Text:	430-482 91-127
E. Public "Order" Offenses	5/06	CL Casebook: Nutshell Text:	484-517 295-310
F. Examination for Section	5/11	Books Listed:	All