

Course Objectives/Course Outline

Spokane Community College

Course Title: Intro to Criminal Law

Prefix and Course Number: CJ& 110

Course Learning Outcomes:

By the end of this course, a student should be able to:

- Describe the history, development and evolution of a system of criminal laws in the United States
- Discuss and appreciate the reasons for the limits on criminal law and criminal punishment in the U.S. constitutional democracy
- Describe and appreciate the Constitutional rights of defendants in criminal proceedings, how criminal courts operate, and the burden of proof of the prosecution, and in cases of affirmative defense the defense burden of proof
- Identify the elements of crimes and the elements of criminal liability
- Identify, compare the defenses to criminal liability, and the elements required to be proven for successful use of these defenses
- Identify and determine the roles of parties to a crime and vicarious liability, and the criminal liability associated with these roles
- Identify and determine when inchoate crimes have been committed, and the elements necessary to prove for successful prosecution
- Identify and determine when a criminal conspiracy has occurred, and the elements necessary to prove for successful prosecution
- Identify, define and discuss Washington State laws regarding major crimes against persons: murder, manslaughter, harassment, personal restraint and sex offenses

Outline:

- I. The Foundations of Criminal Law
 - a. The Core Felonies
 - b. Crimes and Noncriminal Legal Wrongs
 - i. Introduction to Civil Litigation
 - ii. Torts
 - c. History of Criminal Law in the United States
 - d. Evolution and Development of criminal law in the United States
 - i. British Common Law
 - e. Sources of Criminal Law
 - i. State Criminal Codes
 - ii. Municipal Ordinances
 - iii. Federal Criminal Code
 - iv. Administrative Agency Crimes
- II. Limitations on Criminal Law
 - a. Rational for Limits on Statutory Law

- b. Judicial Review of Statutory Law and Constitutionality
- c. Ex Post Facto Laws
- d. Void for Vagueness Doctrine
- e. Rule of Lenity
- f. Proving Guilt in Criminal Cases
 - i. Burden of proof for the prosecution
 - ii. Burden of proof and production for the defense (Affirmative Defenses)
 - iii. Proportionality of punishments
 - iv. Right to Trial by Jury

III. Criminal Liability

- a. The Elements of Criminal Liability
 - i. The Criminal Act (*Actus Reus*)
 - 1. Voluntary Act Requirement
 - 2. Omissions as Criminal Acts
 - 3. Possession as a Criminal Act
 - a. *Actus Reus*:
 - i. Actual Possession
 - ii. Constructive Possession
 - b. *Mens Rea*:
 - i. Knowing Possession
 - ii. Mere Possession
 - ii. State of Mind (*Mens Rea*)
 - 1. Proving *Mens Rea*
 - 2. Criminal Intent
 - 3. General and Specific Intent
 - 4. Levels of Culpability
 - a. Knowing
 - b. Intentional
 - c. Reckless
 - d. Negligence
 - 5. Causation
 - a. Factual Cause ("But For" Cause)
 - b. Legal Proximate Cause

IV. Defenses to Criminal Liability

- a. Justifications
 - i. Proving defenses
 - ii. Self-defense
 - 1. Elements of Self-defense
 - 2. Self-defense Exceptions
 - a. Abused Spouse Exception
 - b. Abused Child Exception
 - 3. Defense of Home and Property
 - a. Castle Doctrine
 - 4. Choice of Evils
 - 5. Consent

b. Excuses

- i. The Insanity Defense
 1. History
 2. Myths and Reality
 3. Proving Insanity
 4. Tests of Insanity
- ii. The Defense of Diminished Capacity
- iii. The Excuse of Age
- iv. Duress Defense
 1. Problems with Duress Defense
 2. Elements of Duress
- v. Intoxication
- vi. Entrapment
 1. Subjective and Objective Entrapment Tests
- vii. Syndrome Defenses
 1. Premenstrual Syndrome
 2. Post-Traumatic Stress Disorder

V. Parties to a Crime and Vicarious Liability

a. Complicity and Vicarious Liability

- i. Corporate Liability
- ii. Individual Vicarious Liability
- iii. Justification for Vicarious Criminal Liability
 1. Agency Theory
 2. Forfeited Personal Identity Theory

b. Parties to Crime

- i. Accomplice
 1. Accomplice *Actus Reus*
 2. Accomplice *Mens Rea*
- ii. Accessories after the Fact

VI. Inchoate Crimes

a. Attempt

- i. Attempt Law History
- ii. Rationales for Criminal Attempt Laws
- iii. Elements of Criminal Attempt Law
- iv. Defenses to Attempt Liability

b. Conspiracy

- i. Conspiracy *Actus Reus*
- ii. Conspiracy *Mens Rea*
- iii. Parties to Conspiracy
- iv. The Criminal Objective of the Conspiracy

c. The Racketeer Influenced and Corrupt Organizations Act (RICO)

- i. Prosecuting Organized Crime
- ii. Prosecuting White-Collar Crime
- iii. Prosecuting Government Corruption

d. Solicitation

- i. Solicitation *Actus Reus*
- ii. Solicitation *Mens Rea*
- iii. Solicitation Criminal Objective

VII. Crimes Against Persons

- a. Legal Determination of Person
 - i. Feticide/Born Alive Rule
- b. Definition of Death
 - i. Uniform Brain Death Act
 - ii. Challenges and Problems with Determining Exact Moment of Death
- c. Difference between Homicide and Murder
 - i. Elements of Manslaughter
 - 1. Subjective Provocation
 - 2. Objective Provocation
 - ii. Premeditation RCW 9A.32.020
 - iii. Kinds and Degrees of Criminal Homicide
 - 1. Murder
 - a. First Degree RCW 9A.32.030
 - b. Second Degree RCW 9A.32.050
 - 2. Homicide by Abuse RCW 9A.32.055
 - 3. Manslaughter
 - a. First Degree RCW 9A.32.060
 - b. Second Degree RCW 9A.32.070
 - 4. Vehicular Homicide RCW 46.61.520

VIII. Sex Offenses, Harassment and Personal Restraint

- a. Sex Offenses
 - i. Criminal Sexual Conduct Statutes
 - ii. Elements of Modern Rape Law
 - iii. Washington State
 - 1. Definitions RCW 9A.11.010
 - 2. Testimony RCW 9A.11.020
 - 3. Defenses RCW 9A.11.030
 - 4. Rape
 - a. First Degree RCW 9A.11.040
 - b. Second Degree RCW 9A.11.050
 - c. Third Degree RCW 9A.11.060
- b. Bodily Injury and Threats of Bodily Injury Crimes
 - i. Threats
 - 1. Harassment RCW 9A.46.020
 - 2. Violating Court Orders RCW 9A.46.040
 - 3. Restraining Orders RCW 9A.46.070
 - 4. Stalking RCW 9A.46.110
- c. Personal Restraint Crimes
 - i. Right of Locomotion
 - ii. Kidnapping
 - iii. False Imprisonment