

University of Washington School of Law
Spring Quarter, 2018

Criminal Law A 505 SYLLABUS

Class meets MWF at 10:50-12:20, Room 127.

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or by appointment

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7:00 AM – 3:30 PM



Textbook:

Cynthia Lee & Angela Harris, **CRIMINAL LAW CASES AND MATERIALS** (3rd ed. 2014).
Additional readings will be posted on the course website.

Disability-Related Needs:

To request academic accommodations due to a disability, please contact Disability Resources for Students (DRS), 448 Schmitz, (206) 543-8924 (V), (206) 543-8925 (TTY). If you have a letter from DRS, please present the letter to me so we can discuss the accommodations you might need in this class.

Course Goals:

My goals for this course are

- to teach you the basic principles of criminal law such as the elements of a crime, defenses, accomplice liability, etc.;
- to make you aware of the context of criminal law: some elementary criminal procedure, and the emotionally and politically charged atmosphere in which many criminal law decisions are made;
- to continue to develop your skills in analyzing cases and, especially, statutes;
- to work toward the previous three goals by developing your advocacy skills.

Some of you will practice criminal law; most will not. But even those who choose not to practice criminal law may well work in criminal law as legislators, judges, or as policy makers. And as lawyers you will have a special responsibility for the criminal justice system no matter what your practice area.

Course Requirements and Grades:

(1) *Do the assigned reading, attend class, and participate in class discussion.* Students who attend less than 80% of classes run the risk of not receiving credit for the course. See <http://www.law.washington.edu/Students/Academics/Rules.html>

I reserve the right to change my class participation method at any time during the quarter. This year I hope to use Poll Everywhere to elicit feedback and spark discussion.

(2) *Participate in an oral argument.* Each student will be assigned to participate in an oral argument in class. Two will be assigned the part of prosecutor, two defense counsel, and two will be judges. Prosecution and defense teams should prepare 5-10 minute arguments (total time for each team is 10 minutes), and anticipate likely questions. Judges should study the material and make a preliminary determination of the case. Judges should each prepare three questions for each side, and should ask these questions during the argument. At the conclusion of the argument, the judges will briefly confer and then issue a ruling.

A separate handout will provide details about each oral argument assignment.

(3) *Respectfully observe oral arguments.* Prepare for argument days by reading the oral argument opinions. While your classmates are presenting an argument, you must close your laptop and pay attention. You will be required to answer survey questions before and after each argument.

(3) *Final Exam.* The final exam will be 3 hours long. If you use a computer, it must use Exam4 in closed mode.

Grade: Your grade will depend on the final exam, and the above course requirements. The final exam will count for most of your grade, but class participation can help or hurt your final grade if you are near the dividing line for a particular grade category. Class participation scores will be determined by a combination of oral argument, Poll Everywhere surveys, and general participation.

This course will be graded on a curve, in accordance with the grading policy of the law school.

Attendance Policy:

Under ABA Accreditation Standard 304, adopted in August 2004, a law school shall require regular and punctual class attendance.

This course is worth 5 credit hours. Our class sessions are longer than 250 minutes per week, so that I have been able to eliminate some class periods during the quarter. Make every effort to attend every class, and let me know if you are unable to attend. If you must miss a class, get notes from a classmate.

Podcasts:

I will not record or podcast class sessions. This course covers controversial and emotional topics, and I want to encourage open discussion. Recording can chill that discussion. In addition, classes are participatory; watching a recording is not the same as working through problems with classmates, or taking part in a larger debate.

If you must miss class, please get the notes from a classmate, read them, and come see me if you have any questions about the material. I will post any slides or handouts from class.

Computers:

You may take notes on your computer, but don't distract yourself or your classmates with anything but note-taking. You are expected to pay attention and to participate. If you are unable to resist the call of the internet, consider taking notes by hand. During oral arguments, all laptops should be closed, and your attention should be on the advocates and judges.

Daily Assignments: pages refer to the Lee & Harris Casebook. Model Penal Code (MPC) Sections can be found in the Casebook Appendix. Additional readings are posted in the Readings folder.

**This schedule of readings and daily assignments is subject to change!
Please refer to the course website frequently.**

Class Meeting	Topic	Read for This Class
Week One		
Class 1 Mon. 3/26	Introduction to Criminal Law: Theory and Reality	Read pp. 1-31, 883-898. Optional reading: <i>Is There A Remedy for the Irrelevance of Academic Criminal Law?</i>
Class 2 Wed. 3/28	Introduction: the BARD Standard of Proof	Read pp. 31-65
Class 3 Fri. 3/30	Constitutional limits on Punishment	Read pp. 81-91; 99-148
Week Two		
Class 4 Mon. 4/2	The Voluntary Act Requirement	Read pp. 149, 155-170; MPC § 2.01 (p. 952). Oral Argument: <i>State v. Eaton</i> , 168 Wn.2d 476 (2010)
Class 5 Wed. 4/4	No Status Crimes; Elements: Mens Rea	Read pp. 171-192; 201-208; 215-221; MPC § 2.02, 2.05 Oral Argument: <i>United States v. Neiswender</i> , 590 F.2d 1269 (1979)

Class Meeting	Topic	Read for This Class
Class 6 Fri. 4/6	Strict Liability, Mistake of Fact and Ignorance	Read pp. 221-237; 249-257; MPC § 2.04. Oral Argument: <i>State v. Barnes</i> , 189 Wn.2d 492 (2017).
Week Three		
Class 7 Mon. 4/9	Mistake of Law	Read pp. 257-267; 271-285 Oral Argument: <i>State v. Ozuna</i> , 184 Wn.2d 238 (2015)
Wed. 4/11	NO CLASS	
Fri. 4/12	NO CLASS	
Week Four		
Class 8 Mon. 4/16	Causation	Read pp. 297-314; MPC §2.03. <i>Gertner, National Academy of Sciences Report: A Challenge to the Courts.</i> Oral Argument: <i>State v. Perebeynos</i> , 121 Wn.App. 189 (2004)
Class 9 Wed. 4/18	Homicide: Intentional & Killings	Read pp. 345-358; 366-385 MPC § 210.3; Oral Argument: <i>Walker v. Superior Court</i> , 47 Cal.3d 112, 763 P.2d 852 (1988).
Class 10 Fri. 4/20	Homicide: Unintentional Killings	Read pp. 385-398; 407-415; 421-427.
Week Five		
Class 11 Mon. 4/23	Theft, Burglary, Robbery, Assault	Read pp. 557-578; Read <i>State v. Elmi</i> , 166 Wn.2d 209 (2009)
Class 12 Wed. 4/25	Sexual Assault	Read pp. 431-444; 453-469
Class 13 Fri. 4/27	Sexual Assault	Read pp. 461-485; Oral Argument: <i>In re W.R., Jr.</i> , 181 Wn.2d 757 (2014)
Week Six		
Class 14 Mon. 4/30	Self-Defense	Read pp. 587-613; MPC §§ 3.04-3.09 Oral Argument: <i>Ha v. State</i> , 892 P.2d 184 (Alaska Ct. App. 1995)
Class 15 Wed. 5/2	Other Justifications	Read pp. 613-646

Class Meeting	Topic	Read for This Class
Class 16 Fri. 5/4	Necessity, Duress, Intoxication	Read pp. 649-650; 656-687; MPC §§ 3.02, 2.08, 2.09
Week Seven		
Class 17 Mon. 5/7	Movie Day	
Class 18 Wed. 5/9	Insanity	Read pp. 691-722; MPC § 4.01
Class 19 Fri. 5/11	Attempt	Read pp. 793-813; MPC § 5.01
Week Eight		
Class 20 Mon. 5/14	No class today	
Class 21 Wed. 5/16	Accomplice Liability	Read pp. 821-840; MPC § 2.06 Oral Argument: <i>Auburn v. Hedlund</i> , 137 Wn. App. 494 (2007)
Class 22 Fri. 5/18	Conspiracy	Read pp. 841-882; MPC § 5.03
Week Nine		
Class 23 Mon. 5/21	Practice Exam on homicide	Complete the practice exam and bring a hard copy of your answer to class.
Class 24 Wed. 5/23	Controlled Substances	Read selected Washington controlled substances statutes. Read <i>United States v. Zandi</i> , 769 F.2d 229 (4th Cir. 1985). Oral Argument: <i>State v. Davis</i> , 340 P.3d 820 (Wash. 2014)
Class 25 Fri. 5/25	Terrorism	Read selected federal terrorism statutes. Read <i>United States v.</i> <i>Farhane</i> , 634 F.3d 127 (2d Cir. 2011);
Week Ten		
Class 24 Mon. 5/28	Memorial Day NO CLASS	
Class 25 Wed. 5/30	Review	