

# Course Syllabus

University of Washington School of Law

Spring Quarter, 2019

## Criminal Law A 505

Class meets MWF at 1:30-3:00 p.m., Room 127

Professor: Helen Anderson

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Office: 307

Office Hours: Monday 3:00-4:30 or by appointment



### **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 plan to use Poll Everywhere to elicit feedback, spark discussion and determine class participation.

(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 a three-hour **closed-book** examination. 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. UW Law's attendance policy is [here](#). In addition, I will take attendance into account as part of class participation. This means poor attendance could affect your final course grade if you are near the dividing line for a grade category. (See above). I recognize that most student will have to miss a class or two for various legitimate reasons. A reasonable number of excused absences will not affect your grade.

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.**

## **Week One**

Class 1, Mon. 4/1

Introduction to Criminal Law: Theory and Reality

Read pp. 1-31, 883-898.

Optional reading: [Is There A Remedy for the Irrelevance of Academic Criminal Law?](#) 

Class 2, Wed. 4/3

Introduction: the BARD Standard of Proof

Read pp. 31-65

Class 3, Fri. 4/5

Constitutional limits on Punishment

Read pp. 81-91; 99-148

## **Week Two**

Class 4, Mon. 4/8

The Voluntary Act Requirement

Read pp. 149, 155-170; MPC § 2.01 (p. 952). Oral Argument: [State v. Eaton](#) , 168 Wn.2d 476 (2010)

Class 5, Wed. 4/10

No Status Crimes; Elements: Mens Rea

Read pp. 171-192; 201-208; 215-221; MPC § 2.02, 2.05

Oral Argument: [United States v. Neiswender](#) , 590 F.2d 1269 (1979)

Class 6, Fri. 4/12

Strict Liability, Mistake of Fact and Ignorance

Read pp. 221-237; 249-257; MPC § 2.04. Oral Argument: [State v. Barnes](#) , 189 Wn.2d 492 (2017).

## **Week Three**

Class 7, Mon. 4/15

Mistake of Law

Read pp. 257-267; 271-285

Oral Argument: [State v. Ozuna](#), 184 Wn.2d 238 (2015)

Class 8, Wed. 4/17

Causation

Read pp. 297-314; MPC §2.03.

[Gertner, National Academy of Sciences Report: A Challenge to the Courts.](#)

Oral Argument: [State v. Perebeynos](#), 121 Wn.App. 189 (2004)

Fri. 4/19—**NO CLASS**

### **Week Four**

Class 9, Mon. 4/22

Homicide: Intentional Killings

Read pp. 315-345; MPC sec. 210-210.2

Class 10, Wed. 4/24

Homicide: Intentional & Unintentional Killings

Read pp. 345-358; 366-385

MPC § 210.3

Class 11, Fri. 4/26

Homicide: Unintentional Killings

Read pp. 385-398; 407-415; 421-427. Oral Argument: [Walker v. Superior Court](#), 47 Cal.3d 112 (1988).

### **Week Five**

Class 12, Mon. 4/29

Theft, Burglary, Robbery, Assault

Read pp. 557-578; Read [State v. Elmi](#), 166 Wn.2d 209 (2009)

Oral Argument: *State v. Farnsworth*, 185 Wn.2d 768 (2016)

Class 13, Wed. 5/1

Sexual Assault

Read pp. 431-444; 453-469

Class 14, Fri. 5/3

Sexual Assault

Read pp. 461-485; Oral Argument: [In re W.R., Jr](#), 181 Wn.2d 757 (2014)

### **Week Six**

Class 15, Mon. 5/6

Self-Defense

Read pp. 587-613; MPC §§ 3.04-3.09

Oral Argument: [Ha v. State](#), 892 P.2d 184 (Alaska Ct. App. 1995)

Class 16, Wed. 5/8

Necessity, Duress, Intoxication

Read pp. 649-650; 656-687; MPC §§ 3.02, 2.08, 2.09

Class 17, Fri. 5/10

Other Justifications

Read pp. 613-646

### **Week Seven**

Class 18, Mon. 5/13

Movie Day

Class 19, Wed. 5/15

Insanity

Read pp. 691-722; MPC § 4.01

Class 20, Fri. 5/17

Attempt

Read pp. 793-813; MPC § 5.01

### **Week Eight**

Mon. 5/20—**NO CLASS**

Class 21, Wed. 5/22

Accomplice Liability

Read pp. 821-840; MPC § 2.06

Oral Argument: [Auburn v. Hedlund](#), 137 Wn. App. 494 (2007) Conspiracy

Read pp. 841-882; MPC § 5.03

Class 22, Fri. 5/24

Controlled Substances

Read selected Washington controlled substances statutes.

Read [United States v. Zandi](#), 769 F.2d 229 (4th Cir. 1985).

Oral Argument: [State v. Davis](#), 340 P.3d 820 (Wash. 2014)

### **Week Nine**

Mon. 5/27

Memorial Day - **NO CLASS**

Class 23, Wed. 5/29

Practice Exam on homicide: Complete the practice exam and bring a hard copy of your answer to class.

Class 24, Fri. 5/31

Terrorism

Read selected federal terrorism statutes. Read [United States v. Farhane](#), 634 F.3d 127 (2d Cir. 2011);

### **Week Ten**

Class 25, Mon. 6/3

Catch-up

Class 26, Wed. 6/5

Review session