MILLARD FILLMORE COLLEGE
Paralegal Studies Certificate Program

Course Syllabus

Course Number/Title: MFC 483 – Introduction to Criminal Law (3 credits)
Semester/Year: Fall 2016
Class Day/Time: online
Class Location: www.UBLearns.buffalo.edu
Format: Lecture / Web Course
Prerequisites: None
MFC Faculty: O.A. Possé, Esq.
Office Phone: 716-829-2904
Email: oaposse@aol.com
Website: www.buffalo.edu

COURSE DESCRIPTION

This course deals with what is called substantive criminal law, i.e., crimes. Numerous crimes such as homicide and rape are examined, and defenses such as self-defense and insanity are scrutinized. A primary focus of the course is the utilization and interpretation of criminal statutes.

This course begins with an examination of theories of punishment and constitutional principles of criminal justice. The course then examines the substantive law of crimes, including the sources of law, inchoate crimes, accessorial conduct, elements of major crimes, defenses to criminal responsibility, and issues of prosecutorial discretion. This course also covers topics in substantive criminal law: principles underlying the definition of crime such as the requirements of actus reus and mens rea and general doctrines such as ignorance of fact and ignorance of law, causation, attempt, complicity and conspiracy. Principles of justification and excuse are examined with particular attention to the doctrines of necessity, intoxication, insanity, diminished capacity and automatism. Throughout, emphasis is placed on the basic theory of the criminal law and the relationship between doctrines and the various justifications for imposition of punishment.

Criminal Procedure explores part of the interface between the criminal justice system and the United States Constitution. It introduces students to constitutional analysis by examining key provisions of the Fourth, Fifth, Sixth, and Fourteenth Amendments as they apply to police investigation and interrogation as well as to
the circumstances under which indigent defendants are guaranteed the assistance of counsel. This course examines the common assumption that criminal wrongs and moral wrongs are closely related and that state punishment should track morals in some meaningful way. The course asks whether morals should have a place in our understanding of criminal law at all, and what shape morals assume and should assume when fashioned as the core of a state institution. These questions will be examined through a study of various theoretical issues, such as justification of punishment, criminalization, self-defense, necessity, and malum prohibitum.

**Course Learning Objectives** - After successfully completing the lessons and assignments for this online course, this is what students will be able to do:

- Understand the substantive law of criminal law.
- Develop skills in legal analysis of criminal law.
- Explain criminal liability.
- Identify the difference between criminal law and criminal procedure.
- Use criminal law penal code elements to establish committed crimes.
- Apply understanding of the law to analyze fact pattern problems.
- Learn the principles fundamental to the operation of the criminal system.
- Become familiar with important and commonly prosecuted crimes.
- Learn the leading case authorities in criminal law.

**Learning Outcomes:**

After studying the material presented in this course of study, the student will be able to do the following:

- Read and analyze diverse primary legal sources carefully and accurately, with attention to the author’s perspective, position, and to the source’s general context.
- Be familiar with legal research methods and legal terminology.
- Read, evaluate, and summarize contract and tort related court opinions (i.e. write case briefs), and be able to analyze the authors’ arguments for relevant evidence, context, and strength.
- Draft a legal writing project (memo or term paper) and make clearly written and logically organized arguments that are well supported by primary sources.
- Analyze and brief judicial opinions (case law).
- Read court opinions critically.
- Write effectively to communicate knowledge of the law.
- Recognize relevant facts & determine what facts you need to resolve legal issues.

A. Foundational Objective (Case Analysis & Briefing)

You must achieve this objective in order to benefit from the course as a whole and in order to achieve the performance objectives listed below. During this course, you will be able to:

1. After reading a judicial opinion (AKA a case or case law), identify, understand and explain:
   
   a. The parties to the case and who is suing whom? If it is an appellate case (most of the assigned cases are), who appealed and on what issues?
   
   b. The procedural history of the case. (How did the case get to the appellate court? What happened in the court(s) below?).
   
   c. The relevant facts of the case (what caused the dispute?).
   
   d. The legal issues (what questions are court asked to decide?) and the relief sought (damages, specific performance, rescission of the contract, an injunction?).
   
   e. The plaintiff and defense arguments.
   
   f. The outcome/case holding and the reasoning of the court.

Performance Objectives

These objectives require you to apply the skills described above. Upon completion of this course, you should be able to:

1. Given a complex fact pattern involving contract disputes among two or more parties, identify issues of contract law raised by the facts.

2. As to each contract issue in dispute, apply contract principles to the facts to develop creative, well-reasoned, legally and factually supportable arguments in favor of (and against) the legal positions of the parties.

3. Assess the strengths and weaknesses of the arguments.
B. Continuing Objectives

These objectives go beyond the skills described above and relate to higher level, critical thinking. You should be able to:

1. Understand how the law develops, changes, and is applied.

2. Evaluate legal doctrines critically and from multiple practical, theoretical, philosophical, and social perspectives.

Competencies / Instructional Method / and Assessment of Student Learning:

Students are expected to login to UBLearns on a regular basis to review the course syllabus, check course announcements & assignments, etc. Students are expected to complete and submit assignments as directed to verify that they have read and understood the course material.

The course includes a set of quizzes and briefing assignments, plus a midterm and a final exam to assess chapter material. Students will also submit a final written project (term paper or law memo) to complete course requirements. Students are expected to login to the course at least once per week to check course announcements, etc.

Final grades are based on the following: Quizzes, Mid Term Exam & Final Exam = 50%, Term Paper or Law Memo = 25%, Case Briefing Assignments = 25%.

Textbook /Equipment /Required Technologies: The casebook for this course is The Interpretation and Application of Criminal Law: A Casebook Study Approach, SECOND EDITION, by O.A. Possé, Esq.

Course Requirements and Assignments: This course contains the following assignments:

Intro Quiz, Self-Paced Quizzes & Intro Reading Assignment

Intro Quiz: There is currently no intro quiz for this course.

Self-Paced Quizzes: 5 quizzes are self-paced
Intro Reading Assignment: Read "A Casebook Approach to Learning Law" in the Course Documents section. It will explain the method used by American law schools to teach law and the history of that method. You will be tested on that material on the midterm and final exams.

Intro Case Brief & Monthly Case Briefs

Intro Case Brief: See: Case presented on page 627 of textbook.

Monthly Case Briefs: I will post a briefing assignment at the end of the first and third month of the semester (with deadlines for completion) and they (along with the other assigned case briefs) are worth 25% of your final grade. You will have roughly one week to complete each future / monthly briefing assignment.

Term Paper: The criminal law term paper assignment is to be submitted via the UB Learns system online (just like the quizzes). The term paper assignment for this class involves criminal law fact pattern analysis. The term paper is due by the last day of the semester. That date will be posted in the Announcement section.

Midterm Exam: This assessment will be made available for a 48 hour period of time at the semester mid-point over a weekend. There is no make-up midterm exam. I will proctor the exam in real-time via the UB Learns system. Students must work alone on the exam. The dates will be posted in the Announcement section.

Final Exam: The final exam will be made available for a 48 hour period of time at the end of the semester over a weekend. There is no make-up final exam. I will proctor the exam in real-time via the UB Learns system. Students must work alone on the exam. The dates will be posted in the Announcement section.

Case Briefing Assignments – See the posted Assignment & Announcement Sections every semester for specific cases to brief and specific due dates, etc.

Case Briefing Quizzes – In addition to briefing certain cases, quizzes will be posted that will test your understanding of any cases assigned for briefing. Again, please see the posted Assignment & Announcement Section every semester for
specific cases that are quizzed and specific due dates. The quizzes associated with the case briefs will also change every semester, depending on which cases have been assigned for you to brief.

**Midterm Exam & Final Exam** – The dates for these assessments will be posted each semester in the Announcement section. These assessments will be given over a specific 48 hour period, over a weekend, and I will proctor them (in real time) online via the UBLearns system. Students must work alone on all assessments (quizzes, midterm & final).

Note: There are no make-up midterm or final exams. The dates for the exams will be posted at the start of the semester and you are responsible for planning ahead. If an emergency prevents you from taking these exams you must be able to document it. An “emergency” is not a: vacation, sporting event, job obligation, lack of textbook, etc.

**Units / Lessons**

Criminal Law Cases and Processes - Introduction to Casebook Method

Introduction to Criminal Procedure:

- Investigation
- Police Roadblocks
- Search Warrants
- The Exclusionary Rule
- Stages of Criminal Prosecution
- Double Jeopardy
- Arrest
- Trial
- Postconviction
- Appeals
- Habeas Corpus Petitions
- Parole

The Difference Between Criminal Procedure & Criminal Law

Substantive Criminal Law & Identifying Criminal Law Elements
History of Criminal Law Terms

The Act:

- Commision
- Omission
- Possession

Voluntariness:

- Reflex or Convulsion
- Unconsciousness or Sleep
- Hypnosis

Classifying Crime:

- Capital Felonies
- Felonies
- Gross Misdemeanors
- Ordinary Misdemeanors
- Petty Misdemeanors
- Violations

General Elements of Crimes:

- Legality
- Actus Reus
- Causation
- Injury & Social Harm
- Mens Rea
- Punishment

Limits on Criminal Law:

- Adversary System Bill of Rights
- No Cruel and Unusual Punishment
- Double Jeopardy
- Due Process of Law
- Equal Protection of Law
- Jurisdiction
Presumption of Innocence
Statute of Limitations
Void-for-Vagueness Doctrine

Principles of Criminal Liability

Principles of Actus Reus

Principles of Mens Rea

Principles of Concurrence

Principles of Causation

Accomplice Law:

   Accomplice Liability
   Accomplice Defenses

Incomplete (Inchoate) Crimes:

   Attempt
   Conspiracy
   Solicitation

Defenses to Crime (Justifications & Excuses)

   Justifications:

       Self Defense
       Public Duty
       Necessity
       Consent

   Excuses:

       Duress
       Intoxication
       Mistake
       Infancy
       Entrapment
Insanity
Automatism

Crimes Against the Person:

Homicide:

- Premeditated Deliberation
- Adequate Provocation
- Homicide Intention

Assault & Battery
Rape
Criminal Sexual Conduct
Abortion
False Imprisonment
Kidnapping
Threats

Crimes Against Habitation:

- Burglary
- Arson
- Mischief

Crimes Against Property:

- Larceny
- False Pretenses
- Robbery
- Extortion
- Forgery
- Fraud

Crimes Against Public Order & Morality:

- Public Nuisance
- Public Indecency
- Public Immorality
Marital Status & Sexual Behavior

Controlled Substances

A Three Level Analysis of Criminal Liability

Alphabetical Listing of New York Penal Law

New York Penal Code Index

**Course and Instructor Evaluation:** Millard Fillmore College will distribute an instructor and course evaluation following the last day of class and after final exams have been completed.

**Grading:** Approximate cut points are as follows:

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<th>Percent</th>
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<td>90 - 93</td>
<td>A-</td>
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**Communication:** Our primary source of communication for this course will be by email. Students taking an online course are expected to login a minimum of once per week for course announcements, assignment updates, etc.
Faculty/Instructor: I can be reached by email with questions or for guidance that are concerned with this course. I will respond within 48 hours.

Students: Your UB email is the account that I will use to send course-related materials.

Netiquette: This course may utilize UBLearns to facilitate online communication between course participants. Please keep in mind the following “Rules of Netiquette” when communicating online.

- **The rules of the classroom are the same regardless of location.** When communicating online you must respect your professor and fellow students. You are communicating with a real person, not a computer screen.

- **Remember your audience.** When sending email to your professor, please refrain from using “text speak”. Also, stay away from using all capital letters; it will appear as if you are shouting.

- **Avoid strong language.** Language can be easily misinterpreted in an online setting. Review your work before submitting it to avoid strong, offensive or sarcastic content. Be as straight forward and professional as possible.

- **Read everything, twice.** Read all material and instructions carefully before you begin to work on assignments, quizzes, etc. You may have missed an important detail the first time you read. If you are still having difficulties, then email your professor.

- **Review all material before submitting it.** On discussion boards, read previous postings to avoid duplicating someone else’s comments. Also, write and save your work first. In case of technical issues, you will have a backup copy.

**Policy Regarding Absences, Attendance, Assignments, Tests and University Policy Regarding Grades of Incomplete in Courses.**

- **Class Attendance and Absences:** Students should login at least once per week to update themselves as to new course announcements, due dates, etc.

- **Late Assignments:** All assignments are due at designated times and due dates. No late assignment will be accepted and you will be issued a grade
of ZERO unless you have a documented illness or emergency. If there are circumstances that will prevent you from turning in an assignment when due, you must discuss the situation with your professor prior to the due date.

- **Quizzes and Exams**: Quizzes and exams are all taken online for this course on specifically designated dates which are posted in the announcements each semester.

- **Policy on Incomplete Grades**: A final grade of incomplete will only be issued if there are extenuating circumstances (i.e. severe illness) that prevent the student from completing the course. The student must have satisfactorily completed all coursework and successfully passed all assessments up until the time that the incomplete is requested. See http://undergrad-caatalog.buffalo.edu/policies/grading/explanation.shtml

- **University Policy on Incomplete Grades**: See http://undergrad-catalog.buffalo.edu/policies/grading/explanation.shtml

  A grade of incomplete ("I") indicates that additional coursework is required to fulfill the requirements of a given course. Students may only be given an "I" grade if they have a passing average in coursework that has been completed and have well-defined parameters to complete the course requirements that could result in a grade better than the default grade. An "I" grade may not be assigned to a student who did not attend the course. Prior to the end of the semester, students must initiate the request for an "I" grade and receive the instructor’s approval. Assignment of an "I" grade is at the discretion of the instructor.

  The instructor must specify a default letter grade at the time the “I” grade is submitted. A default grade is the letter grade the student will receive if no additional coursework is completed and/or a grade change form is not filed by the instructor. “I” grades must be completed within 12 months. Individual instructors may set shorter time limits for removing an incomplete than the 12-month time limit. Upon assigning an “I” grade, the instructor shall provide the student specification, in writing or by electronic mail, of the requirements to be fulfilled, and shall file a copy with the appropriate departmental office.
Students must not re-register for courses for which they have received an “I” grade.

The “I” must be changed to a grade before the degree conferral date if the student plans to graduate in that semester. At any time prior to the default date, students may elect to change the “I” grade to the default grade using the Grade Retrieval Form.

A default grade can be “B+,” “B,” “B-,” “C+,” “C,” “C-,” “D+,” “D,” or “F.” (If a student selected an S/U grading option, it will replace the default letter grade when the grade defaults.)

- **Disability Policy**: If you have any disability which requires reasonable accommodations to enable you to participate in this course please contact the Office of Accessibility Resources, 25 Capen Hall, 645-2608, and also the professor of this course during the first week of class. ODS will provide you with information and review appropriate arrangements for reasonable accommodations. http://www.ub-disability.buffalo.edu/

- **Academic Integrity**: See http://undergrad-catalog.buffalo.edu/policies/course/integrity.shtml

  **Preamble**: Academic integrity is a fundamental university value. Through the honest completion of academic work, students sustain the integrity of the university while facilitating the university’s imperative for the transmission of knowledge and culture based upon the generation of new and innovative ideas. When an instance of suspected or alleged academic dishonesty by a student arises, it shall be resolved according to the following procedures. These procedures assume that many questions of academic dishonesty will be resolved through consultation between the student and the instructor (a process known as consultative resolution, as explained below). It is recommended that the instructor and student each consult with the department chair, school or college dean, or the Office of the Senior Vice Provost for Academic Affairs if there are any questions regarding these procedures.
Examples of Academic Dishonesty: Academic dishonesty includes, but is not limited to, the following:

- **Previously submitted work.** Submitting academically required material that has been previously submitted—in whole or in substantial part—in another course, without prior and expressed consent of the instructor.

- **Plagiarism.** Copying or receiving material from any source and submitting that material as one’s own, without acknowledging and citing the particular debts to the source (quotations, paraphrases, basic ideas), or in any other manner representing the work of another as one’s own.

- **Cheating.** Soliciting and/or receiving information from, or providing information to, another student or any other unauthorized source (including electronic sources such as cellular phones and PDAs), with the intent to deceive while completing an examination or individual assignment.

- **Falsification of academic materials.** Fabricating laboratory materials, notes, reports, or any forms of computer data; forging an instructor’s name or initials; resubmitting an examination or assignment for reevaluation which has been altered without the instructor’s authorization; or submitting a report, paper, materials, computer data, or examination (or any considerable part thereof) prepared by any person other than the student responsible for the assignment.

- **Misrepresentation of documents.** Forgery, alteration, or misuse of any University or Official document, record, or instrument of identification.

- **Confidential academic materials.** Procurement, distribution or acceptance of examinations or laboratory results without prior and expressed consent of the instructor.

- **Selling academic assignments.** No person shall sell or offer for sale to any person enrolled at the University at Buffalo any academic assignment, or any inappropriate assistance in the preparation, research, or writing of any assignment, which the seller knows, or has reason to believe, is intended for submission in fulfillment of any course or academic program requirement.

- **Purchasing academic assignments.** No person shall purchase an academic assignment intended for submission in fulfillment of any course or academic program requirement.