

LAW A 505  
CRIMINAL LAW  
SPRING

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<b>INSTRUCTOR:</b> David Garavito	<b>SECTION:</b> A
<b>OFFICE:</b> 343	<b>CREDIT HOURS:</b> 5
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<b>E-MAIL:</b> garavito@uw.edu	<b>SCHEDULE:</b> MWF 1:30PM - 3:20PM
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Any future changes to this syllabus will be announced in class to avoid confusion.

**Course Description:** This course serves as an introduction to the basic principles, concepts, and purposes of substantive criminal law. Topics include legality, actus reus, mens rea, strict liability, causation, insanity, intoxication, mistake, justification, excuse, parties, attempt, conspiracy, and homicide. Enacting criminal statutes is the ultimate form of societal condemnation of a person's behavior. As such, the study of criminal law demands that we confront varying philosophies, perspectives, biases, etc. Throughout this course, we will dissect criminal statutes, their reasoning, their efficacy, and their consequences (intended or otherwise). To deepen our understanding, we will use research and materials from sociology, philosophy, and psychology, in addition to materials more typically seen in law school courses.

**Learning Objectives:** By the end of this course, I hope that you will be able to perform the following tasks:

- **Identify** competing perspectives and philosophies which influence the formation and execution of criminal statutes
- **Compare** and **contrast** the Model Penal Code and jurisdiction-specific criminal statutes
- **Assess** the elements of criminal statutes using the principles of statutory interpretation
- **Recognize** the important facts in criminal legal scenarios needed to provide effective legal advice
- **Discern** the justification(s) and values behind statutes criminalizing behavior and the elements of those statutes
- **Identify** the effects of statutes criminalizing behavior within various social, political, and economic environments

**Casebook:** CRIMINAL LAW, CASES AND MATERIALS

**Author(s):** Lee & Harris; **Edition:** 4<sup>th</sup>; **ISBN-13:** 978-1683284062

**Grade Composition:**

A student's final grade will be based on performance on a mid-term examination, a final examination, and the student's participation in class. The breakdown for the final grade is listed below:

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<sup>1</sup>In addition to this, if I am in my office and my door is open (as it usually is), feel free to stop by. You are always welcome.

- Final examination = 60%
- Mid-term examination = 20%
- Participation (including quizzes & class activities) = 20%

The mid-term examination will count for 20% of your final grade. The mid-term will be a 2-hour, open-note (Non-Secure with Blocked Internet) test on ExamSoft and will consist solely on multiple choice questions covering material up to, and including, theft offenses. The final examination will count for 60% of the final grade. This 3-hour, open-note (Non-Secure with Blocked Internet) test on ExamSoft will consist of 2 parts:

- Short-answer questions (i.e., answered in 1 paragraph or less)
- Traditional issue spotter

### Letter Grade Distribution:

I adhere to the standard Law School grading system, which can be found [here](#).

### Participation & Classroom Behavior:

Class participation comprises 20% of a student's grade. During the course, we may have quizzes, class discussions, or other activities. These activities will not be graded in the traditional sense (i.e., full points are given if you give a good faith effort). Generally, all students should get full points for participation. However, exceptions will be made for students with notable class participation. Notable, in this case, can mean exceptionally good *or* bad.

Notably *good* class participation generally consists of the following:

- Proper attendance when possible
- Giving a good faith effort in all class activities
- Coming prepared for each class
- Actively and **meaningfully** discussing class topics (more  $\neq$  better)
- Communication with me when any of the above are not possible (e.g., due to sickness)

In these cases, as judged by me and within my reasonable discretion, may result in a raise given to the student's grade on the final examination by one step (e.g., B+ to A-).

Notably *bad* class participation may consist of the following:

- Being absent unreasonably, often such that one could reasonably wonder whether the student has dropped the course
- Behaving disruptively or disrespectfully in class (it is okay to disagree but not to be disrespectful)
- Severe lack of preparation regarding class topics
- Lack of communication with me addressing any above deficiency

I expect that no student will cross this line, but I do reserve the discretion to lower a student's participation grade to reflect sub-par participation. In extreme cases, and if the misbehavior is serious enough to warrant it, I reserve the discretion to lower a student's final examination grade by one step (e.g., A- to B+) or more.

This policy is in place to help promote proper behavioral standards in classroom, professional, and other settings. To give an example, if you planned to meet with a client but need to cancel or reschedule, you owe them a reasonable explanation; attending class is also important and should merit similar considerations. For another example, if you are ever unprepared for a meeting (with a judge, client, etc.), you should show enough respect to let the other party know; to do otherwise will be perceived as being unprepared and disrespectful. Further, in

class (as in other settings), we may discuss topics on which people have strong and differing opinions. If we want to begin and end such a discussion as a group, we all have to agree to the rules listed above. In such discussions, I reserve the right and power to intervene (but only when one of the rules has been or may likely be violated).

### **Cold Call Policy:**

The traditional “pure” cold-call setup of law school does have its merits, though I, personally, believe that the pros do not always outweigh the cons. As such, I use an adjusted cold-call strategy. Starting the second week of class, I will divide the class up into equally-sized panels of students (around 4 students per panel). Each panel will be randomly assigned to a given week of class such that they will be expected to be well-prepared for participation and discussion. This schedule will be posted on Canvas so that students will know if they are “on-call” for a given week.

I hope this arrangement will help mitigate some law school anxiety. Lastly, **should a person let me know that they are not prepared or available for their assigned week, there will be extra weeks available near the end of the term (i.e., ones which will not have a panel assigned) which that person can be re-assigned to.**

### **Law School Attendance Policy:**

Under changes to ABA Accreditation Standard 304, adopted in August 2004, a law school shall require regular and punctual class attendance. At any time after the fifth week of a course (halfway through a summer session course), a student who has been determined by the instructor to have attended fewer than 80 percent of the class sessions in any course will be required to drop the course from his or her registration upon the instructor’s so indicating to the Academic Services Office.

### **Course Evaluations:**

During the course, I will include small anonymous feedback surveys so that I can incorporate feedback from students during the term. In addition to these evaluations, end-of-term evaluations will be opened online during the last week of classes. To ensure that your voice is heard, please participate in evaluations.

### **Summary of Relevant Academic Policies:**

For this course, students are expect to comport with the University of Washington Student Conduct Code, its companion policies, and the Law School Honor Code. For example, students may not give or get any unauthorized or excessive assistance in the preparation of any work. Submission (online or otherwise) of assignment (or any course document), or placing one’s name on an exam, is a statement of academic honor that the student has not received or given inappropriate assistance in completing it and that the student has complied with the University academic policies in that work.

## **Access & Accommodations:**

### **Disability Accommodations:**

Your experience in this class is important to me. If you have already established accommodations with Disability Resources for Students (DRS), please communicate your approved accommodations to me at your earliest convenience so we can discuss your needs.

If you have not yet established services through DRS, but have a temporary health condition or permanent disability that requires accommodations (conditions include but not limited to: mental health, attention-related, learning, vision, hearing, physical or health impacts), you are welcome to contact DRS at 011 Mary Gates Hall, (206)543-8924, uwdrs@uw.edu, or the official website. DRS offers resources and coordinates reasonable accommodations for students with disabilities and/or temporary health conditions. Reasonable accommodations are established through an interactive process between you, your instructor(s) and DRS. It is the policy and practice of the University of Washington to create inclusive and accessible learning environments consistent with federal and state law.

### **Religious Accommodations:**

Washington state law requires that UW develop a policy for accommodation of student absences or significant hardship due to reasons of faith or conscience, or for organized religious activities. The UW's policy, including more information about how to request an accommodation, is available at Religious Accommodations Policy. Accommodations must be requested within the first two weeks of this course using the Religious Accommodations Request form.

## **Other University Resources:**

### **Health & Wellness Support:**

We need to take care of ourselves inside and outside of class. Start with the Husky Health and Well-Being site for a comprehensive list of Husky health and well-being support resources on campus, including food assistance via the UW Food Pantry and information about substance use resources.

Regardless of their backgrounds, many people, at some point in their lives, experience a range of challenges or events that can interfere with their mental health, such as strained relationships, personal losses, an increased number of stressors, substance use, etc. These mental health concerns may diminish your academic performance and/or your daily functioning. The University of Washington has multiple resources available to help address the mental health needs of all those in our community. *Please* take advantage of these resources and do not hesitate to seek treatment if you are struggling. Find those resources here.

For support within the law school, you can reach out to Anna Endter (aendter@uw.edu), Dean for Student Affairs; Phil Lentz (plentz@uw.edu), UW Law's mental health counselor; Kayla Fencil and Law Student Life (lawstudentlife@uw.edu); or your instructors. Campus mental health support includes the real-time and confidential Student Support Program (SSP) which is available 24/7/365 via the My SSP app, by phone (866-743-7732), and MySSP online. Additional mental health support is available through the Counseling Center (206-543-1240).

If you are concerned about yourself or a friend who is experiencing emotional distress and/or may be at risk of suicide, contact Safe Campus at 206-685-7233. Safe Campus is UW's central reporting office, staffed by trained specialists who will talk through your options, and connect you with resources, Monday through Friday, 8-5pm. Additional after-hours and crisis support is available at SafeCampus: 24/7 Crisis Resources.

**Student Learning Technologies (UW-IT) Support:**

Contact [help@uw.edu](mailto:help@uw.edu) or 206-221-5000 for UW NetID and general networking support. UW-IT maintains a help desk at the Odegaard Undergraduate Library and a website [here](#).

**Research Services Librarians:**

The Research Services librarians are legal research experts who are dedicated to helping students with research questions, database training, locating academic resources, etc. Visit the library's [UW Law Students](#) page for more information about their services generally. To get help, you can email the Research Services librarians directly at [lawref@uw.edu](mailto:lawref@uw.edu). You are also welcome to visit the Reference Office on L1 to speak with the Research Services librarian on duty. If you have a detailed research question or would prefer to meet privately with a librarian, you may set up an appointment.

## Tentative Course Outline

At the end of each class, I will announce any changes to the assignments listed below. I will try to adhere to the syllabus as closely as possible, but our exact schedule may change depending on how quickly (or slowly) we get through material. I advise students to hold back from reading ahead for this reason (and to ensure that proper attention is given to the most relevant material for the next class).

<b>Course Roadmap, pt. 1</b>	
Topic 1	<ul style="list-style-type: none"> <li>• Introductions &amp; Principles of Criminal Law, pt. 1</li> <li>• Reading assignment: 1–38</li> </ul>
Topic 2	<ul style="list-style-type: none"> <li>• Principles of Criminal Law, pt. 2</li> <li>• Reading assignment: 38–73; US District Court Juror Video About Unconscious Bias</li> </ul>
Topic 3	<ul style="list-style-type: none"> <li>• Constitutional Limits on Power to Punish, pt. 1</li> <li>• Reading assignment: 75–88 (stop before the Note); 101–07; <i>City of Seattle v. Webster</i> (1990); <i>City of Seattle v. Eze</i> (1988)</li> </ul>
Topic 4	<ul style="list-style-type: none"> <li>• Constitutional Limits on Power to Punish, pt. 2</li> <li>• Reading assignment: 107–26; 134–45 (beginning with Equal Protection); <i>State v Moretti</i> (2019)</li> </ul>
Topic 5	<ul style="list-style-type: none"> <li>• Actus Reus, pt. 1</li> <li>• Reading assignment: 147–61; 956 (MPC 2.01)</li> </ul>
Topic 6	<ul style="list-style-type: none"> <li>• Actus Reus, pt. 2</li> <li>• Reading assignment: 161–95</li> </ul>
Topic 7	<ul style="list-style-type: none"> <li>• Mens Rea, pt. 1</li> <li>• Reading assignment: 197–228; 956–58 (MPC 2.02)</li> </ul>
Topic 8	<ul style="list-style-type: none"> <li>• Mens Rea, pt. 2</li> <li>• Reading assignment: 228–51; 960–61 (MPC 2.05)</li> </ul>
Topic 9	<ul style="list-style-type: none"> <li>• Theft Offenses</li> <li>• Reading assignment: 573–602; 998–1001 (MPC 222.1– 223.5)</li> </ul>
Mid-Term Examination	
Topic 10	<ul style="list-style-type: none"> <li>• Criminal Homicide, pt. 1</li> <li>• Reading assignment: 319–42; 986–87 (MPC 210.0–210.2)</li> </ul>
Topic 11	<ul style="list-style-type: none"> <li>• Criminal Homicide, pt. 2</li> <li>• Reading assignment: 342–89; 987 (MPC 210.3)</li> </ul>
Topic 12	<ul style="list-style-type: none"> <li>• Criminal Homicide, pt. 3</li> <li>• Reading assignment: 389–434; 987–88 (MPC 210.2, 210.4)</li> </ul>
Topic 13	<ul style="list-style-type: none"> <li>• Sexual Offenses, pt. 1</li> <li>• Reading assignment: 435–50 (through Note); 463–73 (Berkowitz and Note after it)</li> </ul>

<b>Course Roadmap, pt. 2</b>	
Topic 14	<ul style="list-style-type: none"> <li>• Sexual Offenses, pt. 2</li> <li>• Reading assignment: 473–98</li> </ul>
Topic 15	<ul style="list-style-type: none"> <li>• Mistake &amp; Ignorance, pt. 1</li> <li>• Reading assignment: 253–74; 960 (MPC 2.04)</li> </ul>
Topic 16	<ul style="list-style-type: none"> <li>• Mistake &amp; Ignorance, pt. 2</li> <li>• Reading assignment: 275–300</li> </ul>
Topic 17	<ul style="list-style-type: none"> <li>• Criminal Law Defenses, pt. 1</li> <li>• Reading assignment: 603–19; 633–37 (<i>Wanrow</i>); 968–69 (MPC 3.04)</li> </ul>
Topic 18	<ul style="list-style-type: none"> <li>• Criminal Law Defenses, pt. 2</li> <li>• Reading assignment: 623–33; 638–53; 969–72 (MPC 3.05–3.06); 976–77 (MPC 3.09)</li> </ul>
Topic 19	<ul style="list-style-type: none"> <li>• Criminal Law Defenses, pt. 3</li> <li>• Reading assignment: 657–81 (through <i>Contento-Pachon</i>); 967 (MPC 3.02); 964–65 (MPC 2.09)</li> </ul>
Topic 20	<ul style="list-style-type: none"> <li>• Criminal Law Defenses, pt. 4</li> <li>• Reading assignment: 687–91 (Skip dissent); 695–98; 742–49 (Skip dissent); 752–59 (Skip dissent); 964 (MPC 2.08); 966 (MPC 2.13)</li> </ul>
Topic 21	<ul style="list-style-type: none"> <li>• Criminal Law Defenses, pt. 5</li> <li>• Reading assignment: 698–700; 710–16 (Skip dissent); 720–29; 978–79 (MPC 4.01, 4.03)</li> </ul>
Topic 22	<ul style="list-style-type: none"> <li>• Attempts</li> <li>• Reading assignment: 801–04; 807–14; 817–32; 979–81 (MPC 5.01)</li> </ul>
Topic 23	<ul style="list-style-type: none"> <li>• Accomplice Liability (Complicity)</li> <li>• Reading assignment: 833–45; 961–62 (MPC 2.06)</li> </ul>
Topic 24	<ul style="list-style-type: none"> <li>• Conspiracy</li> <li>• Reading assignment: 853–78; 981–83 (MPC 5.03)</li> </ul>
Final Examination	