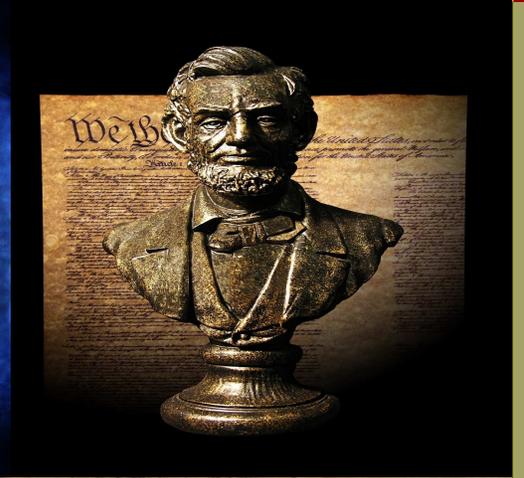


NATIVE AMERICAN UNIVERSITY



Criminal Law

CRIMINAL LAW

CRIM LAW 101 & 102 Course Schedule

Week # 1 – 2

Material	Subject
Text	Chapter 1, Study of Criminal Law, Pages 1-27
Roadmap Outline	No assignment for this chapter
CD-ROM	Video Lecture Series #1 - #12 (no notes)
Audio	Listen to all Tapes

Week # 3 – 4

Material	Subject
Text	Chapter 2, Justification, Pages 27-109
Roadmap Outline	Read and Finish Q & A for Chapter 2, Justification of Punishment, Pages 13-24
CD-ROM	Video Lecture Series #1 - # 12 (take notes on 5 X 7 cards using freeze frame in Windows Media Player)
Brief 6 Cases – Chapter 2	People v. Newton 340 NYS 2 nd 77 (Voluntariness), Pg. 125 Robinson v. California 370 US 660 (Status Crimes), Pg. 136 Johnson v. State 602 So. 2 nd 1288 (Status of Crimes), Pg. 143 Commonwealth v. Keller 35 Pa. D & C 2 nd 615, Pg. 148 Keeler v. Superior Court 2 Cal. 3 rd 619 (Fetus), Pg. 154 City of Chicago v. Morales 119 S.Ct.1849 (Specificity), Pg. 162
Audio	Listen to all Tapes (take notes on 5 X 7 cards)

End of Week #4

Study Record	Study Record Due (include any Roadmap Assignments)
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Week # 5 – 6

Material	Subject
Text	Begin Chapters 2,3 & 4, Mens Rea & Actus Reus (Brief

Week # 5 – 6 Continued

Text (con't)	cases mentioned in chapters and submit with monthly Study Record) Pages 109-346
Roadmap Outline	Read and Begin Q & A for Chapter 3 Elements of a Crime, Pages 25-74
CD-ROM	Video Lecture Series Lesson #1

Week # 7 – 8

Material	Subject
Text	Complete Chapter 3, Mens Rea & Actus Reus (Brief all cases mentioned in chapters and submit with monthly Study Record) Pages 181-287
Roadmap Outline	Finish Q & A for Chapter 3 Elements of a Crime, Pages 25-74
CALI	“Actus Reus” by Markus Dubber
CALI	“The Mens Rea of Knowledge” by Rosanna Cavallaro
CALI	“The Mens Rea of Negligence” by Rosanna Cavallaro
CALI	“The Mens Rea of Purpose” by Rosanna Cavallaro
CALI	“The Mens Rea of Recklessness” by Rosanna Cavallaro
CALI	“Concurrence” by Ellen Suni
CD-ROM	Video Lecture Series Lesson #2

Notes: 1

Q. Suppose you pay \$100. for talcum powder from someone who tells you it's heroin. Isn't buying talcum powder an innocent act, transformed into a crime by your intent to buy heroin? Would the decision in Proctor preclude liability for attempted possession of heroin? Is that the right result?

Q. What's wrong with punishing guilty intent without act?

A. It's hard to prove intent except by actions.

Q. But why not convict where, as here, you have proof of intent based on Defendant's admissions?

A1. It would tempt the police to violate civil liberties by coercing the subject of such invasive criminal investigations.

A2. It gives law-abiding citizens no way to avoid becoming the subject of such invasive criminal investigations.

A3. People should be free to think, and even say what they want.

A4. People don't always act on their thoughts—expressing guilty desires to others gives others a chance to dissuade us from acting on them.

A nice statement of hornbook law is that there can be no criminal punishment in the absence of an act. This is subject to what might be called the fallacy of exaggerated skepticism. Students should be encouraged to (1) respect this hornbook maxim; (2) see all the flaws and gaps in it; and (3) nevertheless respect its residual utility.

The key point is that though the statement, on its face, proves to be misleading if not downright false, it expresses an important theme or aspiration of criminal jurisprudence.

More specifically, even where crimes may be punishable in the absence of what seems to be an act, the doctrinal maneuvers of the courts in rationalizing such punishments illustrate the philosophical need of our jurisprudence to somewhat adhere to the general principle of the act requirement.

Week # 7 – 8 Continued

Notes: 1 (cont)

The act requirement can't be taken too literally, but serves as a proxy for an intuitive principle of blameworthiness as a minimal requirement for culpability.

Assume that Proctor violated the statute. The class should be asked right away why his conviction was reversed. Someone is likely to say that there can be no punishment for thought alone. (by the way, it's worth spending a minute or two asking whether this principle is based in constitutional law, or immemorial natural law, or common law principles that must be read as implicit background for statutes.) At that point, the class can take off on its first case-based slippery-slope exercise.

Students should be asked to consider what it means for an individual to commit *no act*. Did Proctor indeed commit *no act*? Is it possible to pose a purer case of a mere "thought" crime? Assume that the statute said only that it shall be a crime to intend to sell liquor.

Let us assume that this would be unpunishable (though note as the famous counter-example the old English law making it a crime to "compass" the death of the King).

Notes: 2

United States v. Dotterweich? (p. 189): Dotterweich involves punishment for a purely regulatory violation of law. It offers a second context for students to question the rationality of strict liability crimes.

What occurred in Dotterweich? Did a corporate official simply make a management error? Do we feel better about imposing liability here than in Balint? Does our answer depend on whether Dotterweich could have prevented the act by better management? Do we question whether Dotterweich was truly innocent? How far down the employee hierarchy could one go under Dotterweich?

In Balint, the Court explains that the mens rea rule is modified "in respect to prosecutions under statutes, the purpose of which would be obstructed" by inquiring into mens rea? What is the purpose of the statute in Dotterweich? To keep adulterated drugs out of the product market? Can we distinguish those crimes to which Balint (p.185) refers from "real crimes"? Is there an assumption that strict liability murder is improper? Is the distinction between inherently immoral acts and acts which interfere with the legislature's vision of social betterment, achieved through regulatory engineering? Is this a distinction without any meaning? Don't murder laws serve social betterment?

Is the only problem with strict liability that it is a little overbroad? Should the fact that penalties are typically minor negate this problem? What does the Model Penal code propose? Do you agree that strict liability offenses create no social stigma? What if strict liability crimes were limited to violations, as suggested by the Model Penal Code? Is there any risk of creating stigma as these crimes become more widespread?

Or de-stigmatizing “real crimes”? Why do we not merely impose civil sanctions? Because we believe criminal sanctions will be more likely to deter? Why? Because of the stigma of a criminal conviction? Is this defense of strict liability inherently circular?

Morrisette v. United States (p. 193): His conviction for “knowingly converting” (stealing) government property (used bombshells) is overturned for failure to consider his claim that he believed the government had abandoned the property.

Q. Does the Court say that Congress couldn’t constitutionally punish theft without proof that D knew he was taking property of another?

A. No. Just that Congress didn’t unambiguously do so.

Q. Is the Court saying that any statutory ambiguity about knowledge must be judicially

Week # 7 – 8 Continued

Notes: 2 con’t

interpreted in favor of defendant, based on concerns about legality and notice?

A. No.

Q. What are the factors that require interpreting ambiguity about knowledge in Defendant’s favor?

A1. Action v. Omission

A2. Actual Harm v. Risk

A3. Old Common Law v. New Regulatory

A4. Heavy v. Light Punishment

Morrisette is the most famous and eloquent statement of the *malum in se vs. malum prohibitum* distinction, and therefore the most interesting statement to critique.

Notes: 3

Cheek v. United States (p. 255): Superficially this case is very easy: The bar to claims of ignorance of governing law is often wholly removed when the crime is under the federal tax laws. But the tortuous reasoning of the Justices here might have some wider implications.

Q. What was Cheek's mens rea

He knew he had not paid taxes required by the statute.

Q. So what's his claim? He thought the tax laws were evil, but that's civil disobedience, not a legal defense. What was his legal argument?

A1. He believed—wrongly—that the Constitution forbade any tax on income. We can treat his belief that the tax law is unconstitutional as a belief that there is therefore no (valid) law on the books requiring him to pay taxes. Thus, he did not know he was required to pay taxes and he argues that his failure to pay was therefore not “willful.”

A2. He generally accepted the constitutionality of an income tax, but he believed that the Sixteenth Amendment only a tax on profits, not wages.

Q. But what if these beliefs, however sincere, are crazy?

A. Even if a belief is unreasonable, so long as it's *sincere* it would negate the requirement that he knew he had a duty to pay taxes, if willfulness means at least knowledge.

Q. But under Baker, how can a conventional mens rea term cover an issue of mistake of governing law? What does the Court say in Cheek?

A. The Court seems to say that his belief that the tax laws are fundamentally unconstitutional is irrelevant to culpability, but that his more particular claim about whether his wages were taxable is relevant.

Q. Does it limit the decision to tax laws?

A. Arguably yes, though language in the opinion suggests it could apply more broadly to highly technical modern regulatory statutes. Indeed that's what the Court held in Ratzlaf by applying Cheek to a money-laundering law. But Congress overruled Ratzlaf, so perhaps Cheek really is limited to tax cases.

Q. What about Justice Scalia?

A. He would apparently permit even the broader constitutional argument to be a defense to a tax-evasion prosecution, at least so long as the law requires proof of “willingness.”

Notes: 4

4A. A drunk person is in a bar with a gun in his wasteband. He trips and falls; the gun

Week # 7 – 8 Continued

Notes: 4 cont.

goes off killing somebody.

Standard #1: He caused death while voluntarily intoxicated. Guilty.

Standard #2: Conceivably, he could have caused death because his voluntary intoxication impaired his motor skills, causing him to trip. But once, again, a “loss of capacity for self-control” ordinarily means a loss on control over one’s will, not one’s body. So he’s probably not guilty.

Standard #3: The defendant does not kill knowingly or purposefully and the reason is not that alcohol loosened his inhibitions. Not guilty.

Standard #4: The circumstances do not indicate a knowing or purposeful killing, quite apart from any evidence of intoxication. Not guilty.

Notice that evidence of intoxication is irrelevant in this example, so there is no due process problem.

4B. A drunk person jokingly points a gun at someone and it goes off accidentally.

Standard #1: He caused death while voluntarily intoxicated. Guilty.

Standard #2: Here the defendant did cause death because intoxication impaired his judgment of risk, which arguably is one aspect of self-control. Guilty.

Standard #3: While the defendant’s self-control failed him, this did not result in his causing death purposefully or knowingly. Not guilty.

Standard #4: The circumstances do not indicate knowledge or purpose. Not guilty.

End of Week #8

Study Record	Study Record Due (include any Roadmap Assignments)
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Week # 9 – 10

Material	Subject
Text	Chapter 10, Attempt (Brief cases mentioned in chapters and submit with monthly Study Record), Pages 751-820
Roadmap Outline	Finish Q & A for Chapter 8 Attempt, Pages 175-204
CD-ROM	Video Lecture Series Lesson #3

Week # 11 – 12

Material	Subject
CALI	Attempts I: “The Mens Rea of Attempts” by Rosanna Cavallaro
CALI	Attempts II: “Actus Reus” by Rosanna Cavallaro
CALI	Attempts III: “Defenses” by Rosanna Cavallaro
CD-ROM	Video Lecture Series Lessons # 3 & 4

End of Week # 12

Study Record	Study Record Due (include any Roadmap Assignments)
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Week # 13 – 14

Material	Subject
Text	Read Chapter 4 Causation (Brief cases mentioned in chapter and submit with monthly Study Record), Pages 287-345
Roadmap Outline	Begin Q & A for Chapter 8 Attempt, Pages 175-204
CALI	“Ambiguous Culpability Requirements” by Ellen Suni
CD-ROM	Video Lecture Series Lesson #2

Week # 15 – 16

Material	Subject
Text	Finish Chapter 4 Causation, (Brief cases mentioned in chapter and submit with monthly Study Record), Pages 287-347
Roadmap Outline	Finish Q & A for Chapter 8 Attempt, Pages 175-204
CD-ROM	Video Lecture Series Lesson #3

End of Week #16

Study Record	Study Record Due (include any Roadmap Assignments)
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Week # 17 – 18

Material	Subject
Text	Read Chapter 7 Death Penalty (Brief all cases mentioned in chapter and submit with monthly Study Record), Pages 509-564
Roadmap Outline	No Assignment
CD-ROM	Video Lecture Series Lesson #6

Week # 19 – 20

Material	Subject
Text	Read Chapter 15 Rape (Brief all cases mentioned in chapter and submit with monthly Study Record), Pages 1077-1161
Roadmap Outline	Begin and Finish Q & A for Chapter 4 Rape, Pages 75-88
CALI	“Battered Women’s Syndrome” by Norman M. Garland
CD-ROM	Video Lecture Series Lesson # 5

End of Week #20

Study Record	Study Record Due (include any Roadmap Assignments)
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Week # 21 – 22

Material	Subject
Text	Read Chapter 5 Homicide (Brief all cases mentioned in chapter and submit with monthly Study Record), Pages 347-428
Roadmap Outline	Finish Q & A for Chapter 5 Homicide, Pages 89-142
CALI	“Causation” by Markus Dubber
CD-ROM	Video Lecture Series Lesson # 6

Notes: 5

Persampieri v. Commonwealth (p. 330): The defendant is liable for manslaughter where he assisted and encouraged his distraught, drunk spouse to commit suicide.

Q. How does he cause the death?

A1. He recklessly supplies necessary conditions for death and so proximately causes it.

A2. Because his wife is not a responsible intervening actor, her voluntary act of suicide does not break the chain of causation.

A3. As the victim’s husband, he has a duty to dissuade her from suicide.

In Bier (p. 330), the defendant commits negligent homicide by supplying the distraught, drunk spouse with a loaded gun and challenging her to shoot him.

Week # 21 – 22 Continued

Notes: 5 con’t

Q. How does Bier cause death?

A. By supplying a necessary condition for the death that foreseeably results and so proximately causing death.

Q. Why doesn’t Kevorkian (p. 331) cause death by supplying the means to suicide?

A. The voluntary act of the victim breaks the chain of causation, and so the victim’s death is neither the “direct” nor “natural” result of Kevorkian’s act.

Q. But how is that theory of causation reconcilable with People v. Duffy, in which the defendant was found liable for manslaughter for recklessly supplying a despondent and drunk victim with a gun, on the ground that he foresaw the risk?

A1. They can't be reconciled. The opinion is incoherent. That the victim's suicide in Duffy is "foreseeable" does not distinguish it from the suicide of Kevorkian's patients.

A2. Duffy, like Bier and Persampieri, involves a distraught, drunk, and therefore irresponsible victim. The suicide act of such a victim does not break the chain of causation.

Notes: 6

"Cooling Time" Ex Parte Fraley (p. 397): Most cases seem to be sexual jealousy cases, but here's one that isn't, at least strictly speaking? Fraley killed Parker because Parker killed Fraley's son. Is that adequate provocation? Why was Parker acquitted? What grounds of acquittal would affect the provocation question? What if Parker had gotten off on a search-and-seizure technicality, rather than because the jury had believed him innocent?

Now, first assume that Parker had just killed the boy, and Fraley knew the grounds. Is this adequate provocation? How far do we extend the grounds? Fraud? Racial insult? Eviction? Why restrict the grounds for provocation to sexual jealousy and battery?

Week # 23 – 24

Material	Subject
Text	Read Chapter 5 Homicide (Brief all cases mentioned in chapter and submit with monthly Study Record), Pages 347-428
Roadmap Outline	Finish Q & A for Chapter 5 Homicide, Pages 89-142
CALI	"Causation" by Markus Dubber
CD-ROM	Video Lecture Series Lesson # 6
Notes: Review Notes 5 & 6 from Week # 21 - 22	

End of Week # 24

Study Record	Study Record Due (include any Roadmap Assignments)
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Week # 25 – 26

Material	Subject
Text	Read Chapter 6 Unintentional Homicide (Brief all cases mentioned in chapter and submit with monthly Study Record), Pages 429-508
Roadmap Outline	Finish Q & A for Chapter 5 Unintentional Homicide, Pages 89-142
CD-ROM	Video Lecture Series Lesson # 7

Week # 25 – 26 Continued

Notes: 7

People v. Watson (p. 461) tests the concept of abandoned and malignant heart murder in its most fascinating new guise—vehicular murder. They can be set up with the following hypothetical: I drink in a bar. A friend warns me I may be getting drunk.

He also warns me I'm supposed to drive home.

I say, what the hell: I can handle my booze even if I go over .10, and I'm a careful driver. I go up to .16, drive home, roll through a stop sign at about 25, having slowed slightly but not spotted because I didn't focus well on stopping. I kill someone.

Murder? Did I advert to the risk? Certainly, if we open up the timeframe a bit. What about the extent of the risk? What were the chances of death at that moment?

There are about 13 million drivers in California; they drive 165 billion miles a year, about 12,000 per driver, and cause about 2500 deaths, so the chance of any driver being involved in a fatal accident is .0002. If you're BAC is over .10, assume you increase the chance of a fatal accident 25 times; but that's still only .005. And these figures neglect the variables of time, place, weather, driver skill, car condition, frequency of driving, etc.? Compare the risk Pears and Watson took to the risk Mayes, or Protoppapas, or Berry or Malone took.

What about the utility or the justification of the risk? There's utility in cars generally, but there's no utility in some particular forms of driving, and certainly not in drunk driving.

What's the purpose of this new vehicular murder? Deter vehicular murder? If it's to deter drunk driving, is it fair to do so with 20-year sentences and the stigma of murder? Is the social symbolism of calling Pears a murderer appropriate?

Watson drank a lot of beer in a bar, and got up to .23. He may have driven as fast as 84 MPH, and slowed down to 50-70 at impact—but he did hit the brakes. (Or does that make things worse by proving adersion?) Moreover, he skidded to a safe halt at one intersection before proceeding toward the fatal one. And then he may have entered the intersection on a green light, where the speed limit was 35 MPH. The scene was the middle of the night in a relatively small town. Does the court, in effect, allow murder for negligence? He adverted to the risk somewhere. But when? When he started drinking? Started driving? When he skidded and stopped the first time?

Is Chief Justice Bird right now that every drunk driver who kills may be a murderer? Do all people who get drunk advert to the risk of getting drunk?

Notes: 8

“Foreseeability and Proximate Cause” *The Scope of the Felony Event*, *People v. Gladman* (p. 486): This is, in a sense, just a twist on the causal issue. Stamp: What’s the required causal link between the felony and the death here? If the felony, in a sense, creates “malice,” does the felon carry his malice with him forever? Do the (questionable) deterrence theories begin to weaken when the death occurs well after the felony? What if Gladman had successfully escaped from the robbery, stashed the goods, and returned home; the next morning the police come, he pulls a gun to protect himself, and it goes off accidentally and kills the officer? As usual, the courts tend to fetch for objective-looking criteria: (1) The death must occur on the same premises as the felony. (2) There must be some sort of Aristotelian unity of time, place, or action. (3) The “resgestae” or scrambling possession” theories.

Gladman reviews these and other rules; notice that the court abjures such a pretense of formal rule-making and decides on a loose standard reflected in the phrase “immediate flight.”

Week # 25 – 26 Continued

Notes: 8 cont

Most cases should go to the jury under this vague standard, and the jury can intuit whether there is some sort of logical or causal link between the felony and the killing. By the way, recall Watson (the premeditation case in Chapter 5). Had the case occurred in New York, might Watson have been guilty of felony murder?

Fatal reactions: Felony murder cases reprise the vexing proximate cause questions we saw in Chapter 4 on causation. How long after the last relevant action (thus distinguishing Gladman and immediate flight cases) by the felon does the aftermath or effective power of the felony last?

Week # 27 – 28

Material	Subject
Text	Read Chapters 8 & 9 Defenses (Brief all cases mentioned in chapters and submit with monthly Study Record), Pages 575-892
Roadmap Outline	Finish Q & A for Chapter 12 Defenses, Pages 277-378
CALI	“Defense of Others” by Norman M. Garland
CALI	“Defense of Property” by Norman M. Garland
CALI	“Duty to Retreat” by Norman M. Garland
CALI	“Excuses I: Duress, Entrapment, Mistake” by Markus Dubber
CALI	“Excuses II: Insanity and Infancy” by Markus Dubber
CALI	“Justification Defenses: Excuse Defenses Distinguished” by Norman M. Garland
CALI	“Mistake as to the Law Defining the Offense” by Ellen Suni
CALI	“Mistake Under the Model Penal Code: Mistake as to Defenses” by Ellen Suni
CALI	“Mistake Under the Model Penal Code: Mistake as to Elements of Offenses” by Ellen Suni
CALI	“Self-Defense” by Norman M. Garland
CD-ROM	Video Lecture Series Lesson # 12
<p>Notes: 9</p> <p><i>Common Law Categories:</i> Ranked roughly in order from defense-friendly to prosecution-friendly.</p> <ol style="list-style-type: none"> 1. Factual Impossibility: Defendant is guilty of an attempt if Defendant’s act increased the likelihood of the crime being completed. 2. Legal Impossibility: Defendant is guilty of attempt if fails to complete the act, which if completed, would be punishable as a crime. 	

End of Week # 28

Study Record	Study Record Due (include any Roadmap Assignments)
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Week # 29 – 30

Material	Subject
Text	Read Chapter 11 Accomplice (Brief all cases mentioned in chapter and submit with monthly Study Record), Pages 821-892

Week # 29 – 30 Continued

Roadmap Outline	Finish Q & A for Chapter 9 Complicity, Pages 205-231
CALI	“Punishment Theories” by Markus Dubber
CALI	“Suspendatur!” by Danial G. Moriarty
CD-ROM	Video Lecture Series Lesson # 8

Week # 31 – 32

Material	Subject
Text	Read Chapter 13 Corporate Liability (Brief all cases mentioned in chapter and submit with monthly Study Record), Pages 975-1014
Roadmap Outline	Finish Q & A for Chapter 10 Criminal Liability of Corporations, Pages 205-230
CD-ROM	Video Lecture Series Lesson # 8

End of Week # 32

Study Record	Study Record Due (include any Roadmap Assignments)
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Week # 33 – 34

Material	Subject
Text	Read Appendix A, Model Penal Code and Chapter 14 Theft Offenses (Brief all cases mentioned in chapter and submit with monthly Study Record), Pages 1017-1076
Roadmap Outline	Finish Q & A for Chapter 13 Theft, Pages 379-407
CALI	“Minimum Culpability Requirements Under the Model Penal Code” by Ellen Suni

Week # 35 – 36

Material	Subject
Text	Read Chapter 12 Conspiracy (Brief all cases mentioned in chapter and submit with monthly Study Record), Pages 893-974
Roadmap Outline	Finish Q & A for Chapter 11 Conspiracy, Pages 243-276
CALI	“Constitutional Limitations: 8 th Amendment” by Markus Dubber
CALI	“Constitutional Limitations: Legality” by Markus Dubber
CALI	“The Confrontation Clause” by Marianne Wesson
CALI	“Presumption of Innocence (Burden of Proof and Presumptions)” by Markus Dubber
CALI	“Pre-indictment & Change and Plea & Discovery” by Frank Tuerkheimer
CD-ROM	Video Lecture Series Lesson # 8

End of Week # 36

Study Record	Study Record Due (include any Roadmap Assignments)
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Week # 37 – 38

Material	Subject
All	Review all Text Chapters, Roadmap Outlines, CD-ROMs, Audio Tapes, CALI Lessons and Notes.

Week # 39 – 40

Material	Subject
All	Review all Text Chapters, Roadmap Outlines, CD-ROMs, Audio Tapes, CALI Lessons and Notes.

End of Week # 40

Study Record	Study Record Due (include any Roadmap Assignments)
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Week # 41 – 42

Material	Subject
All	Prepare for Midterm Examination

End of Week # 42

Midterm Examination- MBEs	Answer and submit all Midterm MBE Questions (listed on MBE page).
Midterm Examination - Essays	Answer the 2 Criminal Law Midterm Essay Questions posted at the end of this syllabus and submit via e-mail for grading. Graded Examinations returned via e-mail in 7-10 days.

Week # 43 – 44

Material	Subject
Case Briefs	Review all Briefed Cases. Finish Any Briefs Not Done Previously.

End of Week # 44

Study Record	Study Record Due
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Week # 45 – 46

Material	Subject
All	Review All Crimes Against Persons in Briefs, Textbooks, CD-ROMs and Audio Tapes

Week # 47 – 48

Material	Subject
All	Review All Crimes Against Property in Briefs, Textbooks, CD-ROMs and Audio Tapes

End of Week # 48

Study Record	Study Record Due
Final Examination – MBEs	Answer and submit all Final MBE Questions (listed on MBE page).
Final Examination - Essays	Answer the 2 Criminal Law Final Essay Questions posted at the end of this syllabus and submit via e-mail for grading. Graded Examinations returned via e-mail in 7-10 days.

ESSAY EXAMINATION INSTRUCTIONS

Your answer should demonstrate your ability to analyze the facts in the question, to tell the difference between material facts and immaterial facts, and to discern the points of law and fact upon which the case turns.

Your answer should show that you know and understand the pertinent principles and theories of law, their qualifications and limitations, and their relationships to each other.

Your answer should evidence your ability to apply the law to the given facts and to reason in a logical, lawyer-like manner from the premises you adopt to a sound conclusion. Do not merely show that you remember legal principles. Instead, try to demonstrate your proficiency in using and applying them.

If your answer contains only a statement of your conclusions, you will receive little credit. State fully the reasons that support your conclusions, and discuss all points thoroughly.

Your answer should be complete, but you should not volunteer information or discuss legal doctrines that are not pertinent to the solution of the problem.

Unless a question expressly asks you to use California law, you should answer according to legal theories and principles of general application.

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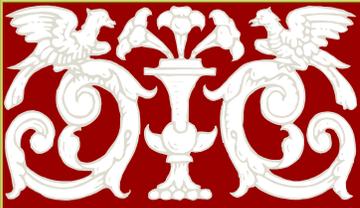
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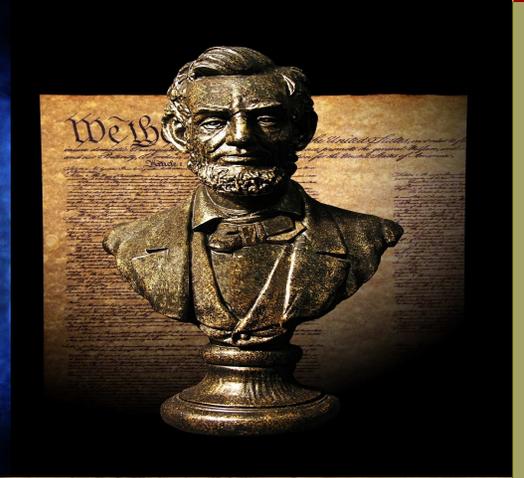
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NATIVE AMERICAN UNIVERSITY



Criminal Law