

AMERICAN UNIVERSITY OF CENTRAL ASIA

LAW DIVISION

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CRIMINAL LAW II

LAW 244.1

(6 Credits)

FALL 2018

Class Meeting Times:

TU: 8:00 AM (L) (Sec. 1) / 9:25 AM (L) (Sec. 2)

TH: 8:00 AM (S) (Sec. 1) / 9:25 AM (S) (Sec. 2)

Instructors:

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Office Hours: By appointment

COURSE DESCRIPTION AND OBJECTIVES

“Criminal Law II” is a six (6) credit course intended to introduce students to the fundamentals of substantive criminal law and criminal liability and to develop the critical analytic skills necessary for practice, whether as a prosecutor or defense advocate. The course will 1) familiarize students with “black letter” criminal law, principally the Criminal Code of the Kyrgyz Republic which will serve as the primary text for the course, supplemented with teachings from the common law intended to give meaning, depth and understanding to the plain language of the statutory laws, 2) teach the skill of statutory analysis, 3) introduce some of the practical skills necessary to handle criminal law cases as a lawyer, and 4) address fundamental ethical and philosophical issues regarding the punishment of human beings for wrong-doing.

LAW PROGRAM LEARNING OUTCOMES

Graduates of the Law Program should have the following competencies:

1. The ability to carry out professional activities in good faith on the basis of developed legal consciousness, legal thinking, and legal culture and with observation of ethical principles of the legal profession.
2. The ability to apply professional judgment and perform quality legal analysis, conduct legal research and solve legal problems.
3. The ability to speak and write in an argumentative, logical, and clear way in the legal context, have skills necessary to draft legal documents, be fluent in the English language at the level of professional communication.
4. The ability to draft normative legal acts and carry out their legal expertise in the field of professional activity.
5. The ability to interpret and apply substantive and procedural norms, provide qualified legal opinions and consultations in concrete types of legal activity.
6. The ability to demonstrate leadership qualities, active citizenship, take and develop initiatives aimed at promotion of civil society and welfare state.
7. The ability to understand the essence and significance of information in the development of modern society and law, and to master the basic methods of working with information and information technologies in the professional sphere.

COURSE LEARNING OUTCOMES

Upon successful completion of the course, students should be able to demonstrate competency in the following areas:

Course Learning Outcome	Law Program Learning Outcomes
Understand the fundamental concepts and principles of statutory criminal law, including <i>corpus delicti</i> , <i>actus reus</i> , and <i>mens rea</i> , presumption of innocence, burden of proof, and defenses to criminal liability.	1, 2, 5, 7
Understand the methodology of criminal law, including the interpretation of criminal law statutes and their applicability to a given set of facts and circumstances.	2, 3, 5
Understand the definitions of selected crimes and defenses, inchoate crimes, justification defenses, and excuses.	2, 3, 5

Possess the ability to read statutes with the care and precision of a lawyer.	2, 3, 5
Possess the ability to argue persuasively a legal construction of a criminal.	2, 3, 5
Possess the ability to argue persuasively application of the law to a discrete fact pattern using the “IRAC” method.	2, 3, 5
Develop an appreciation of the professional and ethical roles of defense counsel and prosecutors in arguing a criminal case in an adversarial justice system.	1, 2, 3, 5
Develop an appreciation of why we punish, and of strengths and weaknesses in the criminal justice system’s punishment decisions.	1, 7

COURSE REQUIREMENTS AND POLICIES

1. Class will meet twice a week: 1 lecture and 1 seminar.

Students are expected to be on time for every class. Any student arriving more than 15 minutes late to any class will be marked as “absent” for that class period.

2. Class attendance is required.

Any student accruing more than three (3) unexcused class absences or more than six (6) total absences (**excused or unexcused**) during the semester will receive a deduction of 0.5 points from their final grade score for each class missed in excess of the maximum number of permitted absences. Missing more than 50% of all scheduled classes (excused or unexcused) will result in a final grade of “F” for the course.

3. Students must come to each class prepared and ready to discuss the assigned materials.

Class participation includes participation in class that shows the student’s preparation for class through either the use of and/or reference to the course materials that the student was assigned to read or to prepare.

Class participation points: 1 to 3 points added to or deducted from your final grade score.

Class participation is very important to your comprehension of the course material, as well as to your grade. Broadly speaking, there are two types of participation – good and unsatisfactory. I will add 1 to 3 points to your final grade for “good participation;” I reserve the right to subtract 1 to 3 points from your final grade for “unsatisfactory participation.”

“Good participation” means coming to class on a regular basis and arriving on time; doing the assigned reading carefully; being ready to answer questions if I call on you; and occasionally volunteering questions or comments. To be a good participant, you

do not always need to have the “right” answer, but you do need to give in-class problem-solving your best shot and to demonstrate that you’ve read and thought about the assignment. It is the quality, not the quantity of your participation that counts!

“Unsatisfactory participation” means being unprepared when called on; routinely coming to class late; carrying on conversations or surfing the Web when others (including myself) are speaking; and/or missing more than the allowed number of classes (See No. 2 above).

4. Written assignments must be submitted by the set deadline and by the means specified.

Late submissions are **NOT** allowed. This rule applies to any student who was aware or should have been aware of an assignment and the deadline no matter whether he was sick or had any other excuse on the date of the deadline.

5. The use of cell phones (talking, texting, etc.) and / or any other electronic devices during class for any purpose not related to the furtherance of the class objectives is strictly prohibited.

Students violating this policy will be given one (1) warning. Each subsequent violation of this policy will result in one (1) point being taken off your final grade score.

6. Students are expected to follow the AUCA ACADEMIC HONESTY code.

All types of plagiarism are strictly prohibited. If a student fails to observe this requirement, I may assign an “F” for the work or an “F” for the whole class, depending on the type of assignment and relevant circumstances.

Students are expected to read and follow the section on the Student Academic Dishonesty of the AUCA Code of Student Rights, Responsibilities and Conduct.

7. This syllabus is subject to change.

The course syllabus is subject to change. Any changes to the syllabus will be announced in class and the updated version of the syllabus placed on E-Course. It is each student’s responsibility to stay informed of any changes made.

8. Students must self-enroll for this class on E-Course.

The purpose of the e-course system is to allow students to get access to course materials, upload their course assignments, and benefit from a variety of interactive learning opportunities.

The E-Course enrollment key for this class is “**criminal2018**”.

GRADING

GRADING POLICY

During the semester, students will have six (6) quizzes and one (1) final exam. Each quiz and the final exam will be in written form.

A quiz will be given at the conclusion of each “unit” and will be limited to the materials covered in that unit. Each quiz may include definitions, short-answer questions, multiple-choice questions, true/false questions, essays and/or other forms of questions, such as analysis of hypothetical fact patterns, and will be based on that unit’s materials as discussed in class and contained in any out-of-class assigned readings.

The final examination will be entirely essay and will be “cumulative” (i.e., could include materials from each unit throughout the semester).

Absent a medical emergency on the day of a quiz or prior excusal, missed quizzes **cannot** be made up.

Written assignments may be periodically given. All written assignments must be submitted by the given due date. A late submission will receive a grade of “0” for the assignment.

There will be **no extra credit assignments** given.

The final course grade will be determined based on the following components:

Quizzes	60%
Written Assignments	15%
<u>Final Examination</u>	<u>25%</u>
TOTAL	100%
Class Attendance/Participation	+/- 3 Pts.

GRADING SCALE

A	94-100%	C	68-73.9%
A-	90-93.9%	C-	64-67.9%
B+	86-89.9%	D+	60-63.9%
B	80-85.9%	D	54-59.9%
B-	77-79.9%	D-	50-53.9%
C+	74-76.9%	F	Below 50%

COURSE READING MATERIALS

Required:

- Constitution of the Kyrgyz Republic (2016)
- Criminal Code of the Kyrgyz Republic (20**)
- Class handouts/readings posted to E-Course

Supplemental:

- Aghayev, Isfaniyar, *Russian Criminal Law* (2017) (Leipziger Universitatsverlag GMBH)
- Criminal Code of the Kyrgyz Republic (English Translation)

UNDERSTANDING THE COURSE SYLLABUS

Below is an outline of the course content. Each class session identifies the general topic to be discussed during that meeting, as well as the required readings and homework that relate to that topic.

Required readings and homework, if any, are to be completed **before** the beginning of each class meeting (not after!). Each session's lecture and discussion will be based on these materials. In order to understand the day's topic and be better prepared for discussion of the same, you will need to have read the assigned materials and completed the homework assignments.

This is **YOUR** class. What you learn and take from it will depend as much, if not more, on what you put into it than on what the instructor provides!

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COURSE CONTENT

WEEK #	CLASS DATE	TOPIC
INTRODUCTION TO “CRIMINAL LAW II”		
1	9/4	<ul style="list-style-type: none"> - Introduction to the Course and Organizational Matters - Assignment: <ul style="list-style-type: none"> Enroll in E-Course: E-Course enrollment key: criminal2018 Review: Criminal Law I – General Part Lecture Notes
	9/6	<ul style="list-style-type: none"> - Review: Criminal Code of the Kyrgyz Republic: The General Part - Assignment: <ul style="list-style-type: none"> Assignment No. 1: Criminal Law I: The General Part (See E-Course for assignment and due date)
UNIT 1		
THE CONCEPT AND SIGNIFICANCE OF THE SPECIAL PART OF THE CRIMINAL CODE		
2	9/11	<ul style="list-style-type: none"> - Concept, Subject and System of the Special Part of the Criminal Code - Qualification of Crimes - Assignment: <ul style="list-style-type: none"> Read: <ul style="list-style-type: none"> - <i>Introduction: The Special Part and its Problems</i> (Duff/Green) - <i>The Classification of Crimes and the Special Part of the Criminal Law</i> (Horder)
	9/13	<ul style="list-style-type: none"> - Qualification of Crime (con't) <li style="padding-left: 20px;">a. Objectivity <li style="padding-left: 20px;">b. Validity <li style="padding-left: 20px;">c. Accuracy <li style="padding-left: 20px;">d. Completeness

		- Application of the <i>Corpus Delicti</i> While Qualifying Crime
Quiz No. 1 The Concept and Significance of the Special Part of the Criminal Code (See E-Course for Instructions and Due Date)		
UNIT 2: CRIMES AGAINST HUMAN LIFE AND HEALTH		
3	9/18	- Statutory Interpretation - Assignment: Review: Criminal Code of the Kyrgyz Republic: Special Part - Articles 131 through 153 of the Criminal Code of the Kyrgyz Republic
	9/20	- The Concept and Types of Crimes Against Human Life and Health a. Crimes against Human Life b. Crimes against Human Health c. Crimes Endangering Human Life and Health
4	9/25	- The Concept and Types of Crimes Against Human Life and Health (con't)
	9/27	- The Concept and Types of Crimes Against Human Life and Health (con't) - Assignment: Assignment No. 2: Statutory Interpretation (See E-Course for Instructions and Due Date)
Quiz No. 2 Unit 2: Crimes against Human Life and Health (See E-Course for Instructions and Due Date)		
UNIT 3: CRIMES AGAINST HUMAN FREEDOM, HONOR AND DIGNITY		
5	10/2	- Crimes against Personal Freedom - Encroachment on Human Honor and Dignity

	10/4	<p>- Assignment: Review: Criminal Code of the Kyrgyz Republic: Special Part - Articles 172 through 176 of the Criminal Code of the Kyrgyz Republic</p> <p>- Crimes against Human Freedom, Honor and Dignity (con't)</p> <p>- Assignment: Assignment No. 3: Statutory Interpretation (See E-Course for Instructions and Due Date)</p>
Quiz No. 3 Unit 3: Crimes against Human Freedom, Honor and Dignity (See E-Course for Instructions and Due Date)		
UNIT 4: CRIMES AGAINST SEXUAL INTEGRITY AND SEXUAL FREEDOM		
6	10/9	<p>- Concept and Types of Crimes against Sexual Integrity and Sexual Freedom</p> <p>- Assignment: Review: Criminal Code of the Kyrgyz Republic: Special Part - Articles 163 through 165 of the Criminal Code of the Kyrgyz Republic</p>
	10/11	<p>- Crimes against Sexual Integrity and Sexual Freedom (con't)</p> <p>- Assignment: Assignment No. 4: Statutory Interpretation (See E-Course for Instructions and Due Date)</p>
7	10/16	- Reserved
	10/18	- Reserved
Quiz No. 4 Unit 4: Crimes against Sexual Integrity and Sexual Freedom (See E-Course for Instructions and Due Date)		

UNIT 5:

8	10/23 10/25	
9	10/30 11/1	
10	11/6 11/8	- No Class: Fall Break - No Class: Fall Break
11	11/13 11/15	
12	11/20 11/22	- No Class: Thanksgiving Holiday
13	11/27 11/29	
14	12/4 12/6	
15	12/11 12/13	