

TRUMBULL PUBLIC SCHOOLS

Trumbull, Connecticut

HONORS JUSTICE & LAW: CRIMINAL LAW

Grades 10-12

Social Studies Department

2020

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Honors Justice & Law: Criminal Law
Grades 10-12
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The Trumbull Board of Education promotes non-discrimination in all of its programs, including educational opportunities and services provided to students, student assignment to schools and classes, and educational offerings and materials.

CORE VALUES AND BELIEFS

The Trumbull High School community engages in an environment conducive to learning which believes that all students will **read and write effectively**, therefore communicating in an articulate and coherent manner. All students will participate in activities **that present problem-solving through critical thinking**. Students will use technology as a tool applying it to decision making. We believe that by fostering self-confidence, self-directed and student-centered activities, we will promote **independent thinkers and learners**. We believe **ethical conduct** to be paramount in sustaining the welcoming school climate that we presently enjoy.

Approved 8/26/2011

INTRODUCTION & PHILOSOPHY

Honors Justice & Law: Criminal Law is a comprehensive introduction to the country's legal system. The one-semester course will focus on the structure of the criminal justice system, the analysis of criminal responsibility, the elements of specific crimes, and the procedures used to adjudicate those crimes. The course will also examine problems within the American legal system, the juvenile system, the First and Fourth Amendments, and modern Supreme Court decisions. The course is offered to provide students a broader and better understanding of the criminal justice system. As an honors-level course, it provides an opportunity for students to experience an in-depth analysis of law and the procedures that surround it; this exposure lays the foundation for a wide variety of educational and career opportunities.

COURSE GOALS

The following course goals derive from the 2015 Connecticut Elementary and Secondary Social Studies Frameworks.

- | | |
|------------|--|
| INQ 9-12.1 | Explain how a question reflects an enduring issue in the field. |
| INQ 9-12.2 | Explain points of agreement and disagreement experts have about interpretations and applications of disciplinary concepts and ideas associated with a compelling question. |
| INQ 9-12.5 | Determine the kinds of sources that will be helpful in answering compelling and supporting questions, taking into consideration multiple points of view represented in the sources, the types of sources available, and the potential uses of the sources. |
| INQ 9-12.6 | Gather relevant information from multiple sources representing a wide range of views while using the origin, authority, structure, context, and corroborative value of the sources to guide the selection. |
| INQ 9-12.8 | Identify evidence that draws information directly and substantively from multiple sources to detect inconsistencies in evidence in order to revise or strengthen claims. |

- INQ 9-12.9 Refine claims and counterclaims attending to precision, significance, and knowledge conveyed through the claim while pointing out the strengths and limitations of both.
- INQ 9-12.10 Construct arguments using precise and knowledgeable claims, with evidence from multiple sources, while acknowledging counterclaims and evidentiary weaknesses.
- INQ 9-12.11 Construct explanations using sound reasoning, correct sequence (linear or non-linear), examples, and details with significant and pertinent information and data, while acknowledging the strengths and weaknesses of the explanation given its purpose (e.g., cause and effect, chronological, procedural, technical).
- INQ 9-12.12 Present adaptations of arguments and explanations that feature evocative ideas and perspectives on issues and topics to reach a range of audiences and venues outside the classroom using print and oral technologies (e.g., posters, essays, letters, debates, speeches, reports, and maps) and digital technologies (e.g., internet, social media, and digital documentary).
- INQ 9-12.13 Critique the use of claims and evidence in arguments for credibility.
- CIV 9-12.1 Distinguish the powers and responsibilities of local, state, tribal, national and international civic and political institutions.
- CIV 9-12.3 Analyze the impact of constitutions, laws, treaties, and international agreements on the maintenance of national and international order.
- CIV 9-12.4 Explain how the U.S. Constitution establishes a system of government that has powers, responsibilities, and limits that have changed over time and that are still contested.
- CIV 9-12.6 Critique relationships among governments, civil societies, and economic markets.
- CIV 9-12.8 Evaluate social and political systems in different contexts, times, and places that promote civic virtues and enact democratic principles.
- CIV 9-12.10 Analyze the impact and the appropriate roles of personal interests and perspectives on the application of civic virtues, democratic principles, constitutional rights, and human rights.
- CIV 9-12.11 Evaluate multiple procedures for making governmental decisions at the local, state, national, and international levels in terms of the civic purposes achieved.
- CIV 9-12.12 Analyze how people use and challenge local, state, national, and international laws to address a variety of public issues.

- CIV 9-12.13 Evaluate public policies in terms of intended and unintended outcomes, and related consequences.
- CIV 9-12.14 Analyze historical, contemporary, and emerging means of changing societies, promoting the common good, and protecting rights.

COURSE ENDURING UNDERSTANDINGS

Students will understand that . . .

- criminal law differs from other types of law.
- common law differs from the Model Penal Code.
- there is a fundamental structure to the American criminal justice system.
- there are interactions between the criminal legislative process and the limitations posed on it by the Constitution.
- all citizens are afforded certain provisions and protections by the Bill of Rights.
- criminal law differs from tort law.
- key differences exist among felonies, misdemeanors, and petty offenses.
- the essential elements necessary for a crime are actus reus and mens rea.
- key differences exist between specific and general intent crimes.
- key differences exist among the levels of mental state under the Model Penal Code: purposefully, knowingly, recklessly, and negligently.
- key differences exist among the various levels of accomplice liability.
- key differences exist among the elements of criminal homicide, assault, battery, robbery, rape, kidnapping, false imprisonment, theft, larceny, burglary, and embezzlement.
- criminal law and procedure can be applied to the juvenile justice system.
- key defenses are available in criminal law.
- there are three elements of self-defense.
- key elements are necessary for defense of others.
- deadly force may be used in self-defense under certain circumstances.
- key elements are necessary for the use of the insanity defense.

COURSE ESSENTIAL QUESTIONS

- What is law, and how has the definition of law developed over time?
- What is the general philosophy of the criminal justice system?
- What is the difference between criminal law and civil law?
- Why was the Model Penal Code developed?
- What is the difference between common law and the Model Penal Code, and how does each respectively categorize the levels of crime?
- Why does every crime require some form of actus reus and mens rea?
- What are the defenses that are available to defendants and/or victims involved in criminal activities?
- How does the juvenile justice system approach the prosecution of minors in respect to adults?

COURSE KNOWLEDGE & SKILLS

Students will know . . .

- the following key legal terminology:
 - common law
 - statutory law
 - criminal law
 - civil law
 - actus reus
 - mens rea
 - Model Penal Code
 - probable cause
 - bail
 - bond
 - grand jury
 - indictment
 - habeas corpus
 - Bill of Rights
 - due process
 - bill of attainder
 - ex post facto law
 - felony
 - misdemeanor
 - specific intent
 - general intent
 - transferred intent
 - strict liability
 - levels of mental state under the Model Penal Code: purposefully, knowingly, recklessly, negligently
 - proximate cause
 - accomplice
 - principal
 - accessory
 - defenses
 - self-defense
 - deadly force
 - necessity
 - consent
 - duress
 - intoxication
 - insanity
 - homicide
 - criminal homicide
 - malice aforethought
 - premeditation
 - deliberation
 - murder
 - manslaughter
 - malice
 - felony murder rule

- involuntary manslaughter
- negligent homicide
- battery
- assault
- robbery
- rape
- statutory rape
- kidnapping
- false imprisonment
- arson
- burglary
- theft
- larceny
- shoplifting
- embezzlement
- extortion
- blackmail
- bribery
- forgery

Students will be able to . . .

- analyze and evaluate the American criminal justice system, determining the differences between actions that constitute criminal responsibility and actions that do not.
- read and analyze fact patterns and primary source documents from real-life cases and hypothetical situations and explain and evaluate the actions for criminal responsibility.
- take notes on class lectures.
- ask insightful questions during class discussions.
- demonstrate their knowledge and understanding through persuasive writing and essays in class as well as through oral arguments and debates in class.
- design and give creative presentations to share with the class.
- collaborate with other students to analyze the law and fact patterns.

COURSE SYLLABUS

Course Name

Honors Justice & Law: Criminal Law

Level

Grades 10-12

Prerequisites

None

Materials Required

None

General Description of the Course

This course provides an in-depth look at the criminal side of the country's legal system. Students will focus on legal principles and the laws and procedures derived from them. The course will also examine problems within the American legal and justice systems, the juvenile system, the First and Fourth Amendments, modern Supreme Court decisions, and other current topics.

Assured Assessments

Formative Assessments:

- Writing prompts with problem-solving exercises (Unit 1)
- Fact pattern analysis quizzes (Units 2, 5)
- Analysis and presentation of famous legal cases (Unit 3)
- Fact pattern development and mini-lesson to peers (Unit 4)
- Debate on lethal force (Unit 6)

Summative Assessments:

- Unit-based quizzes (Units 1, 2, 5)
- Comprehensive examinations (Units 3,
- Unit-based assessment based on peers' fact patterns (Unit 4)
- Potential modified mock trial (Unit 4)
- Persuasive essay on lethal force (Unit 6)

Core Texts

- *New Mexico v. Saiz*, 2017 NMCA 72 (N.M. Ct. App. 2017).
- Robertson, Cliff, and Michael D. O'Reilly. *Principles of Criminal Law*. 7th ed. New York: Pearson, 2020. Print.
- *United States v. Resendiz-Ponce*, 549 U.S. 102 (2007).

UNIT 1

Introduction to Criminal Law

Unit Goals

At the completion of this unit, students will:

- | | |
|-------------|--|
| INQ 9-12.1 | Explain how a question related to criminal law reflects an enduring issue in the field. |
| INQ 9-12.6 | Gather relevant information from multiple sources representing a wide range of views while using the origin, authority, structure, context, and corroborative value of the sources to guide the selection. |
| CIV 9-12.1 | Distinguish the powers and responsibilities of local, state, tribal, national and international civic and political institutions. |
| CIV 9-12.3 | Analyze the impact of constitutions, laws, treaties, and international agreements on the maintenance of national and international order. |
| CIV 9-12.4 | Explain how the U.S. Constitution establishes a system of government that has powers, responsibilities, and limits that have changed over time and that are still contested. |
| CIV 9-12.11 | Evaluate multiple procedures for making governmental decisions at the local, state, national, and international levels in terms of the civic purposes achieved. |
| CIV 9-12.12 | Analyze how people use and challenge local, state, national, and international laws to address a variety of public issues. |

Unit Essential Questions

- What is law, and what are its origins?
- How has criminal law developed over time, maintaining its importance and key principles of criminal responsibility?

Scope and Sequence

1. Nature of origins of the law, including developments of criminal law
 - a. Differentiating between ancient law and current American law
 - b. Criminal law vs. civil law
2. Principles of criminal responsibility
3. Structure of the criminal justice system
 - a. Enforcement vs. prosecution vs. punishment
4. Classification of criminal law
 - a. Substantive vs. procedural law
 - b. Felony vs. misdemeanor
5. Operation of the criminal justice system
 - a. Pretrial and trial procedures

b. Post-conviction procedures

Assured Assessment

Formative Assessment:

- There will be two formative assessments in this unit, one at the completion of each week. Each assessment will be writing-based, and will require students to respond to a writing prompt that includes a problem-solving exercise. Students will be required to analyze the problem, write their solution, and then share their responses with classmates in a small-group and then the whole-group setting.

Summative Assessment:

- Students will be given a unit quiz based on their understanding and comprehension of the background of the criminal justice system. As this unit is to establish a base of content for the remainder of the course, students will demonstrate through their performance on the quiz their mastery of the basic concepts and procedures of the American legal system.

Resources

Core

- Robertson, Cliff, and Michael D. O'Reilley. *Principles of Criminal Law*. 7th ed. New York: Pearson, 2020. Print. Chp. 1.

Time Allotment

- Approximately 2 weeks

UNIT 2

Classification and Basic Elements of Crime

Unit Goals

At the completion of this unit, students will:

- | | |
|-------------|---|
| INQ 9-12.6 | Gather relevant information from multiple sources representing a wide range of views on the basic elements of crime while using the origin, authority, structure, context, and corroborative value of the sources to guide the selection. |
| INQ 9-12.8 | Identify evidence that draws information directly and substantively from multiple sources to detect inconsistencies in evidence in order to revise or strengthen claims. |
| INQ 9-12.9 | Refine claims and counterclaims attending to precision, significance, and knowledge conveyed through the claim while pointing out the strengths and limitations of both. |
| INQ 9-12.10 | Construct arguments using precise and knowledgeable claims, with evidence from multiple sources, while acknowledging counterclaims and evidentiary weaknesses. |
| INQ 9-12.11 | Construct explanations using sound reasoning, correct sequence (linear or non-linear), examples, and details with significant and pertinent information and data, while acknowledging the strengths and weaknesses of the explanation given its purpose (e.g., cause and effect, chronological, procedural, technical). |
| INQ 9-12.13 | Critique the use of claims and evidence in arguments for credibility. |
| CIV 9-12.10 | Analyze the impact and the appropriate roles of personal interests and perspectives on the application of civic virtues, democratic principles, constitutional rights, and human rights. |
| CIV 9-12.13 | Evaluate public policies in terms of intended and unintended outcomes, and related consequences. |

Unit Essential Questions

- What are the key elements of a crime, including the two requisites of a crime, actus reus and mens rea, and the concept of a legal duty to act?
- What are the requirements for a voluntary act?
- What are the different types of intent involved in criminal behavior?

Scope and Sequence

1. Actus reus: the requirement that there must be an act to constitute criminal responsibility

- a. Voluntary acts
 - b. Acts of omission
 - c. Legal duty to act
2. Mens rea: the mental component of criminal responsibility
- a. General vs. specific intent
 - b. Criminal negligence
 - c. Transferred intent
 - d. Strict liability
 - e. The Model Penal Code vs. criminal law

Assured Assessment

Formative Assessment:

- There will be two formative assessments in this unit, each one specific to the concepts of actus reus and mens rea. These quizzes will be in the form of fact patterns designed to assess students' ability to identify and analyze the two major components of criminal responsibility.

Summative Assessment:

- Students will be given a unit quiz based on their understanding and comprehension of the background of the basic elements and classification of crimes. Since the combination of actus reus and mens rea is necessary for an actor to be subject to criminal responsibility, the summative assessment will assess students' ability to analyze both together to determine the presence of criminal responsibility. The assessment will include but not be limited to fact pattern analysis essays for students to read and analyze.

Resources

Core

- Robertson, Cliff, and Michael D. O'Reilly. *Principles of Criminal Law*. 7th ed. New York: Pearson, 2020. Print. Chp. 3.

Supplemental

- *Martin v. State*, 31 Ala. App. 334 (1944).

Time Allotment

- Approximately 3 weeks

UNIT 3

Parties to a Crime: Inchoate vs. Anticipatory Crimes

Unit Goals

At the completion of this unit, students will:

- INQ 9-12.5 Determine the kinds of sources that will be helpful in answering compelling and supporting questions, taking into consideration multiple points of view represented in the sources, the types of sources available, and the potential uses of the sources.
- INQ 9-12.6 Gather relevant information from multiple sources representing a wide range of views on parties to a crime while using the origin, authority, structure, context, and corroborative value of the sources to guide the selection.
- INQ 9-12.8 Identify evidence that draws information directly and substantively from multiple sources to detect inconsistencies in evidence in order to revise or strengthen claims.
- INQ 9-12.9 Refine claims and counterclaims attending to precision, significance, and knowledge conveyed through the claim while pointing out the strengths and limitations of both.
- INQ 9-12.10 Construct arguments using precise and knowledgeable claims, with evidence from multiple sources, while acknowledging counterclaims and evidentiary weaknesses.
- INQ 9-12.11 Construct explanations using sound reasoning, correct sequence (linear or non-linear), examples, and details with significant and pertinent information and data, while acknowledging the strengths and weaknesses of the explanation given its purpose (e.g., cause and effect, chronological, procedural, technical).
- INQ 9-12.13 Critique the use of claims and evidence in arguments for credibility.
- CIV 9-12.10 Analyze the impact and the appropriate roles of personal interests and perspectives on the application of civic virtues, democratic principles, constitutional rights, and human rights.
- CIV 9-12.13 Evaluate public policies in terms of intended and unintended outcomes, and related consequences.

Unit Essential Questions

- Who are the parties to crime, and how does the answer change for inchoate and anticipatory crimes?

- What are the various types of inchoate offenses, including solicitation, conspiracy, and attempt?
- Why are accomplices and accessories held liable for their acts?

Scope and Sequence

1. Main parties to a crime
 - a. Principles vs. accessories vs. accomplices
 - b. Conspiracies
2. Inchoate crimes: crimes that exist in the planning and preparation of the underlying main objective
 - a. Solicitation, conspiracy, and attempt: Similarities and differences
3. Accomplice liability
 - a. Elements of the crime of the principal
 - b. Elements of the crime of the accessory
 - c. Elements of the crime of the accomplice

Assured Assessment

Formative Assessment:

- Students will analyze two famous legal cases, *United States v Resendiz-Ponce* and *New Mexico v. Saiz*, as well as sections of law from the United States Criminal Code and various states to identify the differences and nuances that exist from state to state and from federal to state. Working with partners, students will analyze a given section of a text and present their findings to the whole class.

Summative Assessment:

- At the end of this unit, students will take a comprehensive examination including multiple-choice and matching questions as well as fact pattern analysis questions.

Resources

Core

- Robertson, Cliff, and Michael D. O'Reilley. *Principles of Criminal Law*. 7th ed. New York: Pearson, 2020. Print. Chp. 4.
- *New Mexico v. Saiz*, 2017 NMCA 72 (N.M. Ct. App. 2017).
- *United States v. Resendiz-Ponce*, 549 U.S. 102 (2007).

Supplemental

- 18 U.S. Code Section 373 Solicitation to Commit a Crime of Violence.
- Section 105.00 of the Penal Law of New York State.
- Section 105.17 of the Penal Law of New York State.

Time Allotment

- Approximately 3 weeks

UNIT 4

Criminal Homicide

Unit Goals

At the completion of this unit, students will:

- | | |
|-------------|--|
| INQ 9-12.6 | Gather relevant information from multiple sources representing a wide range of views while using the origin, authority, structure, context, and corroborative value of the sources to guide the selection. |
| INQ 9-12.8 | Identify evidence that draws information directly and substantively from multiple sources to detect inconsistencies in evidence in order to revise or strengthen claims. |
| INQ 9-12.9 | Refine claims and counterclaims attending to precision, significance, and knowledge conveyed through the claim while pointing out the strengths and limitations of both. |
| INQ 9-12.10 | Construct arguments related to criminal homicide using precise and knowledgeable claims, with evidence from multiple sources, while acknowledging counterclaims and evidentiary weaknesses. |
| INQ 9-12.11 | Construct explanations related to criminal homicide using sound reasoning, correct sequence (linear or non-linear), examples, and details with significant and pertinent information and data, while acknowledging the strengths and weaknesses of the explanation given its purpose (e.g., cause and effect, chronological, procedural, technical). |
| INQ 9-12.12 | Present adaptations of arguments and explanations that feature evocative ideas and perspectives on issues and topics to reach a range of audiences and venues outside the classroom using print and oral technologies (e.g., posters, essays, letters, debates, speeches, reports, and maps) and digital technologies (e.g., internet, social media, and digital documentary). |
| INQ 9-12.13 | Critique the use of claims and evidence in arguments for credibility. |
| CIV 9-12.10 | Analyze the impact and the appropriate roles of personal interests and perspectives on the application of civic virtues, democratic principles, constitutional rights, and human rights. |
| CIV 9-12.13 | Evaluate public policies in terms of intended and unintended outcomes, and related consequences. |

Unit Essential Questions

- What are the elements of each type of criminal homicide, including murder, voluntary manslaughter, and involuntary manslaughter?

Scope and Sequence

1. Homicide: What is it?
 - a. Definition of homicide: the killing of one human being by another human being
 - b. Complexity: Not all homicides are criminal
2. Types of criminal homicide
 - a. Murder
 - b. Felony murder
 - c. Voluntary manslaughter
 - d. Involuntary manslaughter
 - e. Negligent manslaughter
3. Model Penal Code analysis of criminal homicide: What levels of mens rea constitute which level of criminal homicide?

Assured Assessment

Formative Assessment:

- Students will be split into groups to each be assigned a type of criminal homicide. Each group's task is to create a mini-lesson to be delivered to the class on that topic, using a one-page outline prepared for and distributed to the other members of the class. In addition, students will create their own fact patterns to distribute to the other members of the class.

Summative Assessment:

- Using the fact patterns created by the students for the formative assessment, the teacher will create a unit-based assessment including not only multiple-choice and short-answer responses, but also analysis of the fact patterns created by students' peers.
- Alternatively, students may take part in a modified mock trial based on a criminal homicide fact pattern.

Resources

Core

- Robertson, Cliff, and Michael D. O'Reilly. *Principles of Criminal Law*. 7th ed. New York: Pearson, 2020. Print. Chp. 6.

Supplemental

- American Law Institute, Model Penal Code and Commentaries, Part II.
- *Fracture*. Dir. Gregory Hoblit, New Line Cinema, 2007. Film.
- Guest speakers from the State of Connecticut Public Defender's Office or other attorneys

Time Allotment

- Approximately 4 weeks

UNIT 5

Crimes against the Person/Property

Unit Goals

At the completion of this unit, students will:

- INQ 9-12.2 Explain points of agreement and disagreement experts have about interpretations and applications of disciplinary concepts and ideas associated with a compelling question.
- INQ 9-12.6 Gather relevant information from multiple sources representing a wide range of views while using the origin, authority, structure, context, and corroborative value of the sources to guide the selection.
- INQ 9-12.8 Identify evidence that draws information directly and substantively from multiple sources to detect inconsistencies in evidence in order to revise or strengthen claims.
- INQ 9-12.9 Refine claims and counterclaims attending to precision, significance, and knowledge conveyed through the claim while pointing out the strengths and limitations of both.
- INQ 9-12.10 Construct arguments related to crimes against the person/property using precise and knowledgeable claims, with evidence from multiple sources, while acknowledging counterclaims and evidentiary weaknesses.
- INQ 9-12.13 Critique the use of claims and evidence in arguments for credibility.
- CIV 9-12.10 Analyze the impact and the appropriate roles of personal interests and perspectives on the application of civic virtues, democratic principles, constitutional rights, and human rights.
- CIV 9-12.13 Evaluate public policies in terms of intended and unintended outcomes, and related consequences.

Unit Essential Questions

- What are the elements of the crimes of kidnapping, false imprisonment, assault, battery, and mayhem?
- What are the differences between simple and felonious assaults?
- What are the differences among various theft crimes: larceny, embezzlement, and robbery?
- What are the elements of the crimes of burglary, criminal trespass, and arson?
- What problems develop in prosecuting cases of crimes against habitations?

Scope and Sequence

1. Analyzing crimes against other persons

- a. Kidnapping
- b. False imprisonment
- c. Assault
- d. Battery
- e. Mayhem
2. Differentiating a felony assault from a simple assault
3. The elements of larceny
 - a. Larceny by trick
 - b. False pretenses
 - c. Embezzlement
 - d. Forgery
4. The elements of robbery as distinguished from simple larceny: Using force
5. The elements of burglary
 - a. Day vs. night component
 - b. What constitutes a dwelling vs. a structure?
6. Criminal trespass
7. Arson

Assured Assessment

Formative Assessment:

- Students will receive formative assessments throughout this unit specific to the concepts addressed. Assessments will include fact pattern analysis questions.

Summative Assessment:

- Students will take a unit-based assessment including not only multiple-choice and short-answer responses, but also analysis of relevant fact patterns.

Resources

Core

- Robertson, Cliff, and Michael D. O'Reilley. *Principles of Criminal Law*. 7th ed. New York: Pearson, 2020. Print. Selections from Chps. 8, 9, & 11.

Supplemental

- Section 236 of the Penal Code of California: Kidnapping.
- *State v. Fransua*, 510 P.2d 106 (1973).
- Section 155.00 of the Penal Law of New York State: Larceny definition.
- Alexander, David A., and Susan Klein. "Kidnapping and Hostage-Taking: A Review of Effects, Coping, and Resilience." *Journal of the Royal Society of Medicine* 102 (Jan. 1, 2009): 16-21. <https://journals.sagepub.com/doi/full/10.1258/jrsm.2008.080347>. Accessed October 9, 2020. Web.
- "Burglary: Elements of the Offense." <https://law.jrank.org/pages/4930/Burglary-Elements-Offense.html>. Accessed October 9, 2020. Web.
- "Lindbergh Baby Kidnapped." <https://www.history.com/this-day-in-history/lindbergh-baby-kidnapped>. Accessed October 9, 2020. Web.

Time Allotment

- Approximately 3-4 weeks

UNIT 6

Criminal Defenses

Unit Goals

At the completion of this unit, students will:

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|-------------|--|
| INQ 9-12.6 | Gather relevant information from multiple sources representing a wide range of views while using the origin, authority, structure, context, and corroborative value of the sources to guide the selection. |
| INQ 9-12.8 | Identify evidence that draws information directly and substantively from multiple sources to detect inconsistencies in evidence in order to revise or strengthen claims. |
| INQ 9-12.9 | Refine claims and counterclaims attending to precision, significance, and knowledge conveyed through the claim while pointing out the strengths and limitations of both. |
| INQ 9-12.10 | Construct arguments related to criminal defenses using precise and knowledgeable claims, with evidence from multiple sources, while acknowledging counterclaims and evidentiary weaknesses. |
| INQ 9-12.11 | Construct explanations related to criminal defenses using sound reasoning, correct sequence (linear or non-linear), examples, and details with significant and pertinent information and data, while acknowledging the strengths and weaknesses of the explanation given its purpose (e.g., cause and effect, chronological, procedural, technical). |
| INQ 9-12.12 | Present adaptations of arguments and explanations that feature evocative ideas and perspectives on issues and topics to reach a range of audiences and venues outside the classroom using print and oral technologies (e.g., posters, essays, letters, debates, speeches, reports, and maps) and digital technologies (e.g., internet, social media, and digital documentary). |
| INQ 9-12.13 | Critique the use of claims and evidence in arguments for credibility. |
| CIV 9-12.6 | Critique relationships among governments, civil societies, and economic markets. |
| CIV 9-12.8 | Evaluate social and political systems in different contexts, times, and places that promote civic virtues and enact democratic principles. |
| CIV 9-12.10 | Analyze the impact and the appropriate roles of personal interests and perspectives on the application of civic virtues, democratic principles, constitutional rights, and human rights. |
| CIV 9-12.13 | Evaluate public policies in terms of intended and unintended outcomes, and related consequences. |

Unit Essential Questions

- What are the differences among criminal responsibility, justification, excuse defenses and procedural defenses?
- What are the differences among the various types of insanity defenses?
- In what situations is use of force permitted in self-defense or defense of others? Under what rationale can duress be used as a defense?
- What defenses exist in relation to time or prior prosecution?

Scope and Sequence

1. Age as a defense: Understanding the necessary mental level to have criminal responsibility
2. The insanity defense
 - a. Test for insanity
 - b. The *M'Naughten* test
3. Justification vs. excuse
 - a. Self-defense
 - b. Defense of others
 - c. Defense of property
 - d. Duress
 - e. Necessity
4. Use of force as it applies to law enforcement
5. Double jeopardy vs. the statute of limitations

Assured Assessment

Formative Assessment:

- Students will participate in a three-day debate on the topic of lethal force as a defense and as used by police. The debate will allow students to research the various uses and applications of lethal force as used both by everyday citizens and by the police in the United States.

Summative Assessment:

- Upon completion of the debate, students will write a persuasive essay on the topic of whether lethal force should be an acceptable defense. Using information obtained in their research for the debate, students will need to address the use of lethal force both by citizens and by police officers.

ResourcesCore

- Robertson, Cliff, and Michael D. O'Reilley. *Principles of Criminal Law*. 7th ed. New York: Pearson, 2020. Print. Chp. 5.

Supplemental

- *Billiot v. Epps*, 671 F.Supp.2d 840 (2009).
- *Cruz v. State*, 465 So. 2nd 516 (Fla. 1985).
- *Graham v. Connor*, 490 U.S. 386 (1989).
- *Tennessee v. Garner*, 471 U.S. 1 (1985).
- *A Crime of Insanity*. PBS. <https://www.pbs.org/wgbh/pages/frontline/shows/crime/>. Web.
- *Law & Disorder*. PBS, 2010. <https://www.pbs.org/wgbh/frontline/film/law-disorder/>. Web.
- National Institute of Justice. "Police Use of Force." <https://nij.ojp.gov/topics/law-enforcement/use-of-force>. Accessed October 9, 2020. Web.

Time Allotment

- Approximately 3-4 weeks

COURSE CREDIT

One-half credit in social studies
One class period daily for a half year

PREREQUISITES

None

ASSURED STUDENT PERFORMANCE RUBRICS

- Trumbull High School School-Wide Reading Rubric (attached)
- Trumbull High School School-Wide Writing Rubric (attached)
- Trumbull High School School-Wide Social & Civic Expectations Rubric (attached)
- Honors Justice & Law Legal Writing Rubric (attached)

Trumbull High School School-Wide Reading Rubric

Category/ Weight	Exemplary 4	Goal 3	Working Toward Goal 2	Needs Support 1-0
Respond X_____	Demonstrates exceptional understanding of text by: <ul style="list-style-type: none"> Clearly identifying the purpose of the text Providing initial reaction richly supported by text Providing a perceptive interpretation 	Demonstrates understanding of text by: <ul style="list-style-type: none"> Identifying the fundamental purpose of the text Providing initial reaction supported by text Providing a clear/straightforward interpretation of the text 	Demonstrates general understanding of text by: <ul style="list-style-type: none"> Partially identifying the purpose of the text Providing initial reaction somewhat supported by text Providing a superficial interpretation of the text 	Demonstrates limited or no understanding of text by: <ul style="list-style-type: none"> Not identifying the purpose of the text Providing initial reaction not supported by text Providing an interpretation not supported by the text
Interpret X_____	Demonstrates exceptional interpretation of text by: <ul style="list-style-type: none"> Extensively reshaping, reflecting, revising, and/or deepening initial understanding Constructing insightful and perceptive ideas about the text. Actively raising critical questions and exploring multiple interpretations of the text 	Demonstrates ability to interpret text by: <ul style="list-style-type: none"> Reshaping, reflecting, revising, and/or deepening initial understanding Summarizing main ideas of text Actively interpreting text by raising questions and looking for answers in text 	Demonstrates general ability to interpret text by: <ul style="list-style-type: none"> Guided reflection and/or revision of initial understanding Summarizing some of the main ideas of text Guided interpretation of text by locating answers to given questions in text 	Demonstrates limited ability to interpret text as evidenced by: <ul style="list-style-type: none"> Struggle to implement guided reflection and/or revision of initial understanding Struggle to summarize any main ideas of text Struggle to answer questions by locating responses in text
Connect X_____	Demonstrates perceptive connections <ul style="list-style-type: none"> text-to-text text-to-self text-to-world 	Demonstrates specific connections <ul style="list-style-type: none"> text-to-text text-to-self text-to-world 	Demonstrates general connections <ul style="list-style-type: none"> text-to-text text-to-self text-to-world 	Struggles to make connections <ul style="list-style-type: none"> text-to-text text-to-self text-to-world
Evaluate X_____	Demonstrates insightful evaluation of text by one or more of the following: <ul style="list-style-type: none"> Critical analysis to create a conclusion supported by the text Perceptive judgments about the quality of the text Synthesis of text Expression of a personal opinion 	Demonstrates an evaluation of text by one or more of the following: <ul style="list-style-type: none"> Critical analysis to form a conclusion from the text Thoughtful judgments about the quality of the text Evaluation of text to express personal opinion(s) 	Demonstrates a general evaluation of text by one or more of the following: <ul style="list-style-type: none"> Formulation of a superficial conclusion from the text Assessment of the quality of the text Use of text to express personal opinion(s) 	Demonstrates a struggle to evaluate the text by one or more of the following: <ul style="list-style-type: none"> Formulation of a conclusion from the text Assessment of the quality of the text Use of text to express personal opinion(s)

Trumbull High School School-Wide Writing Rubric

Category/ Weight	Exemplary 4 Student work:	Goal 3 Student work:	Working Toward Goal 2 Student work:	Needs Support 1-0 Student work:
Purpose X_____	<ul style="list-style-type: none"> • Establishes and maintains a clear purpose • Demonstrates an insightful understanding of audience and task 	<ul style="list-style-type: none"> • Establishes and maintains a purpose • Demonstrates an accurate awareness of audience and task 	<ul style="list-style-type: none"> • Establishes a purpose • Demonstrates an awareness of audience and task 	<ul style="list-style-type: none"> • Does not establish a clear purpose • Demonstrates limited/no awareness of audience and task
Organization X_____	<ul style="list-style-type: none"> • Reflects sophisticated organization throughout • Demonstrates logical progression of ideas • Maintains a clear focus • Utilizes effective transitions 	<ul style="list-style-type: none"> • Reflects organization throughout • Demonstrates logical progression of ideas • Maintains a focus • Utilizes transitions 	<ul style="list-style-type: none"> • Reflects some organization throughout • Demonstrates logical progression of ideas at times • Maintains a vague focus • May utilize some ineffective transitions 	<ul style="list-style-type: none"> • Reflects little/no organization • Lacks logical progression of ideas • Maintains little/no focus • Utilizes ineffective or no transitions
Content X_____	<ul style="list-style-type: none"> • Is accurate, explicit, and vivid • Exhibits ideas that are highly developed and enhanced by specific details and examples 	<ul style="list-style-type: none"> • Is accurate and relevant • Exhibits ideas that are developed and supported by details and examples 	<ul style="list-style-type: none"> • May contain some inaccuracies • Exhibits ideas that are partially supported by details and examples 	<ul style="list-style-type: none"> • Is inaccurate and unclear • Exhibits limited/no ideas supported by specific details and examples
Use of Language X_____	<ul style="list-style-type: none"> • Demonstrates excellent use of language • Demonstrates a highly effective use of standard writing that enhances communication • Contains few or no errors. Errors do not detract from meaning 	<ul style="list-style-type: none"> • Demonstrates competent use of language • Demonstrates effective use of standard writing conventions • Contains few errors. Most errors do not detract from meaning 	<ul style="list-style-type: none"> • Demonstrates use of language • Demonstrates use of standard writing conventions • Contains errors that detract from meaning 	<ul style="list-style-type: none"> • Demonstrates limited competency in use of language • Demonstrates limited use of standard writing conventions • Contains errors that make it difficult to determine meaning

Trumbull High School School-Wide Social and Civic Expectations Rubric

Category/ Weight	Exemplary 4	Goal 3	Working Toward Goal 2	Needs Support 1-0
Responsibility for Self X_____	<ul style="list-style-type: none"> Highly self-directed Consistently displays ethical conduct in the classroom and on campus 	<ul style="list-style-type: none"> Self-directed Displays ethical conduct in the classroom and on campus 	<ul style="list-style-type: none"> Occasionally self-directed At times displays ethical conduct in the classroom and on campus 	<ul style="list-style-type: none"> Rarely self-directed Seldom displays ethical conduct in the classroom and on campus
Respects Others X_____	<ul style="list-style-type: none"> Sensitive and considerate to others 	<ul style="list-style-type: none"> Considerate to others 	<ul style="list-style-type: none"> At times considerate to others 	<ul style="list-style-type: none"> Insensitive to others
Practices Interpersonal Skills X_____	<ul style="list-style-type: none"> Champions discussions to resolve differences through active listening and offers opinions without prompting in a positive and rational manner 	<ul style="list-style-type: none"> Actively discusses avenues to resolve differences when appropriate, and offers encouraging opinions when prompted 	<ul style="list-style-type: none"> At times, appears indifferent to others, does not seek avenues to resolve differences, and is inflexible in his or her own opinions 	<ul style="list-style-type: none"> Demonstrates intolerance and lacks social interaction skills
Cultural Understanding X_____	<ul style="list-style-type: none"> Demonstrates a high level of cultural understanding and respect for the uniqueness of others, their practices and perspectives 	<ul style="list-style-type: none"> Demonstrates an appreciation of cultural understanding and respect for the uniqueness of others, their practices and perspectives 	<ul style="list-style-type: none"> Demonstrates little appreciation of cultural understanding and respect for the uniqueness of others, their practices and perspectives 	<ul style="list-style-type: none"> Demonstrates a lack of appreciation of cultural understanding and respect for the uniqueness of others, their practices and perspectives

Honors Justice & Law Legal Writing Rubric

Name: _____ Assignment: _____

	Exemplary (4 points) Advanced work for a high school student. Work would require very little revision if any at all.	Competent (3 points) Proficient work for a high school student. Work may require revision.	Developing (2-1 points) Work needs additional content or skills to be proficient.
Legal Analysis Skills: Questions/Summary/Facts			
Question Presented	Includes clear identification of legal issues presented with clarity and substantial legal references.	Includes identification of legal issues with some clarity and some legal references.	Identification of legal issues is sparse, lacks clarity, and/or legal references are missing.
Summary	Reaches clear conclusion on legal issues presented using proper legal analysis. Facts used are on point and directly support the conclusion.	Reaches conclusion on legal issues presented using legal analysis. Facts used are generally on point and directly support the conclusion.	Comes to a vague and ambiguous conclusion. Facts do not support the conclusion.
Facts	Includes and logically organizes all material facts, including facts supporting both argument and counterargument.	Includes and organizes most material facts, including facts pertinent to argument and counterargument.	No or few material facts are included.
Legal Writing			
Organization	Document follows requested format, with paragraphs effectively organized and well-ordered to communicate logical progression; uses proper legal thesis and topic sentences.	Document follows requested format, with paragraph organization and order usually effective; uses effective thesis and topic sentences.	Document does not follow requested format, and/or paragraph organization and order are ineffective; thesis and topic sentences are generally missing or ineffective.
Writing Style and Persuasiveness	Writing is concise and uses nearly error-free mechanics, proper grammar, and fluidity for reading; uses facts and arguments to provide persuasiveness.	Writing is concise, with few errors and generally fluid reading; uses facts and arguments to provide persuasiveness.	Writing is only somewhat concise; many errors with grammar create lack of fluidity for reading; uses few or no facts, and little or no argument, to provide persuasiveness.

Assignment Total Points: _____