

CRIMINAL LAW
Fall 2009

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T/TH / (Fri.)
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Course Requirements and Syllabus

I. Course Objectives

In this class you will learn what behaviors have been proscribed by the State. You will learn both common and modern law as it pertains to the criminalization of conduct and, in the narrowest of circumstances, speech. Consequently, we will study specific categories of crime, such as larceny, robbery, burglary, homicide and conceptions of individual and group liability. Additionally, the course will deconstruct the defense of justification or self defense. Here, issues of justification will be examined by studying theories that have emerged particular to the defense of battered women who have fought back.

II. Course requirements

A. Attendance: Attendance is *mandatory*. If you accrue more than four (4) absences you shall be barred from taking the final. Consequently, if barred from the final you shall fail the course. Attendance sheets will be circulated at the

beginning of class. It is your responsibility to sign-in. If you do not sign the attendance sheet, you will be counted as *absent*.

B. Punctuality: Lateness will not be tolerated. Once the class starts there will be no admittance into the classroom.

C. Class participation: Class participation counts for ten percent (10%) of your final grade. Thus, it is imperative that you come to class *on time and prepared* to engage with your colleagues and with the professor. In order to receive the maximum number of points students should:

1. **Volunteer** to answer questions by raising their hands;
2. **Consistently contribute** to class discussion and;
3. **Be *productive*** members of the class.

Because I randomly call on students, you must prepare for each class—such preparation requires reading and thinking about the material *before* you step into the classroom. ***If you are unprepared and need to pass, you may do so twice only—any subsequent passes will count as an absence.***

It is each student's responsibility to contribute in class. If you do not volunteer you may not be called upon to take part in discussion. While I do call on students randomly, you should not rely on my getting to you if you do not indicate a willingness to speak. Because there are over fifty students in this class, it is conceivable that I won't call on each of you multiple times. Therefore, if you have not been contributing to discussion, it is your responsibility to *volunteer* to discuss a case, and you may do this by either requesting to speak via e-mail, a visit to my office or right after or before class. Again, participation is the responsibility of each student—not the professor's responsibility.

D. Small Group Participation: All students will be assigned to a small group. You should use this time to review material covered in the previous classes, address any handouts, problems, or simulation material that is given out. You may convene your

group any time during the school week, so long as the time is agreed upon by every member. I am willing to attend meetings so long as I receive an invitation a week before the requested date.

These meetings will be student facilitated and are the responsibility of group members. Attendance at the small group sessions counts as part of the attendance policy. Consequently, your group shall submit an attendance sheet each Tuesday following the meeting. You will receive a grade for group work and it shall be ascribed *by your colleagues*. **Group work counts for five percent of the final grade.** This grade will be factored into the final grade for the semester.

E. Class: The class will meet on Tuesdays and Thursdays from **8:30 AM - 10:15AM**.

III. Assessment and Grading

A. Examination (90%)

There is only one examination in this class, the final exam. The exam will count for 80% of the final grade. It will be an in-class, closed book examination on the day assigned by the registrar.

B. Participation (10%)

Class participation: **5%**

Small Group Participation: **5%**

IV. Office Hours

Student **MUST** schedule an appointment. To schedule an appointment e-mail possible dates/times. If you are unable to keep an appointment, please let me know 24 hours before the scheduled time. Students who fail to notify or do not show-up for appointments will **not** receive another appointment.

V. Seating Chart

Be sure to fill in your name in the correct space on the seating chart. This is the way that I will learn names (as opposed to referring to a student as “Hey you.”) You also should use the name card that is distributed during the second week of class. Display this card during class.

VI. Grade Changes and review of final examination.

I do **not** change grades under **any** circumstances unless there is a numerical error of EIGHT or more points. If you wish to review your final, you may do so but not for the purpose of increasing scores. A review of the exam is to help you identify your strengths and weakness. If you wish for me to review your exam, you must first go over your answer, the grade sheet and in addition make a list of questions that you wish to address.

SYLLABUS

TEXT: Cook & Marcus, *Criminal Law (6th Ed. 2009)*. All readings assigned are from this casebook. There may be handouts of articles or law reviews. These handouts will be denoted with an “H.”

AUGUST

18: Overview of Class: How to Succeed by Really Trying
The Court System
The Decision to Punish
How to Survive Law School

p. 1-113 (Skim)

20- Structure of Crimes: Overview

- * **The Act: What constitutes a legally sufficient act?**
Conceptions of Voluntariness.
p. 114-123

25- The Act: Omissions and possession as an act
p. 123-126; 129-134

27- Mental State: Overview and the first two mental states.

- Purposeful p. 139 – 147
- Knowingly p. 153-top 157; 163-166

SEPTEMBER

1- Mental State: The remaining two mental states.

- Reckless p.171-177; 182-186
- Negligent p.186-191

3-Mistake of Fact & Mistake of Law, General and Specific Intent Crimes
p. 202-207

8 -Theft Offenses: Common Law Larceny

Trespass and Taking

- What constitutes a trespass? p. 267-275
- What constitutes a taking? p. 276-282

10- Theft Offenses : Common Law Larceny

- What constitutes asportation? p. 282-283
- What constitutes personal prop.? p. 288-295
- What constitutes 'of another' *or* can you steal from yourself? p. 303-304
- What constitutes the specific intent to permanently deprive? p. 304-305

15- Theft Offenses : False Pretense & Embezzlement

- False Pretense p. 317-middle of 323
- Embezzlement p. 334-mid-339

17- Theft Offenses: Robbery and Burglary

- Robbery: p. 344-347
- Burglary: p. 358-362

22- Homicide: Overview and first two theories.

- + What constitutes *the killing of a Human Being*? P.455-462
- Murder: Intent to Kill (ITK) p. 463-468
- Intent to Inflict Great Bodily Harm(IIGBH) p. 468-Top 474

24- Homicide - Murder

- Depraved Indifference Murder (DIM) p. 474-478; 481-486

29-Homicide: Felony Murder

- Overview
- Death that occurs during commission of a BARRKS felony p.497-503
- Extent of Liability p. 507-526

OCTOBER

1-Homicide: Voluntary Manslaughter

- Heat of Passion Killing p. 545-551, 557-top 561

6-Homicide : Involuntary Manslaughter

- The unintentional homicide or criminally negligent homicide p.564-578

8- Work in Small Groups on practice problems: No Large Class

13- Causation

Was the defendant the cause of V's death/injury and was V's death/injury foreseeable? p.583-598

15- Accomplice Liability: Theory of prosecution of co-defendants.

- Overview p.227-232
- State of mind required to be an accomplice. p. 233-239

20- Accomplice Liability

- What constitutes aid? p. 242-252
- Extent of liability p. 252-255

22- Accomplice Liability

- Can a defendant withdraw? If so at what point? p. 255-258
- The AAF

Overview: Inchoate crimes

27- Inchoate Crimes: Solicitation

p. 599-611; 614-620

Can defendant withdraw?

29- Inchoate Crimes: Attempt

- Mental state required p. 620-622; 628-633
- The act required: Substantial Step vs. Dangerous Proximity p.635-646

November

3- Inchoate Crimes: Attempt

- The completed offense p. 654-659
- Can one abandonment an attempt? p. 660-663

5- Inchoate Crimes: Conspiracy

- Overview
- Mental state required p. 684-690; 695-698
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10 &12 - Inchoate Crimes: Conspiracy

- The agreement p. 698-704; 707-711
- The completed conspiracy. p. 724-732

17-Defenses: Self Defense or Justification

- * When can one use deadly physical force?
- * Conceptions of reasonableness:

Who *is* the reasonable prudent person-Battered women and conceptions of reasonableness p. 733-763; 769-top 775

19 - Defenses: Defense of Others and Property :

LAST CLASS

p. 786-800

END OF SYLLABUS