

Course Policies and Syllabus  
**CRIMINAL LAW**  
MWF-2:00pm  
Professor Sanders

**Grading**

**25% Final** (Cumulative): (25 multi-state questions)

**20% February Exam** (10 multi-state questions and issue statements)

**20% March Exam** (Cumulative) (10 multi-state questions and issue statements)

**25% (3) Pop Quizzes:** (Cumulative) ( two 10-question and one 5-question multiple-choice quiz)

**10% Average score on clicker quizzes and other web-based quizzes**

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**100% Comprehensive Exam**

**200% TOTAL**

**Course Description**

This course introduces substantive criminal law. The course surveys the legal requirements for criminal liability as well as explores the elements of crimes and defenses under common law, the MPC and under most modern statutes. The crimes covered include but are not limited to murder, rape, assault, manslaughter, larceny and conspiracy. The defenses discussed will include defenses such as self-defense, necessity and insanity. The core skill you will develop in this course is evaluating criminal liability. This includes the ability to look at a criminal statute, identify the elements of the criminal offense, apply the facts of a particular case to the elements, and identify and apply potential defenses. You will also learn how to think like a lawyer—look at facts objectively and develop the ability to argue all sides of a particular issue.

**General Info**

**Contact Info:** Office: 236D  
E-Mail: docksanders@gmail.com

**Office Hours:** MW 3:00-6:00, F 3:00-5:00

**Required Materials:** Dressler, Joshua, *Cases and Materials on Criminal Law*, (ThomsonWest, 7<sup>th</sup> edition). Additional required materials will be posted on TWEN or distributed in class.

**Recommended:** *Criminal Law: Examples and Explanations*, (Wolters Kluwer); Kathryn

Christopher & Russell Christopher, *Criminal Law: Model Problems and Outstanding Answers* (2012)

**TWEN.** This class will use the TWEN webcourse. You must register for the TWEN Webcourse so you can receive emails from me. Once registered, you are responsible for logging on to TWEN to access handouts, assignments, and announcements.

### **Class Policies**

**Assignments.** An outline of tentative reading assignments (syllabus) is provided below. The official class-to-class assignments will be provided at the end of each class. Students should bring all handouts with them to class.

You may on occasion be given hypotheticals, multiple-choice questions, and other assignments to work on outside of class.

**Class Discussions.** All students will be on call each and every class period. Each student should be prepared to be orally examined on the assigned cases and materials. Students should also be prepared to answer hypotheticals designed to test their understanding of the rules and rationales underlying the rules. Students who are called upon to present their briefs of the cases should stand up and remain standing until the completion of the oral examination.

*You are not allowed to have your casebook on your desk during class unless specifically authorized by the professor.*

Each student is awarded 4 (4) passes that he or she may use at his or her discretion. Thereafter, a percentage point (1) will be deducted from your final grade total for each instance of un-readiness.

**Attendance, Preparation and Participation and other policies.** You should come to class and be prepared to discuss the assignments for that class. You will be quizzed frequently on reading assignments as well as on any material covered or assigned in the two-week period including and preceding the day of the pop quiz. This means, in preparation for each class, you should not only read the cases, you should study, understand, memorize and be able to apply the rules and elements of crimes and defenses announced in each case. Furthermore, you should review and study rules, elements of crimes or defenses, and notes (student notes and any notes I have provided) from the prior class. Also, before the beginning of each class week, you should review all rules, elements and notes from the prior week.

You should bring an internet accessible device to each class. Many pop quizzes will be given using the turning point software which requires internet access.

A failure to attend class regularly, or to be prepared in class, will adversely affect your grade. Students must miss no more than 5 classes over the course of the semester in order to receive credit for the course. Moreover, because you will be given quizzes on a regular basis, missing classes also means missing quizzes. This will directly affect your grade.

No in-class exams, quizzes, or assignments may be made up unless the absence is excused by the dean of student's office. Thus any request to make up a quiz, exam or to submit a brief should be made only after an excuse is obtained from the dean of students and communicated to the professor.

Internet usage is not allowed during class for any purpose unless under the express direction of the professor.

Audio or video recordings of the lecture and/or class discussion are not allowed

**Professionalism.** You are expected to treat your colleagues like you want to be treated. You are also expected to be respectful of the teaching process and to abstain from any activity that may detract from the learning environment, including but not limited to engaging in distracting side conversations and not waiting to be acknowledged before you speak. You are expected to be in class on time and to remain there throughout the class period, barring an emergency, i.e. restroom needs.

## Syllabus

This syllabus is tentative. Changes will be announced in class. Page numbers refer to the casebook, MPC refers to the Model Penal Code (a casebook appendix).

### BACKGROUND

- **CHAPTER 1:** background: 1-19
- **CHAPTER 2:** theories of punishment: 30-49
- **CHAPTER 3:** principal of legality: 93-121 (*mochan, keeler*), notes and questions (means be prepared to discuss all notes and answer all questions posed by the author); Statutory interpretation: 121-133

### COMPONENTS OF CRIMES

#### ACTUS REUS/POSSESSION/OMISSIONS (5%)—MPC & MMJ

#### CHAPTER 4. Actus Reus

- Introductory Comment: Defining “Actus Reus” 133-134
  - **Voluntary Act** 134-143 (*Martin, Utter*), notes and questions
  - MPC 1.13(2) – 1.13(7), 2.01
- **Omissions**
  - General Principles 143-149 (*Beardsley*), notes and questions
  - Distinguishing Acts from Omissions 149-155 (*Barber*), notes and questions
  - MPC 2.01(3)
- Social Harm

- 154-157, notes and questions

## **CHAPTER 5. Mens Rea**

- Nature of Mens Rea
  - 157-161 (*Cordoba-Hincapie, Cunningham*), notes and questions
  - MPC 2.02-2.03
- General Issues in Proving Culpability
  - Intent 161-168 (*Conley*), notes and questions
  - The Model Penal Code Approach 168-173, notes and questions
  - “Knowledge” of Attendant Circumstances (Wilful Blindness) 173-185 (*Nations, Flores-Figueroa*), notes and questions
- **Strict Liability Offenses**
  - 185-206 (*Morissette, Staples, Garnett*), notes and questions
- **Mistake and Mens Rea**
  - Mistake Of Fact 206-211 (*Navarro*), notes and questions; MPC 2:04
  - Mistake Of Law 211-229 (*Marrero, Cheek*), notes and questions; MPC 2.04(3)

## **CHAPTER 6. Causation**

- Actual Cause 229-235 (*Velazquez, Oxendine*), notes and questions
- Proximate Cause 235-250 (*Rideout, Velazquez*), notes and questions
- Concurrence of Elements 250-253 (*Rose*), notes and questions
- MPC 2.03

## **CRIMINAL OFFENSES 1**

### **HOMICIDE (15%)—CL & MPC & MMJ (ALL 3)**

## **CHAPTER 7. Criminal Homicide**

- Introduction
  - 253-27
  - The Protected Interest: “Human Being:” 271-273 (*Eulo*), notes and questions
- **1st and 2nd Degree**
  - 273-285 (*Guthrie, Midgett, Forrest*), notes and questions
- **Manslaughter**
  - 285-316 (*Girouard, Casassa*), notes and questions
- **Depraved Heart Murder**
  - 316-333 (*Knoller, Williams*), notes and questions
- **MPC Homicide**
  - MPC 210.1
  - MPC 210.2
  - MPC 210.3
  - MPC 210.4
- **Felony Murder**
  - Introduction, 333-345 (*Fuller*), notes and questions
  - Limitations

- Introduction, 345-346
- Inherently Dangerous Felony Limitation, 346-353 (*Howard*), notes and questions
- Independent Felony Limitation: 356-359 (*Smith*), notes and questions
- Agency Limitation: 359-363(*Sophophone*), notes and questions
- **Misdemeanor Manslaughter** 363-365, notes and questions

## CRIMES AGAINST PERSON/ASSAULT/RAPE (5%)—MMJ & CL

### CHAPTER 8. Rape

- Introduction 407-433, notes and questions
- Forcible Rape 433-450 (*Rusk, Rusk, Berkowitz, M.T.S*), notes and questions
- Moving Beyond Traditional Concepts of Forcible Rape 450-477, notes and questions
- Mens Rea 477-485 (*Lopez*), notes and questions
- Other Forms of Sexual Assault 485-490 (*Boro*), notes and questions
- Rape Shield Laws 490-496 (*Herndon, Wilhelm*), notes and questions
- Statutory Rape 496-501 (*Garnett*), notes and questions

### ASSAULT:

- 820-823

## CRIMINAL DEFENSES

### DEFENSES (15%)—MPC & MMJ

### CHAPTER 9. Self-Defense

- Introduction to Defenses: 501-508, notes and questions
- Burden of Proof: 508-517 (*Patterson*), notes and questions
- Principles of Justification: 517-521
- Introduction to Self-Defense: 521-533 (*Peterson*), notes and questions
- Reasonable Belief
  - General: 533-548 (*Goetz*), notes and questions
  - Reasonable Person: 548-556 (*Wanrow*), notes and questions
- MPC 3.04, 3.09
- Battered Woman Syndrome. 556-575 (*Norman, Norman*), notes and questions

### CHAPTER 9 (cont). Other Defenses

- **Defense of Others**
  - 575-579 (*Kurr*), notes and questions
  - MPC 3.05, 3.09
- **Defense of Habitation/Property** and Law Enforcement Defenses
  - 579-586 (*Boyett*), notes and questions
  - MPC 3.05
  - MPC 3.07

- **Necessity**
  - 586-609 (*Nelson, Schoon, Dudley and Stephens*), notes and questions
- **Duress**
  - 613-634 (*Contento-Pachon, Unger, Anderson*), notes and questions
  - MPC 2.09
- **Intoxication**
  - 634-642 (*Veach*), notes and questions
  - MPC 2.08
- **Insanity**
  - 642-683 (*Freeman, Johnson, Wilson, Yates*), notes and questions; MPC: 4.01, 2.08
- **Diminished Capacity**
  - 683-699 (*Clark*), notes and questions
  - MPC 4.01

### HANDOUT DEFENSES

- Resisting Unlawful Arrest
  - Handout
  - MPC 3.09
- Entrapment
  - Handout
  - MPC 2.13

### INCHOATE OFFENSES

## INCHOATE CRIMES/SOLICITATION, ATTEMPTS, CONSPIRACY (20%)—MMJ & MPC

### CHAPTER 10: Inchoate Offenses

- **Introduction**
  - 761-764, notes and questions; MPC 5.01
  - Punishing Pre-Attempt Conduct, 823-830
- **Attempt**
  - Introduction: 764-769, notes and questions
  - Grading Criminal Attempts 769-771, notes and questions
    - MPC 5.05
  - Mens Rea 771-779 (*Gentry, Bruce*), notes and questions
  - Actus Reus
    - General Principals 779-783 (*Mandujano*), notes and questions
    - Distinguishing Preparation from Perpetration: The Tests 783-800 (*Peaslee, Rizzo, Miller*), Reeves, notes and questions
  - MPC 5.01
  - Special Defenses

- Impossibility 800-816 (*Thousand*), notes and questions
- Abandonment: 816-820 (*McCloskey*), notes and questions
- **Solicitation**
  - 830-836 (*Mann, Cotton*), notes and questions
  - MPC—5.02 ; 5.05
- **Conspiracy**
  - General Principles 836-844 (*Carter*), notes and questions
  - Mens Rea 844-856 (*Swain, Lauria*), notes and questions
  - Actus Reus 856-864 (*Azim, Cook*), notes and questions
  - MPC 5.03; 5.05
  - Bilateral v. Unilateral 864-870 (*Foster*), notes and questions
  - Scope of an Agreement: Party and Object Dimensions 870-879 (*Kilgore, Barverman*), notes and questions
  - Defenses 879-891 (*Iannelli, Gebardi, Sconce*), notes and questions

## SECONDARY LIABILITY

### PARTIES (10%)—MPC & MMJ

#### CHAPTER 11. Liability for the Conduct of Another

- **Accomplice Liability:**
  - General Principles 891-895 (*Ward*), notes and questions
  - In General 895-899 (*Hoselton*), notes and questions
  - **Mens Rea**
    - Intent: “Purpose” or “Knowledge”? 899-901 (*Lauria*), notes and questions
    - When Is “Intent” Not Required? 901-908 (*Riley*), notes and questions
    - Attendant Circumstances 908-909, notes and questions
    - Natural-and Probable-Consequences Doctrine 909-913 (*Linscott*), notes and questions
  - **Actus Reus** 913-925 (*V.T., Wilcox, Helmenstein, Genoa*), notes and questions
  - Distinguishing Direct from Accomplice Liability 925-929 (*Bailey*), notes and questions
  - Relationship of the Liability of the Accomplice to the Principal 929-935 (*Lopez, McCoy*), notes and questions
  - Limits to Accomplice Liability 935-940 (*Meagan, Formella*), notes and questions
  - **MPC 2.06**
- **Conspiracy Liability:** 940 (*Pinkerton*), notes and questions
- **Vicarious Liability:** 940-946 (*Koczwarra*), notes and questions
- **Corporate Liability:** 946-961 (*Christy, Pontiac*), notes and questions ; MPC 2.07

## CRIMINAL OFFENSES 2 (THEFT)

### LARCENY/BURGLARY/RELATED CRIMES (10%)—CL (ONLY)

## Chapter 12: Theft

- Introduction 961-962
- **Larceny**
  - **Actus Reus**
    - “Trespassory Taking and Carrying Away” 962-975 (*Lee, Chisser, Mafnas, Topolewski, Pear, Brooks*) notes and questions
    - “The Personal Property of Another” 975-979 (*Lund*), notes and questions
  - **Mens Rea:** “With the Intent to Steal the Property” 979-988 (*Brown, Davis*)
- **Embezzlement:** 988-992 (*Bazeley*), notes and questions
- **False Pretenses:** 992-997 (*Ingram, Whight*), notes and questions

## Burglary

- Handout

## CRIMINAL OFFENSES 3: OTHER CRIMES

## Arson

- Handout

Key:

**CL** = Common Law

**MMJ** = Modern Majority Jurisdictions

**MPC** = Model Penal Code