

CRIMINAL LAW

COURSE LAW 530, SEC. 4

SPRING 2023

**MEETS IN PERSON: MWF 10:00 TO 10:50 A.M. IN
ROOM 203**

Shaundra Kellam Lewis, Associate Dean for Academic Affairs and
Professor of Law

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THE PROFESSOR

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LOCATION: Room 223C

OFFICE HOURS: MWF 11:00 to 12:00 p.m.
(Other times by appointment)

NOTE FROM THE PROFESSOR:

Welcome back! I look forward to working with every single one of you this semester as you learn Criminal Law.

COURSE BOOKS & MATERIAL

Required Textbook

Joshua Dressler & Stephen P. Garvey, *Criminal Law Cases and Materials* (9th ed. 2022).

Recommended Text

Joshua Dressler, *Understanding Criminal Law* (8th ed. 2018)

Secondary Sources (Should be Available in the Library)

Wayne R. LaFare, *Criminal Law* (6th ed. 2017)

Paul Robinson & Michael T. Cahill, *Criminal Law* (2d ed. 2012)

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

COURSE DESCRIPTION & OBJECTIVE

DESCRIPTION:

The primary goal of this course is to not only teach you the black-letter law regarding certain crimes and defenses tested on the bar exam but to teach you the critical thinking and analytical skills necessary to determine when a crime has been committed, what defenses are applicable, and what arguments can be advanced on behalf of the prosecution and the defense in a criminal scenario.

In general, this course will focus on the following skills:

1. **Critical Reading and Thinking**—Your ability to read judicial opinions, criminal statutes, and the Model Penal Code (“MPC”), and not only deeply understand their meaning but the public policies underpinning these laws and the MPC.
2. **Legal Analysis and Writing**—Your ability to identify issues, determine the applicable law, and apply the law to the facts in either a well-organized, reasoned, and written analysis or multiple-choice examination.
3. **Oral Communication**—Your ability to explain how the law applies to various criminal law hypotheticals during class discussions.

OBJECTIVE:

By the end of this course, you should have an in-depth understanding of the Criminal Law.

STUDENT LEARNING OUTCOMES

The following provides a more detailed list of the student learning outcomes and objectives for this course. This list reflects the key lawyering skills that you should acquire this semester.

1. **Critical Reading and Thinking.** Students will be able to:
 - a. Read, understand, and evaluate cases by:
 - i. Identifying the critical components of an opinion, including the relevant facts, the issue(s), legal rule(s), holding(s), reasons and policies underlying a court's decision;
 - ii. Synthesizing a line of related opinions to derive the governing law; and
 - b. Read, understand, and evaluate statutes and the Model Penal Code.
2. **Legal Problem Solving.** Students will be able to:
 - a. Identify legal issues in simple and complex fact situations;
 - b. Identify the relevant legal authority and policy;
 - c. Use understanding of relevant legal authority to predict answers to the legal issues or questions presented; and
 - d. Identify unresolved legal and factual issues.
3. **Legal Argument.** Students will be able to:
 - a. Make effective arguments by accurately formulating the law;
 - b. Develop, elaborate, and evaluate legal theories relevant to the situation; and
 - c. Articulate clear inferences for factual support.

COURSE METHODOLOGY

In this course, you will learn Criminal Law by reading your textbook; briefing your cases, creating your own subject-matter outline, chart or comprehensive study aid; participating in class discussions; and taking a number of assessments. Each assessment is designed to not only assess your knowledge of the Criminal Law but your ability to critically think about a legal problem and, in some assessments, explain your legal analysis in a well-reasoned essay-format.

Additionally, the socratic-method will be employed to probe your level of understanding of a topic and to encourage you to think more deeply about the law. You are expected to be prepared for every class, as you will be called upon randomly. Failure to be prepared for class may result in a reduction of your professionalism points, being dismissed from class, and a reduction in your overall final grade.

GRADING

1. **Course Format:** Criminal Law is a three-credit hour course. As described in more detail below, half of your grade will be based upon your performance in this class and the other half of your grade will be based upon your performance on a uniform coursewide multiple-choice exam. Moreover, this class is subject to a mandatory curve that will be applied across the entire first-year class instead of just within this section. The first-year mandatory curve is set forth in your Student Handbook.

2. **Final Grade:** Your final grade will be based on the following:

Quizzes and Practice Essay	10%
Midterm Exam (essay)	15%
Final Exam (multiple-choice)	20%
Professionalism Points	5%
Coursewide Uniform Comprehensive Final Exam (multiple-choice)	<u>50%</u>
Total:	100%

ACCOMMODATIONS

The TMSL administrative process for student accommodations will be carried out by the TSU Student Accessibility Services Office (SASO). Managed by Director Sharron Benavides, SASO specializes in accommodation services and will provide efficient and professional services to Thurgood Law students who may need accommodations.

New Accommodation Requests

1. Students must have a diagnosed disability and authentic documentation to apply for services.
2. Once the applicant's disability information is received, SASO will contact the student to schedule an Intake appointment (virtual) for the student to self-report any disability challenges/barriers associated with the condition that impacts functioning abilities in the learning environment.
3. SASO will next determine the student's eligibility status and accommodation plan based on the disability, historical documentation, and self-reporting data. SASO will send a notification letter indicating the applicant's service status. The notification letter requires the applicant's signature.
4. Upon receipt of the signed notification letter, SASO will forward a copy of the accommodation letter to the student, with instruction on how to complete the accommodation process.
5. Students must meet with each Instructor to discuss how accommodations will be implemented. The student and Instructor must sign the accommodation letter. The student will return a copy of the signed accommodation letter to SASO electronically.

WELLNESS RESOURCES

Law school is difficult. If you are struggling, I encourage you to seek help. If you see someone else struggling, encourage that person to reach out. We must take care of ourselves and each other.

Associate Dean Ratra works with students to resolve issues that might impact their course of study. You can reach her by calling or stopping into the Dean's suite or by email at miamy.ratra@tsu.edu.

As part of your tuition, TSU's University Counseling Center (in the Student Health Center) offers confidential counseling and support, crisis intervention, grief counseling, outreach, and referral services to all enrolled students. Contact the counseling center through <http://students.tsu.edu/departments/university-counseling-center/> or by calling 713.313.7804 during business hours (Monday-Friday, 8:00 a.m.-5:00 p.m.). For an emergency after business hours, call 911. For a non-emergency crisis after business hours, call 713.313.7863.

The Texas Lawyers Assistance Program from the State Bar of Texas is an amazing resource, not only for practicing lawyers but specifically for law students as well. TLAP offers confidential crisis counseling, referrals, and peer assistance relating to alcohol and drug abuse, mental health issues, and wellness. Contact TLAP through <https://www.tlaphelps.org> or by calling 800.343.8527 (available 24/7).

I am available if you need a sounding board or have any other type of problem you need to discuss. Please drop in during office hours or email me.

PARTICIPATION, ATTENDANCE & PROFESSIONALISM

Class participation and attendance will be considered in determining your final course grade. "Participation, Professionalism, and Attentiveness" points ("PPA points") **will be deducted** for the following: not being prepared for class; being disrespectful to me or your classmates; writing the wrong exam number on an exam or assignment; excessive tardiness; and displaying immature or unprofessional conduct. Examples of "immature or unprofessional conduct" include but are not limited to: sighing out loud in class or making other inappropriate outbursts; walking in and out of class after instruction has begun (unless you have a medical problem and have received an accommodation from the Dean of Students); permitting your cell phone or other electronic device to ring during class; viewing material on your laptop or smart electronic device unrelated to class; using profanity or offensive language during class; and engaging in a verbal/physical altercation in class. Generally, in gauging what constitutes unprofessional behavior, consider whether your conduct would be acceptable in a court of law. If it would not be tolerated, please do not do it in class.

POLICIES & PROCEDURES

1. Class Preparation

To maximize your learning experience, you should complete the reading and writing assignments in the Syllabus no later than the date the assignments are due. For instance, if under the date “Monday, January 30, 2023,” it states read pages 1-20 in your textbook, you should have done this reading before class on that day. Please note that reading and other assignments are subject to change and sufficient notice will be given in advance for any alterations to assignments.

2. Exam Numbers

You are required to use an anonymous exam number for exams. You may obtain an anonymous exam number from the Registrar.

3. Assessment

This course is designed to help you acquire the knowledge and skills to apply evidence rules in a courtroom setting. To help you meet that goal, you will have some short practical assignments to practice those skills in addition to your exams.

3.1 **Faculty Assessment.** I will go over answers to quizzes and midterm essay exam in class. Additionally, I will provide individualized critiques on your essay exam.

3.2 **Criminal Law Teaching Assistant Assessment.** Your Criminal Law tutor will hold regular tutorial sessions over topics covered weekly or biweekly starting the second or third week of school. He will also provide you with multistate bar exam type questions similar to a quiz or exam you may see in my class. If you feel that your tutor has provided advice that is inconsistent with something in your textbook or that I have said in class, you should defer to me and your textbook. You are ultimately responsible for your own understanding of the law; thus, if you are presented with conflicting views of the law, it is your responsibility to seek clarification from me.

3.3 **Self-Assessment.** Finally, and perhaps most importantly, you will engage in self-assessment. For example, I may provide sample answers to practice essay exams. You should use these samples to critique your own work and identify the areas where you need to gain a greater understanding.

4. Attendance

Class attendance is mandatory. I will take attendance at the beginning of each class. Per the Student Rules and Regulations, for this three-hour course, you will be permitted three

absences. Tardiness will be considered an absence, as will dismissal from class for misconduct or lack of proper preparation. Please see the Student Rules and Regulations for information on grade reduction and further details on absences. The class attendance rule is strictly enforced. the Attendance Policy.

5. Academic Dishonesty

Academic dishonesty in any form is strictly prohibited and will not be tolerated. All quizzes and exams are closed book. You may not consult any other person or source doing your quizzes and exams. Doing so is a violation of the school's Honor Code policy and will result in a "0," on the assignment and possibly an "F" in the course. Additionally, I may refer your case to the Honor Court, which may lead to your suspension or expulsion. All disciplinary action taken against a student for academic dishonesty must be reported to any state bar in which you seek admission to be an attorney.

6. Gun Policy

State law permits you to carry a concealed firearm on campus into areas that have not been designated as gun-free zones. My office and any space in which I work or meet with students is a *gun-free zone*; thus, it is unlawful to carry a firearm inside these spaces. Bringing a firearm into my office or any other designated gun-free zone on campus could lead to criminal charges and/or expulsion from this university. For a complete list of the gun-free areas on campus and the rules governing campus carry at this university, please visit Texas Southern University's website.

7. Online Class (if needed)

We may have some class sessions online remotely. If our class is online, this online class policy will apply.

7.1 The same attendance and participation rules and expectations that apply for in-person classes apply to virtual class sessions. The school requires me to take attendance for every class. You must have your video on during class the entire time to be counted present.

7.2 If you attend class on campus, regardless of whether I am teaching in our classroom or online, you must be in our physical classroom during class and have a computer and headphones with you.

7.3 If you attend class off campus, you should be in a space with minimal distractions and interferences and be able to access your course materials. Silence notifications on your computer and phone. We must all do our best to maintain a professional environment.

7.4 When you join the Zoom class, turn your video camera on but mute your microphone. Turn on your microphone only when you speak in class.

7.5 Treat the online class as a professional environment. Do not join a Zoom class while engaging in other activities, such as driving a car, exercising, or lying in bed.

7.6 You can access our online Zoom class with meeting code 447 572 6474. You must be logged in and ready to go no later than **five minutes** before class begins so that we can begin class on time.

7.7 If technical difficulties occur during class, please check your email for further instructions. Please be patient and expect technical difficulties. If you experience technical problems, please rejoin our Zoom class as soon as you are able.

7.8 If possible, use a desktop or laptop computer rather than a mobile device. The connection will be better, the video will be more stable, and using a mobile device for a Zoom class will consume an enormous amount of data.

THURGOOD MARSHALL SCHOOL OF LAW

TITLE IX POLICY

Texas Southern University is committed to fostering a safe learning environment. As a professor, one of my responsibilities is to foster a safe learning environment in class. Federal Title IX regulations and Texas Southern University prohibit discrimination based on sex, which includes sexual harassment, sexual violence and misconduct, dating violence, domestic violence, and stalking. Because these incidents can undermine a student's academic success, the university encourages students who have experienced sexual conduct prohibited by this policy *by anyone who is a member of our campus community* to report these incidents when they happen to the university's Title IX coordinator or University Confidential Resource. This is so that the appropriate actions can be taken to protect you, the campus community, and provide you with the aid you need to survive the experience.

Should you confide in me that a member of our campus community has engaged in prohibited Title IX conduct, I will seek to keep private any information shared to the greatest extent possible. However, I also have a mandatory responsibility to notify the university's Title IX coordinator when I become aware of incidents of prohibited conduct that violate the university's Title IX policy.

You may also speak confidentially to the University Counseling Center. Please feel free to visit the center's website, www.tsu.edu/ucc, for more information about their services. Also, students may speak with the university's Title IX coordinator by calling 713.313.1371 or emailing titleix@tsu.edu

**THURGOOD MARSHALL SCHOOL OF LAW TEXAS SOUTHERN UNIVERSITY
ACADEMIC CALENDAR SPRING SEMESTER 2022**

SPRING SEMESTER 2022 (SEVENTY DAYS OF CLASSES)

School Opens	Monday	January 2, 2023
First Day of Class	Monday	January 9, 2023
Last Day to ADD/DROP	Friday	January 11, 2023
M L K Holiday (No Classes)	Monday	January 16, 2023
Purge of all unpaid course selections	Monday	February 2, 2023
Midterm Examinations	Mon – Fri	March 6 - 10, 2023
Spring Break	Mon – Fri	March 13 - 17, 2023
Good Friday (No Classes)	Friday	April 7, 2023
Last Day to Drop a Class	Monday	April 10, 2023
Last Day of Classes	Wednesday	April 26, 2023
First Year Professors' Grades Due	Wednesday	April 26, 2023
Reading Period (No Classes)	Thur – Sun	April 27 -April 30, 2023
Final Examinations	Mon- Fri	May 1 – May 12, 2023
Hooding Ceremony	Friday	May 12, 2023
Commencement Exercises	Saturday	May 13, 2023

Please note that the calendar events and /or dates are subject to change.



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READING ASSIGNMENTS

****SPECIAL NOTE: DATES FOR ASSIGNMENTS, QUIZZES AND EXAMS SUBJECT TO CHANGE****

PART I—OVERVIEW OF CRIMINAL LAW AND ELEMENTS OF A CRIME IN GENERAL

WEEK 1

Monday, January 9, 2023 (Class 1)

- Topic:** Introduction to Criminal Law—Nature, Sources and Limits
- Read:** Course Guidelines and Syllabus (will be posted on Westlaw’s TWEN);
Dressler pp. 1-19

Wednesday, January 11, 2023 (Class 2)

- Topic:** Actus Reus (Voluntary Acts and Omissions)
- Read:** Dressler pp. 133-152

Friday, January 13, 2023 (Class 3)

- Topic:** *Mens Rea*; General Issues of Proving Culpability
- Read:** Dressler pp. 161-182 (stop at “4. Problems in Statutory Interpretation”).

WEEK 2

Monday, January 16, 2023 (No Class)

Martin Luther King Holiday—No class





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Wednesday, January 18, 2023 (Class 4)

Topic: Strict Liability

Read: Dressler & Garvey pp. 182-208

Friday, January 20, 2023 (Class 5)

Topic: Mistake of Fact vs. Mistake of Law

Read: Dressler & Garvey pp. 208-230

WEEK 3

Monday, January 23, 2023

Topic: Causation

Read: Dressler & Garvey pp. 231-255

PART II: CRIMES AGAINST PEOPLE

Wednesday, January 25, 2023

Topic: Overview of Homicide

Read: Dressler & Garvey pp. 257-273

*****Quiz on general elements of a crime today (Worth 10 points)*****

Friday, January 27, 2023

Topic: Homicide (cont'd)—What is a “Human Being” and Intentional Killings

Read: Dressler & Garvey pp. 274-293 (stop at Manslaughter)





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WEEK 4

Monday, January 30, 2023

Topics: Heat of Passion or Provocation Killings

Read: Dressler & Garvey pp. 293-321

Wednesday, February 1, 2023

Topics: Murder v. Manslaughter; Unintentional Killings

Read: Dressler & Garvey pp. 321-342 (stop at unintentional killings)

Friday, February 3, 2023

Topic: Felony Murder

Read: Dressler & Garvey pp. 342-363 (stop at “The Independent Felony” or Merger Limitation)

WEEK 5

Monday, February 6, 2023

Topic: Felony Murder (cont’d); Misdemeanor Manslaughter Rule

Read: Garvey & Dressler pp. 363-374 (stop at Capital Murder)

Wednesday, February 8, 2023

Topic: Rape and Related Sexual Offenses

Read: Garvey & Dressler pp. 417-439 (Stop at Actus Reus)

Homicide Quiz Today (Worth 20 points)





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Friday, February 10, 2023

Topic: Actus Reus of Rape

Read: Dressler & Garvey pp. 439-460 (stop at “Redefining Force”)

WEEK 6

Monday, February 13, 2023

Topics: Rape (cont’d)

Read: Dressler & Garvey pp. 460-483 (stop at “Consent Obtained by Fraud or Intoxicants”)

Wednesday, February 15, 2023

Topics: Rape (cont’d)—Consent Obtained by Fraud or Intoxicants; Mens Rea; Rape Shield Laws

Read: Dressler & Garvey pp. 483-501

Friday, February 17, 2023

Topic: Statutory Rape; Liability for the Conduct of Another

Read: Dressler & Garvey pp. 501-505; pp. 893-910

*****Quiz on Rape and Sexual Assault Worth 10 points*****

WEEK 7

Monday, February 20, 2023

Topic: Accomplice Liability (cont’d)

Read: Dressler & Garvey pp. 911-932





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Wednesday, February 22, 2023

Topic: Complicity: Accomplice Liability (cont'd); Vicarious Liability

Read: Dressler & Garvey pp. 932-949 (skip "B. Conspiracy Liability")

Friday, February 24, 2023

Topic: Corporate Liability; Inchoate Offenses

Read: Dressler & Garvey pp. 949-963, 763-772

Practice Essay Posted (20 pts.)—Due on **Monday, Feb. 27, 2023** on TWEN at 8:00 a.m.

WEEK 8

Monday, February 27, 2023

Topics: Attempt

Read: Dressler & Garvey pp. 773-802

Due: Practice Essay Exam on TWEN by 8:00 a.m.; Sample answer will be posted on TWEN.

Wednesday, March 1, 2023

Topic: Attempt (cont'd)—Special Defenses (Impossibility); Special Note on Assault

Read: Dressler & Garvey pp. 802-825 (stop at "C. Solicitation")

Friday, March 3, 2023

Topic: Solicitation; Conspiracy; Conspiracy Liability (Pinkerton)

Read: Dressler & Garvey pp. 825-858





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WEEK 9—MIDTERM EXAM WEEK

Monday, March 6, 2023

Topic: Conspiracy (cont'd)

Read: Dressler v. Garvey pp. 859-883 (stop at “Offenses with a Large Inchoate Aspect”)

Wednesday, March 8, 2023

Review

Friday, March 10, 2023

MIDTERM ESSAY EXAM

WEEK 10

SPRING BREAK—HALLELUJAH!!

WEEK 11

PART III: PROPERTY CRIMES

Monday, March 20, 2023

Topic: Theft—the Actus Reus

Read: Dressler & Garvey pp. 965-986

Wednesday, March 22, 2023

Topic: Theft—Mens Rea

Read: Dressler & Garvey pp. 986-1004





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Friday, March 24, 2023

Topic: Common Law Burglary, Robbery; Receiving Stolen Property

Read: Supplemental Reading posted on TWEN

PART IV: DEFENSES

WEEK 12

Monday, March 27, 2023

Topic: General Defenses to Crimes; Burden of Proof

Read: Dressler & Garvey pp. 507- 524

Property Crimes Quiz (10 points)

Wednesday, March 29, 2023

Topic: Self-Defense

Read: Dressler & Garvey pp. 524-548

PART IV: JUSTIFICATION DEFENSES AND EXCUSES

Friday, March 31, 2023

Topics: Self-Defense (cont'd)—"Reasonable Person"

Read: Dressler & Garvey pp. 549-575

WEEK 13

Monday, April 3, 2023

Topics: Defense of Others; Necessity ("Choice of Evils")

Read: Dressler & Garvey pp. 576-596 (stop at "Civil Disobedience")





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Wednesday, April 5, 2023

Topics: Civil Disobedience; Principles of Justification

Read: Dressler & Garvey pp. 596-613 (stop at “D. Principles of Excuse”)

Friday, April 7, 2023

Topics: Excuses Defenses: Duress

Read: Dressler & Garvey pp. 613-637 (stop at “3. Intoxication”)

WEEK 14

Monday, April 10, 2023

Topic: Intoxication; Introduction to Insanity

Read: Dressler & Garvey pp. 637-658 (stop at “Notes and Questions”)

Wednesday, April 12, 2023

Topic: Insanity (cont’d)

Read: Dressler & Garvey pp. 658-678 (stop at “Insanity Problem”)

Friday, April 14, 2023

NO CLASS—GOOD FRIDAY

WEEK 15

Monday, April 17, 2023

Topic: Diminished Capacity

Read: Dressler & Garvey pp. 678-7066





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Wednesday, April 19, 2023

Topic: Infancy; Euthanasia

Read: Dressler & Garvey pp. 706-733

Friday, April 21, 2023

Topic: Constitutional Defenses—Robinson; Cultural Defenses

Read: Dressler & Garvey pp. 733-760

WEEK 16

Monday, April 24, 2023

Final Exam (Multiple-choice)

Wednesday, April 26, 2023

Review Final Exam; Overview of Topics on MBE Not Heavily Tested on Comp (Arson; Kidnapping)

LAST CLASS!

**UNIFORM FINAL COMPREHENSIVE EXAMINATION ON FRIDAY MAY 12, 2023
AT 9:00 A.M. IN ROOM 203. GOOD LUCK!**

