

CRIMINAL LAW Spring 2018
Prof. Margaret Martin Barry
MW 12:45 – 2:00pm, Oakes Room 007

SYLLABUS

Contact and Office Hours:

Office Hours: Tuesdays 9:30am – 12:30pm
Office: 306 Waterman

Email: mbarry@vermontlaw.edu
Phone: 802-831-1036

Faculty Support: Trista Kellman tkellman@vermontlaw.edu 802-831-1211

Required Text:

“Criminal Law” (7th Edition), Joshua Dressler and Stephen P. Garvey

Recommended Text:

“Understanding Criminal Law” (7th Edition), Joshua Dressler (ISBN:978-1-6328-3864-3)

Course Requirements:

1. Attendance in and preparation for class is required. Reading assignments may be modified. You are expected to be on top of such changes if they occur.
2. You are expected to participate in class discussion. However, please note that some areas of criminal law are sensitive and comments should be moderated accordingly.
3. Additional materials may be posted on the TWEN website. You should log onto the TWEN site and enroll in Barry Criminal Law Spring 2018.
4. The final grade for the course will be based on fulfilling assignments during the semester and on your performance on the final exam. There may also be adjustment of up to 10 points up or down based on the quality of your classroom participation and your completion of assignments.
5. The final exam will be a 3 hour open book examination; you will be expected to use Examsoft.

Learning Goals:

At the end of the semester, you should:

- Know the basic contours of criminal law in this country
- Be able to analyze and critique criminal statutes, case law and policy

- Be able to analyze application of the BARD (beyond a reasonable doubt) standard of proof
- Be able to identify and explain evolving policy choices reflected in the tensions between public safety and punishment
- Be able to identify and explain ways in which punishment can serve or be designed to serve multiple purposes
- Be able to identify and explain the limitations of punishment is a way to motivate compliant behavior

I look forward to our shared exploration of this subject. I welcome your contributions to the readings and your insights about this subject. Criminal Law sits at the center of our understanding of justice and the rule of law. As lawyers, in whatever area of practice you pursue, you will be expected to be thoughtful contributors to the evolution of our criminal justice system. Hopefully, your contributions will improve it significantly.

***Readings in Dressler and Garvey: Criminal Law
Spring 2018 - M/W 12:45-2:00pm***

Topic	Chapter	Read	Class Dates M/W
Introduction: Procedural Context; Proof of Guilt; Jury Nullification	1	pp. 1-29	Jan 8
Penal Theories	2	pp. 31-64	Jan 10
No Class/Martin Luther King, Jr. Day			Jan 15
Principles of Proportionality	2	pp. 73-92	Jan 17
Principles of Legality; Statutory Interpretation	3	pp. 93-132	Jan 22
Actus Reus	4	pp. 133-141 (Notes 1-8) MPC §2.01, pp. 1018-1019	Jan 24
Omissions; Social Harm	4	pp. 143-154 (Notes 1 and 2) pp. 154-156	Jan 29
Mens Rea	5	pp. 157-173 MPC § 2.02, pp. 1019-1021	Jan 31
Knowledge, Recklessness and Intent; Strict Liability	5	pp. 173-178 pp. 185-204	Feb 5

Mistake of Fact; Mistake of Law	5	pp. 206 – 210 MPC §2.04 p. 1022 pp. 211-227	Feb 7
Causation	6	pp. 229-252	Feb 12
Homicide: Introduction	7	pp. 253-272 MPC §2.10.0 – 2.10.4, pp. 1055-1056	Feb 14
Intentional Killing – 1 st and 2 nd Degree Murder	7	pp. 273-285	Feb 19
Manslaughter	7	pp. 285-292; 297-313;	Feb 21
Unintentional Killings	7	316-333	Feb 26
The Felony Murder Rule	7	333-346	Feb 28
Spring Break			Mar 3-11
The “Inherently Dangerous” Felon Limitation; The Merger Doctrine; Killings in Furtherance of a Felony; Misdemeanor Manslaughter	7	pp. 346-365	Mar 12
Rape	8	pp. 407-420; 433-453	Mar 14
Rape	8	pp. 454-485	Mar 19
Attempt: Introduction Mental State Preparation v. Perpetration	10	pp. 761-762; 764-767; 769- 770 pp. 771-773; 779-780 pp. 783-785; 787-789	March 24
Attempt	10	MPC§5.01, pp. 1046-1048 MPC§ 5.05, pp. 1050-1051 pp. 792-799	Mar 21
Accomplice Liability	11	pp. 891-899; 913-915; 923- 929	Mar 26
Self Defense	9	MPC§3.04, pp. 1030-1031 pp. 521-527; 534-539; 548- 552	Mar 28
Battered Wife Syndrome Defense of Others	9	pp. 556-572 (Notes 1,2, 4, 6, 7, 8, 12) pp. 575-579	Apr 2
Defense of Habitation Necessity Duress	9	pp. 579-586 pp. 586-594 pp; 613-626	Apr 4

Intoxication	9	pp. 634-637; 641-642 (Note 6)	Apr 9
Insanity	9	pp. 642-663	Apr 11
Appreciating the Wrongfulness of One's Actions Diminished Capacity Infancy	9	pp. 663-673 pp. 683-689 pp. 699-797	Apr 16
Theft: Larceny	12	pp. 961-965; 975-987	Apr 18
Embezzlement False Pretenses	12	pp. 988-992 pp. 992-997 pp. 997-1005	Apr 23