CRIMINAL LAW: FALL 2020

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TWEN: Criminal Law 2020

Class Meetings: Tuesdays 3:35 p.m.- 4:50 p.m. & Thursday 5:00 p.m. - 6:15 p.m.

Welcome to Criminal Law. This course introduces fundamental concepts that form the basis of our substantive criminal law. Whereas the Criminal Procedure course addresses the *processes and procedures* that govern the criminal justice system, *e.g.,* legal requirements for arrest, search warrants, custodial interrogation, this course considers the *substance* of criminal law. Substantive criminal law generally addresses (1) criminal law doctrine at common law and in statute, including elements of crimes and potential defenses; (2) penal theory, *i.e.*, the philosophical/jurisprudential bases governing criminal responsibility; and (3) statutory interpretation.

As the following representative questions suggest, criminal law is frequently philosophical in nature:

* *What distinguishes criminal law from civil law?*
* *What is the role of the state and federal Constitutions in the making of criminal law?*
* *Why do we punish those who violate criminal law?*
* *Is it fair to hold someone criminally responsible even if the person did not intend to commit the violation?*
* *Under what circumstances can conduct that causes injury be legally justified or excused?*

I encourage you to actively engage the materials and concepts we encounter throughout the semester. By its nature, criminal law speaks to profoundly vital social questions. I look forward to exploring these questions with you.

**COURSE OUTCOMES**

At the end of this course, students who remain engaged throughout the semester will understand:

1. The elements, or building blocks, of crimes and the policy choices that are evident in the selection of offense elements;
2. The theories of punishment at work in the U.S. criminal justice system;
3. How criminal law has evolved and /or changed over time;
4. How to assess criminal law exam questions in a manner consistent with the bar exam.

**REQUIRED READING:**

*Criminal Law: Cases and Materials* (8th edition 2019 West Academic Publishing)

by Joshua Dressler & Stephen P. Garvey

*Understanding Criminal Law* (8th edition 2018 Carolina Academic Press)[[1]](#footnote-1)

by Joshua Dressler

**CLASS TIME AND OFFICE HOURS**

Class meets Tuesdays from 3:35 p.m.- 4:50 p.m. and Thursdays from 5:00 p.m.- 6:15 p.m. We will start and end on time. If you would like to speak with me outside of class, please feel free to contact me by email to set up an appointment. I check my VLS email frequently, but if you need to speak with me right away, please email me at the DOJ email address above or call the phone number listed above.

**COURSE REQUIREMENTS AND EXPECTATIONS**

1. Classroom attendance (virtually this semester) is required. Students are expected to read and abide by the VLS attendance policy as set forth in the student handbook.
2. ***Complete assigned reading material for each class. Unless specifically noted in the syllabus, please also read the notes that follow the cases, and come to class prepared to discuss the substance of the notes.***
3. I may modify reading assignments during the semester as time necessitates. I will post any additional class materials on The West Education Network (“TWEN”) website. You should log on to the TWEN site and enroll in this Criminal Law class.
4. I will notify you of changes to the syllabus via your VLS email, so please check your email regularly.
5. You are not permitted to use your phone or access the internet during class.
6. The final grade for the course will be based on your performance on the final exam and your timely completion of three (3) take home quizzes. The quizzes will account for 30% and the final exam will account for 70% of your final grade. I will give you additional details about the timing, format, and content of the exam during the semester. There may be some adjustment up or down in the final grade based upon the quality of your classroom participation.

**VIRTUAL CLASSROOM**

We will be using Teams to meet during class time and TWEN for supplemental materials and submission of quizzes. **Please make sure to log on to both prior to our first class**.

Arrive to our Teams class early and be prepared as you would for an in-person class. Please leave your video on during class time. If your video is off, I will assume you are away from your computer and will mark you as absent.

Teams has a “raise your hand” function. Because this is a new process for all of us, we’ll start the semester by using the “raise your hand” feature when you would like to speak. Depending on how that works, we may adjust the process as we progress through the semester. Please mute your microphone when you are not speaking.

Participation in our Teams class will be no less extensive than an in-class session. You should be actively engaged in answering questions, taking notes, writing down questions, etc. This will not only help your learning, but also it will help you stay engaged.

If you have any technology questions, please raise them as early in the semester as possible so that we can address them as soon as possible.

I will take attendance via the chat feature in Teams. Before class begins, please be sure to register your attendance by typing in the chat box. If you wish to speak with me about deviations from this, please do so before the first class so that possible accommodations can be explored.

READING ASSIGNMENTS[[2]](#footnote-2)

**Week of August 25 (two classes)**

**Introduction to Criminal Law**

Distinguishing Criminal Law from Criminal Procedure

The Life of a Criminal Case/Sources of Criminal Law

Text: 1-29

**Week of September 1 (two classes)**

**Principles of Punishment**

Text: 31-36 (excluding note 3); 36-44; 51-70

**Supplement: Chapter 2**

**Proportionality of Punishment**

Text: 71-90

**Week of September 8 (two classes)**

**Principle of Legality/Statutory Interpretation**

Text: 91-127

**Supplement: Chapter 5 (**39-48**)**

**Week of September 15 (two classes)**

Quiz 1 – Punishment and Legality

*Must submit the quiz before 3:30 p.m. on September 15*

**Actus Reus (The Criminal Act)**

**Voluntary Act Requirement -** Text: 129-141

**Omissions –** Text: 141-153

**Week of September 22 (two classes)**

**Mens Rea (The Guilty Mind)**

**Nature of Mens Rea -** Text: 157-161

**“Intent” Under the Common Law and Model Penal Code –** Text: 161-173**; Supplement Chapter 10 (**134-138**)**

**Week of September 29 (two classes)**

**Strict Liability Offenses –** Text: 186-205

**Mens Rea**

**Mistake of Fact –** Text: 205-210

**Mistake of Law –** Text: 210-226

**Week of October 6 (two classes)**

**Homicide**

**Common Law Origins and Statutory Reform –** Text: 251-263(review the homicide statutes in subsection 3, as we will reference them throughout our consideration of homicide).

**Intentional Killings: Degrees of Murder –** Text 270-282

**Homicide: Voluntary Manslaughter –** Text: 282-310

**Week of October 13 (one class on October 15)**

Quiz 2 –

*Must submit the quiz before 5:00 p.m. on October 15*

**Homicide: Unintentional Killing –** Text 313-329

**Week of October 20 (two classes)**

**Homicide: Unintentional Killing – Felony Murder –** Text 329-354

**Week of October 27 (two classes)**

**Defenses to Crimes – Distinguishing Justification and Excuse –** Text 500-503

**Self-Defense –** Text 516-527

**Self-Defense** – **Reasonable Belief Requirement** – Text 527-532; 549-565

**Week of November 3 (two classes)**

**Self-Defense** – **Defense of Property & Law Enforcement Defenses** – Text 572-579

**Necessity (“Choice of Evils”)** – Text 580-588

**Excuse: Duress –** Text 605-614

**Week of November 10 (two classes)**

**Intoxication** – Text 625-633

**Excuse: Insanity** – Text 633-653

**Supplement – Chapter 25** (317-341)

**Week of November 17 (two classes)**

**Selected Inchoate Offenses: Attempt** – Text 759-763; 766-774

**Defenses** – Text 788-806

**Week of November 24 (one class)**

**Conspiracy** – Text 822-826

**Week of December 1 (two classes)**

**Review of Course Topics and Discussion of Final Examination**

What are the unifying themes/principles of criminal law?

1. The Syllabus refers to this book as “Supplement.” [↑](#footnote-ref-1)
2. Please note that the Model Penal Code may be found in the Appendix at the end of the casebook. [↑](#footnote-ref-2)