

CRIMINAL LAW: SPRING 2021

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TWEN: Criminal Law 2021-Buckey

Welcome to Criminal Law. This course has three main components:

1. *How do we define what conduct is criminal?*
2. *What is the purpose of enforcing criminal laws?*
3. *When is a person excused from criminal liability?*

This course is distinct from criminal procedure, as it focuses mainly on the “what” and “why” of the criminal justice system as opposed to the “how.” We will discuss what type of conduct can warrant punishment, and what the goal of punishment may be, but we will not focus on the mechanics of warrants, motion practice, trials etc...

Criminal law is in many respects philosophical and historical. Criminal laws did not spring up fully formed in each of the 50 states, and the law continues to change from year to year. This course aims to illuminate some of the development of how criminal law is practiced today.

Criminal law is important to every future lawyer, regardless of career plans. Exposure to criminal liability can expose clients to financial ruin, incarceration, and sometimes even execution. As future attorneys, each student will know the basics of this topic either as a building block for future learning, or just to be able to make appropriate referrals and ask the right questions.

COURSE GOALS

1. Students will:
 - a. Be familiar with the MPC framework.
 - b. Understand the historical development of the current US criminal law framework
 - c. Understand what distinguishes criminal law from civil law
 - d. Understand the main theories of punishment in the US criminal justice system
 - e. See every case from both sides

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]

by Joshua Dressler

CLASS TIME AND OFFICE HOURS

Class meets Tuesdays from 5:30 p.m.- 6:45 p.m. and Thursdays from 5:30 p.m.- 6:45 p.m. We will start and end on time. I will hold office hours (virtually) from 12:00-12:30pm on Fridays. If you would like to speak with me outside of class, please feel free to contact me by email to set up an appointment.

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. 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.**

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

Classes 1 and 2 Tuesday January 12th and Thursday 14th

1. Subjects
 - a. Syllabus review and classroom expectations
 - b. Introduction to criminal law
 - c. Life of a criminal case
 - d. Criminal law vs. criminal procedure
 - e. What is the purpose of criminal law
2. Reading
 - a. Dressler 1-29
 - b. [The Honorable Robert J. Conrad, Jr., Katy L. Clements, The Vanishing Criminal Jury Trial: From Trial Judges to Sentencing Judges, 86 Geo. Wash. L. Rev. 99 \(2018\)](#) (136-146 are optional)
 - c. [Paul H. Robinson & Markus D. Dubber, The American Model Penal Code: A Brief Overview, 10 New Crim. L. Rev. 319, 319 \(2007\)](#)

Prompt: Have you ever been involved in a trial (civil or criminal)? Were you a witness, a litigant, a juror? If yes, please be prepared to discuss that experience if you feel comfortable doing so.

Class 3 Tuesday January 19th Class

1. Subjects
 - a. Principles of punishment
 - b. Current trends
2. Reading
 - a. Dressler 31-69
 - b. NH constitution article 18

Prompt: What is the incarceration rate in your state or jurisdiction per 1,000 people? Be prepared to argue why that rate is appropriate (whatever it is).

Class 4 Thursday January 21st

1. Subjects
 - a. Proportionality principle
 - b. 71-90

Classes 5+6 Tuesday January 26 and Thursday January 28th

1. Subject
 - a. Principle of legality and statutory construction
 - b. 91-127

Classes 7+8 Tuesday February 2nd and Thursday February 4th (Chapter 4)

1. Subjects
 - a. Bad acts
 - b. Duty to rescue?
2. Reading
 - a. 129-155

Classes 9+10 Tuesday February 9th and Thursday February 11 (Chapter 5)

1. Subject
 - a. Mens rea-MPC levels
2. Reading
 - a. 157-184

Class 11 Tuesday February 16th

1. Subject

- a. Strict liability
- 2. Reading
 - a. 186-204

Class 12 Thursday February 18th

- 1. Mistake and Mens Rea
- 2. Reading
 - a. 205-225

Class 13 Tuesday February 23rd

- 1. Causation
- 2. Reading 227-250

Class 14+15 Thursday February 25th and Tuesday March 9th

- 1. Homicide (part 1)
 - a. Definition issues
- 2. Reading
 - a. 251-269
- 1. Homicide part 2-intentional killings
- 2. Reading
 - a. 270-313

Class 16+17 Thursday March 11 and Tuesday March 16th

- 1. Homicide part 3-unintentional killings
- 2. Reading
 - a. 313-360
 - b. NH drug dealer liability statute

Class 18 Thursday March 18th

- 1. Homicide part 4-capital murder
- 2. Reading 360-400

Class 19+20 Tuesday March 23rd and Thursday March 25th Chapter 8

- 1. Sex crimes-part 1
 - a. Traditional rape laws and MPC
 - b. 403-442
- 1. Sex crimes-part 2

- a. Changes to sex crimes laws
 - b. Child pornography
 - c. Revenge porn
2. Reading
 - a. Dressler 445-492

Class 21 Tuesday March 30th

1. Defenses part 1
 - a. Introduction
 - b. Self defense
2. Reading
 - a. Dressler 497-532

Class 22 Thursday April 1st

1. Defenses part 2
 - a. Reasonable person standard
 - b. Battered woman defense
 - c. Defense of others
2. Reading
 - a. 542-571

Quiz 2

Class 23 Tuesday April 6th

1. Defenses Part III
 - a. Justification-choice of evils
 - b. Excuse
 - i. Duress
 - ii. Intoxication
2. Reading
 - a. Dressler 580-628

Class 24 Thursday April 8th

1. Defenses Part IV
 - a. Insanity
2. Reading
 - a. Dressler 633-674

Class 25 Tuesday April 13th

1. Inchoate offenses pt. 1
 - a. Attempt
 - b. 749- 815
 - c. NH RSA 629:1
2. Reading
 - a. Dressler 749-815

Class 26 Thursday April 15th

1. Inchoate offenses pt. 2
 - a. Solicitation
 - b. Conspiracy
2. Reading
 - a. 817-874

Quiz 3

Class 27 Tuesday April 20th

1. Liability for Conduct of another pt I
 - a. Accomplice
2. Reading
 - a. 877-923

Class 28 Thursday April 22

1. Liability for Conduct of another pt 2
 - a. Conspiracy
 - b. Vicarious liability
 - c. Corporate liability
2. Reading
 - a. 926-944