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 types 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. Understand the historical development of the current US criminal law framework
   b. Understand what distinguishes criminal law from civil law
   c. Understand the main theories of punishment in the US criminal justice system
   d. Be familiar with the basics of the criminal common law
   e. Be familiar with the MPC framework, and how it differs from the common law
   f. Understand the main defenses in criminal law
REQUIRED READING:


by Joshua Dressler & Stephen P. Garvey


by Joshua Dressler

*in this syllabus, “Dressler” refers to the cases and materials book, refer to the other book as the supplement

CLASS TIME AND OFFICE HOURS

Class meets Mondays and Wednesdays from 5:15 p.m.- 6:30 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.

COURSE REQUIREMENTS AND EXPECTATIONS

1. 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 class Teams page.

4. I will post any changes, updates, and other information on the class Teams page, so please make sure to check it.

5. The final grade for the course will be based on your performance on the midterm and final exam. The midterm will account for 35% and the final exam will account for 65% 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 in the final grade based upon the quality of your classroom participation.

    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.
READING ASSIGNMENTS

Class 1 Wednesday January 19th

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 (in the syllabus, “Dressler” refers to the cases and materials book, I will refer to the “Understanding Criminal Law” as the supplement)

Note for class: 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 2 Monday January 24

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?

Class 3 Wednesday January 26

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

Class 4 Monday January 31th

1. Subject
   a. Principle of legality and statutory construction
   b. 91-114

Class 5 Wednesday February 2
1. Subject
   a. Legality and statutory construction
   b. 114-127

Class 6 Monday February 7

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

Class 7 Wednesday February 9

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

Class 8 Monday February 14

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

Class 9 Wednesday February 16

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

Class 10 Monday February 21

1. Causation
2. Reading 227-250

Class 11 Wednesday February 23

1. Homicide (part 1)
2. Reading
   a. 251-269

Class 12 Monday March 7
1. Homicide part 2-intentional killings
2. Reading
   a. 270-289

Class 13 Wednesday March 9

1. Homicide part 3-intentional killings (pt 2)
2. Reading
   a. 289-313

Class 14 Monday March 14

1. Homicide part 4-unintentional killings
2. Reading
   a. 313-329
   b. NH drug dealer liability statute

Class 15 Wednesday March 16

1. Homicide part 4-felony murder
2. Reading
   a. 329-360

Class 16 Monday March 21

1. Sex crime
   a. Traditional rape laws and MPC
   b. 403-442

Class 17 Wednesday March 23

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

Class 18 Monday March 28

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

Class 19 Wednesday March 30

1. Defenses Part III  
a. Justification-choice of evils  
b. Excuse  
   i. Necessity  
c. Reading  
   i. Dressler 580-601

Class 20 Monday April 4

1. Defenses Part IV  
a. Duress  
2. Reading  
a. Dressler 601-628

Class 21 Wednesday April 6

1. Defenses Part V  
a. Insanity  
b. Dressler 633-674

Class 22 Monday April 11

1. Inchoate offenses pt. 1  
a. Attempt (1 of 2)  
b. Dressler 749-775

Class 23 Wednesday April 13

2. Inchoate offenses pt. 2  
a. Attempt (2 of 2)  
b. Dressler 775-816

Class 24 Monday April 18

1. Inchoate offenses pt. 2  
a. Solicitation  
   b. Conspiracy-Mens Rea  
2. Reading
Class 25 Wednesday April 20

1. Inchoate offenses pt 3
   a. Conspiracy-Actus Reus
2. Reading
   a. 841-875

Class 26 Monday April 25

1. Liability for Conduct of another pt I
   a. Accomplice
2. Reading
   a. 877-900

Class 27 Wednesday April 27

1. Liability for Conduct of another pt 2
2. Reading
   a. 900-926

Class 28 May 2nd

Review