CRIMINAL LAW

Course Syllabus
Spring 2009
Professor Gruber

All assignments are in KAPLAN, WEISBERG and BINDER, CRIMINAL LAW (Cases and Materials) (6th ed. 2008), referred to below as “KW,” or supplemental material where indicated, referred to below as “Supp.” Supplemental materials may be downloaded and printed from my TWEN website. Please print out the entire Supplement and bring it to class with you on days supplemental readings are assigned.

Read from the beginning heading to the end of the full section on the pages indicated. Do not read the fragments of the sections on the first or last assigned page. I hope we can cover each assignment Group per class. However, certain topics may move slower and others faster. If we get off schedule, I will always let you know which material to read for the next class.

Please read all the “Notes and Questions” on the pages assigned, unless otherwise indicated. The readings are not necessarily assigned in the order of the book, and we will be skipping much of the material in the case book.

PART I - INTRODUCTION TO CRIMINAL LAW

Assignment Group 1: INTRODUCTION TO CRIMINAL LAW
- KW 1-27
  - Introduction, Facts about Crime

Assignment Group 2: THEORIES OF CRIME AND PUNISHMENT
- KW 31-32, 34-38, 41-44, 50-53, 55, 62-63, 68
  - Bentham excerpts, Wilson excerpt, Kahan excerpt, Wilson excerpt, Dubber excerpt, Corrado excerpt, Murphy excerpt

PART II – GENERAL ELEMENTS OF CRIME

A. Actus Reus – The Criminal Act Requirement
Assignment Group 3  ACTUS REUS – Requirement of an Act, Omissions
- KW 105-15
  - Proctor v. State, Jones v. US
- Supp 1-3

Assignment Group 4  ACTUS REUS – Possession Crime and Harm
- KW 115-31
  - US v. Maldonado, Lawrence v. Texas
Assignment Group 5  ACTUS REUS – Voluntariness and Status Crimes
  • KW 132-45
    o Martin v. State, People v. Grant, Robinson v. California

B. Mens Rea – The Guilty Mind Requirement

Assignment Group 6  MENS REA – Strict Liability
  • KW 175-92
    o People v. Dillard, MPC, Morissette v. US, US v. Wulff,

Assignment Group 7  MENS REA – Levels of Intent, MPC, Specific and General Intent
  • KW 198-213
    o Regina v. Faulkner, MPC

Assignment Group 8  MENS REA – Intent Default Rules and Mistake of Fact
  • KW 219-28
    o People v. Ryan, State v. Lima, State v. Guest

Assignment Group 9  MENS REA – Mistake of Nongoverning Law
  • KW 229-37

Assignment Group 10  MENS REA – Mistake of Governing Law
  • KW 237-47

Assignment Group 11:  MENS REA – Capacity to Form Mens Rea
  • KW 247-55
    o Hendershott v. People, State v. Cameron

C. Causation

Assignment Group 12: CAUSATION – But-For and Proximate Causation
  • KW 259-69, 275-76
    o Regina v. Martin Dyos, MPC, Commonwealth v. Rhoades

Assignment Group 13: CAUSATION – MPC and Intervening Causes
  • KW 277-93
    o MPC (Notes 4-8), Commonwealth v. Root, US v. Hamilton

PART III – SPECIFIC OFFENSES

A. Rape
Assignment Group 14: RAPE – Introduction and Actus Reus (Resistance and other requirements)
• KW 863-68, 878-90
  o Introductory discussion, People v. Barnes, MPC

Assignment Group 15: RAPE – Actus Reus (Force, Nonconsent), Mens Rea (Mistake)
• KW 890-96, 917-27
  o State v. Smith, Commonwealth v. Fischer
• Supp 4-17
  o Article- Redefining Rape

Assignment Group 16: RAPE – Actus Reus (Affirmative Consent)
• KW 896-903
  o In re MTS
• Supp 18-36
  o Article- Redefining Rape

Assignment Group 17: RAPE – Incapacity and Fraud
• KW 903-08, 912-17
  o State v. Moorman, Boro v. People

B. Homicide

Assignment Group 18: HOMICIDE- Premeditated Murder
• KW 309-24 (skim), 330-40
  o Homicide statutes and statistics, US v. Watson, MPC
• Supp 37-40
  o Forehand v. State

Assignment Group 19: HOMICIDE – Voluntary Manslaughter
• KW 340-50
  o People v. Walker, MPC, Ex Parte Fraley

Assignment Group 20: HOMICIDE – Voluntary Manslaughter (Women and Provocation)
• KW 350-58, 362-69
  o Rowland v. State, Provocation Reform (Notes 5-12)
• Supp 41-46
  o People v. Spurlin

Assignment Group 21: HOMICIDE – Manslaughter and Culture
• KW 369-80, 390-94
  o People v. Wu, State v. Williams, Notes 1-4

Assignment Group 22: HOMICIDE – Reckless Manslaughter
• KW 381-90
  o Commonwealth v. Welansky

Assignment Group 23: HOMICIDE – Reckless Murder
• KW 400-13
  o *Mayes v. People*, MPC

**Assignment Group 24:** HOMICIDE – Felony Murder
• KW 413-27
  o *State v. Martin*
• Supp 47-50
  o *State v. McClain*

**Assignment Group 25:** HOMICIDE – Death Penalty
• KW 453-60, 497-505
  o Introduction, *McClesky v. Kemp*
• Supp 51-66

**PART IV – DEFENSES: JUSTIFICATION and EXCUSE**

**Assignment Group 26:** JUSTIFICATION – Self Defense
• KW 507-20, 545-49
  o *People v. LaVoie*, *People v. Goetz*

**Assignment Group 27:** JUSTIFICATION – Self Defense and Battered Women
• KW 523-45
  o *State v. Leidholm*, Notes on battered women

**Assignment Group 28:** JUSTIFICATION/EXCUSE – Necessity
• KW 563-78
  o *The Queen v. Dudley and Stephens*, MPC, *People v. Unger*

**Assignment Group 29:** EXCUSE – Duress
• KW 584-96
  o *State v. Crawford*, MPC

**Assignment Group 30:** EXCUSE – Insanity (M’Naughten Rule)
• KW 605-24
  o *People v. Serravo*

**Assignment Group 31:** EXCUSE – Insanity (ALI Rule)
• KW 624-33, 642-44
  o Evolution of Insanity Rules, *Smith v. State*, Notes 1-5, The Debate over Insanity

**PART V – INCHOATE CRIMES and ACCESSORIAL LIABILITY**

**Assignment Group 32:** ATTEMPT – Mens Rea and Actus Reus
• KW 664-73
  o State v. Lyerla, People v. Murray, MPC

Assignment Group 33: ATTEMPT – Actus Reus and Abandonment
• KW 676-89
  o People v. Rizzo, People v. Staples

Assignment Group 34: ATTEMPT – Impossibility
• KW 694-710
  o Booth v. State, Fletcher’s test

Assignment Group 35: ACCESSORIAL LIABILITY – Actus Reus and Mens Rea
• KW 715-30, 745-53
  o State v. Ochoa, People v. Beeman

Assignment Group 36: CONSPIRACY – Actus Reus (Nature and Agreement)
• KW 791-802
  o State v. Verive, Griffin v. State

Assignment Group 37: CONSPIRACY – Actus Reus (Overt Act) and Mens Rea
• KW 802-06, 812-21
  o US v. Rahman, State v. Lauria

Assignment Group 38: CONSPIRACY – Pinkerton, Withdrawal
• KW 823-28, 811-12
  o US v. Diaz, Notes 1-3, US v. Read (Note 3)