

Criminal Law
Syllabus—Fall 2009
Professor Butterfoss

Required Texts:

Weaver, et. al., Criminal Law: Cases, Materials & Problems (3rd ed. West 2009)

Singer, Criminal Law: Examples & Explanations, (4th ed. Aspen)

Goals of the Course:

The course description for this course is as follows:

Examines the functions of the criminal law as a means of social control, focusing on the process of crime creation and the elements of criminal liability—the criminal act, the criminal state of mind, and the absence of a defense of justification or excuse. Legislative definition and grading of offenses, and policy considerations relevant to those processes are studied in the context of the Model Penal Code and other penal statutes.

The preface to the Weaver Casebook describes the goals of the casebook, in part, as follows:

Our primary goal is to create a “teacher’s book” that contains thought-provoking problems designed to stimulate thought and produce interesting classroom discussion. . . . Our second goal is to provide a focus on teaching “skills.” Many of the problems place students in practical situations that they are likely to encounter in practice, and therefore encourage students to think about how they might construct arguments for their clients in these situations.

Class rules and information:

1. Regular and punctual class attendance is required. Missing four or more classes is grounds for being withdrawn from the class. Be in your seats ready to begin class at 1:00. Late arrivals are disruptive to the class.
2. Your grade will be determined by a written exam at the end of the semester. I also reserve the right, consistent with Academic Rule 1-107(C)(5) to increase grades based on consistent and high quality class participation, and to lower grades based on excessive absences, consistent late arrivals, or lack of preparation or effort in class, **or violation of the computer use policy (see #4 below)**.

3. You are required to register on the TWEN course page. Instructions on how to do so will be provided during the first class session.
4. **Laptop policy: use of a laptop computer during class for purposes unrelated to class (such as checking email, participating in chat rooms, surfing the web, etc.) is prohibited. If you are discovered utilizing the computer for purposes unrelated to class, your grade for the semester may be lowered by one-half grade.**

Assignments:

[Prepare Assignment 1 for the first class on Thursday, August 20]

1. Weaver, Chpt 1: The Purposes of the Criminal Law pp. 1-18
Singer Chpts 1 & 2 pp. 1-12; 19-32
2. Weaver, Chpt 2: The Requirement of a “Voluntary Act”
A. The Act Requirement pp. 19-41
Singer Chpt 3 pp. 37-43
3. Weaver, Chpt 2: The Requirement of a “Voluntary Act”
B. Omissions pp. 41-56
4. Weaver, Chpt 3: Mens Rea
A. Legislative Patterns of Criminal Intention pp. 57-79
Singer, Chpt 4 pp. 53-82
5. Weaver, Chpt 3: Mens Rea
B. Strict Liability pp. 80-97
C. Intoxication and Drugged Condition pp. 98-107
Singer, Chpt 6 pp. 117-134
Chpt 17 pp. 499-507
6. Weaver, Chpt 3: Mens Rea
D. Mistake of Fact pp. 108-123
E. Mistake of Law pp. 123-133
Singer, Chpt 5 pp. 89-104
7. Weaver, Chpt. 4: Causation pp. 134-151
Singer, Chpt. 7 pp. 141-154
8. Weaver, Chpt 4: Causation pp. 152-164
9. Weaver, Chpt 5: Complicity
A. Accomplice Liability pp. 165-199
Singer Chpt 14 pp. 369-390

10. Weaver, Chpt 5: Complicity
 B. Vicarious Liability pp. 200-218
11. Weaver, Chpt 6: Attempt
 A. Mens Rea pp. 219-223
 B. Actus Reus pp. 224-239
Singer Chpt 12 pp. 291-297
12. Weaver, Chpt. 6: Attempt
 C. Abandonment pp. 240-245
 D. Impossibility pp. 246-255
Singer Chpt 12 pp. 298-305
13. Weaver, Chpt 7: Conspiracy
 A. Unilateral – Bilateral pp. 256-262
 B. Mens Rea pp. 262-275
 C. Act of Agreement pp. 275-284
 D. Overt Act pp. 284-288
Singer, Chpt 13 pp. 321-348
14. Weaver, Chpt 7: Conspiracy
 E. Renunciation or Withdrawal pp. 288-295
 F. Merger pp. 295-298
 G. Culpability of Co-conspirators pp. 298-306
Singer, Chpt 13 pp. 349-355
15. Weaver, Chpt 8: Homicide
 A. Intentional Killings pp. 307-330
Singer, Chpt 8 pp. 171-177; 198-204
16. Weaver, Chpt 8: Homicide
 B. Unintentional killings pp. 331-359
Singer, Chpt 8 pp. 184-192; 204-208
17. Weaver, Chpt 9: Assault and Battery pp. 360-390
18. Weaver, Chpt 10 Rape and Sexual Assault
 A. Forcible Rape pp. 391-420
Singer, Chpt 9 pp. 219-238
19. Weaver, Chpt 10 Rape and Sexual Assault
 B. Forcible Rape or Sexual Assault pp. 420-429
 C. Alternative Rape Formulas pp. 429-433
 D. Statutory Rape pp. 433-439

20. Weaver, Chpt. 11: Justification Defense
 A. Self Defense
Singer, Chpt 16 pp. 458-486; 490-97
pp. 441-453
21. Weaver, Chpt. 11: Justification Defense
 B. Defense of Others
Singer, Chpt 16 pp. 497-509
pp. 454-455
22. Weaver, Chpt. 11: Justification Defense
 C. Defense of Property
 E. Choice of Evils or Necessity
Singer, Chpt 16 pp. 4508-517
pp. 525-532
pp. 429-432; 459-462;
465-470
23. Weaver, Chpt 12: Excuses
 A. Duress
 B. Insanity
Singer, Chpt 16 pp. 539-547
pp. 547-587
Chpt 17 pp. 424-429
pp. 475-487
24. Weaver, Chpt 13: Theft Crimes
 A. Evolution of Theft Law
 B. Property Subject to Theft
 C. Larceny and Embezzlement
 D. Larceny by Trick and False Pretenses
Singer, Chpt 10 pp. 593-595
pp. 595-600
pp. 600-612
pp. 612-618
pp. 251-269
25. Weaver, Chpt 13: Theft Crimes
 A. Receiving Stolen Property
 B. Robbery and Carjacking
 C. Burglary pp. 618-624
pp. 624-630
pp. 630-637