

Criminal Law, Syllabus, Fall 2009, Weekend class  
Professor Mary Jane Morrison  
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**COURSE DESCRIPTION**—Criminal Law examines the functions of criminal law as a means of social control, the creation of crimes as a process, and the elements of criminal liability—the criminal act, the criminal state of mind, and the absence of justification or excuse. This course also examines legislative definition and grading of offenses, and policy considerations relevant to those processes in the context of the Model Penal Code and other penal statutes.

This is a statutory course, not a common law course, although you will have to learn some common-law criminal law crimes in order to read and understand some contemporary statutes.

This also is a public law course, not a private law one.

These two characteristics distinguish it from the other courses you are taking this semester.

The overriding goal for this course is for you to understand—and be able to show you understand— how these two differences make criminal-law legal analysis different from the analysis in torts or contracts courses.

**REQUIRED TEXTS**—Kaplan, Weisberg, & Binder, *Criminal Law: Cases and Materials* (Aspen 2008 6th edition).

**RECOMMENDED TEXTS**—There are no recommended additional texts for you to buy for this course. You will do best by re-reading the assigned readings in the casebook for the umpteenth time. If, however, you decide you want additional reading materials, check the various texts available in the library to see what suits you best—before you plunk down more money. The library has copies of [in order of depth] treatises, hornbooks, nutshells, outlines, and audiotapes. The Web also has some materials that, with caution, you can trust. [You will find one for a long-ago edition of this casebook at <http://www.ilrg.com/students/outlines/>, along with outlines for other casebooks in other courses. Proceed with caution!]

“ACADEMIC RULE 1-110”—Excessive absences for this course, for purposes of the HUSL Attendance Policy and Code of Conduct, are absences in excess of 10 percent of the classes. [There are 13.] Being unprepared or insufficiently prepared is the same as being absent, under the HUSL “Attendance Policy,” and this excessive-absences rule therefore applies to preparation, too.

**LAPTOP POLICY**—I will impose sanctions for irresponsible use of computers during class time.

**CELL PHONES**—Turn off cell phones before class begins unless you have an unusual emergency of which you apprise me before class begins.

**TOO MUCH COFFEE**—We will take a 15 minute break midway through the class. I do not expect you to be leaving otherwise unless you are pregnant or have a medical condition.

GRADING—The final exam is the basis for your grade in this course. In the middle of the term, there will be a “no penalty, no credit” optional midterm essay exam. I will provide further details about that optional midterm after school begins.

Law school is an inherently stressful experience, even at HUSL, which tries to maintain a humane atmosphere for learning. Get enough sleep, take your B and C vitamins, get some exercise, and make time for your families and friends and for some fun.

REQUIRED-PREPARATION ASSIGNMENTS—Please note, first:

- If you did not take college courses in philosophy or in criminality, I urge you to read the relevant portions of the first chapter of the casebook. We will need the retributive and utilitarian theories of punishment particularly when we begin the defenses.
- class 1. Pp. 103, 105-39, Criminal Act [35 pp]
  - class 2. Pp. 140-73, Criminal Act [33 pp]
  - class 3. Pp.175-213, Guilty Mind [38 pp]  
[Labor Day Break]
  - class 4. Pp. 213-58, Guilty Mind [45 pp]
  - class 5. Pp. 259-97, 302-307, Causation [43 pp]  
and Homicide Statutes at pages 309-24 [those 15 pages are a continuing assignment]
  - class 6. Pp. 325-69, Intentional Homicide [44 pp]
  - class 7. Pp. 369-80, 381-413, Intentional Homicide, Unintentional Homicide [43 pp]
  - class 8. Sunday October 11 at 1:15 (Room 101) Pp. 413-51, Unintentional Homicide [38 pp]  
**OPTIONAL MIDTERM WILL BE AT 11:30 ON SUNDAY, OCTOBER 11, ROOM 101 AND WILL COVER THROUGH PAGE 413**  
[Fall Break]
  - class 9. Pp. 515-45, n. 7 559, 559-73, 584-603, Defensive Force, Necessity, & Duress  
[63 pp—PLAN AHEAD]  
[Pp. 507-14 is a continuing assignment as we cover defenses]
  - class 10. Pp 605-655 Mental Illness [50 pp]
  - class 11. Pp 657, 659-714 Attempt [56 pp]
  - class 12. Pp 715-62, 767-77 Complicity [57 pp]
  - class 13. Pp 800-846 Conspiracy [46 pp]  
[Thanksgiving Break]

Final exam tentatively scheduled for the afternoon of Saturday, December 12, 2009. It will be a closed book exam. [The schedule in the months before this syllabus goes to press says TBD re outside materials—Don’t believe it: Criminal Law exams from me always are closed book exams.] It will contain three equally-weighted essay questions.