

Criminal Law, Syllabus—SUMMER 2009
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 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 common-law 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, talk to me after you 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 Internet also has some materials that, with caution, you can trust.

“ACADEMIC RULE 1-110”—This is a summer course. If you miss one class, you have missed the regular-semester-equivalent of an entire week of classes. Miss two classes **FOR ANY REASON, EVEN A GOOD ONE THAT IS NOT YOUR FAULT**, and you will have to repeat the course. Being unprepared or insufficiently prepared is the same as being absent under the HUSL “Attendance Policy.”

LAPTOP POLICY—Using laptops at HUSL is a privilege and is subject to revocation for abuses, particularly abuses that display lack of civil behavior by disturbing other members of the class or distracting from any student’s focus on the class. Use laptops during class for class purposes, but not for checking or sending email, roaming the web, or any similar activities. I reserve the right to ban anyone’s use of a laptop if I have reason to believe the person is abusing the privilege.

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

GRADING—The final exam is the basis for your grade in this course.

REQUIRED-PREPARATION ASSIGNMENTS—All required reading assignments are to pages in the casebook.

We will do problems in each class, as long as we stay on track for completing the topics of the assigned readings. I will distribute the problems via email attachments. I have intentionally tried to arrange some reading assignments to span more than one class, on the understanding that learning theory suggests this will help your learning.

If you did not take college courses in philosophy (particularly ones on utilitarianism, causation, ethics or the problems of evil) or in criminality (particularly ones on the purposes of punishment), I urge you to read the relevant portions of the first chapter of the casebook. If you have not watched much TV, especially “Law and Order,” read the introduction to the casebook, too.

- class 1. Pp 103-40 Criminal Act
- class 2. Pp 140 - 86 Criminal Act and Guilty Mind
- class 3. Pp 186 - 229 Guilty Mind
- class 4. Pp 229 - 58 Guilty Mind
- class 5. ch. 4, Causation
continuing assignment, pp 309-24
- class 6. Pp 325-58 Intentional Homicide
- class 7. Pp 358-400 Intentional Homicide and Unintentional Homicide
- class 8. Pp 400-51 Unintentional Homicide
- class 9. Pp 507-45, 559-63 Defensive Force [include n. 7 on 559]
- class 10. Pp 563-73, 584-603 Necessity and Duress
- class 11. 605-31, 646-59 Mental Illness
- class 12. 659-713 Attempt
- class 13. 715-62, 767-77 Complicity
- class 14. 791-846 Conspiracy