

Criminal Law, Syllabus
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), plus the materials on TWEN.

You **MUST** register on the TWEN site for this course; and you **MUST** use your Hamline email account, because of the Hamline University email policy, both for registering on TWEN and for contacting me by email. Registrations on the TWEN site for this course will open the week on August 10.

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"—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 42.] Being unprepared or insufficiently prepared is the same as being absent, under the HUSL "Attendance Policy," and this "excessive absences" rule 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.

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—All required preparation assignments reference 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. In general, the reading assignments are 40 to 50 pages per class. But there are two exceptions. Please plan ahead!

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, read the introduction to the casebook, too.

Page numbers refer to the 2008 sixth edition of the casebook.

class 1. Pp 103-48 Criminal Act

class 2. Pp 148 - 95 Criminal Act and Guilty Mind

[Labor Day break]

class 3. Pp 195 - 242 Guilty Mind

class 4. Pp 242 – 297 Guilty Mind and Causation

class 5. Pp 302 – 307, 325-58 Causation and Intentional Homicide
and, continuing assignment, pp 309-24

class 6. Pp 358-400 Intentional Homicide and Unintentional Homicide

class 7. Pp 400-52 Unintentional Homicide and review

class 8. Pp 507-49, 559-63 Self Defense [including n.7 on 558]

[Fall break]

class 9. Pp 563-73, 584-603, 605-624 Necessity, Duress and Mental Illness

class 10. Pp 624-655, 657, 659-70 Mental Illness and Attempt

class 11. Pp 670-714 Attempt

class 12. Pp 715-89 Complicity [Yes, I know, this is a very long reading assignment—but that is partly because of the nature of the cases that cover complicity: They are fact intensive; two cases and their notes account for 25 pages here. Grin, and bear it, please!]

class 13. Pp 790-846 Conspiracy

[Thanksgiving Break]

Final exam [as of August 1, 2008] tentatively scheduled for Sunday, December 21 at 2 p.m. It will be a closed book exam consisting of three equally weighted essay questions.