Class Schedule:

Class meets Mondays and Wednesday at 10:00-11:15 in room 221.

Office hours:

I will remain in the classroom for thirty minutes after each class for questions, comments or clarifications. I find it is better to do “office hours” in a public forum. If you need to speak to me about a private matter, an appointment can be arranged through Ms. Spoelman, lspoelma@gmu.edu.

Required course material:

Kadish, Schulhofer and Steiker: Criminal Law and its Processes (8th ed. 2007). I will also supplement the casebook reading with others materials throughout the semester.

Classroom participation:

Attendance is required and an attendance sheet is passed around at each class. If you know you will be absent or are unable to prepare, email me prior to the class. I reserve the option of raising or lowering grades based on the quality of class participation.

A note about the use of the Internet during class. Some professors, at George Mason and elsewhere, do not allow Internet connection in class, and some ban computers from class altogether. I have seriously considered disallowing the Internet, at least, because it is distracting and, frankly, disrespectful for people to be looking at ball scores and movie clips, Tweeting and Facebooking (and so on) during class. On the other hand, it is a great advantage to be able to look up an unfamiliar word or to pin down some fact that may come up in class discussion. Accordingly, the use of the Internet is going to be allowed in this class, subject to the proviso that everyone uses it in an appropriate way.

Final exam:

The exam is on May 11 at noon. It will be a closed-book exam - no notes, outlines or helps of any kind. It may consist of essay questions, multiple choice questions, true-or-false questions, short answer questions, or any other kind of questions, in any
combination. In order to suppress rumors, I will never discuss anything to do with the exam except during class.

Exams, of course, are graded anonymously. In principle, professors can find out who got what after the grades are recorded and posted. As a matter of personal practice, finding out what grade someone got is something I haven’t done. Excepting students who actually fail the exam or some other unusual circumstance, I won’t know what a student’s grade was in Criminal Law (unless for some reason that person tells me).

**First Assignment:**

Kadish, Schulhofer and Steiker, pages 73-105.

**Topic Outline**

NB: Material may be added or deleted over the course of the semester.

I. Purposes of Punishment: pages 73-132

II. Defining Criminal Conduct

A. Introduction: 29-33 and 133

B. Principle of Legality: 134-139 and 154-161

C. Proportionality: 167-182

D. *Actus Reus*

   1. Voluntary acts: 182-192 and 911-914
   2. Omissions: 192-212

E. *Mens Rea*

   1. Common law: 213-222
   2. Model penal code: 222-233
   3. Mistake of fact: 234-248
   4. Strict Liability: 248-262
   5. Mistake of law: 267-290

III. Homicide
A. Statutory Frameworks: 373-380

B. Intended Killings
   1. Premeditation: 381-390
   2. Provocation: 390-410

C. Unintended Killings
   1. Creation of Homicidal Risk: 410-435
   2. Felony Murder: 435-466

IV. Significance of Resulting Harm

A. Causation
   1. Foreseeability: 509-523
   2. Subsequent human acts: 523-544

B. Attempt
   1. Introduction: 544-547
   2. *Mens Rea*: 547-554
   3. Preparation: 554-570
   4. Impossibility: 575-588

V. Exculpation

A. Justification
   1. Protection of human life: 737-749 and 763-786
   2. Protection of property and law enforcement: 786-798
   3. Necessity: 798-809

B. Excuse
   1. Introduction: 831-833
   2. Duress: 833-850
   3. Intoxication: 850-863
   4. Insanity: 863-911