Class Schedule:

Class meets Mondays and Wednesday at 10:30-11:45 in room 221.

Office hours:

I will hold office hours after class on Wednesdays until 1 p.m. Please also feel free to email me at clerner@gmu.edu to arrange an appointment. My office is 433H and my phone number is 703-993-8080.

Required course material:

Kadish, Schulhofer, Steiker and Barkow: Criminal Law and its Processes (9th ed. 2012). I will supplement the casebook reading with others materials throughout the semester.

Classroom participation:

I will take attendance. Students are expected to be present and prepared. 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 class participation. Use of the internet in any form is prohibited during class. Audiotaping or videotaping of class is also prohibited.

Final exam:

The exam is on May 9 at noon. It will be a closed-book exam.

Reading assignments:

On every Wednesday, I will email the assignment for the following week.

First Assignment:

Kadish, Schulhofer, Steiker, and Barkow, pages 82-124, and the “Three Case Studies” handout. Please also fill out the questionnaire that immediately follows the case studies and bring it to the first class.
Topic Outline

Note: material may be deleted or added over the course of the semester. I will also occasionally supplement the casebook with articles, cases, and videos.

I. Purposes of Punishment: pages 82-148

II. Defining Criminal Conduct
   A. Introduction: 31-36 and 149
   B. Principle of Legality: 149-155 and 171-179
   C. Proportionality: 186-204
   D. Actus Reus
      1. Voluntary acts: 205-218 and 1009-1011
      2. Omissions: 218-241
   E. Mens Rea
      1. Common law: 241-252
      2. Model penal code: 252-266
      3. Mistake of fact: 266-282
      5. Mistake of law: 303-329

III. Homicide
   A. Statutory Frameworks: 419-427
   B. Intended Killings
      1. Premeditation: 427-437
      2. Provocation: 437-463
   C. Unintended Killings
      1. Creation of Homicidal Risk: 463-490
      2. Felony Murder: 490-523
IV. Significance of Resulting Harm

A. Causation
   1. Foreseeability: 571-586
   2. Subsequent human acts: 586-607

B. Attempts
   1. Introduction: 607-610
   2. Mens Rea: 611-617
   3. Preparation: 617-636
   4. Impossibility: 636-655

V. Exculpation

A. Justification
   1. Protection of human life: 817-848 and 863-872
   2. Protection of property and law enforcement: 872-885
   3. Necessity: 885-898

B. Excuse
   1. Introduction: 921-924
   2. Duress: 924-943
   3. Intoxication: 943-958
   4. Insanity: 958-996

VI. Group Criminality

A. Introduction: 657-660

B. Mens Rea: 661-686

C. Actus Reus: 687-693

D. Conspiracy: 723-735