Class Schedule:

Class meets Mondays and Wednesdays, 10:30AM-11:45AM

Contact Information and Availability:

My office is Room 310; my office phone number is 703-993-9556. Office hours will be held at a time to be determined. If you are unable to attend my office hours, please let me know and we can arrange to meet at a mutually available time. Please request appointments and direct other class-related questions or concerns via email (etreyger@gmu.edu).

Assignment for the First Class Meeting: Assignment 1 below.

Required Course Material:

Sanford Kadish, Stephen Schulhofer, and Carol Steiker. Criminal Law and Its Processes: Cases and Materials, Ninth Ed. (2012). It is a red, hard-cover, Wolters Kluwer book. [Note that if you choose to purchase an older edition, which I do not recommend, you are responsible for verifying the correspondence of the material in the older editions with the assignment.]

I will occasionally supplement the casebook with outside materials, which will be made available to you. Unless otherwise indicated, all reading assignments are from the casebook. The assignments will be adjusted from time to time to reflect the natural pace of the course and additional materials may be added. For this reason, assignments are numbered, rather than dated; unless I tell you otherwise, you should presume each assignment is to be completed for the corresponding lecture (i.e. Assignment 1 should be read prior to lecture 1).

Pay attention to the particular material assigned, or omitted, within a given page range: e.g., 1-10 (Smith, n.4) means read the case where Smith is a named party and Note 4 within the page range given, and does not mean read all the material from page 1 through 10. “Up to n.1” means stop reading before note 1. If a page range is indicated without parenthetical information, you are responsible for the entire range. You are of course welcome to read beyond the assigned sections of the book, but for exam purposes, you are responsible for the material covered on the assigned portions, as well as any additional material presented in lecture.
“MPC” stands for Model Penal Code, which is found at the end of your textbook beginning on page 1191.

**Classroom Participation and Attendance:**

Classroom participation is part of the course requirements. I will take volunteers but will also call on students randomly. My purpose is never to embarrass you, but to draw a good portion of the class into each class discussion; therefore, if you know that you will be absent or unable to prepare (for medical, family or other serious reasons), please let me know by email prior to class. Final grades may be raised or lowered by a third of a grade (i.e. from A to A- or vice versa) to reflect the quality of your class participation.

Academic Regulation 4 governs attendance. An attendance sheet will be available for your signature during each class. You are responsible for signing in for each class that you attend; at the end of the semester, if your name is missing from 20% of the classes, you are not eligible for course credit.

**Power Point Slides:** I will make the class power point slides available via the course TWEN site at some intervals throughout the semester. You should keep in mind that slides will often contain minimal substantive information and cannot serve as a substitute for notes or attending class.

**Final Exam:**

The exam will take place on May 6, 2016 at noon. The exam will be open-book and open-notes; further details to follow.

**Internet and Phone Policy:**

I ask that you refrain from using the internet in any form, as well as phone messaging, during class time.

**Food Policy:**

Please check with me if you need to bring food into the classroom; on account on severe allergies, I must ask you to refrain from bringing certain foods into the room.

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<tr>
<th>Assignment #</th>
<th>Assignment</th>
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| 1            | **I. INTRODUCTORY MATERIAL: Theories of Criminal Punishment**
               | 83-89 (Regina v. Dudley)                      |
               | Retribution: 95-97 (Moore, Morris, Murphy); 101-02 (Problem); 105-06 (Stephen) |
               | Deterrence: 91-92 (Bentham);111-13(Intro Note up to n.4) |
Rehabilitation: 115-16 (Moore)
Incapacitation: 120

2

**II. DEFINING CRIMINAL CONDUCT**

**A. Legality**
150-54 (Mochan, n.1, 4, 5); 155-59 (Dauray); 163-167 (Keeler); 168-71 (Rogers); 1198 (MPC §1.05)

3

*Re-read:* (Keeler); 167-169 (n.2, Rogers); 1198 (MPC §1.05)

**B. Actus Reus**
205-09 (Martin, both notes 4, Newton, n.1); 211-14 (Problems a, c, d); 216 (note on culpable thoughts)

4

*Re-read* first note 4 at 206-07

**Omissions:** 218-19 (Jones); 219-22 (Pope); 226 (n.1); 232-33 (n.4); 235 (note on possession); 236-38 (Barber)

**Status:** 1009-11 (Robinson)
1201 (MPC §2.01)

**C. Mens Rea**

*Common Law Approach: 241- 52 (up to Note)*

5

*Re-read: Common Law Approach: 241- 52 (up to Note)*

**C. Mens Rea**

*MPC Approach: 252-59*

6

*Recklessness v. Knowledge: 260- 65 (Jewel, up to n.4)*

**Mistake of Fact:** 266-68 (Prince, up to n.3); 270-76(MPC approach, up to B (a minor)); 280-82 (Note on Statutory Rape)

7

*Re-read: 266-68 (Prince, up to n.3); 270-76(MPC approach, up to B (a minor)); 280-82 (Note on Statutory Rape)*

**Strict Liability:** 282- 92 (intro, up to Guminga)

8

*Re-read: 284-93 (Morisette, Staples)*

**Mistake of Law:** 303-18 (Mistake of Law, up to n.3); 321-23 (Lambert); 327-29 (the “cultural defense”)

9

*Re-read: 313-18 (focus on Cheek); 321-23 (Lambert)*

**III. HOMICIDE**

**A. Introduction, Premeditation:** 419-27 (skim the sample penal codes); 427-37 (premeditation-deliberation, up to mitigation to manslaughter)

**Provocation:** 437-46 (up to n.3)
<table>
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<th>Page</th>
<th>Content</th>
</tr>
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| 10   | Re-read: 432-37 (Guthrie), Provocation: 437-46 (up to n.3) 447-58 (n.4, up to n.3); 458 -61 (notes on reasonable person, up to n.3)  
**B. Unintended Killing:** 463-66 (Welansky, up to Notes) |
| 11   | Re-Read: 453-58 (Casassa, up to n.3); 458 -61 (notes on reasonable person, up to n.3)  
**B. Unintended Killing:** 463-66 (Welansky, up to Notes) 466-75 (focus on Hall); 476-81 (n.1, n.4, n.5, problem) |
| 12   | Re-read Hall at 469-471  
*Murder v. Manslaughter:* 482-90 (up to felony-murder rule)  
*Felony-murder:* 490-95 (up to note on rationale) |
| 13   | Re-read: Felony-murder materials not covered in class 12  
*Felony-murder, cont’d:* 498- 511 (n.5, up to notes on merger) |
| 14   | Felony-murder, cont’d: 511-23  
**IV. SIGNIFICANCE OF HARM**  
**A. Causation:** 571- 78 (up to Warner-Lambert) |
| 15   | Re-read: IV. SIGNIFICANCE OF HARM  
**A. Causation:** 571- 78 (up to Warner-Lambert) 578- 592 (Warner-Lambert, up to n.2); |
| 16   | Re-read: 586-592 (up to n.2)  
592-97 (n.2, Stephenson, comment, n.2, n.3, n.4)  
598-607 (n.2, up to Attempt) |
| 17   | Attempts: 607-10 (up to note); 611-15 (up to n.3)  
615-17 (n.3, up to Preparation);  
*Preparation:* 617-27 (skip n.2 at 621, skip n.1 & n.2 at 624, up to n.4) |
| 18   | Re-read: materials not covered in class 17  
631-33; Solicitation: 637- 39 (up to Notes on Solicitation);  
*Impossibility:* 641- 55 (up to note) |
| 19   | **V. GROUP CRIMINALITY**  
**A. Complicity:** *Mens Rea:* 661-66 (up to n.3); 669-72 (n.5, up to n.3); 674-75 (McVay); 678-79 (n.4); 680-81 (Russell); 682-85 (Luparello, Roy) |
| 20   | Actus Reus: 687- 96 (up to Notes)  
**B. Conspiracy:** 703-06 (intro. notes); 706-11 (Actus Reus, Interstate Circuit, up to Notes); 711-12 (n.2); 713-19 (Lauria, up to n.2) |
| 21   | Re-read: materials not covered in class 20  
723- 28 (Pinkerton, up to Notes); 731-35 (n.2, up to The Duration…)  
*Scope:* 738-43 (n.5, up to Bruno); 743- 51(Bruno, up to 6. Parties) |
<table>
<thead>
<tr>
<th>Page</th>
<th>Content</th>
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<tbody>
<tr>
<td>22</td>
<td><em>Re-read:</em> materials not covered in class 21</td>
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<td><strong>V. EXCULPATION</strong></td>
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<td><strong>A. Justification:</strong></td>
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<td><em>Introduction &amp; Self-defense:</em> 817 (introduction); 819-23 (Goetz); [optional: 823-27, notes on the Goetz case]</td>
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<td>23</td>
<td><em>cont’d:</em></td>
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<td>848-52 (Norman, up to Rosen on self-defense); 854-60 (Sands, up to n.7); 863-71 (Abbott, up to n.2), 872 (n.3)</td>
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<td>24</td>
<td><em>Protection of Property &amp; Law Enforcement:</em> 872-78 (Ceballos, up to Note), 880-84 (Garner, up to MPC)</td>
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<td><em>Necessity:</em> 885-98 (up to Dudley)</td>
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<td>25</td>
<td><em>Re-read:</em> 880-84 (Garner, up to MPC) (skim)</td>
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<td><em>Necessity:</em> 885-98 (up to Dudley)</td>
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<td><strong>B. Excuse:</strong> 921-24</td>
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<td><em>Duress:</em> 924-29 (up to notes); 934-40 (Notes, up to end of pg)</td>
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<tr>
<td>26</td>
<td><em>Insanity:</em> 958-64 (up to Notes); 966 ((c)); 967-68 (n.4); 968-984 (up to notes on abolition)</td>
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<td><em>Diminished Capacity:</em> 998-1009 (up to changing patterns)</td>
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<td>27</td>
<td><strong>VI. RAPE</strong></td>
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<tr>
<td></td>
<td><strong>A. Statutory Frameworks:</strong> 338-42</td>
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<td></td>
<td><strong>B. Actus Reus:</strong> 342-47; 355-59</td>
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<td><em>Eliminating the force requirement:</em> 363-68</td>
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<td>28</td>
<td><em>Consent:</em> 376-77; 380-82 (n.2, up to (b) 384-88 (up to notes)</td>
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<td><strong>C. Mens Rea:</strong> 389-97 (up to n.3)</td>
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