

UConn–HUGS Winter Program
Criminal Law – Syllabus
Professor David Thaw
Winter 2015

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This course is organized into eleven Parts, each of which is divided into several Units (1.1, 1.2, etc.).

There is one book required for this class:

- Casebook (CB): Joshua Dressler and Stephen P. Garvey, Cases and Materials on Criminal Law (6th ed., 2012)

Students may also find various study aids helpful, however none are required:

- Joshua Dressler, Understanding Criminal Law (7th ed., 2015)
- John M. Burkoff, Acing Criminal Law (2d ed., 2013)
- Richard G. Singer and John Q. La Fond, Examples & Explanations: Criminal Law (6th ed.)

Students should plan on completing the reading for each session in advance of the class period for which they are assigned (except the first class as students may register up until the first class, however students are encouraged to make their best effort to read in advance of the first class). For example, for the **15 Dec 2015 (Tuesday – Evening Session)** class period, the students should read pages 6-7, 7-9, 9-13, 13-18, 18-28, 92, 92-95, 95-105, 113-119, 29-32, 39-48, and 32-38 in the Casebook.

Thoughts on Learning Criminal Law as a non-U.S. student:

My job with this course is to help you under U.S. Criminal Law. This can often be confusing to non-U.S. students, for two primary reasons. First, there is no one single criminal law in the United States. Each jurisdiction – the individual States, the Federal government collectively, and the individual non-State jurisdictions – has a separate criminal code. Second, the U.S. criminal law is a combination of the common law evolved from Europe and various attempts at formal codification of that common law or of other proposed systems, such as the Model Penal Code.

For the U.S. bar examination, two criminal "codes" primarily are tested: 1) the "Common Law (Doctrine)" as it is observed by a majority of jurisdictions; and 2) the Model Penal Code (as published by the American Law Institute, rather than by any specific State or jurisdiction.

*For this reason, we will combine several pedagogical approaches. These include reading "traditional" full cases, reading (much shorter) excerpts of cases (designed to address a specific point), and direct lecture (to introduce and later summarize key concepts). **It is very important when reading each case to understand which approach is being used – generally indicated by the "length" of the reading.***

I strongly encourage all students to come to me with questions – both during class and at other times. You may ask questions about subjects from a previous class during subsequent classes.

The material expected to be covered in each class is broken out by session and listed in **bold underline** below. As this is a highly-compressed class, these dates are subject to change if we fall behind. Extra time is planned in the syllabus in case we fall behind, and for review.

14 Dec 2015 (Monday – Evening Session)

1. The American Federalist Republic
 - 1.1. The Constitution and the Structure of Government
 - 1.1.1. Background
 - 1.1.2. The United States Constitution (<https://www.law.cornell.edu/constitution>)
 - 1.2. Mechanics of the United States Government
 - 1.3. U.S. State and Jurisdictional Government(s)/Structural Variations
2. Criminal Law Constitutional Authority/"Sovereigns"
 - 2.1. State Criminal Law Authority/Tenth Amendment
 - 2.1.1. General Police Power
 - 2.1.2. Limits of the Federal Constitution
 - 2.2. Federal Criminal Law Authority
 - 2.2.1. Commerce Clause
 - 2.2.2. Monetary, Wire, Mail, and Computer Fraud
 - 2.2.3. International Issues and Immigration/Citizenship
 - 2.2.4. Military Law
3. Basics of Criminal Law
 - 3.1. Nature, Sources, Limits [**CB 1-5**]
 - 3.1.1. Common Law/Historical Ties
 - 3.1.2. Model Penal Code
 - 3.1.3. Modern Relationships with the Legislature
 - 3.1.4. Modern Relationships with the Judiciary

15 Dec 2015 (Tuesday – Evening Session)

- 3.2. Basics of Criminal Procedure
 - 3.2.1. Pre-Trial Procedures [**CB 6-7**]
 - 3.2.2. Trial Procedures [**CB 7-9**]
 - 3.2.3. Standards of Proof [**CB 9-13, 13-18**]
 - 3.2.4. Jury Nullification – *State v. Ragland* [**CB 18-28**]
- 3.3. Principle of Legality

- 3.3.1. Introduction [CB 92]
- 3.3.2. *Commonwealth v. Mochan* [CB 92-95]
- 3.3.3. *Keeler v. Superior Court* [CB 95-105]
- 3.3.4. *City of Chicago v. Morales* [CB 113-119]
- 4. Theories of Punishment
 - 4.1. Introduction [CB 29-32]
 - 4.2. Retribution ("Moral" Justifications) [CB 39-48]
 - 4.3. Deterrence ("Utilitarian" Justifications) [CB 32-38]

16 Dec 2015 (Wednesday – Evening Session)

- 4.4. Application of Punishment – Whom, When, and How Much?
 - 4.4.1. *The Queen v. Dudley and Stephens* [CB 49-51]
 - 4.4.2. Degrees of Punishment
 - 4.4.3. *People v. Du* [CB 54-56]
 - 4.4.4. *People v. Superior Court (Du)* [CB 51-54]
 - 4.4.5. Notes/Comments [56-61]
- 5. Elements of a Crime
 - 5.1. *Actus Reus*
 - 5.1.1. Introduction [CB 127]
 - 5.1.2. Voluntary Act
 - 5.1.2.1. *Martin v. State* [CB 128-130]
 - 5.1.2.2. *State v. Utter* [CB 130-136]
 - 5.1.3. Omissions
 - 5.1.3.1. *People v. Beardsley* [CB 136-142]
 - 5.1.4. Acts vs. Omissions
 - 5.1.4.1. *Barber v. Superior Court* [CB 142-147]
 - 5.1.5. Social Harm [CB 147-148]

17 Dec 2015 (Thursday – Evening Session)

- 5.2. *Mens Rea*
 - 5.2.1. Introduction/History
 - 5.2.1.1. *United States v. Cordoba-Hincapie* [CB 149-151]
 - 5.2.2. Intent (Common Law)
 - 5.2.2.1. *Regina v. Cunningham* [CB 151-153]
 - 5.2.2.2. *People v. Conley* [CB 153-159]
 - 5.2.3. Intent (MPC)
 - 5.2.3.1. Introduction and Basic Distinctions [CB 159-164]
 - 5.2.3.2. *State v. Nations* [CB 164-168]
 - 5.2.4. Strict Liability
 - 5.2.4.1. *Staples v. United States* [CB 176-185]

5.2.4.2. *Garnett v. State* [CB 185-192]

19 Dec 2015 (Saturday – Morning Session)

5.3. Mistake

5.3.1. Mistake of Fact

5.3.1.1. *People v. Navarro* [CB 193-197]

5.3.2. Mistake of Law

5.3.2.1. *People v. Marrero* [CB 197-207]

5.3.2.2. *Cheek v. United States* [CB 207-212]

5.4. Causation

5.4.1. Actual Cause

5.4.1.1. *Velazquez v. State* [CB 213-214]

5.4.1.2. *Oxendine v. State* [CB 214-218]

5.4.2. Proximate Cause

5.4.2.1. Introduction [CB 218-219]

5.4.2.2. *People v. Rideout* [CB 220-229]

5.4.2.3. *Velazquez v. State* [CB 229-232]

5.4.3. Concurrence of the Elements

5.4.3.1. *State v. Rose* [CB 232-234]

19 Dec 2015 (Saturday – Afternoon Session)

6. General Defenses to Crimes: Justifications and Excuses

6.1. Introduction [CB 461-467]

6.2. Justifications

6.2.1. Introduction [CB 478-480]

6.2.2. Self-Defense

6.2.2.1. Objective Belief – *People v. Goetz* [CB 492-505]

6.2.2.2. Subjective Belief – *State v. Wanrow* [CB 506-513]

21 Dec 2015 (Monday – Evening Session)

6.2.3. Defense of Others

6.2.3.1. *People v. Kurr* [CB 530-534]

6.2.4. Defense of Property/Habitation/Law Enforcement

6.2.4.1. *State v. Boyett* [CB 534-541]

6.2.5. Necessity

6.2.5.1. *The Queen v. Dudley and Stephens* [CB 553-560, also Wikipedia:

https://en.wikipedia.org/wiki/R_v_Dudley_and_Stephens]

6.3. Excuse

6.3.1. Introduction [CB 560-564]

6.3.2. Duress

- 6.3.2.1. *United States v. Contento-Pachon* [CB 564-572]
- 6.3.2.2. *People v. Anderson* [CB 578-584]

22 Dec 2015 (Tuesday – Evening Session)

- 6.3.3. Intoxication
 - 6.3.3.1. *United States v. Veach* [CB 584-592]
- 6.3.4. Insanity
 - 6.3.4.1. Introduction [CB 592-597]
 - 6.3.4.2. *State v. Johnson* [CB 599-611]
- 7. Homicide
 - 7.1. Introduction – General Principles of Homicide
 - 7.1.1. Introduction [CB 235-238]
 - 7.1.2. Examples of Homicide Statutes [CB 238-247]
 - 7.2. Intentional Killings
 - 7.2.1. Murder
 - 7.2.1.1. *State v. Guthrie* [CB 254-258]
 - 7.2.1.2. *Midgett v. State* [CB 258-261]
 - 7.2.1.3. *State v. Forrest* [CB 261-265]

23 Dec 2015 (Wednesday – Evening Session)

- 7.2.2. Manslaughter
 - 7.2.2.1. *Girouard v. State* [CB 265-272]
 - 7.2.2.2. *Director of Public Prosecutions v. Camplin* [CB 276-284]
 - 7.2.2.3. *People v. Casassa* [CB 284-291]
- 7.3. Unintentional Killings
 - 7.3.1. Unintentional Murder
 - 7.3.1.1. *People v. Moore* [CB 294-296]
 - 7.3.1.2. *People v. Knoller* [CB 296-300]
 - 7.3.2. Involuntary Manslaughter
 - 7.3.2.1. *State v. Williams* [CB 300-308]
- 7.4. Felony-Murder
 - 7.4.1. Introduction [CB 308-309]
 - 7.4.2. *People v. Fuller* [CB 309-310]
 - 7.4.3. "Inherently Dangerous Felony" Rule – *People v. Howard* [CB 318-326]
 - 7.4.4. "Independent Felony" (Merger) Rule – *People v. Smith* [CB 326-331]
 - 7.4.5. "In the Perpetration/Furtherance of" Rule – *State v. Sophophone* [CB 331-335]

24 Dec 2015 (Thursday – Evening Session)

- 8. Assault and Battery
 - 8.1. Assault [<http://defensewiki.ibj.org/index.php/Assault>]

- 8.2. Battery [<http://defensewiki.ibj.org/index.php/Battery>]
- 9. Property Offenses
 - 9.1. Larceny
 - 9.1.1. Introduction [**CB 893-894**]
 - 9.1.2. "Trespassory Taking Away . . ."
 - 9.1.2.1. *Lee v. State* [**CB 894-895**]
 - 9.1.2.2. *Rex v. Chisser* [**CB 895**]
 - 9.1.2.3. *United States v. Mafnas* [**CB 896-899**]
 - 9.1.2.4. *Topolewski v. State* [**CB 899-902**]
 - 9.1.2.5. *Rex v. Pear* [**CB 903-904**]
 - 9.1.2.6. *Brooks v. State* [**CB 904-906**]
 - 9.1.3. ". . . of the Personal Property of Another . . ."
 - 9.1.3.1. *Lund v. Commonwealth* [**CB 906-910**]
 - 9.1.4. ". . . With the Intent to Steal the Property"
 - 9.1.4.1. *People v. Brown* [**CB 910-913**]
 - 9.1.4.2. *People v. Davis* [**CB 914-918**]
 - 9.2. Embezzlement
 - 9.2.1. *Rex v. Bazeley* [**CB 918-922**]
 - 9.3. Larceny-by-Trick
 - 9.4. False Pretenses
 - 9.4.1. *People v. Ingram* [**CB 922-924**]
 - 9.4.2. *People v. Whight* [**CB 924-927**]
 - 9.5. Robbery
 - 9.6. Burglary
 - 9.6.1. *People v. Howard* [**CB 318-326**] (revisited – note key "burglary" distinction)
 - 9.6.2. Breaking-and-Entering (as distinguished from Burglary)

26 Dec 2015 (Saturday – Morning Session)

- 10. Inchoate Offenses & Conspiracy
 - 10.1. Introduction [**CB 708-711**]
 - 10.2. Attempt
 - 10.2.1. Introduction [**CB 711-712**]
 - 10.2.2. *People v. Gentry* [**CB 717-721**]
 - 10.2.3. *United States v. Mandujano* [**CB 724-729**]
 - 10.2.4. *Commonwealth v. Peaslee* [**CB 729-732**]
 - 10.3. Solicitation
 - 10.3.1. *State v. Mann* [**CB 772-773**]
 - 10.3.2. *State v. Cotton* [**CB 773-777**]
 - 10.4. Conspiracy
 - 10.4.1. *People v. Carter* [**CB 777-780**]

10.4.2. *Pinkerton v. United States* [CB 780-785]

10.4.3. *People v. Foster* [CB 804-809]

26 Dec 2015 (Saturday – Afternoon Session)

- *Lecture on IRAC/How to Write U.S. Law School/Bar Examination Essay Questions*

- *(Tentative) Practice Mid-Term Examination*

28 Dec 2015 (Monday – Evening Session)

11. Accomplice/Vicarious Liability

11.1. Accomplice Liability

11.1.1. Introduction

11.1.1.1. *State v. Ward* [CB 828-831]

11.1.1.2. *State v. Hoselton* [CB 831-834]

11.1.2. Intent/*Mens Rea*

11.1.2.1. *People v. Lauria* [CB 835-838]

11.1.2.2. *Riley v. State* [CB 838-843]

11.1.2.3. Natural-and-Probable Consequences – *State v. Linscott* [CB 844-847]

11.1.2.4. Attendant Circumstances [CB 847-848]

11.1.3. *Actus Reus*

11.1.3.1. *State v. V.T.* [CB 848-851]

11.1.3.2. *Wilcox v. Jeffery* [CB 851-853]

11.1.3.3. *State v. Helmenstein* [CB 853-857]

11.1.3.4. *People v. Genoa* [CB 857-859]

11.1.4. Direct vs. Accomplice Liability

11.1.4.1. *Bailey v. Commonwealth* [CB 859-863]

11.1.5. Accomplice vs. Principal Liability

11.1.5.1. Principal Acquitted – *United States v. Lopez* [CB 864-866]

11.1.5.2. Principal Convicted – *People v. McCoy* [CB 866-868]

11.2. Vicarious Liability

11.2.1. *Commonwealth v. Koczwar* [CB 874-879]

29 Dec 2015 (Tuesday – Evening Session)

Review Session; Special Topics in American Law

(additional time reserved if we fall behind)

Again, please do not hesitate to ask questions at any time during the course!

FINAL EXAM INFORMATION

The final examination will comprise two portions:

In-Class Multiple Choice Exam: administered by HUGS Staff on **02 Jan 2016 (Saturday)** from **1200h – 1500h (12:00noon – 3:00pm)**. *This time may be subject to change – please consult with HUGS staff to confirm.*

Open-Book Take-Home Essay Examination: administered by HUGS Staff **beginning 02 Jan 2016 (Saturday) at 1600h (4:00pm)** and **due no later than 03 Jan 2015 at 1600h (4:00pm)**. You may use any study materials you wish, however under no circumstances may you communicate with another person regarding the examination during the take-home period (except HUGS Staff).

*The essay portion of the examination **must** be typed and submitted in electronic format (preferably Microsoft Word). If you anticipate a problem submitting your essay electronically, please contact the Professor **and** HUGS Staff well in advance of the final exam to make alternate arrangements.*