

Introduction

This course covers basic, substantive criminal law and sets the foundation for understanding American criminal law. It is organized into three parts. First, students learn fundamental principles of criminal law, including theories of punishment. Second, students learn how to analyze criminal statutes. Third, students learn about several crimes (such as murder and manslaughter) and defenses (such as self-defense and insanity). The course is taught using actual cases, criminal statutes, and the Model Penal Code.

Casebook

Joshua Dressler & Stephen Garvey, Cases and Materials on Criminal Law 8th Edition (8th ed. 2018)

As a supplement, I recommend Joshua Dressler, Criminal Law, Black Letter Outline (4th ed. 2005) or any prior edition.

Learning Outcomes

Upon successful completion of this course, students will know the Black Letter Law of Criminal Law. They will be able to apply the Black Letter Law to actual cases. Finally, they will be able to articulate their legal analysis in writing.

Grading

Grades in this class will be based on a final exam and on class participation (valuing quality over quantity). The majority of your grade will be based on your performance on the final exam. Class participation, including attendance, may adjust your grade up or down.

Class Attendance and Protocol

Class attendance obviously is important and will be monitored. If you fail to attend class with some frequency without sufficient explanation, you may be precluded from taking the final exam.

Contact Information

If you need to contact me, please email me at sshanno4@gmu.edu.

Assignments

1/19	1-29	The Basics: Who?, What?, Where?, When?, and How?
1/24	31-62	Why does the criminal law impose punishments?
1/26	73-90	Must the punishment always fit the crime?
1/31	91-121	“No crime without law, no punishment without law.”
2/2	129; 133-155	“The person did what?!” (<i>actus reus</i>)
2/7	157-178	“What was that person thinking?!” (<i>mens rea</i>)
2/9	186-189; 196-226	Is “I didn’t know” a defense? (strict liability offenses; mistakes of fact; mistakes of law)
2/14	227-250	Did the conduct really cause the harm? (causation)
2/16	251-289 (skim statutes-pp. 254-263)	3 Paradigms of Murder: Common Law/First & Second Degree /Model Penal Code
2/21	300-329	Common Law Manslaughter versus Model Penal Code Manslaughter and Negligent Homicide
2/23	329-332; 341-359	The (Controversial) Felony Murder Rule
2/28	403-404; 414-415 429-445; 449-467	The evolution of sexual crimes
3/2	479-491	Victim’s rights reforms + Group Exercise 1
3/7	497-503; 516-535, N. 7	“I was defending myself!” (self-defense)
3/9	568-579	“I was defending [another] [my stuff] [my castle]!” (Defense of others/property/habitation)
3/21	580-588; 605-609, N. 1; 614, N. 11-619	“I had no good options, so I picked the least bad one.” (necessity) versus “They made me do it.” (duress)
3/23	625-633	When can intoxication be a defense? + Group Exercise 2
3/28	633-664	Not guilty by reason of insanity

3/30	750, N. 1; 752-753; 759-763; 766-770; 779-785	When are attempted crimes punishable?
4/4	788-807; 817-820	When are attempted crimes not punishable? + When is soliciting someone to commit a crime punishable?
4/6	No Reading	
4/11	822-841; 862-864	When is a conspirator criminally responsible?
4/13	877-901; 906 N. 2	When is an accomplice criminally responsible?
4/18	921-926	When is an accomplice criminally responsible? (continued)
4/20	947-949; 953-972	The nuts and bolts of Common Law Larceny
4/25	Review Session	