

Criminal Law – Law 106-002

SYLLABUS

Spring Semester 2023

Professor Michael L. Davis

Goals and Learning Outcomes

Criminal law is an important subject required of all first-year law students. It is based upon and/or controlled by the U. S. Constitution, legislated statutes and common law. Each state has its unique body of criminal law and federal courts oversee allegations of criminal wrongdoing that violate federal statutes. In some instances, a person who participates in criminal activity may face charges in both state and federal courts. This class will be interactive and all students are expected to be prepared each day and will participate in the learning of this very important subject. Together we will succeed!

The following is a non-exclusive list of specific learning outcomes for this course:

1. Broadly learn and understand the fundamental policies of criminal law.
2. Analyze and interpret criminal statutes.
3. Understand the applicability of the Model Penal Code (appendix in book).
4. Broadly understand the criminal process and its stages.
5. Enhance learning skills from analyzing case law and hypotheticals.
6. Evaluate the philosophical and policy justifications affecting the criminal law system.
7. Develop skills allowing one to recognize and to argue both sides of a case/issue.

Class Format

This class is interactive and successful learning is dependent upon preparation and class participation. This is not a “lecture” course. The amount of time and preparation each student puts into this class will affect the learning outcomes for all of your student colleagues. We will follow the syllabus and assignments as closely as possible.

Course Materials

Required materials for this class are:

- 1). *Criminal Law and Its Processes- Cases and Materials* (11th Edition 2022), Kadish, Schulhofer and Barkow (Aspen Publishing)
ISBN: 978-1-5438-1077-6

Final Exam

The format of the final is undertermined at this time. However, it is likely to be “closed book.”

Student Responsibilities

Students are required to attend classes and to be timely at all times. If a student knows that he/she cannot attend a class or that he/she will be late for class, or must leave class early, it is the responsibility of that student to contact the professor beforehand by phone or email.

Students shall read all of the cases and assignments for each day in advance and shall be prepared to be called upon to discuss the rules and/or a case in that day’s reading assignments, per the syllabus.

Prohibited Class Activities

Pursuant to Academic Regulation 4-2.2, no portion of a class session or an examination may be preserved by means of a recording device, laptop, phone, or camera. Any exceptions to this policy must be expressly permitted in writing by the professor.

During class sessions, no student shall access any outside resources unrelated to class topics or issues. Any access to or participation in social media, websites, emails, texts, or other electronic communications during class is strictly prohibited. This includes any intra-class communications as well as external communications. If a student has an urgent or emergent situation, he/she may excuse him/herself from the classroom to make answer such a communication.

Office Hours

There are no formal in-person office hours. Any student who wishes to discuss any matter with the professor should contact the professor personally at mdavis4@gmu.edu or by phone (703) 993-8039. The professor will make every effort to assist every student in this class.

Covid Health & Safety Requirements

Please note that this class will follow current University health and safety protocols. Any student who has a covid or other health related issue should immediately contact the administration for assistance and advice.

Covid Instructional Contingency Plan

In the event that the administration requires this class to transition to a remote format, the professor will inform the students as to the manner and type of instruction by which the class will be operated.

Daily Syllabus and Reading Assignments

January 17 (Class 1): The Purpose of punishment
Pages 8-45; 48-60; 64-66

January 19 (Class 2): The Process for Determining Guilt
Pages 77-99; 108-117; 120-133

January 24 (Class 3): Formal Trials
Pages 139-188

January 26 (Class 4): Legality
Pages 189-233

January 31 (Class 5): Proportionality; Culpability
Pages 234-261

February 2 (Class 6): Omissions; Mens Rea
Pages 261-304

February 7 (Class 7): Willful Blindness; Mistake of Fact; Strict Liability
Pages 304-350

February 9 (Class 8): Mistake of Law
Pages 350-375

February 14 (Class 9): Homicide
Pages 461-480

February 16 (Class 10): Mitigation to Manslaughter
Pages 480-501

February 21 (Class 11): Unintended Killings
Pages 501-514

February 23 (Class 12): Objectivity; Murder v. Manslaughter
Pages 514-532

February 28 (Class 13): Felony Murder
Pages 532-565

March 2 (Class 14): Causation
Pages 567-601

March 7 (Class 15): Attempt
Pages 601-637

March 9 (Class 16): Group Criminality
Pages 651-679

Week of March 13-17: No Class; Spring Recess

March 21 (Class 17): Group Criminality
Pages 680-701

March 23 (Class 18): Conspiracy
Pages 701-728

March 28 (Class 19): Conspiracy
Pages 728-760

March 30 (Class 20): Corporate Criminality
Pages 760-802

April 4 (Class 21): Justification and Excuse
Pages 803-825; 849-867

April 6 (Class 22): Justification and Excuse
Pages 875-896

April 11 (Class 23): Duress; Intoxication
Pages 904-937

April 13 (Class 24): Mental Competency; Insanity
Pages 938-968

April 18 (Class 25): Mental Competency; Insanity
Pages 972-999

April 20 (Class 26): Review for Exam/Make-up Date