

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* (9th ed. 2022)

As a supplement, I recommend Joshua Dressler, *Criminal Law, Black Letter Outlines* (5th ed. 2023) 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

- 1/17** Part 1: The Basics: Who?, What?, Where?, When?, and How? (pp. 1-10; 14-23)
- Part 2: Why does the criminal law impose punishments? (pp. 31-44; 47-49; 52 N.3b; 53-63 N.4)
- 1/24** Part 1: Must the punishment always fit the crime? (pp. 75-92)
- Part 2: “No crime without law, no punishment without law.” (pp. 95-107 N.1; 109; 118-124)
- 1/31** Part 1: “The person did what?” (*actus reus*) (pp. 133; 137-141 N.6; 146-149 N.2; 152-157 N.1; 157-159 [social harm])
- Part 2: “What was that person thinking?” (*mens rea*) (pp. 161-182)
- 2/7** Part 1: Is “I didn’t know” a defense? (strict liability offenses; mistakes of fact; mistakes of law) (pp. 190-193; 200-207; 208-211; 213-221 N.1; 225-229 N.3)
- Part 2: Did the conduct really cause the harm? (causation) (pp. 232-246 N.7; 249-255)
- 2/14** Part 1: 3 Paradigms of Murder: Common Law/First & Second Degree/Model Penal Code (pp. 257-260; 263-265 [California penal code]; 274-279 N.1; 281-291)
- Part 2: Common Law Manslaughter versus Model Penal Code Manslaughter and Negligent Homicide (pp. 293-300 N.6; 311-317 N.2; 333-336 N.3)
- 2/21** Part 1: The Felony Murder Rule (pp. 342-345 N.1; 354-361; 363-366; 368-371; 373 [unlawful act manslaughter])
- Part 2: The evolution of sexual crimes (pp. 417-418; 439-443; 445-452 N.2; 490-495 N.1)
- 2/28** Part 1: “I was defending myself!” (self-defense) (pp. 507-510; 524-546)
- Part 2: “I was defending [another] [my stuff] [my castle]!” (Defense of others; property; habitation) (pp. 576-585 N.2)
- 3/13** Part 1: “I had no good options, so I picked the least bad one.” (necessity) versus “They made me do it.” (duress) (pp. 589-594 N.1; 617-620 N.1; 625 N.12-629)
- Part 2: When can intoxication be a defense? (pp. 637-645)
- 3/20** Part 1: Not guilty by reason of insanity (pp. 645-651; 653-676)
- Part 2: Writing exercise

3/27 Part 1: When are attempted crimes punishable? (pp. 764 N.1; 766-767; 773-777; 781; 794-799 N.1)

Part 2: Special defenses to attempted crimes: Impossibility and Abandonment (pp. 802-812 N.7)

When is soliciting someone to commit a crime punishable? (pp. 825-828)

4/3 Part 1: When is a conspirator criminally responsible? (pp. 831; 834 N.4; 835-842 N.1; 845-849; 871-872 N.1)

Part 2: When is an accomplice criminally responsible? (pp. 893-895; 897-899 N.2; 901 N.1; 904-909; 911-916)

4/10 Part 1: Special defenses for conspirators and aiders and abettors: Members of the protected class and Abandonment (pp. 938-943)

Part 2: Common Law Larceny; Embezzlement; False Pretenses (pp. 965-967; 971-973 N.3; 979-982; 995-998 N.1; 999-1000 N.1)

4/17 Review Session