



MASSACHUSETTS SCHOOL OF LAW at ANDOVER
CRIMINAL LAW SYLLABUS -- Fall 2018

Professor Rodriguez
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Use this number for texting. Please use this for class related purposes only.
- Text(s):** *Criminal Law, Cases, Materials and Text*
Seventh Edition, Phillip E. Johnson and Morgan Cloud.
- Purpose** This is the introductory course for statutory and common law Criminal Law intended as the foundation for the Bar Exam and competence for criminal defense practitioners.
- Grading** The midterm and final examinations combine for 85% of your final grade. In addition there will be weekly assignments of MBE-type questions and/or fill-in-the-blank-element questions. These assignments will operate as quizzes and will combine to be 15% of the semester grade. I reserve the right at any time during the semester to modify and/or change the course grading.
- Lack of attendance and/or class participation has the potential to impact negatively on the semester grade.**

Course Requirements & Class Participation

Class Attendance:

Students must come to class prepared to brief cases and for class discussion. You are expected to be in class and to participate. Individuals who have more than **three** unexcused absences during the semester may have their semester grade lowered by as much as one-third of a grade.

Attendance is taken at the beginning of class. You will be marked absent if you are not present when attendance is taken.

Quizzes:

I **will not** permit any make-ups for missed weekly in-class and on-line TWEN quizzes.

Notes And Tape Recorders In Class

I follow the syllabus and I test what I teach. Do all of the assigned readings and attend class and you will be prepared for the exams. It is necessary that you develop an effective method of recording and retaining the materials as they are taught and discussed. Because classes are interactive it is not advisable to take copious notes. Research strongly indicates that students who attempt to use word processors to “transcribe” class discussions perform less well on exams than do those students who actively participate in class. Use of tape/digital recorders are allowed in this class and may be preferable for you.

The purpose of class is to learn the law through discussion. By doing so, you will develop the analytical skills necessary for excellence as a competent attorney. This is unlikely to be achieved if your focus in class is merely being a scribe.

CLASSROOM DECORUM

All students are expected at all times to conduct themselves in a civil manner as follows:

1. **Timeliness.** Arrive on time. Late arrivals are disruptive. Frequent late arrivals will be excluded from the classroom.
2. **Cell Phones and Messaging.** There will be *no cell phone use in class*, with the exception of extraordinary circumstances. All cell phones must be turned off before the class begins.

If there is a family emergency requiring you to be reachable, approach me before class and inform me of the situation. In such an event you may keep your cell phone on if it has a “vibrate” only option.

In the event that your cell phone or other device disturbs the class you will be told to leave the classroom immediately and will be marked as absent for the class.

3. **Laptop Computers.** While many colleges and professional school are banning laptop computers from classroom, I believe that they can be a useful classroom tool. Arrive early enough to start your laptop prior to class such that start up noises will not be disruptive to other students.

If I determine that you are using the computer for other than legitimate classroom purposes you will be immediately told to leave and will be marked absent for the class.

4. **Talking in Class.** This is an interactive class, and it is normal for there to be a bit of a “buzz” while we are discussing a case, a principle or a hypothetical. You are expected to listen while others are talking and to respond when called upon. Civility is expected at all times by all students.
5. **Eating/Drinking in Class.** Eating in class is strongly disfavored. I understand that stressed-for-time students are often unable to take meals at normal hours, and therefore snacks and drinks will be tolerated as long as they are not disruptive. I will not tolerate full meals, full “submarine” sandwiches, or anything of the like. I also will not tolerate undue noise such as stubborn plastic wrappers. I will ban all foods and drinks in class if , in my opinion, they are becoming a distraction.
6. **Civility Above All Else.** Each of you will be treated at all times with courtesy and respect, and will treat others with equal civility at all times. In our class discussion we will argue issues but never personalities.

Class Assignments Topics:

WEEK 1

Class 1 Introduction and Introductory Material:

Class 2 **Responsibility: In General**

Negligence and Recklessness

WEEK 2

Class 1: **Imputability**

What Constitutes an Act

Responsibility: In General

Intent: General, Specific, and Conditional

Class 2: **Other Particular States of Mind**

WEEK 3*

Class 1: **Strict Liability**

Transferred Intent

Class 2: **Motive**

Concurrence of Mens Rea and Actus Reus

Offenses Against the Person

Assault and Battery

WEEK 4

Class 1: **Other Offenses Against the Person**

Abduction

False Imprisonment

Kidnapping

Kidnapping for Ransom or Injury

Child Stealing

Consent

The Federal Kidnapping Act

* Where Class 1 of a week falls on a school holiday be prepared to cover all materials due for 4
the week in Class 2 of that week, as time allows, as well as in subsequent classes.

Mayhem
Dueling

Class 2:

Offenses Against Property
Larceny
(D) Necessity of Trespass
Cases of Fraud

(C) Taking

(E) Carrying Away

WEEK 5

Class 1:

(A) Personal Property

(B) “Of Another”

Class 2:

(F) With Intent to Steal

WEEK 6

Class 1:

Lost Property

Delivery by Mistake

Continuing Trespass

Class 2:

Robbery

WEEK 7

Class 1:

Embezzlement

False Pretenses / Larceny by Trick

Class 2:

Theft

WEEK 8*

Class 1:

Receiving Stolen Property

* Where Class 1 of a week falls on a school holiday be prepared to cover all materials due for 5 the week in Class 2 of that week, as time allows, as well as in subsequent classes.

Malicious Mischief
Forgery and Uttering a Forged Instrument
Extortion / Bribery

Class 2: **Offenses Against the Habitation and Other Protected Entities**
Burglary

WEEK 9

Class 1: **Burglary**

Class 2: **Arson**

WEEK 10

Class 1 or Class 2: **Mid-Term Examination - 4:30pm to 5:45pm (This particular date/time is tentative)**

* Where Class 1 of a week falls on a school holiday be prepared to cover all materials due for 6 the week in Class 2 of that week, as time allows, as well as in subsequent classes.