**MASSACHUSETTS SCHOOL OF LAW at ANDOVER**

**SYLLABUS FOR CRIMINAL LAW – Fall 2021 (M, W Day)**

**Professor Hetu**

**TENTATIVE SYLLABUS – SUBJECT TO CHANGE BY START OF COURSE**

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**Westlaw TWEN:** [**www.lawschool.westlaw.com**](http://www.lawschool.westlaw.com)

**Casebook**: *Criminal Law and Procedure Cases and Materials 14th Edition,* Foundation Press. Dripps, Boyce, and Perkins. ISBN 978-1-64708-811-8

**Class Times:** Monday & Wednesday, 4:30p.m. – 5:50 p.m.

**Purpose and Course**

**Description:** 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 will combine to be 75%- 85% of your final grade in this class. In addition, there will be weekly assignments of a minimum of five (5) MBE-type questions and/or Short Directed Essay Questions which will serve as quizzes and will combine to be 15%-25% of semester grade**. I reserve the right at any time during the semester to modify and/or change the course grading.**

**Lack of class participation has the strong potential to impact negatively on your course grade.**

**Course Requirements & Class Participation**

**Class Attendance:** Students must be prepared for every class to be called on to brief cases or for discussion of questions. You are, therefore, expected to be in class and to participate. Students 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/or on-line TWEN/SOCRATIVE quizzes. **You must check TWEN and SOCRATIVE every weekend for posted quizzes. TWEN quizzes will be under assignments/quizzes and SOCRATIVE YOU MUST LOG ONTO SOCRATIVE THEN CLICK ON STUDENT. YOU WILL BE PROMPTED TO ENTER AN ID. MY ID IS: HETU6452.**

**Notes And Tape Recorders In Class:** I test what I teach, and I follow the syllabus. If you do all assigned readings and attend class, you will be prepared for the exams. It is necessary that each of you develop an effective method of recording and retaining the materials as it is taught and discussed. Classes are interactive, and it is not always advisable to take copious notes. Research strongly indicates that students who attempt to use word processers to “transcribe” class discussions perform less well on exams than do those students who actively participate in those discussions. 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 and participation to develop analytical skills. This cannot be achieved if you are intent on being a scribe.

# CLASSROOM DECORUM

All students will observe the following classroom decorum:

1. **Timeliness**. Arrive on time. Late arrivals are disruptive. If late arrivals become too frequent those arriving late will not be allowed into the classroom.

2. **Cell Phones and Messaging**. With the exception of extraordinary circumstances there will be *no cell phone use in class*. Turn off all cell phones before the class begins. If there is a family emergency requiring you to be reachable you must 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. **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 if called upon. Civility is expected at all times by all students. Do not “blurt” out answers wait to be called on especially if in the zoom class, it can become very distracting.

4. **Eating/Drinking in Class**. Eating in class is strongly disfavored. I do understand that stressed-for-time students, especially evening 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 I think they are becoming a distraction.

5. **Civility Above All Else**. Each of you will be treated at all times with courtesy and respect, and you will treat each other with a high degree of civility at all times. At all times we will argue issues and never personalities.

**THE BELOW CASE CALENDAR SCHEDULE IS NOT YET AVAILABLE**

**The following “Section” designation is made with reference to the *Criminal Law Fall 2021 Case Schedule* Calendar found on TWEN under Course Materials.**

**\*\*YOU ARE RESPONSIBLE FOR ALL FOOTNOTES AT THE BOTTOM OF THE PAGE IN YOUR COURSE TEXTBOOK!!**

**WEEK 1**

**August 23rd Introduction and Course expectation**

**Chapter 6 : Responsibility: In General Section 1**

**Cases *Regina v Faulkner***

***United States v Bailey***

***Rehaif v United States***

***State v Fikes***

**August 25th Negligence and Recklessness Intent**

**Cases *Gian-Cursio v State***

***State v Petersen***

***Conroy v State***

***State v Howard***

***United States v Alvarez***

***State v Wickstrom***

***Dobb’s Case***

***Thacker v Commonwealth***

**Week 2**

**August 30th Other Particular States of Mind**

**Cases *State v Lauglin***

***Terell v State***

***State v Nastoff***

***State v Beale***

***People v Kanan***

***United States v Heredia***

***Fields v United States***

***Bryan V United States***

***Spetember 1st Strict Liability, Unlawful Conduct, Transferred Intent, Motive, Concurrence of Mens Rea and Actus Reus***

***Cases Commonwealth v Olshefski***

***Staples v United States***

***Commonwealth v Koczwara***

***State v Sealy***

***Regina v Smith***

***People v Jeffers***

**Week 3**

**September 8th Chapter 2 Offenses Against the Person**

**Homicide**

**Cases *Patterson v New York***

***People v Weisberg***

***R. v. Vickers***

***People v Knoller***

***United States v Walters***

***State v Alcindor***

***People v Chevalier***

***Commonwealth v Troila***

***Week 4***

**September 13th**

**Cases *People v Breverman***

***People v McZeal***

***State v Nelson***

***United States v Paul***

***People v Rodriguez***

***King v State***

***State v Dumlao***

***Murray v State***

***State v Bier***

**September 15th Felony Murder**

**Cases *Commonwealth v Brown***

***People v Henderson***

***Contreras v State***

***State v Mayle***

***People v Swanson***

***Commonwealth v Drum***

**Week 5**

**September 20th Degrees of Murder**

**Cases *People v Perez***

***Callins v Collins***

**September 22nd Assault and Battery**

**Cases *State v Jimerson***

***United States v Bell***

***United States v Jacobs***

***People v Santiago***

***Commonwealth v Matsos***

***Commonwealth v Berkowitz***

***People v Galvarino-Gonzalez***

***People v Inguez***

***Commonwealth v Lopez***

**Week 6**

**September 27th Chapter 3**

**Offenses Against the Habitation and Other Protected Entities**

**Cases *Woods v State***

***State v Mann***

***People v Gauze***

***Stowell v People***

***People v Dupree***

***Nichols v State***

***Hebron v State***

***Walker v State***

***Gray v State***

***State v Bowen***

**September 29th Chapter 4 Offenses against Property**

**Cases *People v Caridis***

***People ex rel. Koons v Elling, Sheriff***

***Bell v State***

***The Queen v Townley***

***State v Cohen***

***People v Walker***

***The King v Bazely***

***Rex v Sullens***

***State v Brooks***

***Morgan V commonwealth***

***United States v Bowser***

***Thompson v State***

***Cummings v Commonwealth***

***The King v Pear***

***The Queen v Prince***

***Wilkinson v State***

***Regina v Hands***

***Regina v Thurborn***

***Brooks v State***

***State v Kaufman***

**Week 7**

**October 4th Delivery by Mistake**

**Cases *Cooper v Commonwealth***

***State v Langford***

***Rex v Banks***

***Regina v Riley***

***State v Coombs***

***People v Khoury***

***People v Brown***

***State v Savage***

***State v Langis***

***State v Komok***

***State v Delmarter***

***People v Tufunga***

***State v Skaggs***

**October 6th**

**Cases *State v Stahl***

***United States v Faulkner***

***People v Ashley***

***State v Duncan***

***Allen V state***

***Barker v State***

***Bell v United States***

***State v Moses***

***State v Saylor***

***People v Home Insurance***

***United States v McGovern***

**Week 8**

**October 13th Chapter 5 Imputability**

**Cases *State v Quick***

***State V taft***

***People v Decina***

***State v Kimbrell***

***Moffett v State***

***People v Callie***

***People v Van Ronk***

***People v Rizzo***

***Young v State***

***State v Mitchell***

***People v Rojas***

***United States v Oviedo***

***State V Wilson***

***State v Blechman***

***Stewart v State***

***State v Peterson***

***Biddle v Commonwealth***

***Commonwealth v Teixera***

**Week 9**

**October 18th Tentative Midterm Date**

**October 20th**

**Cases *Jones v United States***

***Davis v Commonwealth***

***Van Buskirk v State***

***State v Sowell***

***Rosemond v United States***

***People v Brown***

***State v Williams***

***State v Trusdell***

***State v Hanks***

***United States v Payan***

***Gebardi v United States***

**Week 10**

**October 25th**

**Cases *People v Swain***

***United States v Loscalzo***

***Pinkerton v United States***

***United States v Rosado-Fernandez***

***Marquiz v People***

***United States v Turkette***

***Rex v Huggins***

***People v Canadian Fur Trappers***

***State v Hallett***

***People v Roberts***

***People v Lewis***

***October 27th***

***Cases Ex parte Heigho***

***People v Stamp***

***State v Sauter***

***Letner v State***

***State v Leopold***

***State v Iten***

***Regina v Benge and Another***

***Lewis v State***

***Green v State***

***Week 11***

***November 1 Chapter 7***

**Cases *State v Q.D.***

***Corder v Rogerson***

***McKeiver v Pennsylvania***

***Kahler v KANSAS***

***State v Fetters***

***November 3rd***

***Cases People v Weinstein***

***State v Smith***

***People v Ramsey***

***Fulcher v State***

***State v Cooper***

***Harris v State***

***Commonwealth v Hathaway***

***Montana v Egelhoff***

***Week 12***

***November 8th***

***Cases People v saille***

***Burrows v State***

***Powell v Texas***

***Chapter 8***

***State v Cude***

***People v Marrero***

***People v Weiss***

***November 10th***

***Cases Lambert v California***

***People v Hernandez***

***People v Cash***

***People v Crane***

***People v Anderson***

***Tyner v State***

***Week 13***

***November 15th***

***Cases Tyler v State***

***State v Burney***

***Commonwealth v Capitolo***

***People v Cook***

***United States v Bygrave***

***R. v Brown***

***United States V Dykes***

***November 17th***

***Cases State v Munnell***

***Regina v Holland***

***Chapter 9***

***State v mantelli***

***Week 14***

***November 22***

***Cases Commonwealth v Emmons***

***State v Barr***

***People v Ceballos***

***State v oellette***

***People v goets***

***November 24 Brown v United States***

***People v Aiken***

***Dorsey V state***

***Week 15***

***November 29***

***Cases Cooper v United States***

***State V Saunders***

***Alexander v State***

***People v Curtis***

***December 1st***

***Cases State v Mitcheson***

***People v Wood***

***Commonwealth v Donahue***

***People v Ceballos***

***People v Barraza***

***Jacobson v United States***

**\*\*\*THIS SYLLABUS IS SUBJECT TO CHANGE!!!!\*\*\*\***