**MASSACHUSETTS SCHOOL OF LAW at ANDOVER**

**SYLLABUS FOR CRIMINAL LAW – Fall 2021 (T, TH 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:** Tuesday and Thursday, 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 24th 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 26th 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 31st 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 2nd 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 7th 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***

**September 9th**

**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***

***Week4***

**September 14th Felony Murder**

**Cases *Commonwealth v Brown***

***People v Henderson***

***Contreras v State***

***State v Mayle***

***People v Swanson***

***Commonwealth v Drum***

**September 16th Degrees of Murder**

**Cases *People v Perez***

***Callins v Collins***

***Week 5***

**September 21st 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***

**September 23rd 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***

***Week 6***

**September 28th 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***

**September 30th 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***

***Week 7***

**October 5th**

**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***

**October 7th 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 8**

**October 12th Tentative Midterm Date**

**October 14th**

**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 9**

**October 19th**

**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 21st***

***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 10***

***October 26th Chapter 7***

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

***Corder v Rogerson***

***McKeiver v Pennsylvania***

***Kahler v KANSAS***

***State v Fetters***

***October 28th***

***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 11***

***November 2nd***

***Cases People v saille***

***Burrows v State***

***Powell v Texas***

***Chapter 8***

***State v Cude***

***People v Marrero***

***People v Weiss***

***November 4th***

***Cases Lambert v California***

***People v Hernandez***

***People v Cash***

***People v Crane***

***People v Anderson***

***Tyner v State***

***Week 12***

***November 9th***

***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 11th***

***Cases State v Munnell***

***Regina v Holland***

***Chapter 9***

***State v mantelli***

***Week 13***

***November 16th***

***Cases Commonwealth v Emmons***

***State v Barr***

***People v Ceballos***

***State v oellette***

***People v goets***

***November 18th Brown v United States***

***People v Aiken***

***Dorsey V state***

***Week 14***

***November 23rd***

***Cases Cooper v United States***

***State V Saunders***

***Alexander v State***

***People v Curtis***

***Week 15***

***November 30th***

***Cases State v Mitcheson***

***People v Wood***

***Commonwealth v Donahue***

***People v Ceballos***

***People v Barraza***

***Jacobson v United States***

***December 2nd review***

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