# CRIMINAL LAW

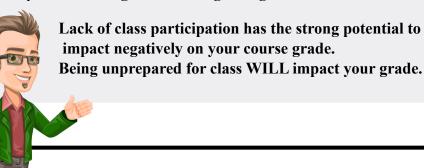
PROFESSOR HETU FALL 2023 HETU@MSLAW.ED
TUESDAY & THURSDAY DAYS

## **Purpose and 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 85%-95% 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 5%-15% of semester grade. I reserve the right at any time during the semester to modify and/or change the course grading.



DO NOT REGISTER FOR THIS CLASS IF YOU CANNOT MAKE IT TO MSL BY 4:30!

"DON'T SETTLE FOR AVERAGE.
BRING YOUR BEST TO THE MOMENT.
THEN, WHETHER IT FAILS OR SUCCEEDS,
AT LEAST YOU KNOW YOU GAVE
ALL YOU HAD."

—ANGELA BASSETT

PHOTO FORM GAGE SKIDMORE





#### **Class Times**

TUESDAY & THURSDAY 4:30-5:50 pm



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CRIMINAL LAW
AND PROCEDURE
CASES AND MATERIALS

RONALD M. BOYCE
ROLLIN M. PERKINS

UNIVERSITY CASEROOK SERIES®

Criminal Law and
Procedure Cases and
Materials 14th Edition,
Foundation Press. Dripps,
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#### 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. If you cannot make it to class on time do not sign up for the class. Being tardy multiple times will have a negative impact on your 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.



**TWEN** (The West Education Network) is part of **Westlaw**, the legal field's most powerful search engine and research platform. Every MSL student is assigned an account in their first year, and each of your 1L courses will have a digital presence on **TWEN** where you will be able to access course materials, assignments, and other resources for each course. You may also easily contact your professors through **TWEN's** mail option.

**Socrative** is a web-based quizzing tool used by both Dean Coyne and Professor Devlin in your substantive 1L courses. You do not have to register an account to participate in weekly quizzes, just enter your name/student ID, depending on which the professor requests on your quizzes.



## 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 processors 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



### **Timeliness**

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

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.

# 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.

## **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.

## 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* 2023 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 22nd	Introduction and Course expectation		
	Chapter 6 Responsibility: In General Section 1		
	Cases	Regina v Faulkner	Rehaif v United States
		United States v Bailey	State v Fikes

August 24 <sup>th</sup>	Negligence and Recklessness Intent		
	Cases Gian-Cursio v State		United States v Alvarez
	State v Petersen		State v Wickstrom
		Conroy v State	Dobb's Case
	State v Howard		Thacker v Commonwealth

August 29 <sup>th</sup>	Other Particu	ular States of Mind	
	Cases	State v Lauglin	People v Kanan
		Terell v State	United States v Heredia
		State v Nastoff	Fields v United States
		State v Beale	Bryan V United States

August 31st	•	Strict Liability, Unlawful Conduct, Transferred Intent, Motive, Concurrence of Mens Rea and Actus Reus	
	Cases Commonwealth v Olshefski		State v Sealy
	Staples v United States		Regina v Smith
	Commonwealth v Koczwara		People v Jeffers

September 5 <sup>th</sup> Chap	ter 2 Offenses Against the Perso	n Homicide
Case	<b>s</b> Patterson v New York	United States v Walters
	People v Weisberg	State v Alcindor
	R. v. Vickers	People v Chevalier
	People v Knoller	Commonwealth v Troila

## WEEK 4

September 7<sup>th</sup>

Cases

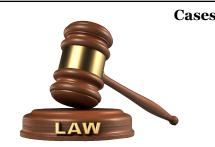
People v Breverman	King v State
People v McZeal	State v Dumlao
State v Nelson	Murray v State
United States v Paul	State v Bier
People v Rodriguez	

September 12 <sup>th</sup>	Felony 1	Felony Murder		
	Cases	Commonwealth v Brown	State v Mayle	
		People v Henderson	People v Swanson	
		Contreras v State	Commonwealth v Drum	

#### WEEK 5

September 14 <sup>th</sup>	Degrees of Murder		
C	Cases	People v Perez	Callins v Collins

September 21st Assault and Battery



and date buttery				
s	State v Jimerson	Commonwealth v Berkowitz		
	United States v Bell	People v Galvarino-Gonzalez		
	United States v Jacobs	People v Inguez		
	People v Santiago	Commonwealth v Lopez		
	Commonwealth v Matsos			

September 26<sup>th</sup>

#### WEEK 6

September 23rd Cha	oter 3 Offenses Against the Habi	tation and Other Protected Entities
Cas	es Woods v State	Nichols v State
	State v Mann	Hebron v State
	People v Gauze	Walker v State
	Stowell v People	Gray v State
	People v Dupree	State v Bowen

Setting & County

#### Chapter 4 Offenses against Property

#### Cases

3	People v Caridis	United States v Bowser
	People ex rel. Koons v Elling, Sheriff	Thompson v State
	Bell v State	Cummings v Commonwealth
	The Queen v Townley	The King v Pear
	State v Cohen	The Queen v Prince
	People v Walker	Wilkinson v State
	The King v Bazely	Regina v Hands
	Rex v Sullens	Regina v Thurborn
	State v Brooks	Brooks v State
	Morgan V commonwealth	State v Kaufman

September 28th	Delivery	Delivery by Mistake		
	Cases	Cooper v Commonwealth	State v Savage	
		State v Langford	State v Langis	
		Rex v Banks	State v Komok	
		Regina v Riley	State v Delmarter	
		State v Coombs	People v Tufunga	
		People v Khoury	State v Skaggs	
		People v Brown		

October 3rd				
Cases	State v Stahl	Bell v United States		
	United States v Faulkner	State v Moses		
	People v Ashley	State v Saylor		
	State v Duncan	People v Home Insurance		
	Allen V state	United States v McGovern		
	Barker v State			

#### WEEK 8

Out all an eth Olympians		
October 5 <sup>th</sup> Chapter 5	Imputability	
Cases	State v Quick	State v Mitchell
	State V taft	People v Rojas
	People v Decina	United States v Oviedo
	State v Kimbrell	State V Wilson



State V taft	People v Rojas
People v Decina	United States v Oviedo
State v Kimbrell	State V Wilson
Moffett v State	State v Blechman
People v Callie	Stewart v State
People v Van Ronk	State v Peterson
People v Rizzo	Biddle v Commonwealth
Young v State	Commonwealth v Teixera

October 10th	Tentative Midterm Date	

October 12th		
Cases	Jones v United States	State v Williams
	Davis v Commonwealth	State v Trusdell
	Van Buskirk v State	State v Hanks
	State v Sewell	United States v Payan
	Rosemond v United States	Gebardi v United States
	People v Brown	

October 17 <sup>th</sup>			
Cases	People v Swain	Rex v Huggins	
	United States v Loscalzo	People v Canadian Fur Trappers	
	Pinkerton v United States	State v Hallett	
	United States v Rosado- Fernandez	People v Roberts	
	Marquiz v People	People v Lewis	
	United States v Turkette		

October 19 <sup>th</sup>				
Cases	Ex parte Heigho	State v Iten		
	People v Stamp	Regina v Benge and Another		
	State v Sauter	Lewis v State		
	Letner v State	Green v State		
	State v Leopold			

WEEK 11			
October 24th	Chapter	7	
	Cases	State v Q.D.	Kahler v KANSAS
		Corder v Rogerson	State v Fetters
		McKeiver v Pennsylvania	

October 26th		
Cases	People v Weinstein	State v Cooper
	State v Smith	Harris v State
	People v Ramsey	Commonwealth v Hathaway
	Fulcher v State	Montana v Egelhoff
		1

October 31st			
Cases	People v saille	State v Cude	
	Burrows v State	People v Marrero	
	Powell v Texas	People v Weiss	
	Chapter 8		

November 2nd			
Cases	Lambert v California	People v Crane	
	People v Hernandez	People v Anderson	
	People v Cash	Tyner v State	

#### WEEK 13

November 7 <sup>th</sup>		
Cases	Tyler v State	United States v Bygrave
	State v Burney	R. v Brown
	Commonwealth v Capitolo	United States V Dykes
	People v Cook	

November 9 <sup>th</sup>		
Cases	State v Munnell	Chapter 9
	Regina v Holland	State v mantelli

#### WEEK 14

November 14th

Cases	Commonwealth v Emmons	State v oellette
	State v Barr	People v goets
	People v Ceballos	

November 16th		
Cases	Brown v United States	Dorsey V state
	People v Aiken	
	9	

November 21st		
Cases	Cooper v United States	Alexander v State
	State V Saunders	People v Curtis

November 28th		
Cases	State v Mitcheson	People v Ceballos
	People v Wood	People v Barraza
	Commonwealth v Donahue	Jacobson v United States

November 30th Final review

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

