

# CRIMINAL LAW

PROFESSOR HETU

FALL 2023

[HETU@MSLAW.ED](mailto: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.**

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



**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



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

**CRIMINAL LAW  
AND PROCEDURE**  
CASES AND MATERIALS  
FOURTEENTH EDITION

DONALD A. DRIPPS  
RONALD N. BOYCE  
ROLIN M. PERKINS

UNIVERSITY CASEBOOK SERIES®

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

## 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.



# 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.

## 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.

## 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 “**blur**t” out answers wait to be called on especially if in the zoom class, it can become very distracting.



## 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
	<b>Cases</b>	<i>Regina v Faulkner</i>	<i>Rehaif v United States</i>
		<i>United States v Bailey</i>	<i>State v Fikes</i>

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

### WEEK 2

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

August 31 <sup>st</sup>	Strict Liability, Unlawful Conduct, Transferred Intent, Motive, Concurrence of Mens Rea and Actus Reus		
	<b>Cases</b>	<i>Commonwealth v Olshefski</i>	<i>State v Sealy</i>
		<i>Staples v United States</i>	<i>Regina v Smith</i>
		<i>Commonwealth v Koczwar</i>	<i>People v Jeffers</i>



## WEEK 3

September 5 <sup>th</sup>	Chapter 2	Offenses Against the Person	Homicide
<b>Cases</b>	<i>Patterson v New York</i>	<i>United States v Walters</i>	
	<i>People v Weisberg</i>	<i>State v Alcindor</i>	
	<i>R. v. Vickers</i>	<i>People v Chevalier</i>	
	<i>People v Knoller</i>	<i>Commonwealth v Troila</i>	


## WEEK 4

September 7 <sup>th</sup>			
<b>Cases</b>	<i>People v Breverman</i>	<i>King v State</i>	
	<i>People v McZeal</i>	<i>State v Dumlao</i>	
	<i>State v Nelson</i>	<i>Murray v State</i>	
	<i>United States v Paul</i>	<i>State v Bier</i>	
	<i>People v Rodriguez</i>		

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


## WEEK 5

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

September 21st	Assault and Battery		
	<i>State v Jimerson</i>	<i>Commonwealth v Berkowitz</i>	
	<i>United States v Bell</i>	<i>People v Galvarino-Gonzalez</i>	
	<i>United States v Jacobs</i>	<i>People v Iniguez</i>	
	<i>People v Santiago</i>	<i>Commonwealth v Lopez</i>	
	<i>Commonwealth v Matsos</i>		

## WEEK 6

September 23rd	Chapter 3 Offenses Against the Habitation and Other Protected Entities	
<b>Cases</b>	<i>Woods v State</i>	<i>Nichols v State</i>
	<i>State v Mann</i>	<i>Hebron v State</i>
	<i>People v Gauze</i>	<i>Walker v State</i>
	<i>Stowell v People</i>	<i>Gray v State</i>
	<i>People v Dupree</i>	<i>State v Bowen</i>

September 26 <sup>th</sup>	Chapter 4 Offenses against Property		
	<b>Cases</b>	<i>People v Caridis</i>	<i>United States v Bowser</i>
		<i>People ex rel. Koons v Elling, Sheriff</i>	<i>Thompson v State</i>
		<i>Bell v State</i>	<i>Cummings v Commonwealth</i>
		<i>The Queen v Townley</i>	<i>The King v Pear</i>
		<i>State v Cohen</i>	<i>The Queen v Prince</i>
		<i>People v Walker</i>	<i>Wilkinson v State</i>
		<i>The King v Bazely</i>	<i>Regina v Hands</i>
		<i>Rex v Sullens</i>	<i>Regina v Thurborn</i>
		<i>State v Brooks</i>	<i>Brooks v State</i>
		<i>Morgan V commonwealth</i>	<i>State v Kaufman</i>

## WEEK 7

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



## WEEK 7

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

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**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 Teixeira*

## WEEK 9

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*

## WEEK 10

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 24<sup>th</sup>

## Chapter 7

**Cases***State v Q.D.**Kahler v KANSAS**Corder v Rogerson**State v Fetters**McKeiver v Pennsylvania*October 26<sup>th</sup>**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*

## WEEK 12

October 31st

<b>Cases</b>	<i>People v saille</i>	<i>State v Cude</i>
	<i>Burrows v State</i>	<i>People v Marrero</i>
	<i>Powell v Texas</i>	<i>People v Weiss</i>
	<i>Chapter 8</i>	

November 2nd

<b>Cases</b>	<i>Lambert v California</i>	<i>People v Crane</i>
	<i>People v Hernandez</i>	<i>People v Anderson</i>
	<i>People v Cash</i>	<i>Tyner v State</i>

## WEEK 13

November 7<sup>th</sup>

<b>Cases</b>	<i>Tyler v State</i>	<i>United States v Bygrave</i>
	<i>State v Burney</i>	<i>R. v Brown</i>
	<i>Commonwealth v Capitolo</i>	<i>United States V Dykes</i>
	<i>People v Cook</i>	

November 9<sup>th</sup>

<b>Cases</b>	<i>State v Munnell</i>	<i>Chapter 9</i>
	<i>Regina v Holland</i>	<i>State v mantelli</i>

## WEEK 14

November 14th

<b>Cases</b>	<i>Commonwealth v Emmons</i>	<i>State v oellette</i>
	<i>State v Barr</i>	<i>People v goats</i>
	<i>People v Ceballos</i>	

November 16th

<b>Cases</b>	<i>Brown v United States</i>	<i>Dorsey V state</i>
	<i>People v Aiken</i>	



## WEEK 15

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 30<sup>th</sup>****Final review****\*\*\*THIS SYLLABUS IS SUBJECT TO CHANGE!!!!\*\*\***