

CRIMINAL LAW

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COURSE INTRODUCTION

This is the introductory course for statutory and common law Criminal Law intended as the foundation for the Bar Exam and competence for 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 either or both **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 AND CLASS PARTICIPATION

This syllabus sets the policies, goals, rules, and expectations for the course. Please read this syllabus carefully prior to the first class. I expect you to understand the class rules and class expectations when you arrive for the first class; I will not restate the contents of this syllabus in the first class. I will not answer questions about class rules and policies that are already stated in this syllabus.

*I busted a mirror and got seven
years bad luck, but my lawyer
thinks he can get me five.*
~Steven Wright



www.lawschool.westlaw.com



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

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

UNIVERSITY CASEBOOK SERIES®

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This is my personal cell phone
use this number for calling or
texting. Please use this for class
related or business purposes
only.

GOALS AND OBJECTIVES ("LEARNING OUTCOMES") OF THE COURSE

This is an introductory course in *criminal law*. Successful students will master the complicated and functions of the doctrines, legal methods, legal reasoning, and legal analysis employed by lawyers when practicing "*criminal law*", the process by which our American legal system protects individuals and rights. It is expected that students achieving a grade of "C" or better will have mastered the law and legal processes sufficiently to pass this course.

It is also expected that successful students will achieve an understanding of the fundamentals of *criminal law* that is sufficient to enable them to take the first steps to practice *criminal law* upon graduation for the *Massachusetts School of Law*.

Students who fail to master criminal law will received a grade below that of "C".

Merely learning the material to "**get by**" is unacceptable in this, or any other, law school class. Competent attorneys do not merely "**get by**;" they conscientiously and ethically root out ways to provide the highest possible level of client representation. Unsophisticated clients deserve to expect that their attorneys are knowledgeable, sophisticated, and diligent; indeed, that is why they hire them. If you want to become a lawyer, you must commit yourself to learning all the applicable rules of law, inside and out, and to learn how to apply those rules of law to a variety of fact patterns (this is called analysis). Because society demands much of lawyers, I will demand much of you.



CLASS ATTENDANCE

I CALL ON STUDENTS RANDOMLY,
AND YOU ARE EXPECTED TO BE PREPARED FOR EVERY CLASS.

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.

Lack of attendance and participation will impact your overall course grade. Because the classes are intended to be highly interactive, the listed anticipated due dates are to be considered aspirational. At times, especially at the beginning of the semester, we may fall behind of the anticipated due dates; it is also possible that we will move more quickly at times than anticipated. You therefore should continuously match those dates to what we have actually completed in class.

Please be prepared for every class by staying slightly ahead of the anticipated due dates and by adjusting and readjusting as the semester progresses.

If you have read ahead substantially, we expect you to review what you have already read just before class. It is no excuse to state, "I read the case too long ago to remember it." Lawyers often write briefs months before they argue in court and, like you, are expected to know the material when they are called on to discuss the legal issues.

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.



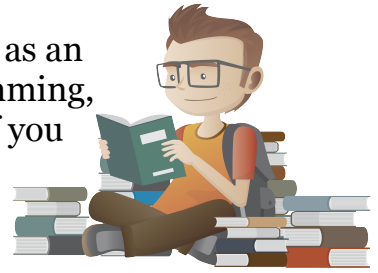
Research strongly indicates that students who attempt to use word processors to "transcribe" class discussions perform less well on exams than do those students who actively participate in class. Use of tape/digital recorders are allowed in this class and may be preferable for you. Since the classes are interactive and it is not always possible to take copious notes on every point, we recommend the use of tape/digital recorders in class. A recorder should assist in rounding out, or filling gaps in, notes. It also can serve as a "safety net" in a fast-paced class.

Some students take notes on a laptops or netbook, and this is fine.

One caveat, however: we sometimes notice that students are more consumed with typing out what is said in class word-for-word than with listening and participating. The purpose of class is not for you to be a scribe; it is for you to develop analytical skills, and this cannot be achieved if you are single-mindedly typing. You will always be able to supplement the law we discuss in class with outside reading.

BEING PREPARED

I expect you to be prepared for every class and I treat an unprepared student as an absent student. This is not college, and old college tricks like skimming, cramming, and pretending to be prepared simply will not work. Here is what I expect of you before, during and after class:



BEFORE CLASS

1. Read, reread, study and THINK thoroughly about the assigned cases and materials;
2. Be prepared well enough to be able to provide a concise recitation of the issue(s) presented in each case, hypothetical, or problem.
3. Be prepared well enough to be able intelligently discuss the legal issues and rules of law presented or implicated by the assigned reading.
4. Be prepared enough to be able to intelligently discuss any factual variations the professor and/or other students propose during class.
5. Be prepared enough to be able to intelligently discuss flaws and strengths in the court's reasoning or in the applicable rule of law;
6. Be prepared enough to be able to intelligently discuss alternative arguments that might have better resolved the dispute at issue in each case;
7. Be prepared enough to be able to intelligently discuss the policy issues relevant to each case, hypothetical, or problem.

AFTER CLASS

1. Identify and clarify anything confusing about the law or application or law covered in class. If necessary, work with classmates collaboratively to achieve mastery of the law;
2. Rework your class notes and case briefs to reflect a more accurate picture of the cases, issues, and rules of law.
3. Think about how the lesson covered in the particular class fits into the overarching body of criminal law.



You will be expected to read each assignment in its entirety. Reading “case notes,” “canned briefs,” Westlaw briefs and other shortcut aids, at the expense of the actual cases, will fail to prepare you adequately and will result in you being marked as unprepared.



CLASSROOM DECORUM

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

1. **Timeliness.** Please arrive on time. Late arrivals are disruptive to the class. Tardiness should still be the exception rather than the rule. I often take attendance at the beginning of the class. Late students will be marked absent, and I will not change this designation if you come in later. If tardiness becomes an issue, i.e., if it starts to cause disruptions, I will impose a hard-and-fast rule that those arriving late will not be allowed into the classroom.
2. **Stand, Name, Project.** When you speak in class, whether it's while volunteering or after being called on, please stand, state your first name, face the rest of the class (not me), and project your voice so as to be heard. Please do this for the entire semester. Speaking in public is uncomfortable at first, but even those of you who intend to practice transactional law as opposed to litigation must realize that the practice of law is a performance art as well as an intellectual endeavor.
3. **Cell Phones and Messaging.** Except for class purposes, there will be no cell phone use in class. I reserve the right to instruct students to leave the class immediately if they engage in text messaging, instant messaging, social media, or other forms of electronic communication during class, and will do so if this issue becomes a problem. If you refuse an instruction to leave, I will report you to the administration for discipline.
4. **Laptop Computers.** While I believe that laptop computers are an invaluable classroom tool, lately their use sometimes has become troublesome in several ways. Like cell phones, they beep and make noises when starting up. Please arrive early enough to start your laptop prior to class so the start-up noises will not be disruptive. If you cannot set up your laptop prior to class, please ensure that it is on mute and will not be disruptive.
5. **It is never appropriate to use computers to play computer games, send and receive instant messages, surf the net, or perform other computer functions not related to the task at hand.** I wander around the room a bit while teaching and will probably catch at least some of such off-focus activity if it occurs.
6. **With limited exceptions, attorneys are not permitted to use their laptops, tabs, or other electronic devices while arguing or trying cases in court.** The same will be true in my class. When you end upstanding to present a case or answer questions framed by the professor, you are to close your laptops and put down other devices. Your focus will be on the professor and other students. If you feel that you are unable to remember all you have gleaned from your reading, you may refer to paper notes.
7. **Talking in Class.** This will be an interactive class, and it is normal for there to be a bit of a "buzz" while we are discussing a case or "hypothetical." I do not usually get upset if the class is analyzing a hypothetical, and some students do a little "kibitzing" in the process. However, I still expect you to listen while others are talking so you can respond if called upon, and, most importantly, to respect others by not talking over them. I will not tolerate talking that doesn't involve the subject matter at hand.
8. **Eating/Drinking in Class.** I generally do not approve of anything that might divert your focus from the class discussion and eating and drinking in class certainly falls into that category. On the other hand, I do understand that stressed-for-time students, especially evening students, often are unable to take meals at normal hours, and therefore need some sustenance to get them through. Generally, therefore, I tolerate small snacks and drinks during class. I will not tolerate full meals, full "submarine" sandwiches, or anything of the like. I also will not tolerate undue noise while eating, e.g., stubborn plastic wrappers, crunchy foods, etc. I will ban all foods and drinks in class if I think they are becoming a distraction.
9. **Civility above All Else.** There is often intellectual tension in a law school classroom especially with subjects like Criminal Law, on which reasonable minds can differ. Students and professors can differ -- sometimes widely -- in their views on morals, ethics, society, politics, and ways of life. It is my intention to treat each of you with the utmost courtesy and respect, even when we disagree. In turn, I expect that each of you will also treat each other with respect and courtesy. Passionate argument is terrific if kept civil and respectful. Remember: argue the issues, not the personalities!

Class Assignments Topics

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

WEEK1

CLASS 1 *Introduction To Criminal Law*

CLASS 2 *Chapter 1: Criminalization, Definition and Classification*

Section 1 *Nature and Purpose of the Criminal Law*

In re Winship

Section 3 *Classification and Collateral Consequences*

Chapter 6: Responsibility: In General

Section 1 *Mens Rea*

Regina v. Faulkner
United States v. Bailey

Rehaif v. United States
State v. Fikes



WEEK 2

CLASS 1 *Chapter 6: Responsibility: In General*

Section 2 *Negligence and Recklessness*

Gian-Cursio v. State
State v. Peterson
Conroy v. State

State v. Howard
United States v. Alvarez

CLASS 2 *Chapter 6: Responsibility: In General*

Section 3 *Intent: General, Specific, and Conditional*

State v. Wickstrom
Dobbs' Case

Thacker v. Commonwealth

Section 4 *Other Peculiar States of Minds*

(A) Malice
State v. Laughlin

Terrell v. State
State v. Nastoff



Class Assignments Topics

WEEK 3 - Where Class 1 of week falls on school holiday be prepared to cover all materials due for the week in Class 2 of that week, as time allows, as well as in subsequent classes

WEEK 3

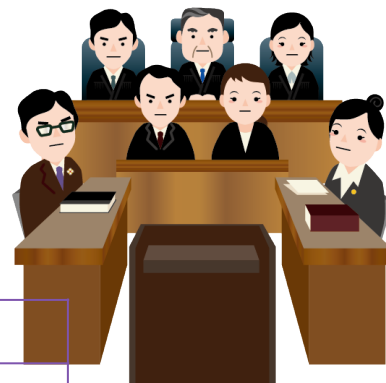
CLASS 1

Chapter 6: Responsibility: In General

Section 4 (B) Knowledge/Scienter

State v. Beale
People v. Kanan
United States v. Heredia

(C) Willfulness
Fields v. United States
Bryan v. United States



CLASS 2

Chapter 6: Responsibility: In General

Section 5 **Strict Liability**

Commonwealth v. Olshefki
Staples v. United States

Commonwealth v. Koczwar

Section 6 **Unlawful Conduct**

State v. Sealy

Section 7 **"Transferred Intent"**

Regina v. Smith

Section 8 **Motive**

Section 9 **Concurrence of Mens Rea and Actus Reus**

People v. Jeffers

Thabo Meli and Others v. Reginam

WEEK 4

CLASS 1

Chapter 5: imputability

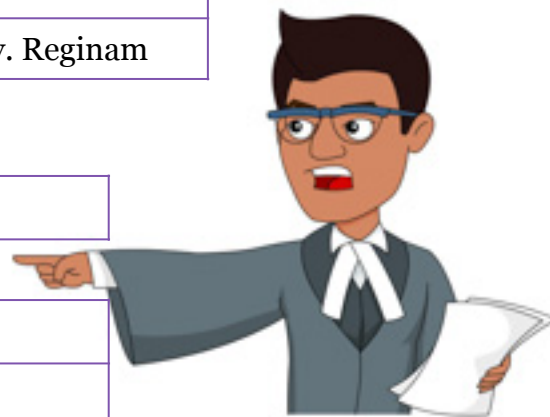
Section 1 **The Necessity of an Act**

State v. Quick

Section 2 **What Constitutes an Act**

State v. Taft People v.
Decina State v. Kimbrell

(B) Aggravated Assault
State v. Wilson



CLASS 2

Chapter 5: Imputability - PowerPoint Presentation – Legal Duty to Act

Section 4 **Negative Acts**

Biddle v. Commonwealth
Commonwealth v. Teixeira
Jones v. United States

Davis v. Commonwealth Van
Buskirk v. State

Class Assignments Topics

WEEK 5

CLASS 1	Chapter 5: Imputability	
	Section 9 Causation	
	State v. Hallett People v. Roberts People v. Lewis	Ex Parte Heigho People v. Stamp State v. Sauter
CLASS 2	Chapter 5: Imputability	
	Section 9 Causation	
	Letner v. State State v. Leopold State v. Iten	Regina v. Bengé and Another Lewis v. State Green v. State



WEEK 6

CLASS 1	Chapter 2: Offenses Against the Person	
	Section 1 Homicide	
	Patterson v. New York The Traditional “Malice Aforethought” Approach People v. Weisberg Errington and Others’ Case	R. v. Vickers People v. Knoller United States v. Walters
CLASS 2	Chapter 2: Offenses Against the Person	
	Section 1 Homicide	
	State v. Alcindor Voluntary Manslaughter People v. Chevalier Commonwealth v. Troila	People v. Breverman People v. McZeal State v. Nelson



Class Assignments Topics

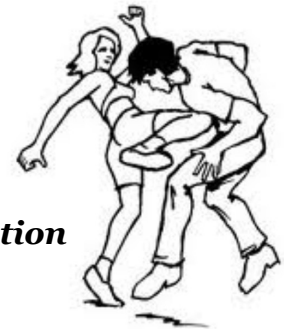
WEEK 7

CLASS 1	Chapter 2: Offenses Against the Person	
	Section 1 Homicide	
	United States v. Paul People v. Rodriguez The Model Penal Code Approach King v. State	State v. Dumlao Murray v. State State v. Bier
CLASS 2	Chapter 2: Offenses Against the Person	
	Section 1 Homicide	
	Felony Murder Commonwealth v. Brown People v. Henderson	Contreras v. State State v. Mayle People v. Swanson



WEEK 8

CLASS 1	Chapter 2: Offenses Against the Person	
	Section 1 Degrees of Murder	
	Degrees of Murder Commonwealth v. Drum Homicide	People v. Perez Capital Murder Callins v. Collins
	Chapter 5: Imputability	
	Section 2 (B) Aggravated Assault	
	State v. Wilson	
CLASS 2	Chapter 2: Assault and Battery. - PowerPoint Presentation	

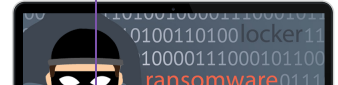


WEEK 9

CLASS 1	MID-TERM EXAM	
CLASS 2	Chapter 2: Other Offenses Against the Person	
	Section 3 (C) Rape- PowerPoint Presentation	
	Commonwealth v. Berkowitz People v. Galvarino-Gonzalez People v. Iniguez	Commonwealth v. Lopez State v. Harris

Class Assignments Topics

WEEK 10

CLASS 1	Section 3	(A) Abduction PowerPoint Presentation MPC - Kidnapping	
		(E) Mayhem PowerPoint Presentation (if time permits)	
CLASS 2	Chapter 4: Offenses Against Property		
	Section 1	Larceny - PowerPoint Presentation – Distinction Between Custody and Possession	
	People v. Walker Morgan v. Commonwealth * PowerPoint Presentation – Larceny Necessity of Trespass The King v. Pear	Taking Thompson v. State Carrying Away People v. Khoury	

WEEK 11

CLASS 1	Chapter 4: Offenses Against Property	
	Section 1 Larceny	
	Personal Property Bell v. State With the Intent to Steal People v. Brown Embezzlement	State v. Stahl False Pretense People v. Ashley Bell v. United States
CLASS 2	Chapter 4: Offenses Against Property	
	Section (D)(2) Lost Property	
	Regina v. Thurborn Brooks v. State	State v. Kaufman
	Section (D)(3) Delivery by Mistakes	
	Cooper v. Commonwealth State v. Langford	Appropriation by Wife or Husband
	Section (D)(5) Appropriation by Bailee	
	Rex v. Banks	
	Section (D)(6) Continuing Trespass	
	Regina v. Riley	State v. Coombs



Class Assignments Topics

WEEK 12

CLASS 1	Chapter 4: Offenses Against Property	
	Section 1 Robbery -PowerPoint Presentation	
	People v. Tufunga	State v. Skaggs
CLASS 2	Chapter 3: Offenses Against the Habitation and Other Protected Entities	
	Section 1 Burglary -PowerPoint Presentation	
	Woods v. State State v. Neff State v. Mann	People v. Gauze Stowell v. People
CLASS 2	Chapter 3: Offenses Against the Habitation and Other Protected Entities	
	Section 1 Burglary	
	People v. Dupree Nichols v. State Hebron v. State	Walker v. State Gray v. State State v. Bowen

WEEK 13

CLASS 2	Arson PowerPoint Presentation (see page 389 in your textbook)	
	Chapter 5: Imputability -*PowerPoint Presentation – Parties to a Crime	
	Section 5 Parties to Crime	
CLASS 2	Rosemond v. State	People v. Brown
	Chapter 5: Imputability	
	Section 3 (A) Attempt -PowerPoint Presentation	
CLASS 2	Moffett v. State People v. Collie	People v. Rizzo State v. Mitchell
	Section 3 (D) Abandonment	
	Steward v. State	State v. Peterson



Class Assignments Topics

WEEK 14

CLASS 1

Chapter 5: Imputability

Section 6 *Conspiracy - PowerPoint Presentation*

State v. Hanks
United States v. Payan
Gebardi v. United States

People v. Swain
United States v. Loscalzo
Pinkerton v. United States

CLASS 2

Chapter 5: Imputability

Section 6 *Conspiracy*

United States v. Rosado-Fernandez
Marquiz v. People

United States v. Turkette

Section 3 *(C) Solicitation - PowerPoint Presentation*

State v. Blechman

Chapter 9: Special Defenses

Section 4 *Self-Defense - PowerPoint Presentation*

General Principles
State v. Oellette

Honest and Reasonable Belief
People v. Goetz



WEEK 15

CLASS 1

Chapter 9: Special Defenses

Section 4 *Self-Defense*

People v. Humphrey
A Duty to Retreat?

Brown v. United States
People v. Aiken

CLASS 2

Chapter 9: Special Defenses

Cooper v. United States

Section 4 *The Initial Aggressor*

State v. Broadhurst

Section 5 *Defense of Others*

State v. Saunders
Alexander v. State

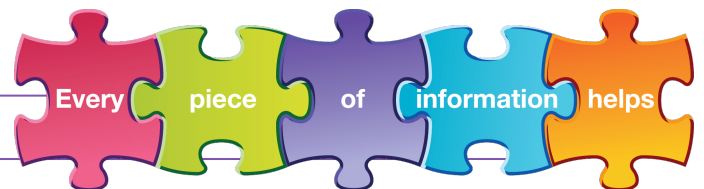
People v. Curtis

Chapter 8: Responsibility: Modifying Circumstances

Section 2 *Impelled Perpetration (Duress & Necessity)*

People v. Anderson
Tyler v. State

People v. Curtis



Class Assignments Topics

WEEK 16

CLASS 1

Chapter 8: Responsibility: Modifying Circumstances

Section 2 *Impelled Perpetration (Duress & Necessity)*

State v. Burney

Commonwealth v. Capitolo

Chapter 7: Responsibility: Limitations on Criminal Capacity

Section 2 *Mental Disease or Defect (Insanity)*

Kahler v. Kansas State v. Fetters
People v. Weinstein

State v. Smith
People v. Ramsey
Fulcher v. State

STUDY WEEK

DECEMBER 4- 10th

FINAL EXAM

TBA

