Criminal Law

Professor: David Patton  
Office Hours: Anytime by appointment

Office: Room A159 (Clinic Office Area)  
Telephone: 205-348-8059

COURSE MATERIAL

Required:

Kadish, Schulhofer & Steiker, CRIMINAL LAW AND ITS PROCESSES (8th ed. 2007).

Optional:

The bookstore has a study aid by Joshua Dressler, UNDERSTANDING CRIMINAL LAW, that some students find helpful. We will not discuss it in class, and you are not required to purchase it.

COURSE DESCRIPTION

Criminal Law is an overview of the criminal justice system and an examination of substantive criminal law, including the theories justifying criminal punishment, the origins and sources of criminal law, the elements common to all crimes, the specific features of selected individual crimes, and modifying circumstances and defenses.

CLASS REQUIREMENTS

1. Please be on time.
2. Attendance is required. You may miss class only for good cause.
3. Class participation is encouraged. I reserve the right to raise or lower your final grade by one grade level (e.g., B- to B or B- to C+) based upon your class participation. There will be two types of class participation:
   a. Without Prior Notice: I will call on students throughout class. You will be expected to discuss that day’s readings and any prior readings when you are called upon. You are also encouraged to ask questions and to volunteer comments.
   b. With Prior Notice: Periodically, I will assign topics to students for presentation to the class.

If any of the above requirements cause you a hardship, please speak with me. If for some reason, you are not prepared for class when you are scheduled to be on call, let me know before class begins. Also, if you are not comfortable discussing certain topics in class, please let me know, and I will not call on you for those topics.
GRADING POLICY

In addition to the possible adjustment of your grade based on class participation, your grade will be based on your performance on the final examination. I will discuss the final examination with you in more detail later in the semester.

ADA ACCOMMODATIONS

The Law School is committed to meeting the needs of students with physical, learning, and other disabilities, and provides appropriate accommodations and services tailored to each person's specific requirements. The Law School's assistant deans and the University's Office of Disability Services work together to help individuals with disabilities achieve and maintain individual autonomy. Students with disabilities are encouraged to contact Jenelle Marsh, Senior Assistant Dean for Students/Academic Services at (205) 348-5751 or jmarsh@law.ua.edu so that the individual's needs for support services can be evaluated and accommodated in a timely manner.

USES OF TECHNOLOGY

Students may use laptops in the classroom for class-related use only. Typically, the only approved use is for note-taking. Students shall not use laptops or other electronic devices in an inappropriate manner during class. Inappropriate uses include any and all uses not directly related to the class in session. Examples include, but are not limited to, the following: using the internet, receiving, reading, composing, or sending e-mail or instant messages; making or receiving phone calls; taking photographs or videos; playing video in any format; recording or making audio tapes or files; and playing games. If you have any question about this class rule, please feel free to speak with me.
COURSE OUTLINE

I. Criminal Justice Overview
II. Theories of Punishment
III. Sources of Criminal Law
   A. The Common Law
   B. The Model Penal Code (“MPC”)
   C. State and Federal Statutes
IV. Actus Reus
   A. Acts
   B. Omissions
V. Mens Rea
   A. Common Law
   B. MPC
   C. Mistake of Fact/Law
VI. Resulting Harm
   A. Causation
   B. Attempt
VII. Specific Crimes
   A. Homicide
      1. Intentional Killings
      2. Unintentional Killings
      3. Felony Murder
   B. Rape
      1. Policy & Perspectives
      2. Actus Reus
      3. Mens Rea
VIII. Group Criminality/Liability
   A. Complicity
   B. Conspiracy
IX. Defenses
   A. Self-Defense
   B. Defense of Property
   C. Intoxication
   D. Insanity
   E. Diminished Capacity
   F. Duress
X. To Be Determined
ASSIGNMENTS

Week 1

Monday, August 16  Topic: Introduction and Criminal Justice Overview
Readings: pp. 1-17

Wednesday, August 18  Topic: Theories of Punishment
Readings: pp. 73-86, 92-top of 97

Thursday, August 19  Topic: Theories of Punishment
Nightclub Fire Sentencing Arguments
Readings: pp. 97-105; Supplemental Material on R.I. Station Nightclub Fire

Week 2

Monday, August 23  Topic: Sources of Criminal Law
Common Law & Model Penal Code
Readings: pp. 133-45, 1071; MPC § 1.02

Readings: pp. 182-192; MPC § 2.01

Thursday, August 26  Topic: Actus Reus: Omissions
Readings: pp. 192-98, 208-212

Week 3

Monday, August 30  Topic: Mens Rea: Basic Concepts/Common Law/MPC
Readings: pp. 213-33, MPC § 2.02

Wednesday, September 1  Topic: Mens Rea: Mistake of Fact/Strict Liability
Readings: pp. 234-39, 245-top of 257; MPC § 2.04

Thursday, September 2  Topic: Mens Rea: Mistake of Law
Readings: pp. 267-77, 282-84 (Lambert)