

**CRIMINAL LAW
Section 1**

I. COURSE INFORMATION

Professor: Pamela H. Bucy **Office Hours:** 1PM-3PM Wednesdays
Office: Room 336 **Telephone:** 205-348-1139

II. COURSE MATERIAL

Required:

Prepared Course Materials (may be purchased from the bookstore).

Optional:

If you would like to review other material which provides a general overview, I recommend the hornbook by LaFave and Scott, Criminal Law. (Can be found in law school library.) If you are interested in more specific or sophisticated materials on any topic, I will be happy to provide you with further references.

III. COURSE DESCRIPTION

An examination of the substantive criminal law, its origin, and its sources; the elements of crime; and modifying circumstances and defenses. Also discussed are offenses against the person and property; those offenses involving specific intent; and public welfare offenses.

IV. CLASS REQUIREMENTS

1. Be on time
2. Attendance is required. You may miss class only for good cause. After six absences, you will be referred to the Dean's Office for imposition of sanctions.
3. Class participation is encouraged. I will raise or lower your final grade by one grade level (0.5) based upon your class participation, whenever appropriate. There will be two types of class participation.
 - a. Without Prior Notice: The class will be divided into groups and each group will be assigned days to be called upon. I will call on you only on the day to which your group is assigned. On any day, however, I welcome volunteers from any group.
 - b. With Prior Notice. Periodically I will assign topics to students for presentation to the class.
4. Follow the "laptops down" policy for this class. See Section VII.

If any of the above requirements cause you a hardship, you may submit a written petition to me explaining your circumstances.

V. GRADING POLICY

Your grade in this course will be based upon two things: class participation and performance on the final examination. The final examination will be an “essay” exam and will cover the material we cover in class.

VI. 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.

VII. USES OF TECHNOLOGY

Students may use portable computing or other electronic devices in the classroom for education [or class] use only. Students shall not use portable computer or other electronic devices in an inappropriate manner during class. Inappropriate uses include any and all uses of a portable computing or other electronic device not directly related to the class in session. Examples include, but are not limited to, the following: displaying web pages, 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.

Students who appear to be using electronic devices inappropriately will be asked to leave the class session immediately. The class session will be counted as an absence for the day. If you have any question about this class rule, please feel free to contact me.

We will use a “laptop down” policy. Periodically during each class session, generally during times for discussion of material, I will direct that all laptops be closed. Additionally, laptops must be closed on days Guest Speakers are present.

CRIMINAL LAW, SECTION 1
SYLLABUS¹

Thursday, August 18

NO READING ASSIGNMENT

Monday, August 22

pp. 1-16

Group 1

OVERVIEW OF CRIMINAL JUSTICE SYSTEM

I. THE PROSECUTION

A. DECIDING WHAT CRIME TO CHARGE

1. Common Law

- *Commonwealth v. Mochan*

2. Statutes

a. Do the facts meet the statutory elements?

- *Keeler v. Superior Court*

- *United States v. Moore*

Wednesday, August 24

pp. 17-33

Group 2

b. Is the statute unconstitutional?

- *Papachristou v. City of Jacksonville*

- *R.A.V. v. City of St. Paul, MN*

B. PROVING CONDUCT

1. The importance of the “conduct” element

- *Robinson v. California*

2. Did the defendant commit the conduct specified
in the statute?

- *Muscarello v. United States*

- *United States v. Reid*

¹All readings are from the prepared course material.

Thursday, August 25

pp. 33-45

Group 3

3. Omissions

- *People v. Oliver*
- *Jones v. United States*
- *People v. Beardsley*

C. PROVING INTENT

1. Model Penal Code (MPC) Approach

Monday, August 29

pp. 45-56

Group 4

a. Acting “Purposely” or “Knowingly”

- *United States v. Jewell*

b. Acting “Recklessly” or “Negligently”

- *Santillanes v. State*

Wednesday, August 31

pp. 56-77

Group 1

2. Non-MPC Approach (Specific Intent)

- *United States v. Cheek*
- *Thacker v. Commonwealth*

3. Strict Liability Issues

- *Commonwealth v. Olshefski*
- *Ex Parte Marley*
- *Morissette v. United States*
- *United States v. Morris*

Dinner at the Piersons’, 6-8 PM

Spouses and significant others invited

Directions from law school:

- Take 82 West to Jack Warner Parkway.
- Take Jack Warner Parkway toward “Downtown Tuscaloosa”.
- Go through traffic lights at “Hackberry” and “Marrs Spring”.
- Take the next left, onto Sherwood Drive - go up two houses to the stop sign and turn right into the cul-de-sac.
- # 8 Sherwood Drive is in the middle, on your left (two rocking chairs on the porch).

Thursday, September 1

pp. 77-100

Group 2

D. CHARGING “ATTEMPTED” OFFENSES

1. Regarding “Conduct”

- *People v. Paluch*

- *United States v. Harper*

2. Regarding “Intent”

- *People v. Lopez*

- *State v. Smith*

Monday, September 5

NO CLASS. LABOR DAY.

Wednesday, September 7

pp. 100-114

Group 3

E. WHOM TO CHARGE

1. Complicity

- *State v. Rundle*

- *Standefer v. United States*

Thursday, September 8

pp. 114-137

Group 4

- *People v. Marshall*

- *United States v. Eberhardt*

- *State v. Tally*

- *United States v. Figueroa-Cartagena*

Monday, September 12

CLASS CANCELLED

Wednesday, September 14

No reading

GUEST SPEAKER: Brandon Falls, District Attorney, Jefferson County

Thursday, September 15

pp. 138-148

Group 1

2. Conspiracy

- *United States v. Diaz*

- *United States v. Young*

Monday, September 19

No reading

GUEST SPEAKER: The Honorable Brad Almond, Circuit Court Judge,
Tuscaloosa County

Wednesday, September 21

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Group 2

- *United States v. Ebbers*

**F. CASE STUDY: THE DUKE LACROSSE
INVESTIGATION**

Thursday, September 22

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Group 3

II. THE DEFENSE

A. ENTRAPMENT

- *United States v. Russell*
- *Jacobson v. United States*

Monday, September 26

No reading

GUEST SPEAKER: John Baird, Assistant Public Defender, Tuscaloosa
County

Wednesday, September 28

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Group 4

B. DURESS AND NECESSITY

- *State v. St. Clair*
- *United States v. Bailey*
- *United States v. Contento-Pachon*
- *Jenks v. State*

Thursday, September 29

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Group 1

- *United States v. Haney*
- *United States v. Moylan*
- Model Penal Code 3.02.
- Alabama Criminal Code § 13A-3-30.

C. JUSTIFIABLE USE OF FORCE

1. Self Defense

- *People v. Goetz*

Monday, October 3

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Group 2

- *State v. Kelly*
- *State v. Stewart*
- *State v. Grecinger*

2. Defense of Others

- *State v. Beeley*

3. Applicable Alabama Statutes

- Alabama Criminal Code § 13A-3-20
- Alabama Criminal Code § 13A-3-23
- Alabama Criminal Code § 13A-3-25
- Alabama Criminal Code § 13A-3-21

Wednesday, October 5

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Group 3

D. INTOXICATION

- *People v. Guillett*
- *Stanton v. State*
- Alabama Criminal Code § 13A-3-2

Thursday, October 6

No reading

GUEST SPEAKER: The Honorable Bill Bostick, Circuit Court Judge,
Shelby County and Co-Director, Summer Externship Program

Monday, October 10

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Group 4

E. INSANITY

- *Clark v. Arizona*
- *State v. Yates* (time line)
- TX Penal Code § 8.01
- *Yates v. Texas*
- Alabama Criminal Code § 13A-3-1

Wednesday, October 12

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Group 3

F. IMPOSSIBILITY

- *State v. Moretti*
- *People v. Thousand*

G. MISTAKE

- *United States v. Barker*

Thursday, October 13

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Group 4

- *State v. Sexton*
- *Kipp v. State*

Monday, October 17 through Monday, October 24

CLASS CANCELLED

Wednesday, October 26

No reading assignment
COMPLETE MIDTERM EXAM
PRIOR TO CLASS

REVIEW OF MIDTERM EXAM

Thursday, October 27

NO CLASS; FALL BREAK

Monday, October 31

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Group 1

III. MISCELLANEOUS CRIMES

A. CRIMES AGAINST THE PERSON

1. Homicide

a. Degrees of Homicide

-Midgett v. State
-State v. Flory
-Langford v. State

Wednesday, November 2

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Group 2

-People v. Hall
-Alabama Criminal Code §§ 13-6-1 through 13-6-4

b. Felony Murder

-Commonwealth v. Myers
-State v. Gray
-People v. Salas

Thursday, November 3

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Group 3

-Tison v. Arizona

c. Capital Murder

-Gamble v. State

Monday, November 7

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Group 4

-McClesky v. Kemp
-Alabama Criminal Code §§ 13A-5-39; 13A-5-40;
13A-5-48; 13A-5-49; 13A-5-51

Tuesday, November 8

3:30-10:00PM
NOTE DATE & TIME!!!

MOCK TRIAL

Wednesday, November 9

No reading

GUEST SPEAKERS: The Honorable Jill Ganus, District Court Judge, Jefferson County, Bessemer Cut-off, AND Bill Veitch, First Assistant District Attorney, Jefferson County, Bessemer Cut-off

Thursday, November 10

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Group 1

2. Assault

- *Westbrook v. State*
- *Ex Parte Cobb*
- *Glass v. State*
- Alabama Criminal Code §§ 13A-6-20; 13A-6-21; 13A-6-22

3. Robbery

- *People v. Taylor*
- Alabama Criminal Code §§ 13A-8-41; 13A-8-42; 13A-8-43

Monday, November 14

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Group 2

4. Rape and Other Sex Offenses

- *Commonwealth v. Berkowitz*
- *Dixon v. State*
- *Wilson v. State*
- Alabama Criminal Code §§ 13A-6-60 - 13A-6-64

Wednesday, November 16

pp. 485-505

Group 3

B. CRIMES AGAINST PROPERTY

1. Larceny

- People v. Olivo et al*
- Lund v. Commonwealth*
- Alabama Criminal Code § 13A-8-2

2. Burglary

- United States v. Melton*
- State v. Howe, et al*
- Alabama Criminal Code §§ 13A-7-5; 13A-7-6; 13A-7-7
- Alabama Sex Offender Registration and Notification Act

Thursday, November 17

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Group 4

C. WHITE COLLAR CRIME

1. Mail Fraud

- Pereira v. United States*

-*Emery v. American General Ins.*
-*United States v. Brown*
- 18 U.S.C. §§ 1341; 1343; 1344; 1346; 1347

Monday, November 21

CLASS CANCELLED

Monday, November 28

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Group 1

2. RICO

-*United States v. Cauble*

- *United States v. Beasley*

-18 U.S.C. §§ 1961-1964

Wednesday, November 30

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Group 2

3. False Claims Act

-*United States ex rel. Taxpayers Against Fraud v.
General Electric*

- 31 U.S.C. §§ 3729, 3730

Thursday, December 1

No reading assignment

**END OF TERM REVIEW
(LAST DAY OF CLASS)**