I. COURSE INFORMATION

Professor: Pamela H. Bucy  Office Hours: 1:30-3:00 PM Thursdays
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.

VIII. GROUPS TO BE CALLED ON

<table>
<thead>
<tr>
<th>GROUP 1</th>
<th>GROUP 2</th>
<th>GROUP 3</th>
<th>GROUP 4</th>
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</thead>
<tbody>
<tr>
<td>Alford, Barbara C.</td>
<td>DeSimone, Hector D.</td>
<td>Lee, Jennifer L.</td>
<td>Ray, Tiffany N.</td>
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<tr>
<td>Anderson, Jerrika C.</td>
<td>Estes, Drew D.</td>
<td>Looney, Caitlin J.</td>
<td>Rogers, Jordan A.</td>
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<tr>
<td>Ankumah, Kobina P.</td>
<td>Feist, Jane E.</td>
<td>Minnes, Casey O.</td>
<td>Rossmanith, Sara M.</td>
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<tr>
<td>Breland, Gloria L.</td>
<td>Gilbert, Nathan K.</td>
<td>Morgan, Mary L.</td>
<td>Speegle, Jeffrey W.</td>
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<tr>
<td>Brett, Brock E.</td>
<td>Gunter, Seve P.</td>
<td>Morris, Michael F.</td>
<td>Stanton, Amber D.</td>
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<tr>
<td>Burns, Claire E.</td>
<td>Hall, Kassie L.</td>
<td>Padgett, Brian L.</td>
<td>Tate, Hunter J.</td>
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<tr>
<td>Carpenter, Keith A.</td>
<td>Heilman, Joseph M.</td>
<td>Parker, Walter B.</td>
<td>Tyrone, Laura E.</td>
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<tr>
<td>Carter, Thomas B.</td>
<td>Henderson, Rachael M.</td>
<td>Picone, Ethan A.</td>
<td>Varner, Roger W.</td>
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<tr>
<td>Coombs, Stuart T.</td>
<td>Knorr, William A.</td>
<td>Proudfoot, Drew A.</td>
<td>Veillette, Leigh C.</td>
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<tr>
<td>Crayton, Darius A.</td>
<td>Kruger, Colin M.</td>
<td>Purdy, Heather A.</td>
<td>Violanti, Joshua A.</td>
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<tr>
<td>Darby, Alexandria W.</td>
<td>Lee, Christopher A.</td>
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<td>Wagner, Austin</td>
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<td>Davidson, Adam M.</td>
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</tbody>
</table>
Walker, Kaleb S.
Walton, Brian G.
Watts, Bradley J.
Wehr, Joseph P.
Wilhelm, Johnathan N.
Zacek, Brita C.
CRIMINAL LAW, SECTION 3
SYLLABUS

Thursday, August 16
NO READING ASSIGNMENT
Overview of Course

Monday, August 20
pp. 1-17
Group 1

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 of Amador County
      - United States v. Moore

Tuesday, August 21
pp. 17-44
Group 2

b. Is the statute unconstitutional?
   - Papachristou v. City of Jacksonville
   - R.A.V. v. City of St. Paul, Minnesota

B. Proving Conduct

1. The importance of the “conduct” element
   - Robinson v. State of California

2. Did the defendant commit the conduct specified in the statute?
   - Muscarello v. United States
   - United States v. Reid

3. Omissions
   - People v. Oliver
   - Jones v. United States
   - People v. Beardsley

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1All readings are from the prepared course materials.
C. Proving intent

1. Model Penal Code (MPC) Approach
   a. Acting “purposely” or “knowingly”
      - MPC § 2.02. General Requirements of Culpability
      - United States v. Jewell
   b. Acting “recklessly” or “negligently”
      - Santillanes v. State of Mexico

2. Non-MPC Approach (specific intent; many categories of 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

D. Charging “attempted” offenses (Presents special concerns regarding conduct and intent)

1. Regarding “conduct”
   - People v. Paluch
   - United States v. Harper
PARTY!

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).

Attire: Casual. Weather permitting we will be outside.

Please RSVP if declining to enichols@law.ua.edu.

2. Regarding “intent”
   - People v. Lopez
   - State v. Smith

E. Whom to charge

1. Complicity (also known as “aiding and abetting” and “accomplice liability”)
Thursday, September 13
pp. 137-220
Group 4

2. Conspiracy
- United States v. Diaz
- United States v. Young
- United States v. Ebbers
- 18 U.S.C. § 371

F. Case Study: The Duke Lacrosse Investigation

Monday, September 17
NO READING ASSIGNMENT
GUEST SPEAKER: John Baird, Assistant Public Defender, Tuscaloosa County

Tuesday, September 18
NO READING ASSIGNMENT
GUEST SPEAKER: The Honorable Brad Almond, Circuit Court Judge, Tuscaloosa County and Adjunct Instructor, University of Alabama School of Law

Thursday, September 20
NO READING ASSIGNMENT
GUEST SPEAKER: Mary Turner, Turner & Hays, Tuscaloosa, and Adjunct Instructor, University of Alabama School of Law

Monday, September 24
pp. 220-234
Group 1

II. The Defense

A. Entrapment
- United States v. Russell
- Jacobson v. United States

Tuesday, September 25
pp. 234-265
Group 2

B. Duress and necessity
- State v. St. Clair
Thursday, September 27
pp. 265-305
Group 3

C. Justifiable use of force

1. Self defense
   - People v. Goetz
   - State v. Kelly
   - State v. Stewart
   - State v. Grecinger

2. Defense of others
   - State v. Beeley

3. Applicable Alabama Statutes
   - Alabama Criminal Code § 13A-3-21. Basis for defense generally; injury to innocent person through negligence; civil remedies.

Monday, October 1
pp. 305-323
Group 4

D. Intoxication
   - State v. Guillett
   - Stanton v. State
   - State v. Sette

Tuesday, October 2
pp. 323-338
Group 1

E. Insanity
   - Clark v. Arizona
   - Yates v. Texas
   - Alabama Criminal Code § 13A-3-1. Mental disease or defect.
Thursday, October 4
NO CLASS. FALL BREAK

Monday, October 8
pp. 338-376
Group 2

F. Impossibility
- State v. Moretti
- People v. Thousand

G. Mistake
- United States v. Barker
- State v. Sexton
- Kipp v. State
- MPC §2.04. Ignorance or Mistake

Tuesday, October 9
pp. 376-398
Group 3

III. Miscellaneous Crimes

A. Crimes Against the Person

1. Homicide

a. Degrees of homicide
- Midgett v. State
- State v. Flory
- Langford v. State
- People v. Hall

Thursday, October 11
NO READING ASSIGNMENT

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

Monday, October 15
NO READING ASSIGNMENT.
COMPLETE MIDTERM PRIOR TO CLASS

REVIEW OF MIDTERM EXAM

Tuesday, October 16
pp. 399-423
Group 4

b. Felony Murder
- Commonwealth v. Myers

Thursday, October 18
pp. 423-445
Group 1

- State v. Gray
- People v. Salas
- Tison v. Arizona

c. Capital Murder
- Gamble v. State
- McCleskey v. Kemp

Monday, October 22
CLASS CANCELLED

Tuesday, October 23
pp. 445-469
Group 2

2. Assault
- Westbrook v. State
- Ex parte Cobb
- Glass v. State

3. Robbery
- People v. Taylor
- Alabama Criminal Code § 13A-8-42. Robbery in the second degree.

Thursday, October 25
pp. 469-496
Group 3

4. Rape and other sex offenses
- Commonwealth v. Berkowitz
- Dixon v. State
- Wilson v. State
Monday, October 29
NO READING ASSIGNMENT

GUEST SPEAKER: Gray Borden, Assistant U.S. Attorney, Middle District, Alabama

Tuesday, October 30

496-515
Group 4

B. Crimes Against Property

1. Larceny
   - People v. Olivo
   - Lund v. Commonwealth

2. Burglary
   - United States v. Melton
   - State v. Howe

Thursday, November 1

pp. 515-529
Group 1

C. White Collar Crime

1. Crimes

   a. Mail Fraud
      - Pereira v. United States
      - Emery v. American General Finance, Incorporated

   - Alabama Criminal Code § 13A-6-64. Sodomy in the second degree.
   - Alabama Rule of Evidence 412.
   - Alabama Sex Offender Registration
Monday, November 5
pp. 529-536
Group 2
- United States v. Brown
- 18 U.S.C. § 1343. Fraud by wire, radio or television
- 18 U.S.C. § 1346. Definition of “scheme or artifice to defraud”

Tuesday, November 6
CLASS MEETS AT REGULAR TIME & PLACE.
GUEST SPEAKER: The Honorable Bill Bostick, Circuit Court Judge, Shelby County and Co-Director, Summer Externship Program
AND
3:30-10:00 PM
NOTE THE TIME!
NOTE: This is in addition to regular class time on Nov. 6

Thursday, November 8
CLASS CANCELLED

Monday, November 12
pp. 536-568
Group 3
b. RICO
- United States v. Cauble
- United States v. Beasley

c. Obstruction of Justice
- Arthur Anderson v. United States
- United States v. Mintmire
- Obstruction of Justice statutes, in part

d. Corporate Criminal Liability
- United States v. Hilton Hotels Corporation
- United States v. Bank of New England
Thursday, November 15
pp. 592-608
Group 1

2. Punitive Civil Actions
   a. False Claims Act
      - United States v. General Electric Company

Monday, November 19
pp. 608-613
Group 2

   - 31 U.S.C. § 3730. Civil actions for false claims

Tuesday, November 20
pp. 613-627
Group 3

D. Drug Offenses
   - Commonwealth v. Aviles
   - United States v. Smith

Thursday, November 22
NO CLASS. THANKSGIVING

Monday, November 26
pp. 627-646
Group 4

   - United States v. Maciel
   - “Rethinking the War on Drugs,” WSJ, April 22, 2012

Tuesday, November 27
NO READING ASSIGNMENT

END OF TERM REVIEW (last day of class)

Thursday, November 29
CLASS CANCELLED