I. COURSE INFORMATION

Professor: Pamela H. Bucy  
Office: Room 336  
Office Hours: 10:00-11:30 AM, Fridays  
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 “Use of Technology” 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 only 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 Claude Arrington, Associate Dean for Academic Affairs at (205) 348-5751 or carrington@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 educational [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; texting on a telephone device.

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>
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<th>GROUP 4</th>
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<tbody>
<tr>
<td>Alexander, Sarah Elizabeth</td>
<td>Critz, Anna</td>
<td>Jeffreys, James</td>
<td>Roden, Matthew Tyler</td>
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<td>Bain, James Daniel</td>
<td>Cruickshank, Lesley</td>
<td>Komar, Griffin</td>
<td>Rutledge, Victoria C.</td>
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<td>Baxley, Robert</td>
<td>Cummins, Manley L.</td>
<td>Kustoff, Hilary Ryan</td>
<td>Schellack, Courtney</td>
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<td>Becker, Christopher</td>
<td>Curry, Lyndsie Michelle</td>
<td>Liljenquist, Joseph</td>
<td>Smith, Shalyn</td>
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<td>Boone, Forrest</td>
<td>Dressen, Trenton</td>
<td>Lind, John David</td>
<td>Smith, Stephanie</td>
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<td>Bormolini, Martin</td>
<td>Dunn, William</td>
<td>Luiken, David Grant</td>
<td>Stroecker, Elizabeth</td>
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<td>Brown, Hunter</td>
<td>Fisher, Nicole</td>
<td>Lynn, John</td>
<td>Terry, David</td>
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<td>Brown, James</td>
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<td>Malmat, Christina</td>
<td>Theodore, Nicholas</td>
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<td>Buchwalter, Axel</td>
<td>Grimes, Samuel</td>
<td>Mammon, Joseph</td>
<td>Thompson, William</td>
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<td>Burdick, Aaron</td>
<td>Hall, James</td>
<td>Marcum, Robert Andrew</td>
<td>Traylor, Emily</td>
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<td>Burke, Kelly</td>
<td>Hammock, Austin</td>
<td>Mitchell, Catherine</td>
<td>Unruh, Kelsey</td>
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<td>Campbell, Kristopher</td>
<td>Haynes, Jonathan</td>
<td>Moore, Dylan</td>
<td>Vance, Sara</td>
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<td>Campbell, Nicholas</td>
<td>Herring, Brittany</td>
<td>Motles, Irene</td>
<td>Whitaker, Elle</td>
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<td>Causby, Thomas</td>
<td>Hicks, Hannah</td>
<td>Munns, Julie Rae</td>
<td>Wiggins, Roenika</td>
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<td>Caven, Cayman Leigh</td>
<td>Hornsby, Warner</td>
<td>Pate, Gayla Antigone</td>
<td>Wilson, Nicolas</td>
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<td>Christian, Caleb</td>
<td>Hundscheid, John Mark</td>
<td>Pickell, Lindsay</td>
<td>Xu, Wei</td>
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<td>Cogan, Richard</td>
<td>Hurt, Jonathan</td>
<td>Prichard, Caitlyn</td>
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2
CRIMINAL LAW, SECTION 3
SYLLABUS

Thursday, August 15
NO READING ASSIGNMENT

Overview of Course

Friday, August 16
pp. 1-4
Group 1

I. The Prosecution

A. Deciding what crime to charge

1. Common Law
   - Commonwealth v. Mochan

Tuesday, August 20
pp. 4-16
Group 2

2. Statutes
   a. Do the facts meet the statutory elements?
      - Keeler v. Superior Court of Amador County
      - United States v. Moore

Thursday, August 22
pp. 17-29
Group 3

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

1All readings are from the prepared course materials.
Friday, August 23
pp. 29-43
Group 4
- United States v. Reid

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

Tuesday, August 27
pp. 44-56
Group 1
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

Wednesday, August 28
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.
Thursday, August 29  
pp. 56-62  
Group 2  

2. Non-MPC Approach (specific intent; many categories of intent)  
- United States v. Cheek  
- Thacker v. Commonwealth

Friday, August 30 (8:20-9:35 AM)  
pp. 62-77  
Group 3  

3. Strict Liability Issues  
- Commonwealth v. Olshefski  
- Ex parte Marley  
- Morissette v. United States  
- United States v. Morris

Friday, August 30 (Noon-12:50 PM)  
MAKE-UP CLASS!  
pp. 77-85  
Group 4  

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

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

Tuesday, September 3  
CLASS CANCELLED

Thursday, September 5  
pp. 85-100  
Group 1

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

Friday, September 6  
pp. 100-115  
Group 2  

E. Whom to charge

1. Complicity (also known as “aiding and abetting” and “accomplice liability”)  
- State v. Rundle  
- Standefer v. United States  
- People v. Marshall
Tuesday, September 10
pp. 115-137
Group 3
- United States v. Eberhardt
- State v. Tally
- United States v. Figueroa-Cartagena

Thursday, September 12
pp. 137-149
Group 4
2. Conspiracy
- United States v. Diaz
- United States v. Young

Friday, September 13
pp. 150-191
Group 1
- WorldCom paper
- United States v. Ebbers
- 18 U.S.C. § 371

Tuesday, September 17
pp. 191-247
Group 2
F. Case Study: The Duke Lacrosse Investigation

Thursday, September 19
pp. 248-262
Group 3
II. The Defense
A. Entrapment
- United States v. Russell
- Jacobson v. United States

Friday, September 20
NO READING ASSIGNMENT
GUEST SPEAKER: The Honorable Brad Almond, Circuit Court Judge, Tuscaloosa County and Adjunct Instructor, University of Alabama School of Law

Tuesday, September 24
NO READING ASSIGNMENT
GUEST SPEAKER: John Baird, Assistant Public Defender, Tuscaloosa County

Thursday, September 26
NO READING ASSIGNMENT
GUEST SPEAKER: Laura Hodge, Assistant United States Attorney, N.D. AL
Friday, September 27
NO READING ASSIGNMENT
GUEST SPEAKER: Sarah McGinniss, Assistant District Attorney, Tuscaloosa County

Tuesday, October 1
NO READING ASSIGNMENT
GUEST SPEAKER: The Honorable Bill Bostick, Circuit Court Judge, Shelby County and Co-Director, Summer Externship Program

Thursday, October 3
pp. 262-293
Group 4
B. Duress and necessity
- State v. St. Clair
- United States v. Bailey
- United States v. Contento-Pachon
- Jenks v. State
- United States v. Haney
- United States v. Moylan
- Model Penal Code Section 3.02. Justification
  Generally: Choice of Evils

Friday, October 4 (8:20-9:35 AM)
pp. 293-333
Group 1
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.
Friday, October 4 (Noon-12:50 PM)
MAKE-UP CLASS!
pp. 333-358
Group 2

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

E. Insanity
- Clark v. Arizona

Tuesday, October 8
pp. 359-411
Group 3

- Yates v. Texas
- Alabama Criminal Code § 13A-3-1. Mental disease or defect.
- Criminal Minds by Adrian Raine

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

Thursday, October 10
REVIEW OF MIDTERM EXAM

Friday, October 11
NO READING ASSIGNMENT
GUEST SPEAKER: Dick Powers, United States Department of Justice, Antitrust Division

Tuesday, October 15
pp. 411-434
Group 4

III. Miscellaneous Crimes

A. Crimes Against the Person

1. Homicide

   a. Degrees of homicide
   - Midgett v. State
   - State v. Flory
   - Langford v. State
Thursday, October 17
pp. 434-458
Group 1

b. Felony Murder
- Commonwealth v. Myers
- State v. Gray
- People v. Salas
- Tison v. Arizona

Friday, October 18
NO READING ASSIGNMENT

GUEST SPEAKER: Brandon Falls, District Attorney, Jefferson County

Tuesday, October 22
pp. 458-479
Group 2
c. Capital Murder
- Gamble v. State
- McCleskey v. Kemp

Thursday, October 24
pp. 479-503
Group 3

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.

- People v. Hall
Friday, October 25
NO READING ASSIGNMENT
GUEST SPEAKER: Jill Ganus, Assistant District Attorney, Jefferson County, Bessemer Cut-off, AND Bill Veitch, Chief Deputy District Attorney, Jefferson County, Bessemer Cut-off

Tuesday, October 29
CLASS CANCELLED

Thursday, October 31
CLASS CANCELLED
FALL BREAK

Friday, November 1
CLASS CANCELLED
FALL BREAK

Tuesday, November 5
pp. 503-530
Group 4

4. Rape and other sex offenses
  - Commonwealth v. Berkowitz
  - Dixon v. State
  - Wilson v. State
  - Alabama Criminal Code § 13A-6-64. Sodomy in the second degree.
  - Alabama Rule of Evidence 412.
  - Alabama Sex Offender Registration

Thursday, November 7
pp. 530-564
Group 1

B. Drug Offenses
  - Commonwealth v. Aviles
  - United States v. Smith
  - United States v. Maciel
  - “Rethinking the War on Drugs,” WSJ, April 22, 2012
C. Crimes Against Property

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

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

AND GUEST SPEAKER: Elizabeth Billhimer, Skadden, Arps, Slate, Meagher & Flom, LLP, New York City

D. White Collar Crime

1. Crimes

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

   b. RICO
      - *United States v. Cauble*

AND GUEST SPEAKER: Elizabeth Billhimer, Skadden, Arps, Slate, Meagher & Flom, LLP, New York City
- *United States v. Beasley*

**Tuesday, November 19**
pp. 636-660
Group 2

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 21**
pp. 660-682
Group 3

2. **Punitive Civil Actions**

   a. **False Claims Act**
      - *United States v. General Electric Company*
      - 31 U.S.C. § 3730. Civil actions for false claims

**Friday, November 22**
NO READING ASSIGNMENT

END OF TERM REVIEW (last day of class)