ASSIGNMENTS: This syllabus informs you of the topics we will cover during the semester as well as provides you with your reading assignments.

As part of your participation in this course, you must read every assignment before class. Simply look under the next “Assignment” and you will see listed the reading assignment(s) for that session of class. Always check the assignment carefully; sometimes an assignment may continue on the next page of the syllabus.

Normally, all assignments for this course will be contained in the course syllabus. We will proceed through the course in the order established by the syllabus. If any new cases or materials are added, this information will be provided before the affected class session.

All assignments in the syllabus refer either to our casebook or to the required materials which may be supplied as we proceed through the course. For example, T 1-19 is a reference to pages 1 through 19 of the required casebook, Kadish, Schulhofer, Steiker & Barkow, Criminal Law and its Processes (9th ed. 2012); MPC § 2.01 / TA 1201 refers to Section 2.01 of the Model Penal Code which appears on page 1201 of Appendix A [Model Penal Code] in the back of the casebook. You will need to obtain any assigned Alabama (or other state) statutes or court rules from the Library. I suggest that you not rely solely on Westlaw or Lexis for this purpose because you should be learning how to find printed legal materials. Westlaw and Lexis are helpful and quick, but books remain part of the legal terrain that you must learn to navigate.

Assignment numbers will not always match class periods; sometimes it takes 2 or 3 class sessions to fully cover the materials in one assignment; other times, not. We will follow the assignment order, but we must remain flexible.

NOTE on CONDITIONAL ASSIGNMENTS: The Syllabus lists two conditional assignments at the end. These materials will be covered only if time and circumstances so permit.

NOTE on PROBLEMS: Throughout the case book, the authors use Problems to present legal issues. Unless specifically listed in an Assignment, we may or may not review the Problems in class. Nevertheless, you should attempt to answer the questions raised in the Problems either individually or in your study group.

NOTE on STATUTES: The Syllabus lists citations to the Model Penal Code and the Alabama Criminal Code. We use these provisions to illustrate approaches to codification of criminal concepts. This is not a “Model Penal Code” or “Alabama Criminal Code” course. You need not “learn” or “memorize” statutes, just as you need not memorize case names, but you will need to learn concepts, approaches, alternatives, etc.

LEGENDS


T = Text (or Casebook)
TA = Text Appendix
TWEN = TWEN Materials

CRIMINAL LAW and the CRIMINAL JUSTICE SYSTEM

INTRODUCTION
BACKGROUND READING: Although we may not focus on the materials in class, you should read T 1-19 (to § 2) for a brief overview of the criminal justice system.

ASSIGNMENT 1 – Introduction to Criminal Law: In general / Proof beyond a reasonable doubt

T 31(§ 3)–36 (to § a); T 47(§ 4)–55 (to Note 7)
In re Winship (T 31-33)
Duncan v. Louisiana (T 47-50)
Model Penal Code §§ 1.05(1) [TA 1198]; 1.12 [TA 1200]
ALA. Code § 13A-1-4

PUNISHMENT

BACKGROUND READING: Although we may not focus on the materials in class, you should read T 75-82 (to § B) for a brief introduction to criminal punishment.

ASSIGNMENT 2 – The Justification of Punishment

T 82(§ B)–100 (to § 3); T 101-102 (to Problem: VIS)
Regina v. Dudley & Stephens – T 83-87
PROBLEM – Unexpected Harm – T 101-102

ASSIGNMENT 3 – What to Punish

T 142(§ E)–148
PROBLEM – Indirect Harm – T 144-146
Lawrence v. Texas – TWEN
Model Penal Code § 213.2 [TA 1238]
ALA. Code §§ 13A-6-65(a)(3); 13A-11-9(a)(3); 13A-11-73

THE ELEMENTS OF JUST PUNISHMENT

ASSIGNMENT 4 – The Elements of Just Punishment: Legality

T 149–171 (to Morales case)
Commonwealth v. Mochan – T 150-151
McBoyle v. U.S. – T 154-155
U.S. v. Dauray – T 155-159
Keeler v. Superior Court – T 163-167
Rogers v. Tennessee – T 168-171

ASSIGNMENT 5 – The Elements of Just Punishment: Proportionality

T 186(§ C)–204
Ewing v. California – T 190-195
Graham v. Florida – T197-200
CULPABILITY: ACTUS REUS

ASSIGNMENT 6 – Culpability: Actus Reus

T 205-218 (to § b)
  Martin v. State – T 205
  People v. Newton – T 207-209
 Model Penal Code § 2.01 [TA 1201]
 Ala. Code §§ 13A-2-1(2); 13A-2-3

ASSIGNMENT 7 – Culpability: Omissions

T 218(§ b)–228 (to Notes on Duties)
  Jones v. U.S. – T 218-219
  Pope v. State – T 219-222
 Model Penal Code § 2.01(3) [TA 1201]
 Ala. Code § 13A-2-1(3)-(5)

ASSIGNMENT 8 – Culpability: Omissions (continued)

T 228 (Notes on Duties) – 241 (to § 2)
  Barber v. Superior Court – T 236-238

CULPABILITY: MENS REA

ASSIGNMENT 9 – Culpable Mental States: Common Law

T 241(§ 2)–252 (to Note)
  Regina v. Cunningham – T 243-245

ASSIGNMENT 10 – Culpable Mental States: Modern Codes / Wilful Blindness

T 252 (Note)–266 (to § c)
  U.S. v. Jewell – T 260-262
 Model Penal Code § 2.02 [TA 1202-1203]
 Ala. Code §§ 13A-2-2; 13A-2-3; 13A-2-4

ASSIGNMENT 11 – Culpable Mental States: Mistake of Fact

T 266(§ c)–282 (to § d)
  Regina v. Prince – T 266-267
  People v. Olsen – T 272-275
  B (A Minor) v. Dir. of Public Prosecutions – T 276-278
 Model Penal Code §§ 2.04 [TA 1203-1204]; 3.09 [TA 1214]; 213.6(1) [TA 1239]
 Ala. Code § 13A-2-6

ASSIGNMENT 12 – Culpable Mental States: Strict Liability

T 282(§ d)–292 (to Guminga)
  Morissette v. United States – T 284-288
  Staples v. U.S. – T 288-290
  PROBLEM – T 291-292

ASSIGNMENT 13 – Culpable Mental States: Strict Liability (continued)

T 292–303 (to § e)
ASSIGNMENT 14 – Culpable Mental States: Mistake of Law

T 303(§ e)–324 (to Note 3)
People v. Marrero – T 304-309
Cheek v. U.S. – T 313-316
Lambert v. California – T 321-323
PROBLEM – T 323-324 n. 2

SUBSTANTIVE OFFENSES

SEXUAL OFFENSES: RAPE

BACKGROUND READING: Although we may not focus on the materials in class, you should read T 331-337 for a brief discussion of issues about rape and prosecution for rape.

ASSIGNMENT 15 – Rape: Actus Reus

T 342(§ C)–368
State v. Rusk – T 343-347
State in the Interest of M.T.S. – T 363-367
MODEL PENAL CODE §§ 213.0 [TA 1237]; 213.1 [TA 1237-1238]; 213.6 [TA 1239]
ALA. CODE §§ 13A-6-60; 13A-6-61; 13A-6-62

ASSIGNMENT 16 – Rape: Deception / Mens Rea

T 384–401; T 405(§ F)–407
People v. Evans – T 384-386
Commonwealth v. Sherry – T 389-391
Commonwealth v. Fischer – T 391-395

HOMICIDE

BACKGROUND READING: Although we may not focus on the materials in class, you should read T 419-427 for a brief introduction to the crime of homicide.

ASSIGNMENT 17 – Homicide: Intentional Killings

T 427(§ B)–437 (to § 2)
Commonwealth v. Carroll – T 427-431
State v. Guthrie – T 432-434
MODEL PENAL CODE §§ 210.0; 210.1; 210.2 [TA 1232]
ALA. CODE §§ 13A-6-1; 13A-6-2

ASSIGNMENT 18 – Homicide: Provocation / EED

T 437(§ 2)–463 (to § C)
ASSIGNMENT 19 – Homicide: Manslaughter

T 463(§ C)–481

Commonwealth v. Welansky – T 464-466
People v. Hall – T 469-471
State v. Williams – T 472-475

Model Penal Code § 210.3 [TA 1232]
Ala. Code §§ 13A-6-1; 13A-6-3

ASSIGNMENT 20 – Homicide: Murder

T 482–502 (to § b)

Commonwealth v. Malone – T 482-483
U.S. v. Fleming – T 486-487
Regina v. Serné – T 490-493

ASSIGNMENT 21 – Homicide: Felony Murder (continued)

T 502 (§ b)–523 (to § D)

People v. Phillips – T 502-503
Hines v. State – T 505-507
People v. Burton – T 508-511
People v. Chun – T 514-515
State v. Canola – T 517-519

THE SIGNIFICANCE OF RESULTING HARM

CAUSATION

ASSIGNMENT 22 – Causation

T 571–586 (to § 2)

People v. Acosta – T 572-575
People v. Arzon – T 577-578

Model Penal Code § 2.03 [TA 1203]

ASSIGNMENT 23 – Causation (continued)

T 586 (§ 2)–599 (to § b)

People v. Campbell – T 586
People v. Kevorkian – T 586-589
Stephenson v. State – T 592-595

ATTEMPTS

ASSIGNMENT 24 – Attempts: Introduction / Preparation

T 607 (§ B)–631 (to Jackson)

Smallwood v. State – T 611-613
People v. Rizzo – T 618-620
McQuirter v. State – T 622-624
ASSIGNMENT 25 – Attempts: Preparation (continued) / Impossibility

T 631–655

U.S. v. Jackson – T 631-634
State v. Davis – T 637-639
People v. Jaffe – T 641-643
People v. Dlugash – T 643-646

GROUP CRIMINALITY

BACKGROUND READING: Although we may not focus on the materials in class, you should read T 657-660 for a brief introduction to the concept of complicity.

ASSIGNMENT 26 – Complicity: Mens Rea

T 661–686

Hicks v. U.S. – T 661-663
State v. Gladstone – T 664-665
State v. McVay – T 674-675
Commonwealth v. Roebuck – T 675-677
People v. Russell – 680-681
People v. Luparello – T 682-684

Model Penal Code § 2.06 [TA 1204-1205]
Ala. Code §§ 13A-2-21; 13A-2-23

ASSIGNMENT 27 – Complicity: Actus Reus

T 687–697 (to Notes and Problems)

Wilcox v. Jeffery – T 687-688
State v. Hayes – T 693-694

BACKGROUND READING: Although we may not focus on the materials in class, you should read T 703-706 for a brief introduction to the crime of conspiracy.

ASSIGNMENT 28 – Conspiracy: Actus Reus / Mens Rea

T 706 (§ 1)–723 (to § 3)

Interstate Circuit, Inc. v. U.S. – T 707-709
People v. Lauria – T 713-718

Model Penal Code § 5.03 [TA 1221]
Ala. Code §§ 13A-4-3, 13A-4-4, 13A-4-5

ASSIGNMENT 29 – Conspiracy: Accessorial Liability

T 723 (§ 3)–735 (to § 4)

Pinkerton v. U.S. – T 723-725
ASSIGNMENT 30 – Conspiracy: Scope

T 735 (§ 4)–751 (to § 6)
Kotteakos v. U.S. – T 740-742
U.S. v. McDermott – T 746-748

EXCULPATION

JUSTIFICATION

ASSIGNMENT 31 – Self-Defense

T 817–832 (to Kelly)
U.S. v. Peterson – T 818-819
People v. Goetz – T 819-823
Model Penal Code §§ 3.01 [TA 1208]; 3.04 [TA 1209-1210]
AL. CODE § 13A-3-23

ASSIGNMENT 32 – Self-Defense (continued)

T 832–860 (to Notes and Questions)
State v. Kelly – T 832-837
State v. Norman – T 848-852

ASSIGNMENT 33 – Self-Defense (continued)

T 860 (from Notes and Questions)–872 (to § 2)
State v. Abbott – T 863-864
U.S. v. Peterson – T 868-870

ASSIGNMENT 34 – Protection of Property / Law Enforcement

T 872 (§ 2)–885 (to § 3)
People v. Ceballos – T 872-875
Durham v. State – T 879-880
Model Penal Code §§ 2.10 [T 1207]; 3.03 [TA 1209]; 3.06 [TA 1210-1212]; 3.07 [TA 1212-1213]
AL. CODE §§ 13A-3-22; 13A-3-25; 13A-3-27

ASSIGNMENT 35 – Necessity

T885 (§ 3)–911 (to § 4)
People v. Unger – T 885-888
U.S. v. Schoon – T 896-898
Regina v. Dudley & Stephens – T 898 [T 83-87 (revisited)]
Public Committee Against Torture v. State of Israel – T 904-908
Model Penal Code § 3.02 [TA 1208]
AL. CODE § 13A-3-29 (repealed)
EXCUSE

BACKGROUND READING: Although we may not focus on the materials in class, you should read T 921-924 for a brief introduction to the concept of excuses.

ASSIGNMENT 36 – Duress

T 924 (§ 2)–943 (to § 3)
State v. Toscano – T 924-927
Model Penal Code § 2.09 [TA 1206-1207]
AL. CODE § 13A-3-30

ASSIGNMENT 37 – Intoxication

T 943 (§ 3)–957
People v. Hood – T 944-946
Regina v. Kingston – T 954-956
Model Penal Code § 2.08 [TA 1206]
AL. CODE § 13A-3-2

INSANITY / MENTAL DISEASE OR DEFECT

ASSIGNMENT 38 – Insanity

T 958–973 (to MPC)
M’Naghten’s Case – T 968-970
Blake v. U.S. – T 971-973
Model Penal Code §§ 4.01-4.03 [TA 1215-1216]
AL. CODE § 13A-3-1
Jury Instruction – Parsons v. State (TWEN)

ASSIGNMENT 39 – Insanity (continued)

T 988 (§ ii)–998 (to § b)
State v. Crenshaw – T 988-990
State v. Guido – T 992-993

ASSIGNMENT 40 – Diminished Capacity

T 998 (§ b)–1009 (to § 5)
U.S. v. Brawner – T 998-1000
Clark v. Arizona – T 1000-1005

CONDITIONAL ASSIGNMENTS

CONDITIONAL ASSIGNMENT 41– Changing Patterns of Excuse

T 1009(§ 5) – 1031
Robinson v. California – T 1009-1011
Powell v. Texas – T 1012-1018
U.S. v. Moore – T 1021-1025
CONDITIONAL ASSIGNMENT 42 – Entrapment

Model Penal Code § 2.13 [TA 1208]
Ala. Code § 13A-3-31 and Commentary
Ala. Acts 1977, No. 607 § 650

Jacobson v. U.S. [TWEN]
Smith v. State [TWEN]

END OF COURSE