NOTICE TO ALL: “Students with disabilities are encouraged to contact Associate Dean Grace Lee, at 348-7190 or glee@law.ua.edu so that the individual’s needs for support services can be evaluated and accommodated in a timely manner.”

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 & BARKOW, CRIMINAL LAW AND ITS PROCESSES (10th ed. 2017); MPC § 2.01 / TA 1273 refers to Section 2.01 of the Model Penal Code which appears on page 1273 of the appendix [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 four conditional assignments late in the course. These materials will be covered only if time and circumstances so permit. Announcements about these assignments will be made in class and on TWEN later in the semester.

NOTE on PROBLEMS: Throughout the case book, the authors use Problems to present legal issues. Unless specifically listed in an Assignment, we likely will not review the Problems in class. Nevertheless, you may find it helpful 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
BACKGROUND READING: Although we may not focus on the materials in class, you should read T 1-18 (to § D) and review the case flow chart on T 19 for a brief overview of the criminal justice system.

ASSIGNMENT 1 – An Overview of Pleas and Trials / Proof Beyond a Reasonable Doubt

T 38(§ 3)–43 (to § a); T 53(§ 4)–61 (to Note 7)
   In re Winship (T 38-39)
   Duncan v. Louisiana (T 53-56)
MODEL PENAL CODE §§ 1.05(1) [TA 1270]; 1.12 [TA 1272]
ALA. CODE § 13A-1-4

PUNISHMENT

ASSIGNMENT 2 – The Justification of Punishment

T 89(§ B)–108 (to Problem)
   Regina v. Dudley & Stephens – T 89-94

ASSIGNMENT 3 – What to Punish

   Lawrence v. Texas – TWEN
   MODEL PENAL CODE § 213.2 [TA 1303-1304]
   ALA. CODE §§ 13A-6-65(a)(3); 13A-11-9(a)(3)

THE ELEMENTS OF JUST PUNISHMENT

ASSIGNMENT 4 – Legality

T 157–173 (to note (c)); T 176-181 (to Rogers case)
   Commonwealth v. Mochan – T 158-160
   Yates v. U.S. – T 163-172
   Keeler v. Superior Court – T 176-180

ASSIGNMENT 5 – Legality (cont’d)

T 181 (Rogers)–198 (to Problem)
   Rogers v. Tennessee – T 181-184
   City of Chicago v. Morales – T 185-193

ASSIGNMENT 6 – Proportionality

T 202(§ C)–221 (to D)
   Ewing v. California – T 205-211
   Graham v. Florida – T 213-216
CULPABILITY: ACTUS REUS

ASSIGNMENT 7 – Actus Reus

T 221-224 (to § b)
- Martin v. State – T 221
- People v. Newton – T 224-226

MODEL PENAL CODE § 2.01 [TA 1273]
AL. CODE §§ 13A-2-1(1)-(2), 13A-2-3

ASSIGNMENT 8 – Omissions

T 234(§ b)–242 (to Notes on Duties)
- Jones v. U.S. – T 234-235
- Pope v. State – T 236-238

MODEL PENAL CODE § 2.01(3) [TA 1273]
AL. CODE § 13A-2-1(3)-(5)

ASSIGNMENT 9 – Omissions (cont’d)

T 242 (Notes on Duties) – 258 (to § 2)
- Barber v. Superior Court – T 253-255

CULPABILITY: MENS REA

ASSIGNMENT 10 Culpable Mental States: Common Law

T 258(§ 2)–272 (to Note)
- Regina v. Cunningham – T 260-262
- Elonis v. U.S. – T 270-272

ASSIGNMENT 11 – Modern Codes / Wilful Blindness

T 272 (Note)–287 (to § c)
- U.S. v. Jewell – T 280-281

MODEL PENAL CODE § 2.02 [TA 1274-1275]
AL. CODE §§ 13A-2-2; 13A-2-3; 13A-2-4

ASSIGNMENT 12 – Mistake of Fact

T 287(§ c)–303 (to § d)
- Regina v. Prince – T 287-288
- People v. Olsen – T 294-297
- B (A Minor) v. Dir. of Public Prosecutions – T 298-301

MODEL PENAL CODE §§ 2.04 [TA 1275-1276]; 3.09 [TA 1278-1279]; 213.6(1) [TA 1305]
AL. CODE § 13A-2-6

ASSIGNMENT 13 – Strict Liability

T 303(§ d)–313 (to Guminga)
- Morissette v. United States – T 305-309
- Staples v. U.S. – T 309-311

ASSIGNMENT 14 – Strict Liability (cont’d)

T 313–325 (to § e)
ASSIGNMENT 15 – Mistake of Law

T 325(§ e)–347 (to Note 3)
People v. Marrero – T 326-331
Cheek v. U.S. – T 336-338
Lambert v. California – T 344-346

SUBSTANTIVE OFFENSES

SEXUAL OFFENSES: RAPE

BACKGROUND READING: Although we may not focus on the materials in class, a brief discussion of issues about rape and prosecution for rape is found at T 351-359.

ASSIGNMENT 16 – Rape: Actus Reus

T 359(§ C)–390 (to Note)
State v. Rusk – T 364-368
State in the Interest of M.T.S. – T 384-388
MODEL PENAL CODE §§ 213.0 [TA 1303]; 213.1 [TA 1303]; 213.6 [TA 1305]
ALA. CODE §§ 13A-6-60; 13A-6-61; 13A-6-62

ASSIGNMENT 17 – Rape: Deception / Mens Rea

T 396(§ 3)–426 to (§ F); T 432-435

People v. Evans – T 407-413
Commonwealth v. Sherry – T 413-416
Commonwealth v. Fischer – T 416-420

HOMICIDE

BACKGROUND READING: Although we may not focus on the materials in class, you might find T 443-451 helpful as a brief introduction to the crime of homicide.

ASSIGNMENT 18 – Intentional Killings

T 451(§ B)–460 (to § 2)
Commonwealth v. Carroll – T 452-456
State v. Guthrie – T 456-458
MODEL PENAL CODE §§ 210.0 [TA 1297-1298]; 210.1; 210.2 [TA 1298]
ALA. CODE §§ 13A-6-1; 13A-6-2

ASSIGNMENT 19 – Provocation / EED

T 460(§ 2)–490 (to § C)
Girouard v. State – T 462-464
ASSIGNMENT 20 – Manslaughter

T 490(§ C)-509 (to § c)
Commonwealth v. Welansky – T 490-493
People v. Hall – T 496-498
State v. Williams – T 499-502

MODEL PENAL CODE § 210.3 [TA 1298]
ALAS. CODE §§ 13A-6-1; 13A-6-3

ASSIGNMENT 21 – Murder

T 509(§ c)-530 (to § b)
Commonwealth v. Malone – T 509-510
U.S. v. Fleming – T 513-514
Regina v. Serné – T 517-520

ASSIGNMENT 22 – Felony Murder (cont’d)

T 530(§ b)-552 (to § D)
People v. Phillips – T 530-533
Hines v. State – T 533-535
People v. Burton – T 537-539
People v. Chun – T 542-544
State v. Canola – T 546-548

THE SIGNIFICANCE OF RESULTING HARM

CAUSATION

[CONDITIONAL] ASSIGNMENT 23 – Causation

T 603–619 (to § 2)
People v. Acosta – T 604-607
People v. Arzon – T 610-611

MODEL PENAL CODE § 2.03 [TA 1275]
ALAS. CODE § 13A-2-5

[CONDITIONAL] ASSIGNMENT 24 – Causation (cont’d)

T 619 (§ 2)–633 (to § b)
People v. Campbell – T 619-620
People v. Kevorkian – T 620-623
Stephenson v. State – T 626-629

[CONDITIONAL] ASSIGNMENT 25 – Causation (cont’d)

T 633 (§ b)-640 (to § B)

Commonwealth v. Root – T 635-636
State v. McFadden – T 637-639
Commonwealth v. Atencio – T 639-640

ATTEMPTS
ASSIGNMENT 26 – Introduction / Preparation

T 641 (§ B)–666 (to Jackson)
  Smallwood v. State – T 644-646
  People v. Rizzo – T 652-654
  McQuirter v. State – T 657-658, TWEN

MODEL PENAL CODE § 5.01 [TA 1291-1292]
AL. CODE § 13A-4-2

ASSIGNMENT 25 – Preparation (cont’d) / Impossibility

T 666–684 (to French Lace case)
  U.S. v. Jackson – T 666-669
  State v. Davis – T 672-673
  People v. Jaffe – T 676-678
  People v. Dlugash – T 678-681

GROUP CRIMINALITY

COMPLICITY

BACKGROUND READING: Although we may not focus on the materials in class, you should read T 691-695 for a brief introduction to the concept of complicity.

ASSIGNMENT 28 – Complicity: Mens Rea

T 695-727
  Hicks v. U.S. – T 695-698
  State v. Gladstone – T 698-700
  Rosemond v. U.S. – T 704-708
  State v. McVay – T 714-715
  Commonwealth v. Roebuck – T 715-716
  People v. Russell – T 719-721
  People v. Luparello – T 721-724

MODEL PENAL CODE § 2.06 [TA 1276-1277]
AL. CODE §§ 13A-2-21; 13A-2-23

ASSIGNMENT 29 – Complicity: Actus Reus

T 727 (§ 2)–744 (to § B)
  Wilcox v. Jeffery – T 727-728
  State v. Hayes – T 733-735

CONSPIRACY

BACKGROUND READING: Although we may not focus on the materials in class, you should read T 744-748 for a brief introduction to the crime of conspiracy.

ASSIGNMENT 30 – Conspiracy: Actus Reus / Mens Rea
T 748 (§ 1)–766 (to § 3)
  Perry v. State – T 748-751
  People v. Lauria – T 756-761
MODEL PENAL CODE § 5.03 [TA 1293]
AL. CODE §§ 13A-4-3, 13A-4-4, 13A-4-5

ASSIGNMENT 31 – Conspiracy: Accessorial Liability

T 766 (§ 3)–779 (to § 4)
  Pinkerton v. U.S. – T 766-769

ASSIGNMENT 32 – Conspiracy: Scope

T 779 (§ 4)–795 (to § 6)
  Kotteakos v. U.S. – T 785-787
  U.S. v. McDermott – T 791-792

EXCULPATION
JUSTIFICATION

ASSIGNMENT 33 – Self-Defense

T 869-886 (to Kelly)
  U.S. v. Peterson – T 870-871
  People v. Goetz – T 871-875
MODEL PENAL CODE §§ 3.01 [TA 1280]; 3.04 [TA 1281-1282]
AL. CODE § 13A-3-23

ASSIGNMENT 34 – Self-Defense (cont’d)

T 887–910 (to Notes and Questions)
  State v. Kelly – T 887-892
  State v. Norman – T 903-907

ASSIGNMENT 35 – Self-Defense (cont’d)

T 910 (from Notes)–930 (to § 2)
  State v. Abbott – T 919-920
  U.S. v. Peterson – T 925-927

ASSIGNMENT 36 – Protection of Property / Law Enforcement

T 930 (§ 2)–945 (to § 3)
  People v. Ceballos – T 830-933
  Tennessee v. Garner – TWEN
MODEL PENAL CODE §§ 2.10 [T 1279]; 3.03 [TA 1281]; 3.06 [TA 1282-1284]; 3.07 [TA 1284-1285]
AL. CODE §§ 13A-3-22; 13A-3-25; 13A-3-27

[CONDITIONAL] ASSIGNMENT 37 – Necessity

T 945 (§ 3)–963 (to § 4)
  People v. Unger – T 945-949
  U.S. v. Schoon – T 956-958
  Regina v. Dudley & Stephens – T 958 [T 89-94 (revisited)]
EXCUSE

ASSIGNMENT 38 – Duress

T 982 (§ C)–1000 (to Problem)
State v. Toscano – T 985-988
MODEL PENAL CODE § 2.09 [TA 1278-1279]
ALA. CODE § 13A-3-30

ASSIGNMENT 39 – Intoxication

T 1004 (§ 3)–1018 (§ 4)
People v. Hood – T 1005-1007
Regina v. Kingston – T 2015-1018
MODEL PENAL CODE § 2.08 [TA 1278]
ALA. CODE § 13A-3-2

INSANITY / MENTAL DISEASE OR DEFECT

ASSIGNMENT 40 – Insanity

T 1018 (§ 4)–1044 (to § 3)
M’Naghten’s Case – T 1030-1031
Blake v. U.S. – T 1033-1035
Lyons v. U.S. – T 1037-1041
MODEL PENAL CODE §§ 4.01-4.03 [TA 1287-1288]
ALA. CODE § 13A-3-1
Jury Instruction – Parsons v. State (TWEN)

ASSIGNMENT 41 – Insanity (cont’d)

T 1050 (§ ii)–1061 (to § b)
State v. Crenshaw – T 1050-1052
State v. Guido – T 1055-1056

[CONDITIONAL] ASSIGNMENT 42 – Diminished Capacity

T 1061 (§ b)–1072 (to § 5)
U.S. v. Brawner – T 1061-1063
Clark v. Arizona – T 1063-1068

ADDITIONAL CONDITIONAL ASSIGNMENTS

[CONDITIONAL] ASSIGNMENT 43– Changing Patterns of Excuse

T 1072 (§ 5) – 1095
Robinson v. California – T 1072-1074
Powell v. Texas – T 1075-1081
U.S. v. Moore – T 1084-1088

[CONDITIONAL] ASSIGNMENT 44 – Entrapment

MODEL PENAL CODE § 2.13 [TA 1280]
[CONDITIONAL] SESSION 45 – Practice Exam Review

The review is open only to those who participate in the voluntary practice exam exercise. Those who opt not to participate in the exercise waive participation in the review.

END OF COURSE