Criminal Law

Spring 2012
Mondays, Tuesdays, and Wednesdays
10:38 – 11:50 am
Anheuser-Busch 309

Instructor: John Inazu
Office: Anheuser-Busch 536
Office Hours: Wednesdays, 1-3
Email: jinazu@wulaw.wustl.edu
Credits: 4.0

Description

This course provides an introduction to the rules and principles of basic criminal law.

Objectives

1. Learn the statutes and cases that constrain and shape the criminal law.
2. Gain a basic understanding of the theory and policy underlying the criminal law.
3. Develop an ability to interpret statutory provisions.

Text

Our casebook is Joshua Dressler, Cases and Materials on Criminal Law (Fifth Edition).

I will post additional reading assignments on MyLaw.

Attendance and Class Participation

I expect you to be prepared, present, and on time for class. I appreciate advance notice by email if you are unable to attend on a given day.

This class will include regular interaction with your classmates and your assessment of their participation. During some of our class sessions, we will break into assigned small groups, in which you will spend 10-15 minutes discussing the readings or a problem that I give to you.

On days in which we have these groups, each of you will email my assistant Rachel Mance at rmance@wulaw.wustl.edu after class with a rating for each of the other members of your group: AB = absent; NP = did not participate or distracting; P = participated; EP = participated exceptionally.
The purpose of these groups is threefold. First, they encourage active participation by more members of the class than the typical Socratic method. Second, they serve as an accountability check to ensure that you engage with the readings before class. Finally, they allow you to practice discussing ideas and making points to a small group of people under a compressed time frame (these are lawyer skills).

Don't panic. I've successfully employed this approach in the past, and I can assure you of a few things. You will have more incentive to read carefully. You will learn the material better. You will get to know your classmates better. These are good things.

Courthouse Visit

Each of you will need to visit and observe activities in a local (non-federal) criminal courtroom at some point during the semester. You may go in groups or individually, and you may choose any local courthouse that you'd like. You should sit in the courtroom for at least thirty minutes.

If you are so inclined, you may participate in a ride-along with a local police department in lieu of a courthouse visit (but know that this will take more time).

At the conclusion of your visit (or ride-along), you should send me a brief (2-3 sentence) email letting me know where you went and describing anything of interest to you about the experience.

Exam and Course Grade

Your course grade will be determined by your class participation and a four-hour, in-class, open book final exam.

I will base your class participation component on your peer assessments and my own evaluation of your interactions, preparedness, and thoughtfulness. Excellent class participation may improve your overall course grade by as many as three points. Poor participation (including excessive absences) may lower your overall course grade. Failure to complete the courthouse visit will lower your overall course grade.

Computer and Phone Use:

Laptop computers are not permitted in class.

You may not use your phones during our class for any reason.

Students who violate the computer or phone use policy may have their semester grades lowered.
Communication

I will hold office hours from 1-3 on Wednesday afternoons. I am also available to meet with you at a different time or place by appointment. Please email me to schedule an appointment.

Feel free to email me with any questions or concerns. I will make every effort to respond to your emails within one day of your having sent them, with the exception of emails sent over the weekend or holidays, which I will answer by the following business day. If I think that the entire class may benefit from the answer to your question, I will answer in class. Please accept the classroom discussion in lieu of a personalized response.

Course Schedule

1 Introduction (D 1-19; syllabus)

PART I: PUNISHMENT

2 Theories of Punishment (D 30-51)

3 Sentencing Principles (D 51-69)

PART II: STATUTES

4 Legality (D 92-105; handout)

5 Clarity (D 105-119; handout)

6 Interpretation (D 119-126)

PART III: THE CRIMINAL ACT (“ACTUS REUS”)

7 Voluntariness (D 127-135)

8 Omissions (D 136-146)

PART IV: THE CRIMINAL MIND (“MENS REA”)

9 Intent (D 149-159)

10 Model Penal Code (D 159-170)

11 Mens Rea and Statutory Interpretation (D 170-175; handout)

12 Strict Liability (D 175-193)
13 Mistake (D 194-213)

**PART V: HOMICIDE**

14 Introduction to Homicide (D 235-253)
15 Intentional Killing (D 253-264)
16 Manslaughter (D 264-271; D 285-292)
17 Reckless and Negligent Homicide (D 295-315)
18 Felony Murder (D 315-334)
19 Causation (D 214-232)

**PART VI: RAPE**

20 Overview and Force (D 385-395; D 411-421)
21 Statutory Drafting Exercise (D 421-434; handout)
22 Reform Efforts and Mental State (D 434-447; D 453-464)

**PART VII: INCHOATE OFFENSES**

23 Attempt: Mental State (D 729-745)
24 Attempt: Act (D 745-765)
25 Conspiracy: Theory and Mental State (D 797-816)
26 Conspiracy: Act (D 816-824)
27 Conspiracy: Agreement (D 824-838)

**PART VIII: ACCOMPlice LIABILITY**

28 Theory and Mental State (D 848-868)
29 Act (D 868-879)

**PART IX: DEFENSES**

30 Introduction (D 480-486; D 497-510)
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