

Criminal Law
Professor Covey, Spring 2009

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Text: PAUL H. ROBINSON, CRIMINAL LAW: CASE STUDIES AND CONTROVERSIES (2d ed. Aspen)

Class Assignment

1. Sec. 1: The Nature of Criminal Law and Its Analytic Structure, pp. 31-47
 - a. Prior to our first class, please review the structure of the Model Penal Code, which is reproduced at the back of the book, pp. 1059-1159. Pay special attention to the general definitions (p. 1075), and start familiarizing yourself with the specific crimes codified in the MPC (1125-59).
2. Sec. 2: The Legality Principle, 49-74 and App. A, 755-760.
3. Sec. 3: Theories of Punishment I, 75-102
 - a. Optional: You may wish to review some or all of the appendix materials on the theories of punishment, 761-792. If you don't have time to read all of this material, I suggest that you sample the first article under each main type of theory to give you a deeper understanding of the theories.
4. Sec. 4: Culpability Requirements, 103-138
5. Sec. 5: Culpability and Mistake, 141-172
6. Sec. 6: Homicide: Doctrines of Aggravation, 173-200, and the case in Sec. 7: Death Penalty, 201-214
 - a. Optional: You may wish to read the remainder of the material in section 7.
7. Sec. 8: Homicide: Doctrines of Mitigation, 227-243, and Sec. 9: Causation, 245-266 (omit the causation problems, but do the review problem on 269-70)
8. Sec. 10: Attempt Liability, 271-290, and Sec. 11: Impossibility, 293-310 (omit impossibility problems)
9. Sec. 12: Conspiracy, 313-343
10. Sec. 14: Complicity, 371-398
11. Sec. 15: The Act Requirement and Liability for an Omission, 399-428, the Jordan Weaver case from Sec. 13: Voluntary Intoxication, pp. 349-357, and problem #63 at 369.
 - a. Optional: Because voluntary intoxication is such a common factor in crime, you may wish to read the rest of section 13.
12. Overview of defenses and justification, 451-454, and sec. 19: Defensive Force Justifications, 509-536
13. Overview of excuse, 563-564, and Sec. 22: Insanity, 579-609
14. Sec. 23: Disability Excuses, 611-650

Overview

This course is designed to provide a highly interactive introduction to criminal law. The course places a special emphasis on mastering the skills of statutory interpretation. As you will quickly

see, we will spend a substantial portion of our class time learning to interpret and apply criminal statutes to complex factual problems. In addition, the course and materials are designed to facilitate a high-level debate regarding the most current theoretical issues in the criminal law. All students in the course will have several opportunities to argue cases and engage in structured debate of issues of theory. There will be two (sometimes three) main components for each course topic: Cases, problems, and when time permits, discussion questions.

Cases

Prosecution teams will be assigned to present the legal case against the defendant for each class. I will also assign two defense teams to make defense arguments (one under the law of the jurisdiction, one under the MPC) at the start of class that day. The argument teams will be expected to set forth and debate the “justice” arguments for and against punishment of the defendants, and determine the criminal liability of each defendant. The prosecution team will be responsible for setting forth the initial legal analysis. The defense teams will then present possible defenses or counterarguments under the applicable law and under the Model Penal Code. After the teams have developed the equitable and statutory arguments, we will invite other members of the class to join the discussion.

Problems

If you examine the casebook you will see that, in addition to a principal case and one or more discussion questions, each Section contains one or more “problems.” These problems are included to provide students an opportunity to test their understanding of the legal issues and principles under consideration in that Section. We will normally discuss these problems in class, sometimes or usually in the context of small groups.

Discussion Questions

Depending on time, during some classes two different teams may be assigned to argue opposing sides of a discussion question presented in the casebook. Again, after the teams have had a chance to develop the arguments, we will open the discussion to everybody in the class.

Exam and Grading

The course grade will be based on the final exam. The final exam will consist of two parts: a principal case/problem with applicable statutes and/or other relevant legal sources provided, and a set of multiple choice questions. For the first part, you will need to analyze the case problem applying the law of that jurisdiction and/or the Model Penal Code, just as we do in class. If you master what we do in class, you will likely do well on the final exam. The multiple choice questions will test the breadth of your knowledge about criminal law doctrine.