CRIMINAL LAW (5020) SYLLABUS

[*last revised April 2, 2009*]

Prof. Edmundson
Spring, 2009
Wednesdays and Fridays 10:30-11:45 am
Room 100

Text:

S. Kadish, S. Schulhofer, & C. Steiker, *Criminal Law and Its Processes* (8th ed. 2007)

Recommended:

J. Dressler, *Understanding Criminal Law* (4th ed. 2006)

Web resources:

Virtual Prison Tour: http://www.dcor.state.ga.us/AboutGDC/VRTour.html
Ranking of State Criminal Codes: http://www.law.upenn.edu/fac/phrobins/code.html
Discussion List: http://gsulaw2.gsu.edu/mailman/listinfo/law5020wae.200901

The Goals of this Course

The course has two main goals. The first is to familiarize you with the central concepts and doctrines in the field of substantive criminal law. The second, which is also a goal of the entire first-year curriculum, is to introduce you to the techniques of legal reasoning or, more bluntly, to teach you how to "think like a lawyer" –which is to say, to think.

How the Course Is Designed to Achieve Its Goals

This is not a survey course. Because of time constraints, a number of important topics in criminal law, such as rape and the theft offenses, will not be covered. Rather, as is customary in first-year courses in criminal law, we will explore fundamental legal concepts --such as mens rea, necessity, and excuse-- that apply across all the many categories of criminal offense. We will also intensively study the homicide offenses, which will serve to sharpen our grasp of these fundamental legal concepts and to illustrate how a department of criminal law is put together.

One main focus will be the Model Penal Code, a modern effort to synthesize and in many respects to reform the common law of crimes as it has evolved in England and (under the influence of the Bill of Rights) in the United States. From time to time we will focus on the law as it exists in particular jurisdictions, but only to illustrate core concepts and issues that underlie legal developments in practically all Anglo-American jurisdictions.

This will not be a lecture course. Rather, it will be taught by the "Socratic" method that is traditional in the first-year law school curriculum. The aim is not to "hide the ball" from you, but to help you develop the following lawyerly skills: recognizing pertinent legal and factual issues, analyzing statutory language, articulating the holdings of cases, defending your formulation of legal rules, reconciling adverse precedent, and recognizing and making use of the underlying, often conflicting, social values which shape the rules of law.

The Grading System Explained

Your final grade will be based largely upon a final examination. The only other factor that may influence your final grade is class participation. Due to the size of enrollment, class participation is difficult for me to record and will therefore count for less than it should.

The final will be a closed-book, closed-notebook, blind-graded, essay-style examination. It will cover only the material included in this syllabus. It will test your ability to identify and analyze legal issues in one or more detailed hypothetical situations. It is not intended to test your ability merely to memorize by rote or to philosophize. Sample examination questions are on reserve in the library.

In recent years, the average grade in the several sections of Criminal Law was 78-80. The average grade in this course will be in the same general vicinity.

Assignments

Week	Date	
1	1/7	Topic: Principles of Punishment Reading: pp. 67-114 [47 pages, and for background: pp. 1-33; 1025-36]
	1/9	***No Class Meeting***
2	1/14	Topic: *Actus Reus*: The Voluntary Act Requirement Reading: pp. 182-92 [10 pages]
	1/16	Topic: *Actus Reus*: Liability for Omissions Reading: pp. 192-212 [20 pages]
3	1/21	Topic: *Mens Rea*: the Culpability Requirement Reading: pp. 213-33 [20 pages]
	1/23	Topic: *Mens Rea*: Ignorance and Mistake Reading: pp. 234-48 [14 pages]
4	1/28	Topic: *Mens Rea*: Mistake as to Nonconsent Reading: pp. 342-54 [12 pages]
	1/30	Topic: *Mens Rea*: Strict Liability Reading: pp. 248-57; 264-67 [12 pages]
5	2/4	Topic: Ignorance or Mistake of Law Reading: pp. 267-82 [15 pages]
	2/6	Topic: Legality and Notice Reading: pp. 133-39, 144-54 [16 pages]

6	2/11	Topic: Grading Intentional Homicides: "Cold-blooded murder" Reading: pp. 373-75, 381-90 [12 pages]
	2/13	Topic: Grading Intentional Homicides: "Crimes of passion" Reading: pp. 390-407 [17 pages]
7	2/18	Topic: Grading Unintended Homicides: Involuntary manslaughter Reading: pp. 410-26 [16 pages]
	2/20	Topic: Grading Unintended Homicides: "Depraved heart" murder Reading: pp. 426-35 [9 pages]
8	2/25	Topic: Grading Unintended Homicides: The Felony Murder Rule: Reading: pp. 435-52 [17 pages]
	2/27	Topic: Felony Murder: Bystanders, Police, and Co-felons Reading: pp. 457-66 [9 pages]
9	****Spring Break — No Class Meeting****	
10	3/11	Topic: Attempt Reading: pp. 544-71 [27 pages]
	3/13	Topic: Impossibility, Crimes of Preparation Reading: pp. 577-80, 154-67 [16 pages]
11	3/18	Topic: Accessorial Liability Reading: pp. 589-601; 610-16; 623-32 [25 pages]
	3/20	Topic: Conspiracy Reading: pp. 663-85 [22 pages]
12	3/25	Topic: Defense of Persons Reading: pp. 737-49 [12 pages]
	3/27	Topic: Defense of Persons Reading: pp. 763-86 [23 pages]
13	4/1	Topic: Defense of Property Reading: pp. 786-98 [12 pages]
	4/3	Topic: Necessity Reading: pp. 804-05; 811-21 [12 pages]
14	4/8	Topic: Excuses: Duress Reading: pp. 831-50 [19 pages]
	4/10	Topic: Excuses: Intoxication Reading: pp. 850-63 [13 pages]
15	4/15	Topic: Excuses: The Insanity Defense Reading: pp. 863-93 [30 pages]
	4/17	Topic: TBA Reading: TBA
16	4/21	****Make-up Day — If Necessary****

Deviations from this schedule are likely to occur. It is your responsibility to consult your e-mail

and this online syllabus frequently, to learn about adjustments to the schedule.

Attendance policy

Roll will be taken at each class meeting. Two or more unexcused absences will be grounds for the assignment of a failing grade. Please also note that class nonparticipation may influence your final grade. Because absences due to illness or conflicting family, legal, military or business duties are routinely excused, *you are encouraged **NOT*** to telephone or e-mail me to ask that such an absence be excused.

Laptop Policy

Laptops, notebook computers and smartphones are permitted to be used in the classroom, but only for the purposes of a) note-taking or b) instant-messaging other members of class on matters directly relevant to the current classroom discussion. Web browsing and game playing are strictly forbidden. Remember the Honor Code.

Office Hours

I will normally be in my office from 1:30 to 2:30 on Wednesdays; but I recommend that you email or call for an appointment. My office is 458 ULB. My office telephone number is 404 413 9167. All e-mail pertaining to the course=s subject matter and procedures should be addressed to the discussion list:

law5020wae.200901@gsulaw2.gsu.edu

If you need to discuss a personal matter or want to make an appointment to see me, e-mail me at wedmundson@gsu.edu . Except regarding personal matters, messages and my responses will be posted to the e-mail discussion list (see below).

E-mail Discussion List

There is an e-mail discussion list for this course (see previous note). You are encouraged to take advantage of it to post questions and suggest answers. Your gsu.edu address is automatically subscribed. Instructions for changing your address and for accessing past postings can be found at:

http://gsulaw2.gsu.edu/mailman/listinfo/law5020wae.200901

University Policies

The course syllabus provides a general plan for the course: deviations may be necessary. You should be aware of the University Policy on Academic Honesty and the College of Law Honor Code.