

Criminal Law — Spring 2015

Course Materials — JOSHUA DRESSLER, CASES AND MATERIALS ON CRIMINAL LAW (6th edition) and PAUL H. ROBINSON, CRIMINAL LAW CASE STUDIES (4th edition, 2010).

Professionalism in the Classroom:

Class Preparation and Participation

All students are to have read the entire assignment in preparation for each class meeting. I will call on students at random, although I will typically announce a three- or four- student panel at the beginning of each class.

If you are unprepared when I call on you, you will be marked absent for the day. The second time you are unprepared, your final grade for the course will be lowered by 1/3 (*e.g.*, a B becomes a B-). Any student who is unprepared for more than two days will be dropped from the course.

Use of Computers and Electronics

The use of computers or other electronics during class time is prohibited. All cell phones and other devices that might make noise during class are to be in silent mode during our class meetings.

Other Professionalism Issues – Tardiness and Baseball Caps

I respect your time and education by doing my best to start and end our class meetings promptly. Doing so requires that you be in your seat and ready to begin at the time that this class is scheduled to start. Please be prompt. Additionally, please remove all baseball caps at the beginning of our class meetings; caps are to remain off until class is over.

Accommodating Students with Disabilities:

The American with Disabilities Act (the “ADA”) requires that the University of Houston make reasonable accommodation to persons with disabilities as defined within the meaning of the ADA. Students who feel they need assistance under the ADA guidelines should contact me or Student Services to discuss such consideration.

Attendance Requirements:

Any student missing more than six (6) classes will be dropped from the course. It is likely that you will have to miss class for medical, religious, family, or other reasons. Therefore, use your permitted absences wisely. I take attendance by passing out an attendance sheet at the beginning of each class. It is your responsibility to make sure that you personally sign the attendance sheet each day before I leave the classroom. You will not be allowed to argue at a later time that you were actually present on days when you neglected to sign the attendance sheet.

Teaching Objectives and Philosophy:

My teaching objectives for this course are to teach the substantive law of professional responsibility in a comprehensive manner, to consider ethical and professional questions related to various areas of the legal profession, and to integrate the subject matter of this course with the analytical and practical skills necessary to practicing law. A more complete statement of my teaching philosophy is available on my webpage at www.law.uh.edu/faculty/mduncan.

Final Grade:

Your final grade will primarily be determined by a final exam. In addition, a midterm examination may also be administered. Details regarding the possible midterm will be provided at the beginning of the semester.

Extra Credit:

You may earn extra credit in this course by keeping a [Three Good Things](#) Journal for eight consecutive weeks throughout the semester. More details on keeping this journal will be provided in class at the beginning of the semester.

Skeletal Outline of Course — Following is a skeletal outline of the subjects I intend for us to cover this semester.

Model Penal Code — In reading assignments out of the Dressler casebook, references will often be made to applicable Model Penal Code (MPC) provisions. Please be sure to read the applicable MPC provision as directed in the text as part of your class preparation. The Model Penal Code is located in the Appendix of your casebook, and selected portions of the Model Penal Code also appear in the Appendix of Robinson's CRIMINAL LAW CASE STUDIES.

Reading Assignments from Robinson — When the reading assignment includes a reading from Robinson's CRIMINAL LAW CASE STUDIES, you are required to (1) read the assigned case study and the assigned statutes following the story and (2) determine, prior to our class meeting, whether you would charge the individual with a crime and, if so, what sentence you would impose.

- I. Introduction to Criminal Law
- II. Principles of Punishment
 - A. Theories of Punishment
 - B. The Penal Theories in Action
 - C. Proportionality of Punishment
- III. Principle of Legality
- IV. *Actus Reus*
 - A. Voluntary Act
 - B. Omissions
 - C. Social Harm
- V. *Mens Rea*
 - A. Nature of *Mens Rea*
 - B. General Issues in Proving Culpability

1. "Intent"
2. The MPC Approach
3. "Knowledge" of Attendant Circumstances
4. Problems in Statutory Interpretation

C. Strict Liability Offenses

D. Mistake and *Mens Rea*

VI. Causation

VII. Criminal Homicide

A. Intentional Killings

1. Degrees of Murder
2. Manslaughter

B. Unintentional Killings: Unjustified Risk-Taking

C. Unintentional Killings: Unlawful conduct

1. Felony Murder
2. Misdemeanor Manslaughter

VIII. Rape

A. Overview

B. Forcible Rape

IX. General Defenses to Crimes

A. Overview

B. Principles of Justification

1. Self-defense
2. Battered Woman's Syndrome
3. Necessity

C. Principles of Excuse

1. Duress
2. Intoxication
3. Insanity

X. Inchoate Offenses

A. Attempt

B. Impossibility

XI. Theft Offenses