

5303/10700: CRIMINAL LAW

Preliminary Syllabus – Spring 2026

Professor David Froomkin

This substantive criminal law course aims to provide you with four basic competencies to equip you to practice criminal law, and these skills will serve you well as lawyers in whatever field you choose. First, the course will familiarize you with blackletter criminal law. Second, it will provide extensive exposure to statutory interpretation. Third, this course will prepare you to address the most fundamental ethical and philosophical issues regarding the punishment of human beings for wrongdoing. Fourth, it will introduce you to some of the practice skills you will need to handle criminal law cases as a lawyer.

Topics will include general principles of criminal law; homicide; rape; inchoate offenses; accomplice liability; defenses; the justification of punishment; the distribution of authority between the judge, the jury, the prosecutor, and the legislature; and the interpretation of criminal statutes.

The course will meet face-to-face on Mondays and Wednesdays from 9:00am to 10:20am. The required casebook is JOSHUA DRESSLER & STEPHEN P. GARVEY, *CRIMINAL LAW: CASES AND MATERIALS* (9th ed. 2022). Please note that there is a more recent (2025) version of the casebook; I am using the 2022 edition because I expect that it will be less costly to obtain. Readings will average around 20 casebook pages per class meeting. The casebook pages and cases that will be discussed in each session are listed in the schedule of assignments below. I will cold call.¹ Please be prepared.

Your grade will be based primarily on an anonymous final exam. The exam will be a three-hour, in-person exam administered via Electronic Blue Book software on a date chosen by the Law Center. The exam will be closed-book, and you will be permitted to bring only a single sheet of paper (front and back) with notes or an outline. There will also be a required take-home midterm assignment (for a completion grade only), due March 27 at 11:59pm. Final grades may be modified up or down by 1/3 of a grade (e.g. B+ to A-) based on quality of class participation.

Attendance: Attendance is mandatory. If you fail to attend at least 80% of class meetings (i.e. at least 22 of our 27 meetings in spring 2025), you will be in violation of ABA and Law Center policy and may be dropped from the course. Even aside from this requirement, excessive unexplained absences may affect your participation grade. Please inform me in advance of a meeting if you will be unable to attend. Additionally, please be in class on time: late arrivals are disruptive to other students, and they may be treated as absences.

¹ I use an entirely random system for cold-calling, with replacement. This means that a student who has already been cold-called can be cold-called again. In addition to cold-calling, I periodically invite voluntary participation.

Office hours: My regular office hours are Mondays from 3:00-4:30pm in room 430M. You can also email me at dfroomkin@central.uh.edu to set up a different meeting time, including via Zoom if that is more convenient for you.

Computer Policy: Use of laptops or other electronic devices is permitted for class-related purposes only. Violations of this policy will be treated as unpreparedness. Audio or visual recording of class by students is prohibited.

Professionalism: Our classroom is a learning space where each student is treated with respect and dignity and where everyone is provided the opportunity to participate, contribute, and succeed. In this course, all students are welcome regardless of background or identity. I encourage you to speak up and share your views appropriately throughout the semester. I also expect every class member to remember that in this learning environment, we will engage respectfully and with professionalism toward each other. In the words of the [Texas Lawyer's Creed](#), "[a] lawyer should always adhere to the highest principles of professionalism."

Honor Code: The UHLC Honor Code applies to all aspects of this course. You are responsible for knowing all Honor Code provisions and for complying with the Honor Code. Please inquire if you have any questions regarding how the Honor Code's provisions apply to specific activities or situations related to this course. Your continuing enrollment in this course is deemed to be a pledge by you under the Honor Code to comply with the Honor Code in relation to this course and to comply with the instructions in the course syllabus.

AI Policy: Your continuing enrollment in this course is deemed to be a pledge by you under the Honor Code not to generate or use any AI-generated text—whether from yourself or others—in relation to any assessment in this course. The term “assessment” means any graded or ungraded work product for this course that is submitted to the instructor, presented in a class session, or used in a graded written assignment for this course. However, you may generate and use AI-generated text for class preparation or for study supplements to aid with general understanding of course content, although you must disclose the full extent of that use if your professor asks. Nevertheless, you should be cautious about relying on the substance of AI-generated text: for legal analysis, in particular, it is very error-prone.

Mental Health and Wellness: The University of Houston has a number of resources to support students' mental health and overall wellness, including CoogsCARE and the UH Go App. UH Counseling and Psychological Services (CAPS) offers 24/7 mental health support for all

students, addressing various concerns like stress, college adjustment and sadness. CAPS provides individual and couples counseling, group therapy, workshops and connections to other support services on and off-campus. For assistance visit uh.edu/caps, call 713-743-5454, or visit a Let's Talk location in-person or virtually. Let's Talk are daily, informal confidential consultations with CAPS therapists where no appointment or paperwork is needed. Need Support Now? - If you or someone you know is struggling or in crisis, help is available. Call CAPS crisis support 24/7 at 713-743-5454, or the National Suicide and Crisis Lifeline: call or text 988, or chat 988lifeline.org.

Title IX/Sexual Misconduct: Per the UHS Sexual Misconduct Policy, your instructor is a “responsible employee” for reporting purposes under Title IX regulations and state law and must report incidents of sexual misconduct (sexual harassment, non-consensual sexual contact, sexual assault, sexual exploitation, sexual intimidation, intimate partner violence, or stalking) about which they become aware to the Title IX office. Please know there are places on campus where you can make a report in confidence. You can find more information about resources on the Title IX website at <https://uh.edu/equal-opportunity/title-ix-sexual-misconduct/resources/>.

Reasonable Academic Adjustments/Auxiliary Aids: The University of Houston is committed to providing an academic environment and educational programs that are accessible for its students. Any student with a disability who is experiencing barriers to learning, assessment or participation is encouraged to contact the Justin Dart, Jr. Student Accessibility Center (Dart Center) to learn more about academic accommodations and support that may be available to them. Students seeking academic accommodations will need to register with the Dart Center as soon as possible to ensure timely implementation of approved accommodations. Please contact the Dart Center by visiting the website: <https://uh.edu/accessibility/> calling (713) 743-5400, or emailing jdcenter@Central.UH.EDU.

The Student Health Center offers a Psychiatry Clinic for enrolled UH students. Call 713-743-5149 during clinic hours, Monday through Friday 8 a.m. - 4:30 p.m. to schedule an appointment.

The A.D. Bruce Religion Center offers spiritual support and a variety of programs centered on well-being.

The Center for Student Advocacy and Community (CSAC) is where you can go if you need help but don't know where to start. CSAC is a “home away from home” and serves as a resource hub to help you get the resources needed to support academic and personal success. Through our Cougar Cupboard, all students can get up to 30 lbs of FREE groceries a week. Additionally, we provide 1:1 appointments to get you connected to on- and off-campus resources related to essential needs, safety and advocacy, and more. The Cougar Closet is a registered student organization advised by our office and offers free clothes to students so that all Coogs can feel good in their fit. We also host a series of cultural and community-based events that fosters social

connection and helps the cougar community come closer together. Visit the CSAC homepage or follow us on Instagram: @uh_CSAC and @uhcupbrd. YOU belong here.

Women and Gender Resource Center: The mission of the WGRC is to advance the University of Houston and promote the success of all students, faculty, and staff through educating, empowering, and supporting the UH community. The WGRC suite is open to you. Stop by the office for a study space, to take a break, grab a snack, or check out one of the WGRC programs or resources. Stop by Student Center South room B12 (Basement floor near Starbucks and down the hall from Creation Station) from 9 am to 5 pm Monday through Friday.

Recording of Class: Students may not record all or part of class, livestream all or part of class, or make/distribute screen captures, without advanced written consent of the instructor. If you have or think you may have a disability such that you need to record class-related activities, please contact the Justin Dart, Jr. Student Accessibility Center. If you have an accommodation to record class-related activities, those recordings may not be shared with any other student, whether in this course or not, or with any other person or on any other platform. Classes may be recorded by the instructor. Students may use the instructor's recordings for their own studying and notetaking. Instructor's recordings are not authorized to be shared with anyone without the prior written approval of the instructor. Failure to comply with requirements regarding recordings will result in a disciplinary referral to the Dean of Students Office and may result in disciplinary action.

Security Escorts and Cougar Ride: UHPD continually works with the University community to make the campus a safe place to learn, work, and live. The security escort service is designed for the community members who have safety concerns and would like to have a Security Officer walk with them, for their safety, as they make their way across campus. Based on availability either a UHPD Security Officer or Police Officer will escort students, faculty, and staff to locations beginning and ending on campus. If you feel that you need a Security Officer to walk with you for your safety, please call 713-743-3333. Arrangements may be made for special needs. Parking and Transportation Services also offers a late-night, on-demand shuttle service called "Cougar Ride" that provides rides to and from all on-campus shuttle stops, as well as the MD Anderson Library, Cougar Village/Moody Towers and the UH Technology Bridge. Rides can be requested through the UH Go app. Days and hours of operation can be found at <https://uh.edu/af-university-services/parking/cougar-ride/>.

Syllabus Changes: Any updates to this syllabus will be announced on Canvas. It is the responsibility of students to ensure that they have an up-to-date version of the syllabus.

Schedule of Assignments

A. General Principles

1. Wednesday, January 21 – The Jury – CB 1-23

Owens v. State

State v. Ragland

2. Monday, January 26 – Why Punish? – CB 34-64

The Queen v. Dudley and Stephens

People v. Du

3. Wednesday, January 28 – How to Punish? – CB 31-34, 83-92, 64-73

Ewing v. California

United States v. Gementera

4. Monday, February 2 – What to Punish? – selections on Canvas

Bowers v. Hardwick (Canvas)

Wisconsin v. Mitchell (Canvas)

City of Grants Pass v. Johnson (Canvas)

5. Wednesday, February 4 – The Principle of Legality – CB 95-108

Commonwealth v. Mochan

Keeler v. Superior Court

6. Monday, February 9 – Vagueness and Lenity – CB 109-131

In re Banks

Desertrain v. City of Los Angeles

Muscarello v. United States

7. Wednesday, February 11 – Actus Reus – CB 134-159

Martin v. State

State v. Utter

People v. Beardsley

Barber v. Superior Court

8. Monday, February 16 – Mens Rea – CB 161-172

Regina v. Cunningham

People v. Conley

9. Wednesday, February 18 – Mental States – CB 173-188

State v. Nations

State v. Miles

10. Monday, February 23 – Strict Liability Offenses – CB 190-207

Morrisette v. United States

Staples v. United States

Garnett v. State

11. Wednesday, February 25 – Mistake – CB 208-224

People v. Navarro

People v. Marrero

B. Specific Crimes

12. Monday, March 2 – Intentional Homicide I: First and Second-Degree Murder – CB 258-274, 281-291

State v. Guthrie

Midgett v. State

State v. Forrest

13. Wednesday, March 4 – Intentional Homicide II: Voluntary Manslaughter – CB 293-320

Girouard v. State

People v. Casassa

14. Monday, March 9 – Unintentional Homicide – CB 324-341

People v. Knoller

State v. Williams

15. Wednesday, March 11 – Felony Murder – CB 342-367

People v. Fuller

Fisher v. State

People v. Smith

[N.B. No class March 16 or March 18 due to Spring Break]

16. Monday, March 23 – Capital Murder – 374-399

Gregg v. Georgia

McCleskey v. Kemp

17. Wednesday, March 25 – Rape I: Force – CB 417-421, 439-455

State v. Alston

State v. Rusk

[N.B. The **midterm assignment** is due by **March 27** at 11:59pm.]

18. Monday, March 30 – Rape II: Consent – CB 456-482

Commonwealth v. Berkowitz

State of New Jersey in the Interest of M.T.S.

C. Inchoate Offenses and Vicarious Liability

19. Wednesday, April 1 – Attempt – CB 766-777, 781-790, 794-799, 818-822

People v. Gentry

Commonwealth v. Peaslee

People v. Rizzo

State v. Reeves

Commonwealth v. McCloskey

20. Monday, April 6 – Accomplice Liability I – CB 893-901, 904-914

State v. Hoselton

Riley v. State

State v. Linscott

21. Wednesday, April 8 – Accomplice Liability II – CB 915-927

State v. V.T.

Wilcox v. Jeffery

State v. Helmenstein

People v. Genoa

22. Monday, April 13 – Conspiracy I – CB 831-850

Pinkerton v. United States

People v. Swain

People v. Lauria

23. Wednesday, April 15 – Conspiracy II – CB CB 859-871, 879-883

People v. Foster

Kilgore v. State

Gebardi v. United States

People v. Sconce

D. Defenses

24. Monday, April 20 – Self-defense I – CB 524-548

United States v. Peterson

People v. Goetz

25. Wednesday, April 22 – Self-defense II – CB 549-566

State v. Wanrow

State v. Norman

26. Monday, April 27 – Duress and Necessity – CB 617-625, 630-636, 589-595

United States v. Contento-Pachon

People v. Anderson

Nelson v. State

27. Wednesday, April 29 – Intoxication and Insanity – CB 637-658

United States v. Veatch

State v. Johnson

[N.B. There will be a **review session** on **Friday, May 1.**]