

# CRIMINAL LAW

SPRING 2011  
PROFESSOR GODSEY

## **Text Book:**

Kadish & Schulhofer, CRIMINAL LAW AND ITS PROCESSES (8th Edition). We will read approximately 25-30 pages a week. At the end of each class, I will tell you the exact pages for the next class, but we will average roughly 25-30 pages a class if you want to read ahead. But if you read ahead, pay attention to the page breaks below, because we often skip sections of chapters.

## **Grading:**

Your grade will be determined based upon how many points you receive out of a possible 500 for the entire course. The final examination will be worth a maximum of 450 points (90% of the possible points in the course), and class preparedness/participation a maximum of 50 points (10%). The point totals from both categories will be added together to determine your total points out of 500, and your grade will then be derived from that combined number.

The school's honor code will be adhered to at all times.

## **Office Hours:**

The best way to reach me is to email me at [markgodsey@gmail.com](mailto:markgodsey@gmail.com). I have email on my phone and usually respond very quickly.

## **Syllabus** (subject to modification as necessary):

- I. Introduction (pp. 29-33, 42-51, 73-105)**
  - A. The Reasonable Doubt Standard
  - B. The Role of the Jury in Criminal Trials
  - C. Justifications for Punishment
  
- II. The Elements of Just Punishment (pp. 182-291)**
  - A. Actus Reas—Culpable Conduct
    - 1. The Requirement of Overt and Voluntary Conduct
    - 2. Omissions
  - B. Mens Rea—Culpable Mental States
    - 1. Basic Conceptions
    - 2. Mistake of Fact
    - 3. Strict Liability
    - 4. Mistake of Law
  
- III. Rape (pp. 291-373)**
  - A. Perspectives
  - B. Statutory Frameworks
  - C. Actus Reus
  - D. Mens Rea
  - E. A Statutory Solution?
  - F. The Marital Exemption
  - G. Problems of Proof
    - 1. Corroboration and Jury Instructions
    - 2. Cross-Examination and Shield Laws

**IV. Homicide (pp. 373-466)**

- A. Introduction
- B. Legislative Grading of Intended Killings
  - 1. The Premeditation-Deliberation Formula
  - 2. Provocation
- C. Legislative Grading of Unintended Killings
  - 1. The Creation of Homicidal Risk
  - 2. The Felony-Murder Rule
    - a. The Basic Doctrine
    - b. The “Inherently Dangerous Felony” Limitation
    - c. The Merger Doctrine
    - d. Killings Not “in Furtherance” of the Felony

**V. Attempt (pp. 544-589)**

- A. Introduction
- B. Mens Rea
- C. Preparation vs. Attempt
- D. Solicitation
- E. Impossibility

**VI. Group Criminality (pp. 589-632; 663-721)**

- A. Accountability for the Acts of Others: Complicity
  - 1. Mens Rea
    - a. Actions of the Principal
    - b. Results and Attendant Circumstances
  - 2. Actus Reas
  - 3. The Relationship Between the Liability of the Parties
- B. Conspiracy
  - 1. Introduction
  - 2. Conspiracy as a Form of Accessorial Liability
  - 3. The Actus Reas of Conspiracy
  - 4. The Mens Rea of Conspiracy
  - 5. Scope of the Agreement—Single or Multiple Conspiracies
  - 6. Parties

**VII. Exculpation (pp. 737-786; 798-821; 831-850)**

- A. Introduction
- B. Principles of Justification
  - 1. Protection of Life and Person
  - 2. Choice of the Lesser Evil—The Residual Principle of Justification
- C. Principles of Excuse
  - 1. Introduction
  - 2. Duress