

CRIMINAL LAW

JURI 4050 | Spring 2023

Professor John Meixner | john.meixner@uga.edu

Tuesday & Fridays | 1:00 PM – 2:15 PM | Room C

COURSE DESCRIPTION AND OBJECTIVES

Welcome to Criminal Law! In this course, we will confront some of the most important, challenging, and urgent issues in our society. Are there types of conduct that warrant a legal response beyond civil liability? What makes that conduct different? And if criminal liability is appropriate, what is the proper response, or punishment? What societal goals are served by punishing in the first place?

We'll work through these questions and many more in our adventure together. We'll begin with an overview of the criminal justice system, the sources of criminal law, theories of punishment, and constitutional limitations. We will study the building blocks of criminal offenses, known as "elements," such as actus reus, causation, and mens rea, as well as defenses. We will also focus on substantive crimes, such as homicide and sexual assault, and explore how crimes evolve over time. Toward the end of the course, we'll examine incomplete offenses (attempt) and liability for group crime. Through it all, we'll talk about these topics from both a theoretical perspective and a practical one, examining the role of discretion of prosecutors and judges, the impact of incarceration on individuals and communities, and the ways that the system often results in disparate outcomes across race, gender, class, and other lines.

At the end of this class, you should (1) have a working understanding of the basic elements of common criminal offenses, both under the common law and the model penal code; (2) be able to apply the framework of criminal statutes and the model penal code to unique fact patterns and novel circumstances; and (3) understand the competing policy concerns, biases, and practical pressures that drive the development of the doctrine.

COURSE MATERIALS

The majority of class readings will come from *Dressler & Garvey, Criminal Law: Cases and Materials* (9th Ed., 2022). The book contains an appendix with the Model Penal Code, so you don't need to purchase any separate copy of the Code.

In addition to the book, we will sometimes read cases, articles, or other materials that I will post to the eLC page. Last, the casebook has a companion hornbook, *Dressler, Understanding Criminal Law* (8th Ed., 2018). It is not necessary, but you might find it helpful in understanding the material.

Note: This syllabus is a *general plan* for the course; and deviations may be necessary during the semester.

CONTACT INFORMATION AND OFFICE HOURS

My email address is john.meixner@uga.edu, and I encourage you to use it regularly, for questions both large and small. I will generally linger after class, and if you have a short question, you can ask right then. You are also welcome to stop by my office in the hour following class. If you need to meet at any other time, feel free to schedule a meeting with me using the calendar [here](#).

CLASS PARTICIPATION AND INTERACTION

General format. In some ways, the format of our class will be similar to your other 1L classes—I'll call on you, and we'll discuss cases, doctrine, and policy together as we work through the material. In other ways, our class will be different from what you may have done so far. I may assign you a role as a prosecutor or defense attorney to argue for or against a certain position, or we may break into small groups to work through problems. In all of these formats, my goal is to foster an environment where we treat each other with respect and always feel comfortable expressing differing views in good faith.

Passing. If you know before a class that you will be unprepared to respond to questions, you may send me an email at least one hour before class, requesting not to be called on that day. There's no hard cap on the number of passes you may take, but excessive passing may affect your participation grade.

Polling. We will sometimes use the PollEverywhere system during class so that we can collectively work through problems together. You will be able to access this system via either a laptop or phone/tablet. I will provide instructions on how to do that via the eLC page. Your polling responses will not be part of your grade, but I strongly encourage you to give it your best effort.

Respecting each other. The substance of this course goes to the core of how to build a community. We'll build a community in our class, too, and that community will be based on several values. First, all of your voices are important, and a diverse array of perspectives will help us all learn. Second, our class will be a place of respectful engagement. We will sometimes discuss sensitive and difficult issues like racism, sexual assault, sexism, violence, and trauma. I'll do my best to flag especially difficult materials ahead of time. If you have particular triggers you'd like to discuss with me, please raise them with me individually (this will be kept confidential). You may find you disagree with another student on a particular topic. Sometimes, I may assign you to argue a position that you might disagree with. I ask that you presume good faith in each others' arguments and treat each other with unwavering respect.

Writing Assignments. In addition to our regular reading assignments, we will have writing assignments to reinforce what we are learning. None of these assignments will be graded, but you must complete them and turn them in on time for participation credit. I will provide a full schedule of written assignments to you near the start of the semester.

Pronouns and addressing each other. I use he/him pronouns and happily respond to “Professor Meixner” or “Dr. Meixner.” (For the reason why I prefer you don’t use my first name, see [this thoughtful piece](#)). At the start of the semester, I will ask you to email me some basic information, including your pronoun preferences and the correct pronunciation of your name. In class, I will expect us all to make a good faith effort to respect each other’s publicly stated preferences, while acknowledging that it is not always easy to shift to unfamiliar grammatical norms.

Technology. You may use laptops or other devices in class for class-related purposes only. Class recording by students is not permitted without express authorization.

ATTENDANCE

Attendance is mandatory, and critical to your learning. Criminal law is a challenging topic, both doctrinally and theoretically, and also from a societal perspective. The best way for all of us to learn is through shared dialogue. If you aren’t in class to participate in that dialogue, you will have a hard time learning criminal law.

The class will follow [the Law School’s attendance policy](#). I will organize an online attendance sheet at the beginning of the semester and expect you to fill it out regularly. You are permitted four absences during the course of the semester. If at any time you think you will need to miss more than four classes, please notify me in advance by email, explain the situation, and request that the absence be excused. I will handle such requests on a case-by-case basis, doing my best to balance your wellbeing with reasonable academic expectations.

CLASS WEBPAGE

I will use [our course’s eLearning Commons \(eLC\) page](#) to communicate information about upcoming classes, as well as distribute course materials. I will generally post PowerPoint slides from each day’s class to the eLC page later that afternoon. Please make sure you check the page regularly, and check your eLC notifications to ensure that you are receiving updates for the course.

GRADING & FINAL EXAM

Your grade will be based on a three-hour final examination. I also reserve the right to raise or lower your grade by one half grade (e.g., from a B to a B+ based on your participation in class (including completion of writing assignments) and engagement with the materials. All grading will be consistent with the [policies outlined in the student handbook](#).

The final exam is scheduled for May 5, at 9 AM. It will last three hours, and will include both multiple choice and essay questions. It will be open-book and open-note, but you will not be permitted to access any internet resources. You may not copy and paste pre-written material, whether written by you or someone else.

LAW SCHOOL HONOR CODE AND UGA'S ACADEMIC HONESTY POLICY

All work done in this course is subject to the [University of Georgia Law School Honor Code and Plagiarism Policy](#), and the University of Georgia Academic Honesty Policy, and the University of Georgia Non-Discrimination and Anti-Harassment Policy.

MENTAL HEALTH AND WELLNESS RESOURCES

It is totally normal to seek out and use mental health services and related resources. If you or someone you know needs assistance, you are encouraged to contact Dr. Casey Graham, the law school Director of Student Affairs at 706-542-5167 or casey.graham@uga.edu. You may also contact Student Care and Outreach in the Division of Student Affairs at 706-542-7774 or visit <https://sco.uga.edu>. They will help you navigate any difficult circumstances you may be facing by connecting you with the appropriate resources or services.

The law school has [a web page highlighting numerous health and wellness resources](#), including several resources specific to law students or the legal profession. UGA also has several resources for a student seeking mental health services. If you need help managing stress, anxiety, relationships, etc., please visit [BeWellUGA](#) for a list of free workshops, classes, mentoring, and health coaching led by licensed clinicians and health educators in the University Health Center. Additional resources can be accessed through the UGA App.

ADA ACCOMMODATIONS

Students requiring accommodations under the Americans with Disabilities Act should contact [Dr. Casey Graham](#), the Law School Director of Student Affairs, who will ensure that the request is properly documented and that I receive instructions about your accommodation consistent with University policy.

SCHEDULE

The schedule below is ***tentative***. I have included reading assignments from the casebook in the below chart, but always also check eLC, as there will be required supplemental readings there. The assignments are designated by case name and the notes you should read following the cases. You should complete all assigned readings before class and be prepared to discuss them.

	Date	Unit	Topic	Pages
1	Tu Jan 10	Foundations of Criminal Law	Introduction; Sources and Theories	<ul style="list-style-type: none"> • <i>Dudley</i> (pg 53-56; skip the notes) • 1-14 (intro materials) • <i>Owens</i> & n.1-5 • 19-20 (intro) • <i>Ragland</i> & n.1-5
2	Tu Jan 17		Theories of Punishment	<ul style="list-style-type: none"> • 31-45 (intro materials) • <u>Skim</u> 46-53 • <i>Du</i> (both) & n.1-6
3	F Jan 20		Sentencing; Legality Principle	<ul style="list-style-type: none"> • 75-76 (intro) • <i>Coker</i> & n.1-5 • <i>Ewing</i> & n.1-3 • 95 (intro) • <i>Mochan</i> & n.1-4 • <i>Keeler</i> & n.1-5
4	Tu Jan 24		Vagueness; Statutory Interpretation	<ul style="list-style-type: none"> • 109 (intro) • <i>Banks</i> & n.1-9 • <i>Desertrain</i> & n.1-2 • 125 (intro) • <i>Muscarello</i> & n.1
5	F Jan 27		Criminal Law and Society	See eLC
6	Tu Jan 31	General Principles of Liability	Actus Reus	<ul style="list-style-type: none"> • 133-34 (intro) • <i>Martin</i> & n.1-5 • <i>Utter</i> & n.1-3, 5-6, 10-11 • <i>Beardsley</i> & n.1-2, 4 • MPC § 2.01 (pg. 1026)
7	F Feb 3		Mens Rea: Generally	<ul style="list-style-type: none"> • <i>Cordoba-Hincapie</i> & n.1-2 • <i>Cunningham</i> & n.1-4 • <i>Conley</i> & n.1-3, 6-7 • <i>Nations</i> (skip the notes) • 173-177 (up to section 3) • MPC § 2.02

8	Tu Feb 7		Mens Rea: Statutory Interpretation & Strict Liability	<ul style="list-style-type: none"> • 182–183 (introduction) • <i>Miles</i> & n.1–4 • <i>Morrisette</i> & n.1 • <i>Staples</i> & n.1–3 • <i>Garnett</i> (skip the notes) • MPC § 2.05
9	F Feb 10		Mens Rea: Mistake of Fact & Ignorance of Law	<ul style="list-style-type: none"> • <i>Navarro</i> & n.1–3, 5 • <i>Marrero</i> & n.1–2 • <i>Cheek</i> & n.2 • MPC § 2.04
10	Tu Feb 14		Causation	<ul style="list-style-type: none"> • 231–32 (<i>Velazquez</i> intro) • <i>Oxendine</i> & n.1–2 • 237–38 (prox. cause intro) • <i>Rideout</i> & n.2–4, 8, 10 • <i>Velazquez</i> (skip the notes) • MPC § 2.03
11	F Feb 17		Homicide: Murder; Deliberation & Premeditation	<ul style="list-style-type: none"> • 258–60 (intro) • <u>Skim</u> 261–74 (statutes) • <i>Guthrie</i> & n.1–6 • <i>Midgett</i> & n.1 • <i>Forrest</i> & n.1–3 • MPC § 210.0–2
12	Tu Feb 21		Homicide: Manslaughter & Negligent Homicide	<ul style="list-style-type: none"> • 293 (intro) • <i>Giurard</i> & n.1–7 • 305 (intro) & n.1, 3–6 • <i>Casassa</i> & n.1–2, 6–7 • 324 (intro) • <i>Knoller</i> & n.1–8 • <i>Williams</i> & n.1–7 • MPC § 210.3–4
	F Feb 24	Specific Offenses: Murder	NO CLASS	Class replaced by court watching assignments
13	Tu Feb 28		Homicide: Felony Murder	<ul style="list-style-type: none"> • 342–43 (intro) • <i>Fuller</i> & n.1–3 • <u>Skim</u> 345–52 (articles; skip the notes) • <i>Fisher</i> & n.1–6 • <i>Smith</i> & n.1–2 • <i>Sophophone</i> & n.1–3 • MPC § 210.2(1)(b)

14	F Mar 3		Homicide: Capital Murder (if time)	<ul style="list-style-type: none"> • 374–75 (intro) • <i>Gregg</i> & n.2–8, 10 • 391–92 (intro) • <i>McClesky</i> & n.1–5 • <i>Payne</i> & n.2–5 (did not read) • <i>Tison</i> & n.1–3 (did not read)
SPRING BREAK (March 6–10)				
15	Tu Mar 14/Tu Mar 21	Specific Offenses: Sexual Assault	Sexual Assault: Intro & Actus Reus	<ul style="list-style-type: none"> • 417–22 (through n.2) • 424–28 (through n.3) • <i>Alston</i> & n.1–7 • <i>Rusk</i> (both) & n.1–8 • 457 (Estrich squib) • <i>Berkowitz</i> & n.1–5 • <i>MTS</i> & n.1–7 • MPC § 213.0–2
	F Mar 17		NO CLASS	
16	W Mar 22 (Noon)		Sexual Assault II: Actus Reus & Mens Rea	<ul style="list-style-type: none"> • <i>Boro</i> & n.1–3 • <i>Lopez</i> & n.1–4 • <i>Garnett</i> (read case from pg. 201; skip the notes)
17	F Mar 24	Defenses	Generally; Failure of Proof; Self-Defense	<ul style="list-style-type: none"> • 510–14 (Dressler article and intro) • <i>Patterson</i> & n.1 • 521–24 (intro materials) • <i>Peterson</i> & n.1–9 • <i>Goetz</i> & n. 3–7 • <i>Wanrow</i> (skip the notes) • MPC § 3.04
18	Tu Mar 28		Justifications: Self-defense	<ul style="list-style-type: none"> • <i>Norman</i> (both parts) & n.1–7, 9–10 • <i>Giminski</i> & n.1–3 • <i>Boyett</i> (and the intro section before it) & n.1–7 • MPC §§ 3.05, 3.06, 3.07
19	F Mar 31		Justifications: Necessity	<ul style="list-style-type: none"> • <i>Nelson</i> • ALI Commentary & n.1–6 • <i>Haskell</i> & n.1–5 • <i>Dudley</i> & n.1–3, 5–6 • MPC § 3.02

20	Tu Apr 4		Excuse: Duress, Intoxication	<ul style="list-style-type: none"> • 613–17 (intro) • <i>Contento-Pachon</i> & n.1–7 • <i>Unger</i> & n.1–5 • <i>Anderson</i> & n.1–2 • <i>Veatch</i> & n.1–6 • MPC §§ 2.08, 2.09
21	F Apr 7		Excuse: Insanity and Diminished Capacity	<ul style="list-style-type: none"> • 645–51 (intro) • <i>Freeman</i> & n.1–2 • 653–58 (intro, case, & discussion) & n.1–4 • <i>Wilson</i> & n.1–3, 5 • 681–82 (ALI Commentary) & n.1 • <i>Kahler</i> & n.1–4 • 690–92 (Morse excerpt) & n.1–4 • <i>Clark</i> & n.1, 3 • MPC § 4.01
23	Tu Apr 11	Inchoate and Group Offenses	Attempt	<ul style="list-style-type: none"> • Skim 763–72 (intro) • <i>Gentry</i> & n.1–7 • <i>Bruce</i> & n.1–2 • <i>Mandujano</i> & n.1 • <i>Peaslee</i> & n.1–4 • <i>Rizzo</i> (skip the notes) • <i>Miller</i> (skip the notes) • MPC § 5.01
24	Thu Apr 13 (Noon)		Impossibility, Abandonment, Solicitation	<ul style="list-style-type: none"> • <i>Thousand</i> & n.1–4, 6–7 • <i>McClosky</i> & n.1–4 • <i>Mann</i> & n.1–2 • <i>Cotton</i> & n.1–4 • MPC § 5.02
25	F Apr 14		Conspiracy	<ul style="list-style-type: none"> • <i>Carter</i> & n.1–6 • <i>Pinkerton</i> & n.1–4 • <i>Swain</i> & n.1, 5–6 • 864–65 (intro) • <i>Kilgore</i> (skip the notes) • <i>Braverman</i> & n.3 • MPC § 5.03
26	T Apr 18		Accomplice Liability	<ul style="list-style-type: none"> • <i>Ward</i> (and intro before it) & n.1 • <i>Hoselton</i> (skip the notes) • <i>Riley</i> n.1 • <i>V.T.</i> (skip the note) • <i>Hemelstein</i> (skip the notes) • <i>Genoa</i> (skip the notes) • MPC § 2.06

27	F Apr 21		Review and catch-up	None
	TBD	Review session		-
F	F May 5		Final Exam	-