

Lawyering Skills I: Criminal Law § 2  
Syllabus Fall 2025  
Professor Caitlín Gossett

**Professor Contact Information:**

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Room 240

Office Hours: Monday & Wednesday 1pm – 2pm or by appointment

**Teaching Assistant Contact Information:**

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**Class Sessions:**

Monday Wednesday & Friday 11am -12pm, Classroom 204 (LSAR 204)

**Required Text:**

Ohlin, *Criminal Law: Doctrine, Application, and Practice* (4th edition 2024).

**Course Overview & Objectives**

This course teaches foundational concepts of American Criminal Law. Class readings and participation will require each student to engage in analyzing facts, interpreting common law rules and a variety of statutory provisions. Students will develop the ability to understand basic criminal concepts, analyze facts, understand policy concerns, develop ethics and professional responsibility and have a working knowledge of the criminal law subjects covered on the bar exam.

**Expected Workload**

The American Bar Association standards for accrediting law schools contain a formula for calculating the amount of work that constitutes one credit hour. According to ABA Standard 310(b)(1), “a “credit hour” is an amount of work that reasonably approximates: (1) not less than one hour of classroom or direct faculty instruction and two hours of out-of-class student work per week for fifteen weeks, or the equivalent amount of work over a different amount of time.” This is a 3-credit hour class, meaning that we will spend three 60-minutes blocks of time together each week. The amount of assigned reading and out of class preparation should take you about 2 hours for each class session and 6 hours for the week. You should plan on spending a total of **at least 9 hours per week (3 in class and 6 preparing for class) on course-related work.**

**Class Participation**

Each student is eligible for cold-calling, each class time. I will often use the Socratic method. I will question you about facts, a legal position, or precept. We will also use group discussions and in class assignments. If it becomes evident during our discussion that you are not prepared or have not been paying attention to class, you will be marked absent for the day. You should be prepared to participate in a variety of ways in our classroom dialogue.

### Seating Chart:

We will use a seating chart in the class. You'll sit with members of your litigation team (see below for more information on litigation teams). The seating chart will be finalized during the first week of class..

### Assignments

Any work product that you turn in during this class must be entirely your own. Use of AI is prohibited unless assignment instructions specifically permit you to do so. You may study together, but anything you submit into 2DL must be your own work.

### Graded Assignments

- Practice Exam Essays and Synthesis Activities. **Ungraded, but you must demonstrate proficiency to get credit.** More information forthcoming.
- Class Preparation & Participation. **5% of final grade.**
  - **9-10 points.** Highest level of preparation. Student understands not only the basic facts and holding of the case, but also the Court's reasoning, including its treatment of precedent as cited in the case. Student is well familiar with notes cases, discussion materials, and problems. Student answers questions accurately and concisely. **Student's performance enhances the understanding of the overall class and demonstrates the highest standards of preparation, engagement, and performance.**
  - **6-8 points.** This is the typical classroom participation grade range. Acceptable level of preparation. Student understands the basic facts and holding of the case. Understands the Court's reasoning in the case, including treatment of precedent, but may require extra direction from the professor in class to get there. Student is familiar with notes cases, discussion materials, and problems but may require extra guidance and direction from professor to meaningfully contribute to the class discussion. Student demonstrates some difficulty answering questions accurately or concisely. **Student's preparation and performance makes a positive contribution to overall class discussion and the understanding of classmates.**
  - **2-5 points.** Some preparation, but no real contribution to overall classroom discussion. Student may have read case but did not adequately understand it and did not spend the extra time required to do so. May be able to state the holding of the case but shows inadequate understanding of the Court's reasoning in the case. Evident struggle to connect notes cases and discussion materials with the primary case. Professor may need to call on another student to complete the discussion or assist the cold-called student. **Student demonstrates effort and some**

**preparation, but falls short of making a positive contribution to the classroom discussion.**

- **0.** Manifestly inadequate preparation. Student cannot answer basic questions about the case. Student wastes classroom time searching for information that a prepared student would have readily at hand. Student is unfamiliar with notes cases, discussion materials, and problems. **Student's lack of performance and preparation detracts from the classroom experience for others and falls short of minimum standards of classroom professionalism.**
- Midterm Examination. 15% of final grade. This examination will be administered as part of 1L Formative Assessment Week. Further details about the midterm will be forthcoming later in the semester.
- Final examination. 80%. The final examination is closed book and cumulative, meaning that it covers the entire semester. Further details about the exam will be forthcoming later in the semester.

### **Assignment Due Dates**

Due dates are strictly enforced. It is your responsibility to make sure an assignment is turned in on time even if are not in class the day it is due. Extensions are generally not permitted and will be given only circumstances beyond your control.

### **Attendance**

Attendance will be taken in class and attendance records will be kept. Violation of this rule shall subject the student to penalties ....”

Students may have no more than a maximum of **four absences** (partial or total) for any reason. The attendance requirement is not subject to modification by a professor, nor may a professor excuse an absence. If the absences allowed under this provision have been exhausted, the Associate Dean for Academic Affairs may grant leave and relief from the regular attendance requirement in extraordinary circumstances, including but not limited to: (1) military service; (2) representing the law school at a moot court, mock trial, law review, or official function; (3) jury duty; (4) religious observances; (5) the birth of a child; (6) the death of an immediate family member to include grandparents; (7) major non-elective surgery or a prolonged hospital stay; or (8) to comply with federal or state antidiscrimination laws, other applicable laws, or SIU policies.

It is expected that students will review the slides and materials and view the recording of any classes they missed and come to Office Hours with questions.

### **Recording Policy**

For the benefit of students who are unable to attend a particular class due to an unavoidable circumstance, it is my hope that class sessions will be recorded and made available for viewing. Students must request the recordings directly from the me. These recordings and materials are not to be shared with students outside the class.

All other recordings of the class are prohibited. Unauthorized recordings and unauthorized access to recordings will be governed by the School of Law Honor Code, § II.E.1.g.

### **Accessibility Statement**

SIU Carbondale is committed to providing an inclusive and accessible experience for all students with disabilities. Disability Support Services coordinates the implementation of accommodations. If you think you may be eligible for accommodations but have not yet obtained approval, please contact DSS immediately at 618-453-5738 or [disabilityservices.siu.edu](mailto:disabilityservices.siu.edu). You may request accommodations at any time, but timely requests help to ensure accommodations are in place when needed. Accommodations and services are determined through an interactive process with students and may involve consideration of specific course design and learning objectives in consultation with faculty. Upon completion of a Disability Accommodation Agreement with DSS, students should bring the agreements for each course to the School of Law Registrar's Office to ensure the School of Law provides the proper classroom and examination accommodations

### **Emergency Procedures**

We ask that you become familiar with Emergency Preparedness @ SIU. Emergency response information is available on posters in buildings on campus, on the Emergency Preparedness @ SIU website, and through text and email alerts. To register for alerts, visit <http://emergency.siu.edu/>.

### **Saluki Cares and Counseling & Psychological Services (CAPS)**

The purpose of Saluki Cares is to develop, facilitate and coordinate a university-wide program of care and support for students in any type of distress—physical, emotional, financial, or personal.

A counselor is at the law school every Wednesday from noon until 4:30pm in Room 268 for drop-in appointments.

For Information on Saluki Cares: (618) 453-2461, or [siucares@siu.edu](mailto:siucares@siu.edu), <https://salukicare.siu.edu/>. Additionally, counseling services are available through CAPS (Counseling and Psychological Services (CAPS) | Student Health Services | SIU).

### **Safety Awareness Facts and Education**

Title IX makes it clear that violence and harassment based on sex and gender is a Civil Rights offense subject to the same kinds of accountability and the same kinds of support applied to offenses against other protected categories such as race, national origin, etc. If you or someone you know has been harassed or assaulted, resources are here: <http://safe.siu.edu>

### Reading and Assignment Schedule through Midterm

Week	Class	Date	In-Class Topic	Reading & Other Assignments
<b>Part One: Basic Elements of Criminality</b>				
1	1	18 Aug	Chapter 1. Introduction to Criminal Process	Ohlin, 3-20 Principal cases: <i>Owens, Ragland</i>
	2	20 Aug	Chapter 2. Theories of Punishment.	Ohlin, 25-40 Principal cases: <i>Brewer, Madoff</i>
	3	22 Aug	Chapter 2. Theories of punishment.	Ohlin, 41-57 Principal case: <i>Gementerra</i>
2	4	25 Aug	Chapter 1. Reading a penal statute. Chapter 4. Fundamental Principles of Criminal Law	Ohlin, 21-23 & 93-100 Principal case: <i>Street v. State</i> Practice statutes will be provided in class.
	5	27 Aug	Chapter 4. Fundamental Principles of Criminal Law --Retroactivity --Statutory Construction & Common Law --Vagueness --Rule of Lenity	Ohlin, 100-122 Principal Cases: <i>Rogers, Lewis, Morales, Bell</i>
	6	29 Aug	Chapter 5. The Act Requirement. --Voluntary Acts --Omissions	Ohlin, 123-138 Principal Cases: <i>Utter, Pestinakis</i>
3	7	1 Sep	LABOR DAY: No class this day. The makeup for this class is an open-book, timed essay that will be provided after class on 5 September and will be due by 11:59 PM on 7 September.	
	8	3 Sep	Chapter 5. The Act Requirement --Bystander liability <b>Synthesis Activities</b>	Ohlin, 139-146 Principal Case: <i>Davis</i> <b><i>Synthesis Materials Provided in Class</i></b>
	9	6 Sep	Chapter 6. Mental States --Introduction --Malice --Purpose and Intent	Ohlin, 147-162 Principal Cases: <i>Young, Bailey</i> <b>Timed essay assignment.</b>
4	10	8 Sep	Chapter 6. Mental States --Knowledge & Willful Blindness --Recklessness & Negligence	Ohlin, 163-176 Principal Cases: <i>Rehaif, Jewell, Olsen</i>
	11	10 Sep	Chapter 6. Mental States. --Strict Liability <b>Synthesis Activities</b>	Ohlin, 177-190 Principal Case: <i>Staples</i> <b><i>Synthesis Materials Provided in Class</i></b>
	12	12 Sep	Chapter 7. Mistakes --Mistakes of Fact	Ohlin, 191-201 Principal Cases: <i>Navarro, Sexton</i>

Week	Class	Date	In-Class Topic	Reading & Other Assignments
5	13	15 Sep	Chapter 7. Mistakes --Mistakes of Law	Ohlin, 202-216 Principal Cases: <i>Weiss, Marrero</i>
	14	17 Sep	Chapter 8. Causation --Cause in Fact	Ohlin, 217-228 Principal Cases: <i>Oxendine, Jennings</i>
	15	19 Sep	Chapter 8. Causation. --Proximate Cause <b>Synthesis Activities</b>	Ohlin, 229-240 Principal Case: <i>Smith</i> <b><i>Synthesis Materials Provided in Class</i></b>
	<b>Part II: Offenses</b>			
	16	22 Sep	Chapter 9. Intentional Murder --Express Malice Murder --Premeditation --Instantaneous Premeditation	Ohlin, 243-262 Primary Cases: <i>Taylor, Guthrie, Walker</i>
	17	24 Sep	Chapter 10. Voluntary Manslaughter --Provocation --Extreme Emotional Disturbance	Ohlin, 262-288 Primary Cases: <i>Girouard, Castagna, White</i>
7	18	26 Sep	Chapter 11. Reckless Killings --Involuntary manslaughter --Extreme Indifference (Implied Malice) Murder) --Misdemeanor Manslaughter	Ohlin, 289-308, 316-318 Primary Cases: <i>Kolzow, Knoller, Snyder,</i>
	19	29 Sep	Chapter 11. Reckless Killings. --Misdemeanor Manslaughter <b>Synthesis Activities</b>	Ohlin, 309-316 Primary Case: <i>Biechele</i> <b><i>Synthesis Materials Provided in Class</i></b>
	20	1 Oct	Chapter 13. Negligent Homicide --Ordinary Negligence --Gross Negligence	Ohlin, 349-363 Primary Cases: <i>Traughber, Small</i>
	21	3 Oct	<b>TBA</b>	
8	22	6 Oct	Formative Assessment Week	
	23	8 Oct		
	24	10 Oct		