

**SOUTHERN ILLINOIS UNIVERSITY SCHOOL OF LAW**

**LAW 516, CRIMINAL LAW—Sections 1 & 2**

<https://mycourses.siu.edu/d2l/home/535856>

**Professor Chris Behan**

**Fall 2022**

**COURSE MEMORANDUM & READING SCHEDULE**

**Course Description and Objectives**

Criminal law is perhaps the most fascinating legal discipline imaginable. In studying crimes, criminals, and governmental responses to criminal behavior, we will grapple with issues that go to the very heart of who we are as individuals and as a society: What conduct constitutes criminal behavior? Where should we invest community financial resources for law enforcement and corrections? Who should be punished, and how should we punish them? To what extent should the age, social class, race, ethnicity or gender or the alleged criminal affect the application of criminal law? What role should a victim's wishes play in a criminal prosecution?

We will not, however, spend all our time with our heads in the clouds of policy and philosophy; every day, we will dive down into the weeds of factual nuances, common law rules, and specific statutory provisions. Closely reading and carefully interpreting cases and statutes is a vital function of understanding criminal law. Applying a set of facts to a statute—a task that prosecutors and defense counsel perform every day—is fundamental to any study of American criminal law.

At the end of the semester, you should be able to:

- a. Analyze a set of facts and apply the appropriate criminal law statute to those facts.
- b. Intelligently address policy issues and controversies related to criminal law.
- c. Understand and apply basic canons of statutory interpretation.
- d. Understand basic criminal law concepts including, but not limited to, legality, *actus reus*, *mens rea*, intent, and defenses.
- e. Have a working knowledge of the substantive criminal law subjects covered on the bar examination.

**My Contact Information.**

a. *General.* My office is in Room 254. Telephone number is 453-8722. E-mail address is [cbehan@siu.edu](mailto:cbehan@siu.edu). You can email directly or through the D2L page email function. Mobile number is 618-521-1849, if you need to text me or have an emergency. Order of preference for contacting me: email, text, telephone. Please include your name when you text, as I am otherwise unlikely to know who you are.

b. *Office Hours and Appointments.*

- Professor Behan. I have an open-door policy. If I am in my office and the door is open, you are welcome to stop by and talk. I will have regular office hours on Fridays from 10:30 to 12:00. I am also happy to meet with you at times of mutual convenience during the week. We can set those appointments up via email.
- Alexis Barnes. Preferred method of contact is email: [alexis.barnes@siu.edu](mailto:alexis.barnes@siu.edu). For urgent issues and questions, you can call or text at (309) 369-4845. She will be unavailable in person most Fridays but can respond to calls and texts. Office hours TBD.
- Kate Bauer. Preferred contact is either email at [katharine.bauer@siu.edu](mailto:katharine.bauer@siu.edu) or cellphone (call or text) at (618) 339-1773. Office hours TBD.

c. *Electronic Communication.* Check your e-mail daily. I will use your D2L e-mail address to send messages pertaining to class. Please feel free to e-mail me with questions and other observations about the class. Make sure your D2L emails are not going into your spam or clutter files.

d. *Problems and Issues.* Despite the best efforts of professors and students, class is not always perfect. Sometimes a lecture or concept is unclear. Sometimes a fellow student does or says something insensitive or inappropriate that is not properly resolved by the professor in the classroom. You may experience personal frustration with something I do or say in the classroom. If you experience a problem or identify an issue in the class, please come see me so we can discuss it and resolve it. Some of my best growth and development as a professor has come from students taking the time to alert me to issues or problems of which I had not previously been aware.

**Class Time, Room, Zoom, and Seating Chart**

This class meets **in-person** Monday and Wednesday from 3:00-4:00, and Fridays from 9:00-10:00, all in Room 102. The first meeting of the class is Monday, August 22, 2022, and the final meeting is Friday, December 2, 2022.

From time to time, I may go out of town for conferences and other job-related travel. On those days, I will either record a podcast for the class or schedule class session via Zoom. The class will receive plenty of advance notice.

We will use a seating chart in the class. The seating chart is necessary not only so I can get to know you, but also for contact tracing purposes for COVID-19 if required by the university and/or the county health department. The seating chart will be finalized on Wednesday, August 24.

## Course Materials

- a. Coursebook. Our primary classroom text is Ohlin, *Criminal Law: Doctrine, Application, and Practice* (2d edition 2018), ISBN 1454894911. Although there is now a third edition of the book out, I am using the second edition. It's a perfectly good edition of the book, and you should all be able to save money by finding used or rental copies.

This book is available at the SIU campus bookstores, the 710 Bookstore, the Saluki Bookstore, and through online vendors. This book is available at the SIU campus bookstores, the 710 Bookstore, the Saluki Bookstore, and through online vendors. It can also be rented. For those who prefer electronic texts, it is available from an e-book publishing service called Redshelf: <https://www.redshelf.com/app/ecom/search/?terms=1454894911>

**Do not buy a used book by another author from someone who took Criminal Law in the Fall of 2021; it won't be of any use to you. This year, I am switching to this book from an entirely different book that I used last year. Other than the general subject of criminal law, the books have nothing to do with each other.**

- b. D2L Page. Other course materials can be found on the D2L page associated with this course. You are responsible to check the D2L page and to read any assigned materials posted to it.
- c. Supplementary Materials. If you need supplementary materials, a particularly useful resource is Joshua Dressler, *Understanding Criminal Law* (any edition is good; most current edition is 8th ed. 2018).
- d. BarBri. As a law student at SIU, you have access to BarBri study materials, including online multiple choice and essay questions. I encourage you to consider using these materials to prepare for the midterm and final examinations.

## Preparation for Class, Class Rhythm, and Expected Workload

Each class session consists of three parts: Preparation, Class, and Post-Class Review and Synthesis. Spaced repetition is a key to learning and understanding material. Thus, reading and preparing before class, participating in class, and then reviewing and synthesizing material after class ensures you will learn the material and be prepared for exams.

*Preparation.* Your preparation for each class should consist of the following: (1) Read the assigned materials; (2) Brief each case using the template I've provided on D2L; (3) Prepare written answers to the assigned problems for each class, also on the provided template; (4) Turn in the written case briefs and problem answers no later than **ten minutes prior to the start** of each class on D2L (they are part of your final grade). I've set D2L up so it won't accept late submissions for written case briefs and problem answers.

To get credit for the briefs and problems, you must individually post the solutions to the course D2L page prior to class. You should know that any of these problems are fair

game for the final examination; there will be either multiple-choice or essay questions that are based on some of them.

One thing you should keep in mind about the reading for class: I may not lecture on everything in the reading assignment, but you are responsible to learn it and use it in class. You should be able to answer questions about anything in the reading assignment when you are on call to discuss a case or problem.

*Class.* Every class will follow a standard course rhythm: (1) A brief review of concepts covered in the previous class; (2) Close discussion of the assigned principal cases; (3) Working through the problem cases in the reading assignment.

The class also includes spaced-repetition review and synthesis activities. On the reading schedule, every few days there is an entry entitled **Synthesis Activities**. On those days, we will spend time reviewing material by taking ungraded quizzes, working through multiple-choice and short-answer problems, or other learning activities I will announce during class.

Arrive to class early and prepared. Listen to what is going on in class. When another student is speaking, evaluate their answers to questions and the reaction and follow-up questions from the professor. Take good notes. You don't need to be a stenographer; in fact, it is a bad idea to try and write every word you hear in class; but you should learn to take notes that help you identify and understand the main concepts discussed in class. In advance of each class, I will post a Word document with the PowerPoint slides for class. You can take notes on that document or keep it as a reference.

I use a few Powerpoint slides in class. As you'll learn, however, these slides are not an adequate substitute for taking notes. They are minimalist in nature, typically consisting of pictures and questions. You'll certainly fail the class if you depend only on the Powerpoint slides for study materials.

*Post-Class Review and Synthesis.* Each week, you should review your class notes from that week while the class is still fresh in your mind. If you have questions, contact me and/or my teaching assistants. Use office hours, email, and/or text to make contact and communicate. Get those questions answered while they are still fresh! Later in the semester, you might look at your notes and no longer remember what you once questioned. Start writing your course outline early in the semester.

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-minute 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. All told, applying the ABA standard to the number of credits offered for this class, 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.**

### **Litigation Teams and Class Participation**

I use litigation teams to help encourage cooperative class participation. Each team consists of three or four students. The teaching assistants and I will form the litigation teams using random assignment criteria. We'll post the litigation team assignments by Tuesday, August 23. You must sit with your litigation team members in class, beginning on August 24. Before class begins on the 24<sup>th</sup>, you must communicate with the other members of your team and select one of you to fill out an electronic information form about your team.

Only one member per team should fill out the survey, which asks for the following information.

- (1) The name of your litigation team (pick your own name, but please do not pick an inappropriate name)
- (2) The names of each participant, along with his or her undergraduate institution, major and hometown
- (3) An interesting fact, unknown to most people, about each member of the team.

In class, I call on litigation teams randomly, using 3x5 notecards that have been shuffled. All teams must be prepared to discuss all aspects of the cases and materials assigned for the day. I do not permit members of a litigation team either to dominate the discussion at the expense of other members, or to avoid participating by hiding behind the other team members. When I call on a team, I ensure that all members of the team participate. It's in your best interest to meet as a team before class to ensure that everyone is prepared for class.

Although litigation teams are primarily responsible for the day's discussion, all students in the room should be prepared to participate in the discussion. I call on students randomly, and I also welcome your voluntary participation. I expect students I call on to be prepared to argue either side of the issues we address in class. The assigned reading materials are an ideal resource to prepare you to make clear and cogent arguments in class. In most classes, you can expect up to one-third or more of class members to be called on to participate.

Some of our classroom interaction will occur by means of the Socratic method, during which I closely question you as you make your best argument for or against an idea, legal position, or precept. However, we will also use group discussion, mock courtroom arguments in class, and so on. You should be prepared to participate in a variety of ways in our classroom dialogue.

Does class participation matter? Yes: the dialogue in class is an essential part of learning to think like a lawyer. Pay attention even when you are not actively participating.

As an incentive to spur your preparation and participation, if I call on you and you are unprepared or inadequately prepared, you will lose 10 percent of your final class participation score. This decision is at my sole discretion and is not reviewable.

***You don't have to be brilliant, but you must prepare, and you must participate when called on.***

**An important note about classroom participation.** Criminal law is a messy business and often involves controversial or painful subjects. Please be respectful of the viewpoints and experiences of others as we discuss these topics. If you or someone with whom you are close has been a victim of the type of crime we are discussing for the day, please let me know before class that you would be uncomfortable participating in the day's discussion. I won't call on you, and I don't need to know the specific reasons for your discomfort. If, however, your objection to participation is merely ideological (for example, if you are morally opposed to the death penalty and don't want to be asked to give arguments in favor of the death penalty), you're out of luck. A good lawyer can see the merits and shortcomings of all arguments pertaining to an issue.

**Policy on Collaboration and Plagiarism.** Unless otherwise indicated in the assignment instructions, any work product that you turn in during this class must be entirely your own. Although you are encouraged to study together and to prepare for class with others, you cannot turn in another person's work product and claim it as your own. When you turn in assignments on the D2L dropbox, you attest that you are complying with this policy for that assignment.

### **Computer Policy, Powerpoints, and Note-Taking.**

***Responsible use of computers is permitted in class.*** I permit the responsible use of computers in class. By this I mean taking notes, looking up cases or definitions on Westlaw or Lexis, and downloading course documents from D2L. I expect you to listen, participate, remain engaged with the material, and avoid the distractions caused by misusing computers and electronic devices in a professional environment.

***Irresponsible use of computers is not permitted in class.*** Active, sustained listening, without the distraction of electronic media, is a critical skill for lawyers. Good lawyers who serve their clients do not shop online during court hearings, update their social media accounts during depositions, or send text messages or emails during client meetings or negotiations. These activities divert a person's attention from the task at hand. Worse yet, they can distract other students and interfere with their ability to concentrate and learn.

I reserve the right to remove the privilege of using computers if they are being used irresponsibly and creating distractions in class. If an individual student's computer use is creating a problem, I will remove that student's privilege until the problem is solved. If the problem is class wide, I will remove the privilege from the entire class.

From time to time, especially on days marked for Synthesis Activities, I may give ungraded electronic quizzes or surveys in class on a platform that permits you to answer on a smartphone or a computer. This is the only time smartphone use is permitted in class.

## Policy on Recording Class

You are not authorized to record the class. The class will, however, be recorded every day as per law school policy. If you must miss class because of an illness or school-related activity, you may ask me for access to the recording for the missed class, and I will freely grant such petitions for truly meritorious situations. Sleeping in, skipping class, shopping, recovering from a night of revelry, or other similar activities are not considered meritorious.

## Attendance Policy & Classroom Etiquette

Attendance, in person, is required. You may miss no more than six (6) classes during the semester. If you exceed the number of absences, you will receive a failing grade in the course as per law school Rule 5.g, Sanctions for Failure to Attend.

I will pass around an attendance form at the beginning of each class. It is your responsibility to record your attendance for class each day, at the beginning of class. Recording attendance signifies two things: (1) you are **physically present**; and (2) you are **prepared** for class. “Prepared” means that you have read the assignment, completed any written assignments, and are prepared for any assigned questions or problems so you can discuss them in class if called upon. You are on your honor for this, but the enforcement mechanism is if I call on you and you are unprepared or inadequately prepared, you will lose 10 percent of your class participation grade, PLUS you’ll be counted as absent for the day.

You are not allowed to record attendance for another student, and you must record attendance on the date the class meets.

Come to class on time. It is a tremendous distraction to everyone when someone strolls in after class has begun.

Act like a professional in class. Be courteous to the others in the classroom by keeping distractions to a minimum and giving the class your full attention. Do not text, send instant messages, or hold private conversations with others during class. If it is necessary for you to leave the classroom while class is in session, please minimize the disruption when entering or exiting the room.

Do not attempt to dominate classroom discussions. Frequently, students raise their hands and I do not call on them. This is because I want to include multiple students in each class discussion. If I say something such as, “I see your hand, and I am not going to call on you,” don’t take it personally; just put down your hand so I can focus on other students.

I also expect you to act like a professional *after* class. I am often saddened to learn that some students engage in social media flame-fests during or after class, mocking other students for viewpoints and thoughts expressed during class. Such behavior is beneath members of a learned profession. Depending on the severity of the behavior, it may also violate the SIUC Student Conduct Code rules prohibiting harassment, bullying, obstruction or intimidation, or harassment

via technology. See SIUC Student Conduct Code § 2.3.5. If you are the victim of or witness to such behavior, please let me know.

### **Grading and Evaluation**

I will evaluate your work in several ways:

- **Practice MEE. Ungraded, but you must demonstrate proficiency to get credit.** More information forthcoming.
  
- **Class Preparation. 10% of final grade.** As mentioned earlier in this document, you must turn in your case briefs and written answers for any hypotheticals or problem cases that are in the assigned reading for the day. These must be turned in to the D2L dropbox before class starts, in a single document (not multiple documents) using the provided template (posted on D2L in a folder called Case Briefing and Problem Template). You must submit your own work for these assignments. By submitting the work, you make the implied assertion that the work is your own and you have complied with the Honor Code. To submit work other than your own is plagiarism, a serious academic offense.
  - On-time, good-faith submissions receive 5 points.
  - Late submissions (late is any time after class begins) or inadequate submissions that do not show good faith receive 0 points. **There are no makeup submissions permitted.**
  - Case briefs that are cut-and-pasted from commercial providers such as Quimbee receive a 0 and an Honor Code plagiarism referral.
  - Case briefs and/or problem solutions that are copied from other students receive a 0 and an Honor Code plagiarism referral.
  
- **Midterm Examination. 20% 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. 70%.** 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.

**Law School & University Policies and Procedures.** Posted on D2L Syllabus and Policies page.



## Reading Schedule.

The following is the reading schedule for the semester. The reading schedule is flexible, and I reserve the right to change it if I believe we need to spend more time on a topic. Think of the reading schedule as like an airline flight schedule. Even though flights are occasionally delayed, you still must be at the airport on time. In other words, even if we don't finish a particular topic on the assigned day, you still must be prepared for the next day's material. I always catch up!

### Reading and Assignment Schedule

| Week  | Class | Date   | In-Class Topic   | Reading & Other Assignments  |
|---|-------|--------|--|--|
| <b>Part One: Basic Elements of Criminality</b><br>Note: We will proceed at a moderate pace when covering the material in Part One. We are building a foundation for the rest of the semester. The pace will increase after we master these basic materials. |       |        |  |  |
| 1   | 1     | 22 Aug | Chapter 1. Introduction to Criminal Process  | Ohlin, 3-20<br>Principal cases: <i>Owens, Ragland</i>  |
|   | 2     | 24 Aug | Chapter 2. Theories of Punishment.   | Ohlin, 25-41<br>Principal cases: <i>Brewer, Madoff</i>   |
|   | 3     | 26 Aug | Chapter 2. Theories of punishment.   | Ohlin, 41-50, 55-56, 79-88<br>Principal cases: <i>Gementerra, Glossip</i>                                      |
| 2   | 4     | 29 Aug | Chapter 1. Reading a penal statute.<br>Chapter 4. Fundamental Principles of Criminal Law   | Ohlin, 20-23 & 89-96<br>Principal case: <i>Street v. State</i><br>Practice statutes will be provided in class. |
|   | 5     | 31 Aug | Chapter 4. Fundamental Principles of Criminal Law<br>--Retroactivity<br>--Statutory Construction & Common Law  | Ohlin, 96-107<br>Principal Cases: <i>Rogers, Lewis</i>   |
|   | 6     | 2 Sep  | Chapter 4. Fundamental Principles<br>--Vagueness<br>--Rule of Lenity   | Ohlin, 107-118<br>Principal Cases: <i>Morales, Bell</i>  |
| 3   | 7     | 5 Sep  | LABOR DAY: No class this day. The makeup for this class is an open-book, timed MEE-style essay that will be provided after class on 9 September and will be due by 5:00 pm on 9 September. |  |
|   | 8     | 7 Sep  | Chapter 5. The Act Requirement.<br>--Voluntary Acts<br>--Omissions   | Ohlin, 120-134<br>Principal Cases: <i>Utter, Pestinakis</i>  |
|   | 9     | 9 Sep  | Chapter 5. The Act Requirement<br>--Bystander liability<br><b>Synthesis Activities</b>   | Ohlin, 134-140<br>Principal Case: <i>Davis</i><br><b>Synthesis Materials Provided in Class</b>                 |

| Week | Class   | Date   | In-Class Topic   | Reading & Other Assignments  |
|------|---|--------|--|--|
|      |   |        |  | <b>Post-class assignment (makeup for Labor Day. Timed MEE assignment. Details provided in class.</b> |
| 4    | 10  | 12 Sep | Chapter 6. Mental States<br>--Introduction<br>--Malice<br>--Purpose and Intent   | Ohlin, 141-156<br>Principal Cases: <i>Young, Bailey</i>  |
|      | 11  | 14 Sep | Chapter 6. Mental States<br>--Knowledge & Willful Blindness<br>--Recklessness & Negligence   | Ohlin, 156-168, 177-180<br>Principal Cases: <i>Jewell, Olsen</i>                                     |
|      | 12  | 16 Sep | Chapter 6. Mental States.<br>--Strict Liability<br><b>Synthesis Activities</b>   | Ohlin, 168-177<br>Principal Case: <i>Staples</i><br><b>Synthesis Materials Provided in Class</b>     |
| 5    | 13  | 19 Sep | Chapter 7. Mistakes<br>--Mistakes of Fact  | Ohlin, 181-194, 206-207<br>Principal Cases: <i>Navarro, Sexton</i>                                   |
|      | 14  | 21 Sep | Chapter 7. Mistakes<br>--Mistakes of Law   | Ohlin, 194-205<br>Principal Cases: <i>Weiss, Marrero</i>   |
|      | 15  | 23 Sep | Chapter 8. Causation<br>--Cause in Fact  | Ohlin, 209-221<br>Principal Cases: <i>Oxendine, Jennings</i>   |
| 6    | 16  | 26 Sep | Chapter 8. Causation.<br>--Proximate Cause<br><b>Synthesis Activities</b>  | Ohlin, 221-232<br>Principal Case: <i>Smith</i><br><b>Synthesis Materials Provided in Class</b>       |
|      | <b>Part II: Offenses</b><br>Note: we will start to pick up the pace as we cover offenses. |        |  |  |
|      | 17  | 28 Sep | Chapter 9. Intentional Murder<br>--Express Malice Murder<br>--Premeditation<br>--Instantaneous Premeditation                                 | Ohlin, 235-252<br>Primary Cases: <i>Taylor, Guthrie, Carroll</i>                                     |
|      | 18  | 30 Sep | Chapter 10. Voluntary Manslaughter<br>--Provocation<br>--Extreme Emotional Disturbance   | Ohlin, 253-278<br>Primary Cases: <i>Girouard, Castagna, White</i>                                    |
| 7    | 19  | 3 Oct  | Chapter 11. Reckless Killings<br>--Involuntary manslaughter<br>--Extreme Indifference (Implied Malice) Murder)<br>--Misdemeanor Manslaughter | Ohlin, 279-296, 304-306<br>Primary Cases: <i>Kolzow, Knoller, Snyder,</i>                            |
|      | 20  | 5 Oct  | Chapter 11. Reckless Killings.<br>--Misdemeanor Manslaughter<br><b>Synthesis Activities</b>  | Ohlin, 297-304<br>Primary Case: <i>Biechele</i><br><b>Synthesis Materials Provided in Class</b>      |

| Week                               | Class | Date   | In-Class Topic  | Reading & Other Assignments  |
|------------------------------------|-------|--------|---|--|
|                                    | 21    | 7 Oct  | Chapter 15. Other Offenses Against the Person.<br>--Battery<br>--Assault<br>--Kidnapping  | Ohlin, 401-422<br>Primary Cases: <i>Peck, Birthmark, Boodosingh, Goolsby</i>   |
| 8                                  | 22    | 10 Oct | Formative Assessment Week   |  |
|                                    | 23    | 12 Oct |   |  |
|                                    | 24    | 14 Oct |   |  |
| 9                                  | 25    | 17 Oct | Chapter 12. Felony Murder<br>--Independent Felony "Merger" Limitation<br>--Inherently Dangerous Felony Limitation   | Ohlin 310-324, 334-337<br>Principal Cases: <i>Sarun Chun, Howard, Stewart</i>  |
|                                    | 26    | 19 Oct | Chapter 12. Felony Murder<br>--In Furtherance Limitation<br>Chapter 13. Negligent Homicide<br>--Ordinary Negligence   | Ohlin 325-333, 339-346<br>Principal Cases: <i>Hernandez, Sophophone, Traugher</i>  |
|                                    | 27    | 21 Oct | Chapter 13. Negligent Homicide.<br><b>Synthesis Activities</b>  | Ohlin 346-356<br>Principal Case: <i>Small</i><br><b>Synthesis Materials Provided in Class</b>                                |
| 10                                 | 28    | 24 Oct | Chapter 14. Rape<br>--Force<br>--Threats of Force   | Ohlin 357-376, 396-399<br>Principal Cases: <i>Jones, Rusk I&amp;II</i>   |
|                                    | 29    | 26 Oct | Chapter 14. Rape<br>--Consent   | Ohlin 376-396<br>Principal Cases: <i>Lopez, Newton, Boro, Hirschfelder</i>   |
|                                    | 30    | 28 Oct | Chapter 16. Theft<br>--Unlawful Taking<br>--Fraud, Extortion, Blackmail, Embezzlement<br>--Property<br>--Intent to Deprive Permanently<br><b>Synthesis Activities</b> | Ohlin 423-448<br>Principal Cases: <i>Carswell, Villalobos, Penley, Marsh</i><br><b>Synthesis Materials Provided in Class</b> |
| <b>Part III: Inchoate Offenses</b> |       |        |   |  |
| 11                                 | 31    | 31 Oct | Chapter 17. Attempt.<br>--Specific Intent or Purpose<br>--Attempt v. Mere Preparation   | Ohlin, 451-471, 483-485<br>Principal Cases: <i>Gentry, Rizzo, Reeves</i>   |
|                                    | 32    | 2 Nov  | Chapter 17. Attempt<br>--Impossibility<br>--Abandonment   | Ohlin, 471-483<br>Principal Cases: <i>Dlugash, Smith, Ross,</i>  |
|                                    | 33    | 4 Nov  | Chapter 18. Inchoate Conspiracy   | Ohlin, 487-513   |

| Week                                       | Class | Date                         | In-Class Topic   | Reading & Other Assignments  |
|--|-------|------------------------------|--|--|
|  |       |                              | --Agreement to Commit Unlawful Act<br>--Specific Intent or Purpose<br>--Overt Act<br>--Renunciation  | Principal Cases: <i>Pacheco, Valle, Shabani, Abu Ghayth, Nee</i>   |
| 12   | 34    | 7 Nov                        | Chapter 19. Solicitation.<br>--Solicitation v. Conspiracy<br>--Solicitation v. Attempt<br><b>Synthesis Activities</b>                      | Ohlin, 515-532<br>Principal Cases: <i>Breton, Decker</i><br><b>Synthesis Materials Provided in Class</b>   |
| <b>Part IV: Modes of Liability</b>         |       |                              |  |  |
|  | 35    | 9 Nov                        | Chapter 20. Accomplices<br>--Assisting the Principal Perpetrator<br>--Purpose v. Knowledge<br>--Natural and Probable Consequences Doctrine | Ohlin, 535-563<br>Principal Cases: <i>V.T., Rosemond, Sarausad, Prettyman</i>  |
|  | 36    | 11 Nov<br>(No class meeting) | Chapter 20. Accomplices<br>--Innocent Instrumentality Rule<br>--Defenses<br><b>Synthesis Activities</b>                                    | <b>Note: This is a holiday. The assigned materials will be covered in a make-up podcast</b><br>Ohlin, 564-578<br>Principal Cases: <i>Bailey, Standefer</i><br><b>Synthesis Materials Provided with Podcast</b> |
| <b>Part V: Defenses</b>                    |       |                              |  |  |
| 13   | 37    | 14 Nov                       | Chapter 23. Self Defense.<br>--Imminence<br>--Necessity and Duty to Retreat  | Ohlin, 641-670<br>Principal Cases: <i>Norman, Peterson, Riddle</i>   |
|  | 38    | 16 Nov                       | Chapter 23. Self Defense<br>--Reasonable Belief<br>--Imperfect Self-Defense  | Ohlin, 670-691<br>Principal Cases: <i>Goetz, Elmore</i>  |
|  | 39    | 18 Nov                       | Chapter 24. Defensive Force by Police Officers<br>--Constitutional Limits<br>--Civil Rights Violations                                     | Ohlin 693-715<br>Principal Cases: <i>Harris, DOJ Report on Michael Brown Shooting</i>  |
| <b>Thanksgiving Holiday 19-27 November</b> |       |                              |  |  |
| 14   | 40    | 28 Nov                       | Chapter 25. Necessity.<br>--Choice of Evils<br>--As a Defense in Murder Cases<br>--Prison Breaks<br>--Civil Disobedience                   | Ohlin, 717-746<br>Principal Cases: <i>Ridner, Dudley &amp; Stephens, Bailey, Schoon</i>  |
|  | 41    | 30 Dec                       | Chapter 26. Duress<br>--Threats that Vitiates Autonomy   | Ohlin, 747-766   |

| <b>Week</b> | <b>Class</b> | <b>Date</b> | <b>In-Class Topic</b>  | <b>Reading &amp; Other Assignments</b>   |
|-------------|--------------|-------------|--|--|
|             |              |             | --Severity of Threat   | Principal Cases: <i>Dixon, Contento-Pachon, DeMarco</i>  |
|             | 42           | 2 Dec       | Chapter 26. Duress.<br>--Defense to Murder<br><b>Synthesis Activities</b><br><b>Final Exam Preview</b> | Ohlin, 766-780<br>Principal Case: <i>Anderson</i><br><b><i>Synthesis Materials Provided in Class</i></b> |