

Criminal Law (Section 2)
Fall 2023

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Syllabus & Course Outline

Course Overview:

In this course, we will explore the criminal law from a variety of perspectives. We will study the reasons for punishing convicted criminals, as well as the elements of crimes and the defenses that an accused might raise. We will examine tensions between various state statutes, the common law, and a set of laws known as the Model Penal Code. Although you will also learn to make legal arguments on each side of a case and to analyze the policy reasons for embracing or criticizing current laws. Criminal law does not constitute a uniform body of rules across jurisdictions. In this class, we will often talk about majority and minority trends in the nation, rather than trying to learn the doctrine of all 50 states plus the District of Columbia.

We will approach the study of criminal law in a critical manner. That means we will be asking questions about why certain laws exist, whether laws are applied to all citizens equally, and whether criminal laws are gender-blind and colorblind.

Learning Objectives:

Students who successfully complete this course should be able to complete the following tasks:

- Understanding the sources and policy objectives of criminal law;
- Identifying and analyzing the elements of various crimes and related defenses;
- Understanding the logistics of bringing and resolving criminal cases including the role of the prosecutor, judge, and jury, as well as burden-of-proof issues; and
- Gaining a new and unique perspective of the world around you by being able to identify criminal activity in everyday conduct.

Required Text:

Joseph E. Kennedy, Criminal Law: Cases, Controversies, and Problems (2nd ed. 2022)

Attendance:

Our class meets three times a week on Monday, Wednesday, and Friday mornings. As specified in the Rules of the Southern Illinois University School of Law, “regular attendance to class meetings in all courses is expected and required of all students in accordance with the rule to be announced by the professor at the beginning of each course. Attendance will be taken in class and attendance records will be kept. Violation of this rule shall subject the student to penalties”

It is your responsibility to ensure that you sign the attendance sheet during class. You should also note that the School of Law Honor Code states that it is academic misconduct to sign another student’s name to an attendance sheet for a class that the other student did not attend. Students may have no more than a maximum of six absences (partial or total) for any reason (other than religious observances, jury duty, the student’s hospitalization, birth or adoption of the student’s child, or a death in the student’s immediate family – any of which shall be proven by documentation). Students with more than six absences will be referred to the Associate Dean and will be given the lowest possible grade – a failing grade – for the course.

Office Hours:

My door is always open to you, and I am available to meet with you anytime I am in the building; however, I have set aside Mondays from 10:00am-11:30pm just for the purpose of meeting with Criminal Law students. I am also available to meet with students by appointment. Please arrange to meet with me during my office hours or suggest another time if my office hours are not convenient for you.

Class Participation:

As a law student, I expect that you will come to class having read the material for the day and ready to participate in class discussion. Students will be called on in class, often without advance notice, so be prepared to be principally responsible for helping me explain tort concepts and cases. Everyone is expected to participate in class discussion, and you are always free to raise your hand and volunteer an answer, offer a helpful observation, or ask a question. Law school is a learning laboratory, and we can all learn from each other.

The ABA standards incorporate out-of-class work in the calculation of credit hours. Under the ABA standards, **you should expect to spend 3 hours per week in class, plus (a minimum of) six hours of study a week, for a total of 9 hours per week.**

Class Recording:

For the benefit of students who are unable to attend a particular class because of an unavoidable circumstance, and for students who wish to review a particular class to better facilitate comprehension of the learning objectives, class sessions will be recorded and made available for viewing upon request.

Grading/Scoring of Assignments:

To successfully complete this course, you will have to complete one drafting exercise, two quizzes, a midterm, and a final exam. The drafting exercise is worth 10% of your final grade, and it will be assigned during Week #2 of class; it will be due one week later. The first quiz is worth 10% of your final grade, and the second quiz is worth 20% of your final grade (30% total). The midterm is worth 20% of your final grade. The final exam is worth 40% of your final grade. All assessments in this course are closed-book, closed-note exercises, unless otherwise noted. More information will be provided in class as each assessment approaches. The quizzes, midterm, and final will take the form of multiple-choice questions and/or essay question(s) in the format that one might see on the bar exam.

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>.

Disability Policy: 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. 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.

Saluki Cares: 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. By working closely with faculty, staff, students, and their families, SIU will continue to display a culture of care and demonstrate to our students and their families that they are an important part of the community. For Information on Saluki Cares: (618) 453-2461, or siucares@siu.edu, <https://salukicare.siu.edu/>. Assistant Dean Judi Ray is available at the School of Law to help students access university resources. Please email her at judiray@siu.edu, or call 618- 453-3135.

Covid-19: SIUC's policy on face masks and social distancing is consistent with the guidance from the Centers for Disease Control and Prevention and the Illinois Department of Public Health. For up-to-date information, students, faculty, and staff should visit SIUC's COVID website (<https://siu.edu/coronavirus>), which includes the Saluki Safety Plan. People can also send email to pandemicinfor@siu.edu.

Assignments:

Week #1 – The Structure of Criminal Law and the Criminal Process; Statutory Interpretation

August 21: pp. 1-19

August 23: pp. 31-47

August 25: pp. pp. 53-72

Week #2 – Constitutional Constraints and Introduction to Crimes (Mental States)

August 28: pp. 85-111 (draft an ordinance banning sagging pants)

August 30: pp. 169-182

September 1: 182-203

Week #3 – Introduction to Crimes (Mental States and Acts)

September 4: (Labor Day) pp. 203-214 (this class will be recorded)

September 6: pp. 119-139

September 8: pp. 139-146

Week #4 – Introduction to Crimes (Acts) and Strict Liability Offenses

September 11: pp. 156-168

September 13: pp. 215-234

September 15: Quiz #1

Week #5 – Inchoate Offenses

September 18: pp. 485-494

September 20: pp. 539-561

September 22: pp. 561-578

Week #6 – Inchoate Offenses and Complicity

September 25: pp. 495-521

September 27: pp. 521-537

September 29: pp. 579-606

Week #7 – Complicity and Rape

October 2: pp. 606-618

October 4: pp. 765-787

October 6: pp. 788-806

Week #8 – Midterm Week – all classes will be recorded – Misc. Offenses Against the Person, Mistake, and Intoxication

October 9: pp. 807-825

October 11: pp. 253-267

October 13: pp. 267-299

Week #9 – Homicide

October 16: pp. 301-313

October 18: pp. 315-330

October 20: pp. 331-344

Week #10 – Homicide

October 23: pp. 345-367

October 25: pp. 369-388

October 27: pp. 388-407

Week #11 – Homicide

October 30: pp. 409-430

November 1: pp. 430-459

November 3: pp. 461-484

Week #12 – Assisted Suicide, Race & the Criminal Justice System, and Defenses

November 6: pp. 865-893 (Vincent Chin case)

November 8: Quiz #2

November 10: pp. 633-653

Week #13 – Defenses

November 13: pp. 653-671

November 15: pp. 671-715

November 17: pp. 717-753 (stop before *United States v. Lyons*)

November 20, 22, 24 – Thanksgiving Break

Week #14 – Property Crimes

November 27: pp. 827-842

November 29: pp. 842-861

December 1: Review Class