

POLS 4730
Criminal Law
Fall Semester 2017

Instructor: Dr. John Newton
Email: jmnewton@uga.edu
Phone: 706.542.2778
Office: 109B Baldwin Hall

Class time and location: MWF 9:05-9:55am Baldwin Hall Room 102

Office hours After class and by appointment.

Primary text: Dressler, Joshua and Stephen Garvey. *Cases and Materials on Criminal Law* (Seventh Edition). West Publishing. 2016. (ISBN 978-1-62810-205-5).

Optional Text: Dressler, Joshua. *Understanding Criminal Law* (Seventh Edition). LexisNexis 2015. ISBN 1632838648. (an older edition would probably work well and be much cheaper).

Course description: This class is an introduction to criminal law. Legal statutes vary from state to state so this class will consist of an overview of criminal law. It is important to remember that law is codified by legislatures and then ruled upon in the court system. Because of the common law tradition in our country, we will be reading cases as examples of the implementation of criminal law. Other readings may be assigned in addition to what is included in the textbook. This syllabus is just a guide and there will likely be deviations announced in class.

Course objectives: The objective of the class is to introduce students to concepts in criminal law. Law is dynamic and criminal law changes both with new statutes passed by legislatures and rulings from the court system. At the end of this semester students will be familiar with concepts of criminal law such as vagueness, general intent, specific intent, *actus reus*, *mens rea*, causation, concurrence, excuses, justification and others. Additionally, students will become familiar with the legal foundation for types of crimes such as homicide, sexual offenses, theft, and others.

Grading: Grades will be determined from two quizzes, a midterm, and a final exam. The final exam will be cumulative. Participating in class discussion is your friend! Read the assignments and come to class ready to discuss them! I will assign a class participation bonus for students who participate at the end of the semester. **Also, if you distract from the class by texting, using Facebook, or anything else that may cause a distraction from the class, I will lower your grade. You may NOT use electronics when we have a guest speaker.**

Grades:	
Quiz 1	15%
Quiz 2	15%
Midterm	30%
Final Exam	40%
Class Participation	Bonus/Penalty

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Extra Credit paper – sit through one drug court session and write a five-page paper for up to 5 points on your overall quiz average – due date announced in class. A limited number of class presentations will be allowed for extra credit (2 points toward a quiz grade).

*Exam make-ups will not be offered unless previously scheduled because of extenuating circumstances, or in the event of a **verifiable** emergency.* Similarly, the due dates for assignments such as papers are not negotiable unless a true emergency warrants further consideration. Turning in a late paper will significantly reduce the grade. Below is the grading scale I will use this semester.

100-94	A	82-80	B-	69-60	D
93-90	A-	79-76	C+	Below 60	F
89-86	B+	75-73	C		
85-83	B	72-70	C-		

Students with special needs that require accommodation should notify me and the Disability Resource Center at the beginning of the semester to facilitate appropriate arrangements.

In case of an emergency during the class time, we will take the following action. In case of a fire, we will exit the building and reconvene in the quad in front of Peabody Hall to make sure everyone accounted for and then dismiss class. In case of a tornado, we will move to the lowest floor in the building and shelter until it has passed. In case of a medical emergency, one person will be designated to meet EMS outside the building and guide them to our location.

Honor Code: *As a University of Georgia student, you have agreed to abide by the University's academic honesty policy, "A Culture of Honesty," and the Student Honor Code. All academic work must meet the standards described in "A Culture of Honesty" found at: www.uga.edu/honesty. Lack of knowledge of the academic honesty policy is not a reasonable explanation for a violation. Questions related to course assignments and the academic honesty policy should be directed to the instructor.*

Important Dates:

Drop/Add ends Wednesday, August 18

No class Sept 4 (Labor Day)

Quiz 1 – September 15

Midterm – October 6

Withdrawal Deadline – Tuesday, October 19

Quiz 2 – November 17

Thanksgiving Break: November 20-24

Last Day of Class – Tuesday, December 5

Final Exam – Friday, December 8: 8:00am – 11:00am (Comprehensive Exam)

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Course Outline and Reading Assignments:¹

Fall 2017 Readings Schedule
****Expect Changes****

Week 1- August 14

Dressler, pp. 4-29:

Notes 3-7 on pp. 4-6

Criminal Law in a Procedural Context: Pre-trial

Criminal Law in a Procedural Context: Trial by Jury

Proof of Guilt at Trial

Proof Beyond a Reasonable Doubt

Owens v. State

Jury Nullification

State v. Ragland

Dressler, 31-44, 51

Principles of Punishment: Introduction & Initial Thoughts

A. Theories of Punishment

Kent Greenawalt - Punishment

Jeremy Bentham - An Introduction

Kent Greenawalt - Punishment (utilitarian)

Michael Moore - The Moral Worth of Retribution

Immanuel Kant – The Philosophy of Law

Note 3 on p. 51 (parts A and B)

Penal Theories in Action, pp. 52-64

The Queen v. Dudley and Stephens

People v. Superior Court

People v. Du

Week 2 – August 22

Dressler, pp 75-92

Constitutional Principles

Coker v. Georgia

Ewing v. California

pp. 107- 132

Principles of Legality

In Re Banks

¹The course syllabus is a general plan for the course; deviations announced to the class by the instructor may be necessary. I will do my best to provide adequate warning when a change is needed. All of these requirements are from the primary text or relevant literature; **additional readings may be assigned.**

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Desertrain v. City of Los Angeles

Statutory Interpretation

Yates v. United States

Optional Reading on ELC – We may discuss as time permits:

Papachristou v. City of Jacksonville

City of Chicago v. Morales

Week 3 – August 28

Dressler, pp. 133 - 154

Actus Reus

Martin v. State

State v. Utter

People v. Beardsley

Barber v. Superior Court

Week 4 – September 4

No class on September 4

Dressler, pp. 157- 185

Nature of Mens Rea

United States v. Cordoba-Hincapie

Regina v. Cunningham

People v. Conley

Model Penal Code Approach

Knowledge of Attendant Circumstances

State v. Nations

Flores-Figueroa v. United States

Dressler, pp. 185-227 (strict liability & Mistake)

Morrisette v. United States

Staples v. United States

Garnett v. State

People v. Navarro

People v. Marrero

Cheek v. United States

Week 5 – September 11

Dressler, pp. 229-252 (causation)

Velazquez v. State

Oxendine v. State

People v. Rideout

Velazquez v. State

State v. Rose (concurrency)

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Quiz 1 – September 15

Week 6 – September 18

Homicide:

Dressler, pp 253-256, 273-292

Homicide Statistics

Common Law Origins and Reform

Sample Statutes

State v. Guthrie

Midgett v. State

State v. Forrest

Girouard v. State

Dressler, pp. 316-325

Unintentional Killings: Unjustified Risk Taking: Introduction: A Road Map

People v. Knoller

Dressler, pp. 333-363

Felony Murder

People v. Fuller

The Policy Debate

People v. Howard

People v. Smith

State v. Sophophone

Gregg v. Georgia and McClesky v. Kemp (Extra Credit Presentations)

Week 7 – September 25

Sexual Assault

Dressler, pp 433 450

State v. Alston

Rusk v. State

State v. Rusk

419-477

Commonwealth v. Berkowitz

M.T.S.

485-490

Boro v. Superior Court

496-500

Garnett v. State (read case starting on p. 185)

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pp. 501-504
Categories of Defenses

pp. 521-571
United States v. Peterson
People v. Goetz
State v. Wanrow
State v. Norman (NC Court of Appeals)
State v. Norman (NC Supreme Court)

Week 8 – October 2

pp. 579-586
Defense of Habitation
State v. Boyett

Dressler, pp. 586-601 (necessity, excuse, duress, intoxication)
Nelson v. State
ALI, Model Penal Code
United States v. Schoon

Duress
pp. 613-642
United States v. Contento-Pachon
People v. Unger
People v. Anderson
United States v. Veach

Mid-term – October 6

Week 9 – October 19
Dressler, pp. 642-646
Insanity - Competency to Stand Trial
Pre-trial Assertion
Burden of Proof
Post-Trial Disposition

646-663
United States v. Freeman
State v. Johnson
ALI, Model Penal Code

673-676
Yates v. State (if time)
Should the defense be abolished?

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Week 10 – October 16

Diminished Capacity & Infancy

pp. 683-707

Clark v. Arizona

In Re Devon T

pp. 728-745

Robinson v. California

Powell v. Texas

Week 11 – October 23

Attempt

Dressler, 771-783

People v. Gentry

Bruce v. State

United States v. Mandujano

An Initial Effort at Drawing the...

pp. 787-789

People v. Rizzo

pp. 800-820

People v. Thousand

Commonwealth v. McCloskey

Week 12 – October 30

Pre-Attempt pp. 823-830

United States v. Alkhabaz

Conspiracy pp. 836-859

People v. Carter

Pinkerton v. United States

People v. Swain

People v. Lauria

Commonwealth v. Azim

pp. 864-876, 879-884

People v. Foster

Kilgore v. State

Lannelli v. United States

Week 13 – November 6

Dressler, pp. 891-901 (accomplice)

State v. Ward

State v. Hoselton

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Mens Rea: Intent: Purpose or Knowledge
People v. Lauria

909-915
State v. Linscott
State v. V.T.

pp. 929-934
United States v. Lopez
People v. McCoy

Week 14 – November 13

Dressler, pp 961-987 (Theft)
Lee v. State
Rex v. Chisser
United States v. Mafnas
Topolewski v. State
Rex v. Pear
Brooks v. State
Lund v. Commonwealth
People v. Brown
People v. Davis

Dressler, pp. 988-997 (embezzlement)
Rex v. Bazeley
People v. Ingram
People v. Whight
United States v. Czubinski

Quiz 2 – November 17

Thanksgiving Holiday – November 20-24

Week 15 - November 26, Dec 4,5

Catch-up/Review
Burglary
Robbery
Bowers v. Hardwick (ELC)
Lawrence v. Texas (ELC)
Entrapment (ELC)

Final Exam – Friday, December 8 – 8:00am – 11:00am (Comprehensive Exam)