

**POLS 4730**  
**Criminal Law**  
**Fall Semester 2016**

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

**Class time and location:** T-TH 8:00am – 9:15am, 311 Baldwin Hall

**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* (Sixth Edition). LexisNexis, 2012. (ISBN 978-0769848938).

**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.**

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](http://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 17

No class Sept 6 (Day after Labor Day)

Quiz 1 –

Midterm –

Withdrawal Deadline – Tuesday, October 18

Quiz 2 –

Thanksgiving Break: October 21-25

Last Day of Class – Monday, December 5

Final Exam – Tuesday, December 13: 8:00am – 11:00am (Comprehensive Exam)

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**Course Outline and Reading Assignments:<sup>1</sup>**

**Fall 2016 Readings Schedule**  
**\*\*Expect Changes\*\***

Week 1- August 15

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*

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<sup>1</sup>The 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 29

Dressler, pp. 133 - 154

Actus Reus

*Martin v. State*

*State v. Utter*

*People v. Beardsley*

*Barber v. Superior Court*

Week 4 – September 5

**No class on September 6**

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 12

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 19

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 26

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 3

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 10  
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 17

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 24

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 31

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 7

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 14

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 21-25**

Week 15 - November 28

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

**Final Exam – Tuesday, December 13 – 8:00am – 11:00am (Comprehensive Exam)**