

**POLS 4730**  
**Criminal Law**  
**Fall Semester 2023**

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**Instructor:** Dr. John Newton  
**Email:** jmnewton@uga.edu  
**Phone:** 706.542.2778  
**Office:** 372 Baldwin Hall

**Class time and location:** MWF 8:00-8:50am Baldwin Hall Room 102

**Office hours** After class and by appointment.

**Primary text:** Dressler, Joshua and Stephen Garvey. *Cases and Materials on Criminal Law* (Ninth Edition). West Publishing, 2022. (ISBN 978-1-64708-770-8).

**15% Student Discount:**

Students can save **15%** when they purchase their book directly from us at [www.westacademic.com](http://www.westacademic.com) by using the Discount Code: **HESTUDENT**. The discount code can be applied to both print books and eBooks. Students who purchase their print books on the West Academic store receive free ground shipping and instant 14-day digital access to most casebooks while their book ships.

**Optional Text:** Dressler, Joshua. *Understanding Criminal Law* (Ninth Edition). Carolina Academic Press, 2022. (An older edition would probably work well and be much cheaper, but this is an excellent book!).

**Course description:** This class is an introduction to criminal law. The primary text is a case book. This means the readings are mostly cases which provide examples of the concepts of Criminal Law. The class focuses on concepts although we will discuss a few specific crimes such as homicide, rape, and theft. A few (not many) readings will 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. The opportunity to observe the local DUI Court will be provided for extra credit.

**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.**

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**Grades**

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

**Extra Credit:**

- **DUI Court:** There will be a limited number of spots for you to sit through Judge Auslander's DUI/Drug Court. To receive credit, you must attend the court session and write a reaction paper of up to 5 pages. The sign-up is under the groups section on ELC. Please see the longer explanation on ELC.
- A limited number of **presentations** will be available for students to present cases to the class. These will be announced and awarded in class. Participating students get 2 points toward a quiz grade. This is great experience briefing a case and presenting it.

*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.

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**Emergencies:** In case of an emergency during class, we will take the following action:

- **Fire:** We will exit the building and reconvene in the cemetery. We will make sure everyone accounted for and then dismiss class.
- **Tornado/Severe Weather:** We will move to the lowest floor in the building and shelter until it has passed. In Baldwin Hall the shelter location is near the vending machines on the first floor
- **Medical Emergency:** One person will be designated to meet EMS outside the building and guide them to our location. If an AED is needed, it is located on the first floor near room 101D.
- I encourage you to download the UGA Safe app. You can get more information at <https://prepare.uga.edu/uga-safe/>.

**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: <https://uga.edu/honesty>. Lack of knowledge of the academic honesty policy is not a reasonable explanation for a violation. Please ask if you have any questions.

Unless explicitly stated, artificial intelligence based technologies such as ChatGPT, Bard, and other similar tools are not allowed to be used in this class. Use of such technology will be considered academic dishonesty.

**Attendance:** Attending class should greatly help you grasp the concepts presented in this class. I will take roll regularly to help me better get to know you and have a record of class attendance. Please see above under grading to understand how attendance can enhance your grade.

**Important Dates:**

Drop/Add ends Tuesday, August 22

Labor Day Break - No class Sept 1, No class Sept 4

Quiz 1 – September 15

Midterm – October 6

Withdrawal Deadline – Monday, October 23

Fall Break - Friday, October 27

Quiz 2 – November 17

Thanksgiving Break: November 22-24

Last Day of Class – Tuesday, December 5

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

**Resources:**

Disability Resource Center – <https://drc.uga.edu>

Academic Support - <https://dae.uga.edu/>

Financial Hardship - <https://financialhardship.uga.edu/>

UGA Well-being – <https://well-being.uga.edu>

UGA Involvement Network - <https://uga.campuslabs.com/engage/>

Georgia Museum of Art - <https://georgiamuseum.org/>

Study Away - <https://web.oge.uga.edu/studyaway/home>

**Preferred Name and Pronouns**

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If I call you by the wrong name, mispronounce your name, or otherwise do not refer to you in the manner that you would like, please correct me. My pronouns are he, him, and his. As a student in the class, it is appropriate to refer to me as Dr. Newton.

**Email/Contact Etiquette**

Even though you have likely done many wonderful and incredible things, I only know you by our interactions. For that reason, it is a good idea to be respectful in our communications. Here are my suggestions:

- Please email me from your UGA email address. This helps me know who you are and connect you with this class.
- Please do not email me through ELC. I have missed those emails in the past and I am afraid I might not see your email. It is best to email me from your UGA email account.
- Please understand that I may post your email and my response on ELC. I started this practice because many students have similar questions. I don't post every email on ELC, because the email may not pertain to class questions. If you email me with questions about tests, what we are supposed to be reading, about concepts or anything we are learning – I may post your question and my reply to benefit others in the class.
- It is best to be respectful of everyone. You never know when that may come in handy for a recommendation, a suggestion, or something else. Talk to other people in the class (and in all your classes). Take a moment to say something nice to someone and be supportive of each other. We are stronger together.
- Please understand that I am a mandated reporter. If you share information about sexual assault, violence, or other incidents, it is likely that I am bound by law to report those incidents. Counseling and other resources are available through Relationship and Sexual Violence Prevention - <https://healthpromotion.uga.edu/rsvp/>. The RSVP resources include confidentiality.

**Fall 2023 Readings Schedule**  
**\*\*Expect Changes\*\***

Week 1- August 16

Dressler, pp. 1-29:

Nature, Sources, and Limits of the Criminal Law

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, 31-53

Principles of Punishment: Introduction & Initial Thoughts

A. Theories of Punishment

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Kent Greenawalt - Punishment  
Jeremy Bentham - An Introduction  
Kent Greenawalt - Punishment (utilitarian)  
Michael Moore - The Moral Worth of Retribution  
Immanuel Kant – The Philosophy of Law  
Jean Hampton – The Retributive Idea  
(Note – you can omit pp. 46-50 as we will not cover those readings)

Penal Theories in Action, pp. 53-64  
The Queen v. Dudley and Stephens  
People v. Superior Court  
People v. Du

Week 2 – August 21

Dressler, pp 75-93  
Constitutional Principles  
*Coker v. Georgia*  
*Ewing v. California*

pp. 109- 131  
Principles of Legality  
*In Re Banks*  
*Desertrain v. City of Los Angeles*

Statutory Interpretation  
*Muscarello v. United States*

Optional Reading on ELC – We may discuss as time permits:  
*Papachristou v. City of Jacksonville*

Week 3 – August 28

Dressler, pp. 133 - 159  
Actus Reus  
*Martin v. State*  
*State v. Utter*  
*People v. Beardsley*  
*Barber v. Superior Court*

Week 4 – September 4

**No class on September 4**

Dresler, pp. 161- 185  
Nature of Mens Rea  
*United States v. Cordoba-Hincapie*  
*Regina v. Cunningham*

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*People v. Conley*  
Model Penal Code Approach  
Knowledge of Attendant Circumstances  
*State v. Nations*  
Problems with Statutory Interpretation  
*State v. Miles*

Dressler, pp. 185-230 (strict liability & Mistake)  
*Morissette 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. 231-255 (causation)  
*Velazquez v. State*  
*Oxendine v. State*  
*People v. Rideout*  
*Velazquez v. State*  
*State v. Rose* (concurrency)

**Quiz 1 – September 15**

Week 6 – September 18

Homicide:  
Dressler, pp 257-274  
Homicide Statistics  
Common Law Origins and Reform  
Sample Statutes

Pp. 281-300  
*State v. Guthrie*  
*Midgett v. State*  
*State v. Forrest*  
*Girouard v. State*

Reasonable Person, pp. 305-311

Dressler, pp. 324-333  
Unintentional Killings: Unjustified Risk Taking: Introduction: A Road Map  
*People v. Knoller*

Dressler, pp. 342-373  
Felony Murder  
*People v. Fuller*

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The Policy Debate  
In Defense of the Felony Murder Doctrine  
*Fisher v. State*  
*People v. Smith*  
*State v. Sophophone*

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

Week 7 – September 25

Sexual Assault  
Dressler, pp 439 456  
*State v. Alston*  
*Rusk v. State*  
*State v. Rusk*

460-496  
*Commonwealth v. Berkowitz*  
*M.T.S.*  
*Boro v. Superior Court*  
*Commonwealth v. Lopez*

*Garnett v. State* (read the case starting on p. 201 and the notes in this section)

pp. 507-513  
Categories of Defenses

pp. 524-572  
*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. 580-588  
Defense of Habitation  
*State v. Boyett*

Dressler, pp. 589-605 (necessity, excuse, duress, intoxication)  
*Nelson v. State*  
ALI, Model Penal Code  
*State Ex Rel. Haskell v. Spokane County District Court*

Duress  
pp. 617-645  
*United States v. Contento-Pachon*  
*People v. Unger*

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*People v. Anderson*  
*United States v. Veach*

**Mid-term – October 6**

Week 9 – October 9

Dressler, pp. 645-651  
Insanity - Competency to Stand Trial  
Pre-trial Assertion  
Burden of Proof  
Post-Trial Disposition

651-666  
*United States v. Freeman*  
*State v. Johnson*  
ALI, Model Penal Code

678-682  
*Yates v. State*  
Should the defense be abolished?

Week 10 – October 16

Diminished Capacity & Infancy  
pp. 690-713  
*Clark v. Arizona*  
*In Re Devon T*

pp. 733-747  
*Robinson v. California*  
*Powell v. Texas*

Week 11 – October 23

Attempt  
Dressler, 773-785  
*People v. Gentry*  
*Bruce v. State*  
*United States v. Mandujano*  
An Initial Effort at Drawing the...

pp. 788-790  
*People v. Rizzo*

pp. 802-822  
*People v. Thousand*  
*Commonwealth v. McCloskey*



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**No Class on October 27 for Fall Break**

Week 12 – October 30

Conspiracy pp. 831-853

*People v. Carter*

*Pinkerton v. United States*

*People v. Swain*

*People v. Lauria*

*Commonwealth v. Azim*

pp. 859-871, 873-878

*People v. Foster*

*Kilgore v. State*

*Lannelli v. United States*

Dressler, pp. 883-891

Offenses with “A Large Inchoate Aspect”

*Major v. State*

Week 13 – November 6

Dressler, pp. 893-904 (accomplice)

*State v. Ward*

*State v. Hoselton*

Mens Rea: Intent: Purpose or Knowledge

*People v. Lauria*

911-917

*State v. Linscott*

*State v. V.T.*

926-927

A Special Problem: Mutual Combat

pp. 932-937

*United States v. Lopez*

*People v. McCoy*

Week 14 – November 13

Dressler, pp 965-995 (Theft)

*Lee v. State*

*State v. Jones*

*United States v. Mafnas*

*Topolewski v. State*

*Rex v. Pear*

*Brooks v. State*

*Lund v. Commonwealth*

*People v. Brown*

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*People v. Davis*

Dressler, pp. 995-1013 (embezzlement)

*Rex v. Bazeley*

*People v. Ingram*

*People v. Whight*

*United States v. Czubinski*

**Quiz 2 – November 17**

**Thanksgiving Holiday – November 22-25**

Week 15 - November 27 Dec 4,5

Catch-up/Review

Burglary

Robbery

*Bowers v. Hardwick* (ELC)

*Lawrence v. Texas* (ELC)

Entrapment (ELC)

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