Paul Litton  
Associate Dean  
R.B. Price Professor of Law  
312 Hulston Hall  
882-6488  
littonp@missouri.edu

CRIMINAL LAW §1  
Spring 2018

Texts

Required: Cases and Materials on Criminal Law 6th ed., Dressler & Garvey  
(please note: the book does have a 7th edition. However, I’ve ordered the 6th edition  
because it’s less expensive)

Highly recommended: Understanding Criminal Law, Joshua Dressler (any  
edition)

Policies and Procedures

Grades, attendance, and participation: Final grades will be determined primarily  
by a final examination, administered at the law school. Attendance is also required. I  
come to class planning to call on a group of students, and if you are not in attendance  
when called upon, it will be noted (as it will be if you are unprepared). I reserve the right  
to adjust each student’s grade up to two points in either direction based on preparedness  
and quality of participation.

Classroom policy for laptops and other electronic devices: Neither laptops nor  
other electronic devices may be used during class. Because web surfing, emailing, and  
other uses of laptops becomes distracting for students sitting near someone engaged in  
such activities, use of laptops and other electronic devices is not permitted for class. On  
the bright side, psychological research shows that taking notes by hand results in better  
long-term comprehension than does note-taking on a computer. If you have a legally  
recognized disability that requires reasonable accommodation, please see the next  
paragraph.

Learning Outcomes: In compliance with Standard 301(b) of the American Bar  
Association’s Standards and Rules of Procedure for Approval of Law Schools, the  
following statement reflects the learning outcomes for this course.

Criminal Law focuses primarily on the substance of criminal prohibitions. We will study  
both the general part of the criminal law (common law principles that continue to operate  
as part of criminal statutes) and specific crimes. In this course, students will:

• become familiar with the general part of criminal law doctrine (e.g., mens rea, actus  
reus, causation);
become familiar with common statutory definitions of the most important crimes against persons and property (e.g., homicide crimes, theft crimes, sexual assault crimes), as well as defenses (e.g., justifications and excuses);

become familiar with the basic justifications offered for the criminal law and how these justifications are relevant to policy disputes and legal interpretation;

become familiar with the basic tools judges and lawyers use to interpret statutes;

consider demands of professional ethics as well as other professional challenges in different criminal law contexts.

gain knowledge useful for success on the Criminal Law portion of the bar examination;

engage in legal analysis of facts, applying relevant rules, construct arguments, respond to counterarguments;

consider how they might advise a client in light of the client’s circumstances and relevant legal rules.

**Academic integrity:** Academic integrity is fundamental to the activities and principles of a university. All members of the Law School community must be confident that each person’s work has been responsibly and honorably acquired, developed, and presented. Any effort to gain an advantage not given to all students is dishonest, whether or not the effort is successful. The Law School community regards breaches of the academic integrity rules as extremely serious matters. Sanctions for such a breach may include grade sanctions (up to and including failing the course) and disciplinary sanctions ranging from probation to expulsion. I encourage you to make sure that your work in this and other courses complies in all respects with the Law School’s Honor Code. If you have any question regarding whether your conduct complies with the Honor Code, you should contact me for clarification.

**Disabilities:** If you anticipate barriers related to the format or requirements of this course, if you have emergency medical information to share with me, or if you need to make arrangements in case the building must be evacuated, please talk with Dean Mitchell or Denise Boessen as soon as possible.

If disability related accommodations are necessary (for example, a note taker, extended time on exams, captioning), please register with the Office of Disability Services (http://disabilityservices.missouri.edu), S5 Memorial Union, 573-882-4696, and then contact Dean Wells or Denise Boessen, who will notify me of your eligibility for reasonable accommodations. For other MU resources for students with disabilities, click on "Disability Resources" on the MU homepage.
**Intellectual Pluralism:** The School of Law community welcomes intellectual diversity and respects student rights. Students who have questions concerning the quality of instruction in this class may address concerns to either the Dean or Director of the Office of Student Rights and Responsibilities (http://osrr.missouri.edu). All students will have the opportunity to submit an anonymous evaluation of the instructor at the end of this course.

**Statement on University of Missouri System Executive Order #38:** University of Missouri System Executive Order No. 38 lays out principles regarding the sanctity of classroom discussions at the university. The policy is described fully in Section 200.015 of the Collected Rules and Regulations. In this class, students may not make audio or video recordings of course activity, except students permitted to record as an accommodation under Section 240.040 of the Collected Rules. All other students who record and/or distribute audio or video recordings of class activity are subject to discipline in accordance with provisions of Section 200.020 of the Collected Rules and Regulations of the University of Missouri pertaining to student conduct matters.

Those students who are permitted to record are not permitted to redistribute audio or video recordings of statements or comments from the course to individuals who are not students in the course without the express permission of the faculty member and of any students who are recorded. Students found to have violated this policy are subject to discipline in accordance with provisions of Section 200.020 of the Collected Rules and Regulations of the University of Missouri pertaining to student conduct matters.

**Reading assignments:** Below you will see a basic outline of the course and the pages we will read for each topic. I will post each week’s reading assignment through TWEN (on the course’s calendar) by Friday of the prior week. *(Please sign up for the TWEN site).* For each assignment, **you are also responsible for the accompanying Model Penal Code sections referenced in the readings** (the Model Penal Code is located at the back of the casebook). **The reading assignment for the first week is on the TWEN site calendar.**

**Rough outline of class schedule and assigned pages**

Class 1: Introduction: Setting the stage: pp. 1-18

Classes 2-3: Principles of Punishment:
- Theories of Punishment: pp. 29-43
- Penal theories in action: pp. 49-60 (notes 1-6 only); 81-90

Classes 4-6: Modern role of criminal statutes:
- Principle of legality: pp. 92-105; pp. 105-119
- Statutory interpretation: pp. 119-126

Classes 7-8: Actus reus: pp. 127-142; pp. 147-148
Classes 9-13 Mens rea
- Intro; Intent: pp. 149-159
- Model Penal Code: pp. 159-164
- Wilful blindness: pp. 164-168
- Statutory interpretation: pp. 169-174
- Strict liability: pp. 175-184 (only notes 1-3); pp. 185-192
- Mistake of fact: pp. 193-197
- Mistake of law: pp. 197-211

Class 14-15: Causation: Actual and proximate causation: pp. 214-227 (thru note 9)

Classes 16-22: Homicide
- When intentional killing is murder: pp. 235-238; 254-265
- When intentional killing is voluntary manslaughter: pp. pp. 265-272; 276-284; 284-291
- Unintentional killings (murder, invol. manslaughter): pp. 294-307
- Unintentional killing: felony murder: pp. 308-310; 318-334
- Capital punishment: pp. 338-48 (through note 5)

Classes 23-26: Rape: pp. 397-446


Classes 29-33: Justifications
- Self-defense: pp. 461-464; 478-491; 491-505; 512-529
- Defense of others/habitation/property: pp. 534-541
- Necessity: pp. 541-48

Classes 34-36: Excuses: readings TBD
- Duress
- Intoxication
- Insanity
- Diminished capacity

Classes 37-40: Inchoate offenses: readings TBD
- Attempts
- Assault
- Solicitation
- Conspiracy

Classes 40-41: Accomplice liability: readings TBD

Class 42: Wrap-up