

Criminal Law
 Professor Lynn Branham
 Spring Term, 2024

Wednesday, Thursday, and Friday
 10:30 – 11:40 a.m.
 Room 6

SYLLABUS

CLASS DATE	PAGES	TOPICS
January 17	3 – 10	The Scope and Purposes of Criminal Law
January 18	16 (<i>Johnson v. State</i>) – 20 22 (§ B) – 26 31 – 36	The Scope and Purposes of Criminal Law Criminal v. Civil Law
January 19	Podcast (“The Overlooked Victim Right . . .”)*	Restorative Justice
January 24	125 – 136	The “Act Requirement”
January 25	137 – 143 159 – 170 (up to note 5) 171 (note 8) – 172	The “Act Requirement” Mens Rea
January 26	173 – 184	Mens Rea
January 31	187 – 200	Mistake of Fact Mistake of Law
February 1	211 – 225 234 – 239 (up to note 1) 239 (note 2) – 241 (up to note 4)	Mistake of Law Intoxication Strict Liability
February 2	262 269 (MPC) – 274	Homicide
February 7	275 – 286	Homicide
February 8	288 – 308 (up to note 13)	Homicide
February 9	308 (note 13) – 324	Homicide

* Resource or link to resource posted on Canvas

February 14	327 – 347	Homicide
February 15	347 – 365	Homicide
February 16	365 – 375 435 – 444 (up to note 7)	Homicide Rape
February 21	Susan Estrich, <i>Teaching Rape Law</i> * 447 – 469 (up to note 2)	Rape
February 22	469 (note 2) – 481 (up to note 10) 483 – 494	Rape
February 23	494 – 513 (up to note 10) 520 – 522 (note 14)	Rape
February 28	522 – 529 (up to note 4) 534 – 537 (up to note 2) 543 (note 5) 544 – 545 (note 7) 559 – 560 (<i>State v. Carswell</i>) 562 – 563 (note 3)	Rape Larceny
February 29	563 (<i>Brooks v. State</i>) – 567 (up to note 3) 568 (note 5) 571 – 573 (up to note 2) 574 (note 3) – 577 (up to note 2)	Larceny
March 1	601 – 610 614 (note 2) – 616 (up to note 5) 590 – 595 (up to note 2)	False Pretenses Embezzlement
March 6	PRACTICE ESSAY EXAMINATION 622 – 625	Consolidated Theft Statutes
March 7	627 – 633 (up to note 7) 683 – 693	Robbery Burglary
March 8	735 – 747 (up to note 5) 1137 – 1138 (MPC § 5.01) 752 – 757 (up to § 4)	Attempt
March 13	757 – 773 (up to note 10)	Attempt

* Resource or link to resource posted on Canvas

March 14	774 – 780 (up to note 10) 783 – 789 792 – 793 (note 1)	Solicitation Accomplice Liability
March 15	793 (note 3) – 800 (up to note 2) 802 (note 5) – 804 811 (§ D) – 815 1115 – 1116 (MPC § 2.06)	Accomplice Liability
March 20	825 – 836 (up to note 3) 837 (note 4) – 839 (up to note 6) 840 – 848 (up to note 4) 850 – 852 (up to note 3) 865 (§ 3) – 870	Conspiracy
March 21	853 – 858 (up to § 2) 695 – 700 (up to notes) 709 (§ b) – 712	Conspiracy Causation
March 22	714 (<i>Stephenson</i>) – 718 (up to note 4) 718 (<i>State v. Bauer</i>) – 720 723 – 726 (up to note 3)	Causation
	SPRING BREAK	
April 3	883 – 898	Self-Defense and Defense of Others
April 4	898 – 911 (up to note 5)	Self-Defense
April 5	911 (note 5) – 923	Self-Defense
April 10	923 – 930	Defense of Home and Property
April 11	943 – 947 950 (note 4) – 965	Necessity
April 12	969 – 981 (up to note 9)	Duress
April 17	986 – 992 (up to note 2) 995 – 1005 (up to note 2)	Entrapment
April 18	1018 – 1034	Insanity

April 19	1051 (note 5) – 1063	Insanity
April 24	REVIEW	
April 25	REVIEW	
April 26	REVIEW	

LEARNING OBJECTIVES AND OUTCOMES: By the end of this course, students will

- know what are considered the principal purposes of criminal law.
- understand basic rules of criminal law, including the act requirement, mens rea, causation, the elements of core crimes, and affirmative defenses.
- comprehend key distinctions between the common law’s and Model Penal Code’s definitions of certain core crimes.
- know how to decipher and apply criminal-law statutes, including those that follow neither the common law nor the MPC approach to a crime.
- be able to identify, articulate, and critique the rationales for different rules of criminal law.
- be able to apply the legal rules learned in this class to new fact patterns – to spot the legal issues subsumed in a set of facts, identify, make, and rebut arguments on the resolution of a legal issue, and pinpoint the relevant facts bearing on an issue’s resolution.
- have honed skills in active listening and self-evaluation and in proffering and responding to views and arguments on controversial issues with civility, dignity, and respect.

CLASS POLICIES:

Attendance and Preparation. It is my privilege to have the opportunity to work with you this term as you master certain fundamentals of the law of criminal law. To enhance the learning experience I hope this class will afford you and to assist in the development of your analytical abilities, all students are expected, of course, to attend class and be fully prepared for class discussions. Students should consequently read all the material assigned for a class unless otherwise instructed.

I fully recognize that a student may not be able to attend a class because of an illness, job interview, or family crisis or for another legitimate reason. It is not necessary that you inform me of the reason for an absence, though you certainly may if you wish. If you do miss a class, please secure notes of the class from three fellow students. And please note that because of the interactive nature of this class, I do not tape classes.

I have typically found my students to be enthusiastic learners who are well prepared for class. In the unlikely event that a student misses more than three classes or is not adequately prepared for class, I may

meet with the student and procure feedback from Associate Dean Ben Trachtenberg. Based on the feedback I receive from him and the student, I will then determine what follow-up measures, if any, need to be taken. Examples of measures that might be deemed appropriate under the circumstances include enlisting the support services available at the law school or main campus, reducing a student's grade in the course, or encouraging or requiring a student to drop the course for that term.

Course-Related Materials Prepared By Others. No course-related full or partial outlines or transcripts prepared by other students, transcribed copies of such outlines or transcripts, or commercially prepared materials other than your casebook are allowed in the classroom, whether in print or electronic form.

Computer Use. Computers and other electronic devices brought into the classroom should be used during class sessions only to take notes and to retrieve notes you have prepared to facilitate your participation in class discussions. Audio or video recordings of the class are not permitted, except when a student has received permission to record the class as an accommodation under section 240.040 of the university's *Collected Rules and Regulations*. Although I am sure that students will respect these and other class policies, it is important to remember that a violation of them could trigger the imposition of disciplinary sanctions.

BOOKS: The casebook we will be using during this course is *Criminal Law: Cases and Materials* (4th edition, 2017). The authors of the book are Professors Saltzburg, Diamond, Kinports, Morawetz, and Little, and the book is published by Carolina Academic Press.

After you have read about a criminal-law topic and we have discussed that topic in class, I encourage you to read a supplementary resource to buttress your understanding of the topic. I recommend either one of the following two books for this purpose: (a) Joshua Dressler, *Understanding Criminal Law* (9th edition, 2022), which is published by Carolina Academic Press or (b) Wayne LaFave, *Criminal Law* (Hornbook Series) (6th edition, 2017), which is published by West Academic Publishing.

EXAMINATION: The examination in this course, which will be held at the end of the term, will be closed book/closed computer.

CONTACT INFORMATION AND OFFICE HOURS: My office is in Room 311, and my email address is lynnbranham@missouri.edu.

My office hours are on Wednesdays from 3:30 to 5:30 p.m. and on Thursdays from 3:00 to 5:00 p.m. If you cannot meet with me at any of these times, I would be happy to meet with you at another mutually convenient time, confer via Zoom or FaceTime, or have a teleconference with you. It would be helpful if you could give me advance notice if you would like to meet with me so that I can reserve that time for you. Thank you.

NOTICE TO STUDENTS WITH DISABILITIES: If you anticipate barriers related to the format or requirements of this course, have emergency medical information to share, or need to make special arrangements in case the building must be evacuated, please talk with Dean Trachtenberg or Denise Boessen, the school's registrar, as soon as possible. If disability-related accommodations are necessary, please register with the Office of Disability Services (<http://disabilityservices.missouri.edu>), S5 Memorial Union, (573) 882-4696, and then contact Dean Trachtenberg 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.