**Criminal Law Assignments**

***Introductory Note for Professors*: What follows is a breakdown of reading assignments for the entire casebook. The entries are designed for class sessions that last approximately 90 minutes, which is frequently the case in schools that teach Criminal Law as a three-credit offering with two class meetings per week. Adjustments would have to be made if a course meets for an hour three times per week, or in two-hour blocks.**

**The first assignments are fairly short, reflecting the introductory portion of the course when students are first getting a feel for the material. Also, Criminal Law is frequently taught in the first year, and at some schools in the first semester, so the progress will be even slower at the beginning as students adjust to the demands of law school.**

**Chapter Seven is unique among Criminal Law casebooks by providing an introduction to evidentiary issues that arise in a criminal case. The Chapter can be taught separately, or portions of it can be integrated to give the students an understanding of how the evidence is developed and used in a criminal case. It is somewhat artificial to separate out related areas of the law into different courses, such as Evidence and Criminal Law, but we don’t have unlimited time (or student attention) to treat all the important issues in a single course. I have found that this Chapter works very well when portions of it are used to highlight how the evidence rules and analysis play out in the criminal law. Thus, you will see reading assignments that incorporate portions of chapter Chapter Seven.**

**In some of the later assignments, I note where material can be dropped if the professor is not interested in the topic or the demands of limited time require some material to be skipped. It is impossible to cover the entire casebook in a three-credit class, and probably unattainable even in a four-credit offering. So, something has to give, and I’ve tried to note where some materials can be dropped for the sake of getting through the course. As a general matter, some faculty prefer to spend more time on the crimes and less on the defenses, while others prefer to discuss the defenses in greater detail. There is plenty of material here to satisfy almost any predilection.**

**Peter Henning**

All assignments are to Podgor et al., Criminal Law: Concepts and Practice (2d ed. 2008). A brief review of the procedural steps in a criminal prosecution can be found on pages 47-49 of the casebook, and you should refer to this when you have a question regarding the procedural posture of a case.

**Introduction to the Criminal Law**

*Pre-Class Reading*: 47-49 (outline of the criminal process)

*Punishment*: 1-17 (Problems One, Two and Three)

*Federal Sentencing & the Death Penalty*: 18-42

**[Charging and Punishing: Case Study One 42-44] (*For those Professors who like to do a case study at the beginning, this one presents the Jena Six scenario as a means to examine prosecutorial charging practices and punishment issues.*)**

*Interpreting Criminal Statutes*: 49-66 (Problem Four)

*Constitutional Limitations*: 66-79 (Problem Five and Case Study Two

**The Elements of a Crime**

*The Criminal Act I*: 81-92 (Problem Six)

*The Criminal Act II*: 92-101 (Handout Problem – See **Appendix One [attached]**)

*The Range of Intents*: 103-120

*Proving Intent*: 121-135 (Problems Seven and Eight); 244-249

*Non-Intent Intents*: 135-153 (Problems Nine, Ten, and Eleven)

*Mistakes and Intent*: 154-172 (Problem Twelve and Case Study Three)

*Causation*: 173-195 (Problems Thirteen and Fourteen)[[1]](#footnote-1)

*Proving the Crime:* 197-211 (Problems Fifteen and Sixteen); 229-233

*The Role of the Jury and Federal Jurisdiction*: 211-227 (Problem Seventeen); 259-260

**Specific Offenses: Murder, Rape, and Theft**

*Murder*: 275-298 (Problem Twenty-Two)

*Unintentional Killings*: 298-317 (Problems Twenty-Three, Twenty-Four, and Twenty-Five)

*Felony-Murder*: 317-335 (Problem Twenty-Six)

*Common Law Rape and the Nature of Consent*: 337-371 (Problems Twenty-Seven and Twenty-Eight)

*The Strategy of Prosecuting and Defending Rape Cases*: 371-386 (Case Study Five)

*Larceny*: 387-405 (Problem Twenty-Nine)

*Related Theft Offenses*: 406-426 (Problems Thirty, Thirty-One, and Thirty-Two)

**Inchoate Offenses**

*Attempt*: 427-447 (Problems Thirty-Three and Thirty-Four)

*The Outer Limits of Attempt Liability*: 447-463 (Problems Thirty-Five, Thirty-Six, and Thirty-Seven)

*Solicitation and Conspiracy*: 465-488 (Problems Thirty-Eight and Thirty-Nine)

*Scope of Conspiracy Liability*: 488-509 (Problems Forty and Forty-One); [*For the sake of brevity, a Professor may assign 504-509 as background just to ensure the students know what the Pinkerton Rule means*]

*Accessory Liability*: 511-533 (Problem Forty-Three and Case Study Six)

**Defenses**

*The Scope of Defenses*: 535-558 (Problem Forty-Four)

*Justification and Excuse*: 558-569 (Problem Forty-Five)

*The Scope of Self-Defense*: 571-594 (Problems Forty-Six)

*Battering; Defense of Others and Property*: 595-621 (Problems Forty-Seven, Forty-Eight, and Forty-Nine). [*A Professor can also do arrest, pages 621-627 and Problem Fifty)*]

*Necessity and Duress*: 629-647 (Problems Fifty-One and Fifty-Two)

*Entrapment*: 649-665 (Problem Fifty-Three)

*Competency, Insanity, and Diminished Capacity*: 667-696 (Problems Fifty-Four and Fifty-Five) [*This is a long assignment, and competency or diminished capacity can be dropped to shorten it.*]

*Intoxication*: 697-715 (Problem Fifty-Six)

*Summary/Final Class*: 715-717 (Case Study Seven) [*This Case Study is designed as a way to cover a number of topics from the course and can serve as a capstone problem.*]

**Appendix One**

**Additional Problem for Criminal Act II Class**

West Bloom Estates, a tony suburb, adopts a statute providing as follows: *A person commits a violation if he loiters or prowls in a place, at a time, or in a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity.* One evening around 10:30 p.m., an officer drives past three teenagers who are talking on a residential street corner in West Bloom Estates while huddled close together; according to the officer, they appeared to be looking at a house near the corner. When the officer drove by again five minutes later, the three teens were standing in front of the second house from the corner where they had been standing earlier. The officer stopped and asked the three teens what they were doing. One replied, Talkin ya know just hangin out. The officer said, OK, dont make any noise, and drove off. Five minutes later, the officer drove down the street again and, when he passed under a streetlight about block from where the three teens were still standing, two of them looked at the car and immediately began walking in different directions. As the officer approached, the third teen began walking away from the police car. The officer asked the teen, Where do you think youre going?, but the teen did not respond and continued walking. The officer ordered the teen to halt, and then placed the teen under arrest, calling for another officer to take custody of the teen. The officer then drove around the neighborhood and, three blocks away, spotted one of the other two teens crouched next to a parked car. The officer placed that teen under arrest, and a search revealed a one-foot crow-bar in the teens jacket sleeve. The third teen was not located. The two teens are charged with violating the municipal law, and their attorneys file a motion to dismiss. What arguments will the defendants make to dismiss the charge, and how will the prosecutor respond?

**Analysis:**

Prosecutor: Identify the elements of the crime; what is your THEORY of liability, and how will you prove it? What is the ACTUS REUS of the offense? Loitering is harder to prove.

Defense: Loitering does NOT require proof of an actus reus, and it is unconstitutionally VAGUE what is the ACT prohibited by the statute? The statute makes loitering a type of STATUS crime that is unconstitutional in violation of *Robinson.*

**Query: Doesnt the presence of the crow-bar show they were going to rob? Could you charge attempted burglary (this will come later)? Can the acts of one defendant be attributed to another? Is one teen the AGENT (or accomplice) of another? This will be discussed later in the course, but the issue can be highlighted now.**

1. The issues in the Causation chapter relate primarily to murder cases, so some Professors may prefer to do this chapter in conjunction with the Homicide chapter. [↑](#footnote-ref-1)