

CONCEPTS OF CRIMINAL LAW

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**Office Hours: Tuesday 12:30-5:30**

**Catalog Course Description:**

Historical development of philosophy of law and constitutional provisions, legal definitions, classification of crime, case law, methodology, and concepts of criminal law as a social force.

No prerequisites.

**Course Objectives:**

1. To understand the theories of the criminal law.
2. To trace the development of American criminal law and the common law/statutory distinction.
3. To distinguish between tort and crime.
4. To understand the general principles of criminal culpability.
5. To understand justifications, defenses, and excuses.
6. To distinguish between crimes against persons and crimes against property.

**Course Requirements:**

Required Text: Joel Samaha, **Criminal Law, 7th ed.** Since there are major changes between this edition and earlier editions of this textbook, you will need to get the 7th edition, the earlier editions are not current and the page numbers for assignments will not match earlier editions. It is available in the bookstore

Reading Assignments: Please complete all reading assignments before the class in which they are to be discussed. All tests, class discussions, and the final exams will be based on these readings. There will not be a large number of pages to read for each class, but students will be expected to know them well.

Testing and Evaluation: There will be six in-class tests during the course periods and a final exam at the final exam time that has been assigned by the university on Tuesday, December 17<sup>th</sup> at 9:45 am. Of the six in-class tests, each student may either miss one test or have the lowest test score dropped from the course grade calculation. These in-class tests will be administered approximately every second week of the semester. The precise dates of these in-class tests is not specified in advance in order to encourage class attendance and also to permit flexibility in the students' progress through the course material. Class participation may also be taken into account in the final grading to the extent of one half-grade upward or downward. The total of the five in-class tests that will count for each student will equal 60% of the final grade. The final exam will count for 40% of the final grade. The in-class tests and the final exam may cover anything discussed in class as well as the assigned readings up to that point in the course.

Class Discussion: Prepare be prepared to discuss everything in the reading assignments.

### **Schedule of Assignments:**

- August 27: Getting started; an introduction to the course, the professor and the textbook (please bring your textbook to this class and to every subsequent class).
- August 29: Nature and Purposes of Criminal Law; Samaha Chapter 1.
- September 3: Constitutional limits: vagueness, Samaha, Chapter 2.
- September 5: Constitutional limits: equal protection and free speech, Samaha Chapter 2.
- September 10: Constitutional limits: privacy, Samaha Chapter 2.
- September 12: Constitutional limits: cruel and unusual punishment, Samaha Chapter 2.
- September 17: Actus Reus: The principle of action: voluntary action and status; Samaha Ch. 3.
- September 19: The principle of action: omissions as acts, Samaha Chapter 3.
- September 24: The principle of action: Possession as an act, Samaha.
- September 26: Mens Rea: The principle of intention: purposely, knowingly, recklessly, negligently, and accidentally, Samaha Chapter 4.
- October 1: Mens Rea continued.
- October 3: Causation,; Samaha Chapter 4.
- October 8: Parties to Crime: before, during, and after crime; Samaha Chapter 5.
- October 10: Parties to crime: vicarious liability; Samaha Chapter 5.
- October 15: Uncompleted crimes: mental and physical elements of attempt; Samaha, Ch. 6.
- October 17: Uncompleted crimes: impossibility and abandonment; Samaha Chapter 6.
- October 22: Conspiracy and solicitation; Samaha Ch. 6.
- October 24: Justification: self-defense; Samaha Chapter 7.
- October 29: Justification: defense of home and consent, Samaha Chapter 7.
- October 31: Justification: resisting arrest, Samaha, Chapter 7.
- November 5: Excuses: insanity, Samaha Chapter 8.
- November 7: Excuses: age and syndromes, Samaha Chapter 8.
- November 12: Criminal homicide: the meaning of death; Samaha Chapter 9.

November 14: Criminal homicide: murder; Samaha Chapter 9.

November 19: Criminal homicide: manslaughter; Samaha Chapter 9.

November 21: Assault, Battery, Criminal sexual conduct; Samaha Chapter 10.

November 26: Crimes against Habitations: Burglary and Arson; Samaha Ch. 11.

December 3: Crimes against Property: Larceny and Robbery; Samaha Ch 12.

December 5: Summing Up.

December 10: Review.

December 17: Final Exam.