

CRIMINAL LAW READING ASSIGNMENTS

Professor Humbach

August 2022
5022530

Casebook (required): DRESSLER & GARVEY, CRIMINAL LAW (9th ed., 2022)

* * * * *

Important: Class preparation is essential. It may affect your grade if, on three or more occasions, you are not present or not prepared when called on, *or if you ask to not be called on.*

BEFORE you buy your book, see important note at end concerning the Partial Open Book exam.

Read the following pages of the casebook, including the problems that follow the cases, except as indicated. Also, be ready to answer the questions in the “Readings” for the day’s assignment. The “Readings” will be posted on Criminal Law Course WebPage (link at my website, humbach.com) as they are produced. The point of these questions in the “Readings” is to help you prepare for class and to highlight the main points in the readings,

- Initially, we will average about 3 of the following “readings” every 2 weeks.
- References to “MPC” mean the Model Penal Code, which begins on p. 1015 of your casebook.

Reading # 1 **Introducing Criminal Law; Principle of “Legality”**
pp. 3-9 (begin with note 2 and **stop** at bottom of p. 9) [background only]
pp. 95-115 (*Mochan; Keeler; Banks*; **stop** at the end of note 9 on 115)
pp. 213-17 (*Marrero*; majority opinion **only**)
pp. 118-24 (begin with note 10; *Desertrain*) [**skim** this material, only]
pp. 125-31 (*Muscarello*)

Reading # 2 **Actus Reus and Omission**
MPC § 2.01; *see also* MPC §1.13 (2) and –(3) [Remember, the MPC begins on p. 1015]
pp. 134-45 (*Martin v. State; State v. Utter* and notes)
Eliminative Materialism & Precognitive Carousel (Supp)
pp. 146-52 (*Beardsley* and notes)
Omissions problems I-VI (Supp)
pp. 152-57 (*Barber v. Superior Court*); Omissions problems VII (Supp)
pp. 157-59 (social harm)

Reading # 3 **Mens Rea**
pp. 161-63 (*Cordoba-Hincapie*)
Concepts of Accidents and Clumsiness (Supp)
pp. 208-11 (*Navarro*)—**skip** Notes beginning at 211.
pp. 163-65 (*Regina v. Cunningham* and notes)
MPC § 2.02 (1) to –(4)
pp. 165-77 (*Conley*; MPC Approach, etc.; and all notes **except** note 5)
pp. 177-82 (willful blindness: *Nations* and notes)
“Willful Blindness” problem (Supp)

Reading # 4

Strict Liability and Mistake of Law

- pp. 190-201 (strict liability; *Morrisette*; *Staples* and notes)
- pp. 201-208 (statutory rape: *Garnett* and notes)
- pp. 212-13 (notes 5 & 6: moral wrong vs. legal wrong)
- pp. 501-05 (notes on statutory rape)
- pp. 182-89 (interpreting mens rea requirements: *Miles*); MPC § 2.02(4); **skip** note 4
- pp. 213-30 bottom (mistake of law: *Marrero* redux; *Cheek*—**skip** note 1 at 220-21)

Reading # 5

Causation

- pp. 231-37 (cause-in-fact: *Velazquez*; *Oxendine*; have answers to note 2 questions)
- pp. 237-38 & 249-51 (proximate cause: intro and more *Velazquez*; **stop** at bottom of 251)
- pp. 238-47 (proximate cause: *Rideout*; **skip** notes 10-11)
- pp. 248-50 (concurrence of mens rea and actus reus: *Rose*)

Reading # 6

Theories of Punishment

- pp. 31-37 (introduction to justifications for punishment)
- Collateral Consequences Come Roaring Back (see WebPage)
- Prison Time* (Supp.)
- Model Prisons*-ABA JOURNAL (see WebPage)
- pp. 37-42 (utilitarian justifications: Bentham & Greenawalt)
- pp. 43-50 (retributive justifications)
- Sentencing Project—*Report on Deterrence* (see WebPage) .. at least read conclusion, p. 9.
- pp. 51-52 (note 3—retribution without societal benefit)
- “Evolutionary Psychology” in *The Biology of Blame*, at pp.152-56 (see WebPage)
- pp. 53-56 (*Dudley & Stephens*)
- pp. 56-63 (*People v. Superior Court (Du)* and notes—**stop** at end of note 4)
- pp. 52-53 (note 4—restorative justice)
- pp. 73-75 (Kant and Bentham on proportionality)
- pp. 76-81 (*Coker*—**skim**)

Reading # 7

Homicide—Murder

- pp. 257 –60 (introductory)
- pp. 263-72 (Calif., Mich., New York, Ohio & Pennsylvania homicide statutes—**skim**)
- pp. 274 –81 (*Eulo* and notes)
- pp. 281-93 (premeditation: *Guthrie*; *Midgett*; *Forrest*)

Reading # 8

Homicide—“Heat of Passion”

- pp. 293-304 (common-law provocation: *Girouard* and notes—**skim** 301-04)
- pp. 311-16 (*Casassa*)
- pp. 305-07 (meaning of “reasonable person”; note 1 only)
- Problem re Provocation (Supp)
- pp. 319-20 (note 6---abolishing the provocation doctrine)

Reading # 9 **Unintentional Homicide—Reckless, Negligent and Accidental**

p. 324 (introduction)
pp. 325-33 (*Knoller* and notes)
Commonwealth v. Malone (Supp)
MPC §210.2(1)(b) and §2.02(2)(c))
pp. 333-41 (*Williams* and notes 1-11 **only**)
pp. 341-45 (felony-murder rule: *Fuller*)
People v. Wilkins (Supp) ...
pp. 345-53 (**skim**: background on felony-murder rule justifications)
pp. 341-48 (*Fisher* and notes up through note 6)
pp. 368-71 (*Sophophone* **skip** notes)
pp. 373 (misdemeanor-manslaughter -- **skim**)

Reading # 10 **Self-Defense**

pp. 507-10 (defenses in general -- **skim**)
pp. 513-21 (burden of proof: *Patterson*)
pp. 521-24 (self-defense theories-- **skim**)
pp. 524-36 (*Peterson & notes*)
MPC § 3.04

Reading # 11 **Self-Defense—“Reasonableness”**

pp. 536-43 (reasonable belief: *Goetz* and Notes 1-5 that follow)
p. 548 Note 9 (imperfect self-defense)
pp. 549-56 (reasonable person standard: *Wanrow*)

Reading # 12 **Defense of Others; Defense of Property**

MPC § 3.05
pp. 576-80 (defense of others: *Giminski* and notes)
pp. 580-88 (defense of property: *Boyett* and notes)
MPC § 3.06

Reading # 13 **Necessity and Duress**

pp. 589-9; 605-13 (necessity doctrine: *Nelson; Dudley & Stephens* and notes)
MPC § 3.02
pp. 613-17 (theories of excuse)
pp. 617-21 (*Contento-Pachon* and note 1)
MPC § 2.09

Reading # 14 **Insanity**

pp. 645-51 (Some preliminaries—**skim**)
pp. 651-53 (standards: *Freeman & notes*)
pp. 653-57 (*State v. Johnson*)
pp. 681-90 (abolishing the insanity defense; *Kahler v. Kansas*)

Reading # 15 **Miscellaneous Defenses**

MPC § 2.08

pp. 637-43 (intoxication: *Veach*; **skip** notes 4-7)

pp. 718-37 (addiction: *Robinson*)

pp. 748-51 (rotten social background—**skim**)

pp. 751-61 (cultural defenses: *Karger*) [**skim** from 755 through 761]

p. 486-87 (Note 6—mistake and cultural difference)

Reading # 16 **Attempt I**

pp. 763-66 (basic concept)]

pp. 772 (Note on role of luck in the criminal law)

pp. 773-80 (mens rea of attempt: *Gentry* and *Bruce*) and MPC § 5.01 (1).

pp. 781-99 (actus reus of attempt—preparation: *Mandujano*; *Peaslee*; *Rizzo*; *Miller*; *Reeves*)

Reading # 17 **Attempt II**

pp. 802-803 (impossibility: *Thousand*; **skip** notes 8-12)

pp. 803-07 (abandonment: *McCloskey*)

Reading # 18 **Accomplice Liability—Actus Reus and Mens Rea**

pp. 893-901 (basic concept: *Ward*; *Hoselton* and notes)

pp. 845-49 (the “intent” requirement: *Lauria*; **skip** notes at 849-50)

pp. 911-15 (*Linscott*; **skip** notes)

pp. 915-22 (actus reus: *V.T.*; *Wilcox v. Jeffrey*; *Helmenstein*)

Reading # 19 **Accomplice Liability—Extensions and Limitations**

pp. 928-31 (distinguishing direct and accomplice liability: *Bailey*; **skip** notes)

pp. 938-39 (limiting accomplice liability: *Meagan R.*; **skip** notes)

Reading # 20 **Criminal Solicitation and Conspiracy**

MPC § 5.02

pp. 825-30 (criminal solicitation: *Mann*; *Cotton*)

MPC § 5.03

pp. 831-39 (intro to conspiracy law: *Carter*; *Pinkerton*)

Important note re Final Exam:

You'll be allowed to bring your publisher-printed copy of the assigned casebook into the final exam, *provided* it is not marked (whether made by you, by a previous owner or whomever) except as allowed by the following exam rule:

“Allowable markings: Your publisher-printed copy of the Dressler and Garvey casebook may be highlighted, underlined, tabbed and annotated with **brief** notations, but **“no paragraphs,”** no bits of outlines and no sentences or sentence fragments exceeding a few words or so on the margins, backs, etc. of the printed material. *All materials brought into the examination will, in fairness to all, be subject to inspection, and students who are deemed to have violated this rule will have the material in question taken away, and they will be unable to refer to it during the examination. A determination by me that you have exceeded the letter or spirit of this “limited marking” rule will be final, so if in doubt, tear it out.”* **Keep this rule in mind if you are buying a used book!!!**

See also Appendix to Reading List on WebPage