

CRIMINAL LAW READING ASSIGNMENTS

Professor Humbach

August 2023 rev1
14231001

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 consider buying a digital book, see important note below concerning Digital books and the 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. 133-45 (*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. 253-55 (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. 353-62 (*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)
p.575 (Note 2—*Subjunctivization of the Reasonable Belief” Standard*)
pp. 549-56 (reasonable person standard: *Wanrow*)
pp. 570-72 (Note 12—*Battered Women Syndrome*)
p. 574 (Note 1—Evolving Views on BWS)

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. 733-37 (addiction: *Robinson*)

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

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

p. 496 (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. 802-812 (impossibility: *Thousand*; **skip** notes 8-12)

pp. 818-22 (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*)

Digital books and the Open Book exam: It is currently expected that the final exam will be an “open book” exam that you will take on your laptop using the EXAM4 software system. In the past, students have found that the Exam4 software prevents access to books, notes and other materials on their computers during the exam. This means that students who want access to **digital** versions of books or other materials during the exam need to bring along a second device in addition to the laptop on which they take the exam. If you are thinking about buying **digital** versions of the books for this course, please be aware that this issue has existed and may still exist when you take the final in this course. Please see the Registrar’s Office for more information.

See also Appendix to Reading List on WebPage