

CRIMINAL LAW READING ASSIGNMENTS

Professor Humbach

August 2025

Casebook (required): DRESSLER & GARVEY, CRIMINAL LAW (10th ed., 2025)

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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.*

Course Webpage: For more info and materials, see our Criminal Law Course Webpage (link at humbach.com)

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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. 961 of your casebook.

Reading # 1 **Introducing Criminal Law; Principle of “Legality”**

pp. 3-9 (begin with note 2 and **stop** at middle of p. 9) [background only]
pp. 83-103 (*Mochan; Keeler; Banks; stop* at the end of note 9 on 103)
pp. 198-201 (*Marrero*; majority opinion **only**)
pp. 103-111 (begin with note 10; *Desertrain*) [**skim** this material, only]

Reading # 2 **Actus Reus and Omission**

MPC § 2.01; *see also* MPC §1.13 (2) and –(3) [Remember, the MPC begins on p. 961]
pp. 119-33 (*Martin v. State; State v. Utter* and notes)
Eliminative Materialism & Precognitive Carousel (Supp)
pp. 134-40 (*Beardsley* and notes)
Omissions problems I-VI (Supp)
pp. 140-45 (*Barber v. Superior Court*); Omissions problems VII (Supp)
pp. 145-46 (social harm)

Reading # 3 **Mens Rea**

pp. 147-49 (*Cordoba-Hincapie*)
Concepts of Accidents and Clumsiness (Supp)
pp. 193-96 (*Navarro*)—**skip** Notes 5 and 6.
pp. 149-51 (*Regina v. Cunningham* and notes)
MPC § 2.02 (1) to -(4)
pp. 151-58 (*Conley* and all notes **except** note 5)
pp. 158-63 (MPC Approach, etc.)
pp. 163-68 (willful blindness: *Nations* and notes)
“Willful Blindness” problem (Supp)

Reading # 4

Strict Liability and Mistake of Law

- pp. 175-86 (strict liability; *Morrisette*; *Staples* and notes)
- pp. 186-93 (statutory rape: *Garnett* and notes)
- pp. 197-98 (notes 5 & 6: moral wrong and legal wrong doctrines)
- pp. 474-77 (notes on statutory rape)
- pp. 168-74 (interpreting mens rea requirements: *Flores-Figueroa* & notes); MPC § 2.02(4)
- pp. 198-213 (mistake of law: *Marrero* redux and notes—**skip** note 1 at 205-06; *Cheek*)

Reading # 5

Causation

- pp. 215-21 (cause-in-fact: *Velazquez*; *Oxendine*; have answers to the questions in note 2)
- pp. 233-35 (proximate cause: intro and more *Velazquez*; **skip** notes)
- pp. 221-31 (proximate cause: *Rideout*; **skip** notes 10-11)
- pp. 237-39 (concurrence of mens rea and actus reus: *Rose*)

Reading # 6

Theories of Punishment

- pp. 29-36 (introduction to justifications for punishment)
- Collateral Consequences Come Roaring Back (see WebPage)
- Prison Time* (Supp.)
- Model Prisons*-ABA JOURNAL (see WebPage)
- pp. 36-41 (utilitarian justifications: Bentham & Greenawalt)
- pp. 41-48 (retributive justifications)
- Sentencing Project—*Report on Deterrence* (see WebPage) .. at least read conclusion, p. 9.
- pp. 50-51 (note 3—retribution without societal benefit)
- “Evolutionary Psychology” in *The Biology of Blame*, at pp.152-56 (see WebPage)
- pp. 51-53 (*Dudley & Stephens*)
- pp. 53-59 (*Smith* and notes—**stop** at end of note 4)
- pp. 59-61 (note 4—shaming and restorative justice)
- pp. 62-64 (Kant and Bentham on proportionality; constitutional principles)

Reading # 7

Homicide—Murder

- pp. 241–44 (introductory)
- pp. 264-55 (**only** Calif., Mich., New York, Ohio & Pennsylvania homicide statutes—**skim**)
- pp. 257-64 (*Eulo* and notes)
- pp. 264-75 (premeditation: *Guthrie*; *Midgett*; *Forrest*)

Reading # 8

Homicide—“Heat of Passion”

- pp. 275-86 (common-law provocation: *Girouard* and notes—**skim** 284-86)
- pp. 291-96 (*Casassa*)
- pp. 386-88 (meaning of “reasonable person”; note 1 **only**)
- Problem re Provocation (Supp)
- pp. 298-99 (note 5---abolishing the provocation doctrine)

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

p. 303-04 (introduction)
pp. 304-12 (*Knoller* and notes)
Commonwealth v. Malone (Supp)
MPC §210.2(1)(b) and §2.02(2)(c))
pp. 312- (*Williams* and notes)
pp. 320-24 (felony-murder rule: *Fuller*)
People v. Wilkins (Supp) ...
pp. 324-32 (**skim**: background on felony-murder rule justifications)
pp. 333-40 (*Fisher* and notes up through note 6)
pp. 346-49 (*Sophophone* **skip** notes)
pp. 351 (misdemeanor-manslaughter -- **skim**)

Reading # 10 **Self-Defense**

pp. 479-82 (defenses in general -- **skim**)
pp. 485-93 (burden of proof: *Patterson*)
pp. 493-96 (self-defense theories-- **skim**)
pp. 496-508 (*Peterson* & notes)
MPC § 3.04

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

pp. 508-15 (reasonable belief: *Goetz* and Notes 1-5 that follow)
p. 520 Note 9 (imperfect self-defense)
p.545 (Note 2—*Subjunctivization of the Reasonable Belief” Standard*)
pp. 520-27 (reasonable person standard: *Wanrow*)
pp. 541-43 (Note 10—*Battered Women Syndrome*)
p. 545 (Note 1—Evolving Views on BWS)

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

MPC § 3.05
pp. 546-50 (defense of others: *Giminski* and notes)
pp. 550-58 (defense of property: *Boyett* and notes)
MPC § 3.06

Reading # 13 **Necessity and Duress**

pp. 559-63; 575-82 (necessity doctrine: *Nelson; Dudley & Stephens* and notes)
MPC § 3.02
pp. 682-85 (theories of excuse)
pp. 586-89-21 (*Contento-Pachon* and note 1)
MPC § 2.09

Reading # 14 **Insanity**

pp. 613-19 (Some preliminaries—**skim**)
pp. 619-21 (standards: *Freeman* & notes)
pp. 621-25 (*State v. Johnson*)
pp. 649-57 (abolishing the insanity defense; *Kahler v. Kansas*)

Reading # 15

Miscellaneous Defenses

MPC § 2.08

pp. 605-11 (intoxication: *Veach*; **skip** notes 4-7)

pp. 699-702 (rotten social background—**skim**)

pp. 702-12 (cultural defenses: *Karger*) [**skim** from 706 through 711]

p. 469 (Note 5—mistake and cultural difference)

Reading # 16

Attempt I

pp. 713-16 (basic concept)]

pp. 722 (Note on role of luck in the criminal law)

pp. 723-30 (mens rea of attempt: *Gentry* and *Bruce*) and MPC § 5.01 (1).

pp. 730-51 (actus reus of attempt—preparation: *Mandujano*; *Peaslee*; *Rizzo*; *Miller*; *Reeves*)

Reading # 17

Attempt II

pp. 751-61 (impossibility: *Thousand*; **skip** notes 8-12)

pp. 767-71 (abandonment: *McCloskey*)

Reading # 18

Accomplice Liability—Actus Reus and Mens Rea

pp. 843-51 (basic concept: *Ward*; *Hoselton* and notes)

pp. 795-99 (the “intent” requirement: *Lauria*; **skip** notes at 799-80)

pp. 851-53 (note 1)

pp. 860-64 (*Linscott*; **skip** notes)

pp. 864-73 (actus reus: *V.T.*; *Wilcox v. Jeffrey*; *Helmenstein*)

Reading # 19

Accomplice Liability—Extensions and Limitations

pp. 876-80 (distinguishing direct and accomplice liability: *Bailey*; **skip** notes)

pp. 886-87 (limiting accomplice liability: *Meagan R.*; **skip** notes)

Reading # 20

Criminal Solicitation and Conspiracy

MPC § 5.02

pp. 776-81 (criminal solicitation: *Mann*; *Cotton*)

MPC § 5.03

pp. 781-87 (intro to conspiracy law: *Carter*; *Pinkerton*)

See also Appendix to Reading List on the course WebPage