

Syllabus

Criminal Law

LAW 5035-01

Spring 2024

Professor Rachel Wechsler

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Office Hours: Monday 3:00-5:00 pm and by appointment (Zoom option available)

Class Meetings:

Monday, Wednesday, and Friday, 11:45 am-12:55 pm

Hulston Hall Room 6

Course Materials:

The required text for this course is CRIMINAL LAW: CASES AND MATERIALS (9th ed. 2022) by Joshua Dressler and Stephen P. Garvey. A highly recommended (but not required) supplementary resource is UNDERSTANDING CRIMINAL LAW (9th ed. 2022) by Joshua Dressler.

Learning Outcomes:

Through this course, students will:

- Understand and be able to analyze the principal purposes of and justifications for criminal law;
- Understand and be able to analyze foundational criminal law doctrine, including the act requirement, *mens rea*, causation, and defenses;
- Understand and be able to apply the statutory elements of core crimes, and be able to identify key distinctions among definitions for these crimes at common law and in the Model Penal Code;
- Gain knowledge that will be tested on the Criminal Law portion of the bar exam;
- Understand key critiques of the criminal legal system.

Accommodations:

If you anticipate barriers related to the format or requirements of this course, if you have emergency medical information to share with me, or if you need to make arrangements in case the building must be evacuated, please let Associate Dean Ben Trachtenberg or Registrar Denise Boessen know as soon as possible. If you need disability-related accommodations, please register with the MU Disability Center, S5 Memorial Union, (573) 882-4696, <http://disabilitycenter.missouri.edu>. For other MU resources for students with disabilities, click on “Disability Resources” on the MU homepage.

Attendance:

Class attendance is very important because much of learning happens through engagement in class lessons, exercises, and discussion. You are expected to be in your seat and ready for the start of class promptly at 11:45 am. The American Bar Association Accreditation Standard 311(f) requires your regular class attendance. This means that you must attend at least 80% of the total classes or your grade will be adversely affected. There will be an attendance sign-in sheet that you are responsible for signing at each class session.

If you must miss a class, please inform me via e-mail beforehand. Please do not attend class if you are ill and/or suspect you have COVID-19 or the flu. If you are ill or must miss class for another unavoidable reason and you would like to participate via Zoom, please e-mail me with this request before 9:00 am on the day of class. The Zoom link is: <https://umsystem.zoom.us/j/6299219986?pwd=YVFCUXRuVVpncVpaWjEwZWk0TCtRdz09>. You may only receive attendance credit for attending class over Zoom if you have e-mailed me with your request and I have given you permission to do so.

Please do your very best to be present for all classes during which your panel is on call. This is especially important for your participation grade. I do understand that sometimes circumstances arise that make missing one of your on-call days unavoidable. If this is the case, please e-mail me to let me know as soon as possible and I will work with you on an opportunity to make up the points.

Class Participation:

Your participation is highly valued in this course. You are expected to be prepared and engaged in class lessons, exercises, and discussion during every class. I will use an “on-call” panel system for cold-calling, but you are welcome and encouraged to participate even if you are not “on call” for a particular class session. Class participation will be worth 15% of your final grade. Please see below for more information about the components of your class participation grade.

I aim to create an inclusive and respectful class environment in which all students feel comfortable participating. We will discuss a number of sensitive and controversial topics in this course. Please be mindful that others may have different opinions, backgrounds, and lived experiences than you. Diverse viewpoints and experiences will facilitate rich discussion and lively debate, but I want to take this opportunity to request that we remain respectful of each other at all times and give each other the benefit of the doubt.

Grading:

Grading will be based on a timed final examination (85%) and class participation (15%). The final exam will consist of multiple choice and essay questions. The multiple choice portion will be closed book and during the essay portion you are permitted to use your notes and casebook.

I recommend doing the following if you would like to earn a high class participation grade:

- Be present, engaged, prepared, and on time for class;

- Volunteer to answer questions I ask the class;
- Demonstrate preparedness when you are called on;
- Ask thoughtful, well-informed questions;
- Listen actively to anyone who is speaking;
- Contribute meaningfully to class discussion;
- Interact respectfully and considerately with me and your classmates.

Academic Integrity:

Academic integrity is fundamental to the activities and principles of the School of Law. All members of the law school community must be confident that each person's work has been responsibly and honorably acquired, developed, and presented. Any effort to gain an advantage not given to all students is dishonest whether or not the effort is successful. The law school community regards breaches of the School of Law's Honor Code as extremely serious matters. Sanctions for such a breach may include academic sanctions from me, including failing the course for any violation, to disciplinary sanctions ranging from probation to expulsion. If you have any doubt about whether your work is or would be consistent with the Honor Code, please consult me.

Statement on University of Missouri System Executive Order No. 38:

University of Missouri System Executive Order No. 38 lays out principles regarding the sanctity of classroom discussions at the university. The policy is described fully in Section 200.015 of the Collected Rules and Regulations. In this class, students may not make audio or video recordings of course activity, except students permitted to record as an accommodation under Section 240.040 of the Collected Rules. All other students who record and/or distribute audio or video recordings of class activity are subject to discipline in accordance with provisions of Section 200.020 of the Collected Rules and Regulations of the University of Missouri pertaining to student conduct matters.

Those students who are permitted to record are not permitted to redistribute audio or video recordings of statements or comments from the course to individuals who are not students in the course without the express permission of the faculty member and of any students who are recorded. Students found to have violated this policy are subject to discipline in accordance with provisions of Section 200.020 of the Collected Rules and Regulations of the University of Missouri pertaining to student conduct matters.

Please note that even if I post a recording of a class session to the course Canvas site, the rules on redistribution still apply. Such recordings are for the use of students in the course and are not to be shared with others.

Class Assignments:

This is a tentative list of class assignments for the first half of the course. I will give you notice of changes and additions over Canvas. **When you see a section of the Model Penal Code (MPC) referenced in your reading, please read the referenced section in the MPC, which is located in the Appendix of your casebook (beginning on p. 1015).**

Class Number	Date	On-Call Panel	Topic	Assignment
1	1/17	1	Introduction: Purposes of Criminal Law and Punishment	pp. 1-10; 31-44
2	1/19	2	Principles of Punishment: Theories in Action	pp. 53-64
3	1/22	3	Proportionality	pp. 73-76; 83-93
4	1/24	4	Legality: Previously Defined Conduct Requirement	pp. 95-109
5	1/26	5	Legality: Statutory Clarity Principles	pp. 109-124
6	1/29	1	Actus Reus: Voluntary Act Requirement	pp. 133-145
7	1/31	2	Actus Reus: Omissions; Social Harm	pp. 146-152; 157-159
8	2/2	3	Mens Rea: Nature and MPC Terms	pp. 161-165; 173-177
9	2/5	4	Mens Rea: Intent, Knowledge, and Wilful Blindness	pp. 165-173; 177-182
10	2/7	5	Mens Rea: Statutory Interpretation Issues	pp. 182-189
11	2/9	1	Mens Rea: Strict Liability	pp. 190-208

12	2/12	2	Mens Rea: Mistake of Fact; Mistake of Law	pp. 208-221 (through note 1)
13	2/14	3	Mens Rea: Mistake of Law (cont'd)	pp. 221-230
14	2/16	4	Causation: Actual Cause; Proximate Cause	pp. 231-245 (through note 3)
15	2/19	5	Causation: Proximate Cause (cont'd)	pp. 245-253
16	2/21	1	Homicide: Introduction; Intentional Killings: Murder	pp. 257-260; 281-293 Skim pp. 261-273
17	2/23	2	Guest Lecture: Capital Murder (Death Penalty)	pp. 374-391
18	2/26		Practice Midterm (self-graded)	Review
19	2/28	3	Homicide: Intentional Killings: Manslaughter	pp. 293-300; 311-321