SYLLABUS OF CRIMINAL LAW - Spring 2006  Prof. Paul Chevigny

The readings for the course will be drawn largely from the casebook by Kadish and Schulhofer, Criminal Law and its Processes 7th Ed. 2001, as well as from handouts. The New York Penal Law will be used by way of illustration. The casebook is referred to here as “KS” and the Penal Law as “NYPL.”

Survey of the Criminal Justice Process
KS 1-38; 55-60 (note 4)

Why the State as a Party?
Stone, “The Mounties as Vigilantes” (handout)

General Principles of Criminal Law
Why Punish?
Philosophy and Policy KS 101-135; Restorative Justice materials (handout)
Cases and Statutes KS 135-153; U.S. v. Koon (handout)

What to Punish? KS 156-57; Barnes v. Glen Theatre (handout); KS 162-71; compare
NYPL Arts 235; 240
Limits to What to Punish - Legality KS 290-310

Basis of Criminal Liability - NYPL Art. 15
The Criminal Act (Actus Reus) KS 173-202
The Criminal State of Mind (Mens Rea); Jean Hampton handout
KS 203-217; 220-224
Mistake of Fact - Kelly case at KS 361; KS 225-230
Strict Liability - KS 235-244; 248-255
Mistake of Law - KS 255-271; 276-278
Proportionality - consider NYPL Art 160 (robbery) and sec. 220.21 as examples/problems
KS 278-290
Problems in the criminal process presented by long determinate sentences (handout)

Exemplary Crimes

Homicide - NYPL Art. 125
Introduction KS 387-95
Intentional homicides: Murder and Voluntary Manslaughter KS 395-424
Unintentional homicides: “Involuntary” Manslaughter and Reckless Murder KS 425-447
Felony Murder. KS 448-477

Related Problems
Causation KS 517-530
Death Penalty KS 483-515

Sex Crimes - NYPL Art. 130; Model Penal Code Art. 213
   KS 313-346; 351-366

Anticipatory Crimes
   Attempt - KS 554-69; 575-84; NYPL Art 110
      Other Anticipatory Crimes - KS 572-75; NYPL Art. 100; secs. 120.14; 120.20; 120.25
   Impossibility - KS 585-94; NYPL 110.10

Joint Responsibility
   Parties to Crime - NYPL Arts. 20; 100; 115
      Generally KS 603-606
      Mens Rea KS 606-609; 611-628
      Actus Reus KS 628-633
      Derivative Liability KS 639-644

Conspiracy and Related Offenses - NYPL Art. 105; 40.10
   Generally KS 671-694
   Actus Reus KS 694-703
   Mens Rea KS 704-714
   Scope KS 714-722
   RICO KS 730-735 (note 3)

Defenses
   Justifications and Excuses - KS 749-750
   Justifications
      Self-defense- NYPL 35.10; 35.15
         KS 750-792
   Protection of Property and Law Enforcement - NYPL 35.20; 35.30
      KS 796-809
   Lesser Evils - NYPL 35.05
      KS 809-832

Excuses - Generally KS 842-45
   Duress KS 845-48; 850-61; NYPL 40.00
   Intoxication KS 861-71; NYPL 15.05; 15.25
   Insanity KS 879-881; 885-96; 905-914; NYPL 40.15