First Assignment:
You should complete the readings in the syllabus listed under Section I, “Overview of Criminal Justice System” (Parts A, B, and C). The page numbers refer to the textbook. Please be prepared to discuss Lawrence v. Texas in class.

This assignment covers the first two classes of the semester.

Syllabus:
I. Overview of Criminal Justice System
   A. Case Study - What Do We Punish?
      143-147 Lawrence v. Texas
   B. Why Do We Punish? -- Purposes and Limits of Punishment
      21-27
      31-55
      58-65
      72-76
      Mauer, Addressing Racial Disparities in Incarceration (NYU Classes)
   C. The Career of a Criminal Case
      1-19
      29-30
      Alexander, The New Jim Crow (excerpts) (NYU Classes)
      Drug Possession and Sales Jury instructions (NYU Classes)
      Moore, The Political Roots of Racial Tracking in American Criminal Justice (excerpts) (NYU classes)

II. Defining Culpability
   A. Actus Reus - Culpable Conduct
      115-119 Introduction
   B. The Criminal Act/ Voluntariness
      119-122 Proctor v. State
      122 Note 5
2. Omissions
124-126 Jones v. United States

3. Status Offenses
159-160 Robinson v. California
163 Note 5 - Powell v. Texas
166-168 Johnson v. State

B. Limitations on Punishment of Culpable Conduct

1. Proportionality
76-82 Graham v. Florida
88-91 Ewing v. California

2. Legality
169-171 Keeler v. Superior Court
176-180 Rogers v. Tennessee

3. Specificity
181-185 City of Chicago v. Morales
186-187 Note 4 - Papachristou v. Jacksonville

C. Mens Rea / The Guilty Mind

1. Introduction
199-201

2. Strict Liability
202-204 People v. Dillard
206-207 Note 5

3. Proof of Intent
208-209 Note 7 - Morissette v. U.S.
220-222 Lambert v. California
4. Categories of Culpability
   224-226 Regina v. Faulkner
   228-231 Notes 4, 5
   232-235 Notes 1, 2, 3

5. Mistake
   241-244 Regina v. Prince
   246-249 People v. Ryan
   253-257 Elonis v. U.S.

6. Mistake of Law
   258-261 Introduction
   264-265 United States v. Baker
   272-274 Commonwealth v. Twitchell

7. Capacity for Mens Rea
   277-280 Hendershott v. The People
   281-284 State v. Cameron

III. Rape
   921-926 Introduction

A. Force, Nonconsent and Resistance (Actus Reus)
   937-943 People v. Barnes
   943 Note 4 - Model Penal Code
   948-951 State v. Smith
   956-962 In the Interest of MTS
   963 Note 6

B. Mens Rea
   984-990 Commonwealth v. Fischer

IV. Homicide
   A. Manslaughter

1. Involuntary Manslaughter
   430-433 State v. Williams
   433 Note 2
   436-437 Note 6 - Porter v. State (vehicular)
   495-496 Note 5a - U.S. v. Walker (misdemeanor)
2. Voluntary

380  Introduction – Theory of Mitigation
380-382  People v. Walker
383-384  Note 4 – The Meaning of Provocation
384-386  Note 5 – Rationale for Provocation
391-393  Rowland v. State
393  Note 2
399-402  People v. Berry
408-417  People v. Wu

B. Murder

1. Intent to kill

359  Introduction – Intentional Murder (2nd Degree)
359-362  Francis v. Franklin
363  Note 3 – The meaning of intent
364-365  Notes 4, 6

2. Extreme recklessness

445  Note 7 - Commonwealth v. Malone
446-447  Note 9 - People v. Protopappas
      State v. Davidson
444  Note 6 - Commonwealth v. Dorazio
448  Note 11 - People v. Watson

C. Aggravated Murder

1. First Degree Murder

a. Premeditation

365-369  U.S. v. Watson
373-374  Note 6 - Austin v. U.S.
377-378  Notes 10, 11
378  Note 10 - Commonwealth v. Gould

b. Felony Murder

450-455  State v. Martin
456-462  Notes 8, 9 & 10
462-463  Note 11 - People v. Stamp; People v. Brackett
464-467  People v. Washington
2. Capital Murder/The Death Penalty
   a. Policy considerations
      501-509 Historical and Constitutional Summary
   b. Aggravating circumstances
      510-519 Olsen v. State
   c. Mitigating circumstances
      524-528
   d. Categorical Limits
      532-537 Tison v. Arizona
      84 Atkins v. Virginia; Roper v. Simmons
      538-543 McCleskey v. Kemp
   e. Counsel in Capital Cases
      -Stephen B. Bright, Counsel for the Poor: The Death Sentence Not for the Worst Crime, but for the Worst Lawyer, 103 Yale L. J. 1835 (1994) (NYU classes)
      -Interview with Bryan Stevenson, the guardian (2015) (NYU classes)

V. Attribution of Criminality

A. Attempt

1. Punishment
   705-706 Introduction

2. Mens Rea / Actus Reus
   723-724 People v. Murray
   724 Note 2
   728-731 People v. Rizzo

3. Abandonment
   735-737 People v. Staples
   737 Notes 2, 3
4. Impossibility
745-751  *Booth v. State*

B. Complicity

1. The Accessorial Act
769-772  Introduction
782-783  Note 6 - *Gains v. State*
785-793  *State v. Tally*

2. Mens Rea
800-802  Introduction
802-806  *People v. Beeman*
810-812  *Wilson v. People*
828  note 1

C. Conspiracy

1. Nature of Conspiracy
853  Introduction
853-856  *State v. Verive*
856-857  Note 1
857-858  Note 2

2. Agreement
862-863  *Griffin v. State*
868-869  *U.S. v. Recio*
870  Note 3

3. Mens Rea of Conspiracy
872-878  *People v. Lauria*

4. Incidents of Conspiracy
885-887  *U.S. v. Diaz*

5. The Scope of the Conspiracy
895-903  Single v. Multiple Conspiracies

VI. Justification and Excuse
549-554  Introduction
A. Defensive Force
557-558  People v. La Voie
560  Note 2 – Mistaken Self-Defense
566-573  State v. Leidholm
585-586  Note 15 – Stand Your Ground Laws
586  Note 17 – Co-Occupants and Retreat
588-592  People v. Goetz
594-595  Defensive Force and Law Enforcement
595-598  Tennessee v. Garner

B. Necessity
605-609  Queen v. Dudley & Stephens
621-624  State v. Warshow

C. Duress
632  Note 4 - Model Penal Code
626-632  State v. Crawford
634-635  Note 7 - U.S. v. Contento-Pachon

D. Mental Illness
647-649  Introduction
649-659  People v. Serravo
663  Note 8