

Professor Barron
Criminal Law Sections A1/A2

Fall 2023
Syllabus

General Course Description

This course covers the fundamental principles of substantive criminal law and policy. We will discuss and analyze basic elements of crimes, including actus reus and mens rea; underlying doctrines of criminal liability; and defenses. There will be an emphasis on the Model Penal Code, discussion of federal and state criminal statutory codifications; and, common law formulations.

Learning Objectives

By the end of the course, students should:

- have acquired a knowledge of the basic rules and policies of criminal law;
- understand how to read and interpret a criminal statute;
- understand how courts interpret criminal statutes;
- have learned how to extract rules and policy from cases and statutes, and how to analyze, interpret, and argue for differing interpretations of criminal rules and statutes;
- be able to identify legal issues in facts, apply rules and policy to facts, and weigh evidence to reach factual inferences;
- be able to construct legal arguments and identify flaws in arguments;
- be able to present analysis orally and argue orally;
- know how to use policy to analyze and persuade;
- understand the roles of prosecutors and criminal defense attorneys in the pursuit of justice within the criminal justice system; and.
- understand and recognize the professional and ethical considerations when working within the criminal justice system.

The Law School has adopted a “Credit Hour Policy.” A “credit hour” is an amount of work that reasonably approximates not less than one hour of classroom or direct faculty instruction (calculated as 60 minutes of classroom time) and two hours (120 minutes) of out-of-class student work per week for fourteen weeks (including one week for final exams), or the equivalent amount of work over a different amount of time. These requirements apply equally to all courses taught in the Law School, including distance education courses.

Grading

Your grade for the course will be based on the final examination. You will receive information regarding the final examination later on in the semester. The final examination will be graded anonymously and will comply with the grading requirements of the law school's mandatory grading curve.

Course Materials

We will be using KADISH, SCHULHOFER, & BARKOW, CRIMINAL LAW AND ITS PROCESSES (11TH edition) as our casebook.

I also may distribute additional materials during the semester, for which you will be responsible.

How to Reach Me

My office is 235. My office telephone number is 463-5246. My email is barbara.s.barron@hofstra.edu My assistant is Marcela Fernandez. You may find her in Room 216. Her telephone number is 463- 4761 and her email address is Marcela.Fernandez@hofstra.edu If you need to contact me, the most effective way is via email.

I always am available to discuss any aspect of the course. Meeting one on one is a great way to make sure you are on the right path. I will be holding student conferences in my office and on Zoom. I generally in my office 12 – 2pm Monday and Wednesday, and Tuesday from 11am – 3pm. You just can drop by and if I am in my office I will be happy to talk to you. You also can set up a meeting time let by emailing me and providing me with possible meeting times.

Attendance Policy

The rules of the New York State Court of Appeals and the American Bar Association require law students to be in good and regular attendance in the courses for which they are registered. To comply with these rules, you must attend at least 85% of the regularly scheduled classes in this course. That means you may not miss more than non-excused four class sessions. Failure to comply with the attendance policy will result in administrative withdrawal from the course.

Further, there are times when emergencies happen. If you miss class because of an emergency, you must let my assistant and me know as soon as practicably possible. Failure to do so will only disadvantage you.

I will take attendance daily.

PLEASE NOTE THAT YOU ARE REQUIRED TO BE ON TIME FOR CLASS. CLASS STARTS PROMPTLY. IF YOU CONTINUALLY ARE LATE, YOUR LATENESS MAY BE CONSIDERED IN YOUR FINAL GRADE.

Class Policies

Electronic Devices in the Classroom

You are only authorized to use electronic devices in the classroom for official class business. Official class business means note taking. It means doing research from time to time in the classroom. It also means referring to your electronic copy of the textbook, if you have one. Those are the only reasons for using your electronic device in the classroom.

You are not to conduct personal business in class, whether it be via texting, emailing, or anything else unrelated to what we are doing in class. If I find chronic electronic device abuse in the classroom, I will ban all electronic devices.

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Class Expectations

The course is not be a straight lecture course. It is interactive. That means we all discuss and collaborate. Therefore, I expect everyone to participate in the class discussion. It is the best way you have to assess your ability to comprehend and synthesize the doctrines you are learning. I welcome volunteers to answer questions, analyze hypotheticals, and comment on the legal issue(s) we are discussing. I also will call on you as part of the Socratic Method. The bottom line: be prepared.

I refer to the material in the text during each and every class. It is important that you are prepared to know the details of each case, even a “note case”, if you are asked to respond to a question. Your case briefs may not be sufficient. Therefore, I highly recommend that you bring your text to class.

Some other recommendations:

Do not be afraid to speak in class.

Do not be afraid to offer your insights.

Do not be afraid to ask questions during class. If you are having difficulty understanding a concept, rest assured your colleagues are as well.

Do not be afraid to “not know what you do not know.” That is why you are in class, to find out what you know and what you do not know.

Assignments:

The following assignments refer to pages of the casebook. In general, we will cover the subjects/chapters and subchapters in accordance with the assignment schedule below. You should be at least 1 to 2 weeks ahead in your reading. We should cover the bolded broad areas in the two weeks assigned. Underlined topics represent discrete areas of learning. You should gauge your reading based on the order of those underlined topics. **This syllabus may be changed or supplemented; I will notify you in advance if there are any modifications and will do so in class, on Canvas and via email. You are responsible for all pages assigned, whether or not we review them in detail in class.**

	<u>Pages</u>
Weeks 1 -2: Chapter 3: Legality	189-232
Chapter 1: Justification for Punishment	1-40; 48-53
Chapter 3: Proportionality	234-248

Weeks 3 - 4: Chapter 3: Elements of Criminal Conduct

<u>Actus Reus</u>	248-261
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	<u>Omissions</u>	261-280
	<u>Mens Rea</u>	
	Introduction	284-312
	Mistake of Fact	312-329
	Strict Liability	329 - 349
	Mistake of Law	350 -375
Weeks 5 – 6:	Chapter 5: Homicide	
	<u>Introduction</u>	461-470
	Premeditation/Deliberation	470-480
	Provocation	480-506
	<u>Unintended Killings</u>	
	Civil vs. Criminal	506-524
	Murder vs. Manslaughter	524-532
	<u>Felony Murder</u>	532-565
Weeks 7- 8:	Chapter 6: Causation	
	<u>Foreseeability</u>	567-584
	<u>Human Actions</u>	584-601
Weeks 7 – 8 Cont'd		
	<u>Attempt</u>	
	Introduction; Mens Rea;	
	Preparation/Proximity	601-616
	<u>Other Tests & MPC</u>	616-633
	Impossibility	637-650
Weeks 9 – 10:	Chapter 7: Complicity/Accomplice Liability	
	<u>Introduction; Mens Rea re Principal's Act</u>	651-672
	Mens Rea re Result & Circumstances;	
	Actus Reus	685-692
	Liability of Different Parties	692-701
	<u>Conspiracy</u>	
	Introduction; Actus Reus; Mens Rea	701-707; 721-737
	Accessory Liability	707-720

Other Issues

737-752; 756-759

Weeks 11 – 12: Chapter 8: Exculpation

Justification

Introduction; Protection of Persons

803-805; 805-861

Use of Law Enforcement

867-876

Excuse

Introduction

904-906

Duress

906-924

Intoxication

923-934

Week 13: Chapter 2: Prosecutorial Discretion

Decision to Charge

84-92

Decision Not to Prosecute

92-80

Plea Bargaining

108-121

Week 14: Review