
**First Class Assignment:**

**Class One:** Please enroll in the LexisNexis web course (112131), Criminal Law as soon as possible. For first year day students, you should receive LexisNexis login information during Orientation. For second year students enrolled in the evening, you should already have your Lexis ID and password. If not, Lexis representatives will be available during orientation to assist you.

(1) Please also read the text, Criminal Law, 9th Edition, Moenseens, Bacigal, Ashdown, and Gershowitz, pages 3-14 and come to the first class prepared to engage in class discussion.

(2) Also, during our first class we will discuss the facts and legal theories surrounding the death of Freddie Gray, the Baltimore man who died in police custody in April, 2015. Six Baltimore police officers were charged in Freddie Gray’s death. Please read about the Gray case in any news source such as the Baltimore Sun, Washington Post, CNN or MSNBC. Come to class prepared to discuss the following:

- As a prosecutor, what facts and mental state would you emphasize to the jury and what crime(s) would you charge the defendants with and why?

- As a defense attorney, what facts and mental state would you emphasize to the jury and what are your defense theories and why?

**Class Two:** Please read the text, pages 15-34.
All assignments are in the book, Moenssens, Bacigal, Ashdown & Hench, Criminal Law: Cases and Comments (9th edition) (Foundation Press, 2013). Each student is to read and brief the entire case beginning at the assigned page, come to class prepared to discuss the case, and also read the notes immediately following the case. Students are responsible for: (1) all assignments in the casebook, as listed below; (2) the Maryland Statutes specifically discussed in class; and (3) those additional materials on criminal law covered during class discussions. Announcements and class assignments are available on the Lexis Nexis web course.

**Reading Assignment**

**Part I. The Criminal Justice System Legal Concepts of Criminality**

**Week 1**
Current Events: Newspaper articles assigned in “First Class Assignment” and posted on LexisNexis webcourse

Chapter 1: Overview of Criminal Procedure
Page 3

Chapter 2: Essential Concepts of Criminality
Page 15
- Prohibited Conduct-“Actus Reus”
  - Voluntary Act
    - *State v. Hinkle*
    - Page 15
  - The Act of Possession
    - *State v. Fox*
    - Page 21
  - Inaction
    - *State v. Miranda*
    - Page 26

**Week 2**

Chapter 2: Essential Concepts of Criminality

- Mental State - “Mens Rea”
  - Specific and General Intent
    - *State v. Trinkle*
    - Page 34
  - Specific and General Intent
    - *State v. Rocker*
    - Page 37
  - Model Penal Code Approach - Section 2.02
  - Transferred Intent
    - *Sagner v. State*
    - Page 43

**Week 3**

Chapter 2: Essential Concepts of Criminality

- Recklessness & Criminal Negligence
  - *Santillanes v. State*
  - Page 47
- Strict Liability and Lack of Criminal Intent as a Defense
  - *State v. Loge*
  - Page 51
  - *State v. Guminga*
  - Page 57
  - *Morissette v. United States*
  - Page 62
- Mistake and Ignorance
  - *People v. Hernandez*
  - Page 70
  - United States of America v. United States District Court for the Central District of California
  - Page 75
Week 4
Chapter 2: Essential Concepts of Criminality
  • The Causal Connection
    › People v. Dlugash 94
    › People v. Rideout 103
    › State v. Grose 107
    › Velazquez v. State 110

Chapter 3: The Power to Create Crimes and Its Limitations
  • Problems in Defining Criminal Conduct:
    ► “Public Hearing”- see instructions for details
    ► Suicide & Assisted Suicide
      › Washington v. Glucksberg 214

Chapter 5: Homicides
  ► Euthanasia: “Mercy Killings”
    › People v. Kevorkian 425

Part II. Crimes

Week 5
Chapter 5: Homicides
  • Murder
    ► WHEN DOES DEATH OCCUR?
      › (The “Corpus Delicti”) - State v. Grissom 378
    ► WHEN DOES LIFE BEGIN?
      › Keeler v. Superior Court 384
    ► The Malice Factor -
      › Commonwealth v. Webster 395
      › State v. Guthrie 403
      › Midgett v. State 410
      › Langford v. State, “Nick Adenhart” news article 419

Week 6
Chapter 5: Homicides
  • Murder
    ► Felony Murder
      › Commonwealth v. Almeida 434
      › Note: Commonwealth v. Thomas 436
      › Note: Commonwealth v. Redline 436
      › Commonwealth ex rel. Smith v. Myers 437
      › People v. Salas 457
      › The Lindbergh-Hauptmann Case 464
      › NOTE: People v. Aaron 465

Week 7
Chapter 5: Homicides
  • Voluntary Manslaughter 466
    › Director of Public Prosecutions Appellant v. Camplin 467
  • Justifiable Use of Deadly Force
    ► Self Defense
      › People v. Goetz 474
      › NOTE: The “Retreat Rule” or “Castle Doctrine” 480
      › NOTE: The “Imperfect” Self Defense 481
      › Commonwealth v. Cary 482
Week 8
Chapter 5: Homicides
►Defense of Others-
  ›State v. Beeley 493
►Defense of Habitation –
  ›People v. McNeese 497
►Defense of Property Other Than Dwelling 503
►Prevention of a Felony and Apprehension of Dangerous Felons 503
►Deadly Force by Police Officers –
  ›Tennessee v. Garner 504

Chapter 5: Homicides
►Involuntary Manslaughter
  ›State v. Horton 516
  ›People v. Marshall 518
  ›Commonwealth v. Feinberg 520

Week 9
Chapter 6: “Sex” Offenses and Related Problems
• Rape (Criminal Sexual Assault)
  ►The Prevalence of the Problem 525
  ►The Actus Reus of Rape and Sexual Assault: The Issues of Force and Consent 528
  ►”Statutory” Rape 543
    ›Garnett v. State 544
  ►Acquaintance Rape- Does Acquiescence Equal Consent?
    ›State v. Rusk 549
    ›Commonwealth v. Berkowitz 562
    ›State of New Jersey In the Interest of M.T.S. 571
  ►Withdrawn Consent
    ›State v. Bunyard 580
  ►The “Spousal Exception”
    ›People v. Liberta 585
• Special Issues of Proof in Rape Cases 589
  ►“Rape Shield” Statutes
    ›State v. Johnson 589

Week 10
Chapter 7: Misappropriation and Related Property Offenses 619
• Larceny and Theft 620
  ►The Elements of Larceny
    Mens Rea : Intent to Deprive
    ›Hugo v. City of Fairbanks 621
    ›United States v. Donato-Morales 627
  Actus Reus: Taking and Carrying Away
    ›State v. Donaldson 634
    ›Lee v. State 635
  ►Property of Another 647
    What is Property of Another?
    ›In re the Personal Restraint of John Tortorelli 647
Week 11  Chapter 7: Misappropriation and Related Property Offenses
  • Embezzlement –
    ›State v. Lough 678
  • Receiving and Transporting Stolen Property and Related Offenses
    ›People v. Rife 683
  • Robbery
    ►Elements of Robbery
      ›The Mens Rea of Robbery-Thomas v. State 701
    ►Armed Robbery 708

Week 12  Chapter 7: Misappropriation and Related Property Offenses
  • Burglary: Common Law and Modern Statutes 709
    ►The Elements of Common Law Burglary
      ›“Breaking and Entering” 710
      ›The Dwelling House of Another 711
        State v. Wentz 713
      ›Nighttime 718
      ›With Intent to Commit a Felony
        Massey v. United States 719
    ►Arson
      ›State v. Rogers 724

Chapter 8: Uncompleted Criminal Conduct and Criminal Combinations
  • Attempt 731
    ►Punishing Attempts 731
    ►Mens Rea Issues in Attempt
      ›Harrison v. State 734
      ›State v. Hemmer 748
      ›Notes: What May Be Attempted 752
    ►The Actus Reus of Attempt
      ›People v. Rizzo 754
    ►Impossibility of Completion
      ›Hix v. Commonwealth 771
    ►Renunciation or Abandonment of Attempts
      ›Gravens v. State 778
Week 13

Chapter 8: Uncompleted Criminal Conduct

- Accessoryship: Aiding and Abetting
  - Evolution of Accessoryship 783
  - What *Mens Rea* Is Required of an Accessory? 784
    - *Oates v. State* 785
  - The *Actus Reus* of Accessoryship 797
    - *United States v. Ortiz* 797
    - *State ex rel. M.B.* 801
- Hindering Prosecution: Accessories After the Fact and Related Offenses 809
  - Accessory After The Fact—*People v Zierlion* 810
  - Misprision Of Felony 811
- Solicitation 814
- Conspiracy 826
  - *Krulewitch v. United States* 826
- The Overt Act
- Dateline Video Tape – To be shown in class

**Part III. Special Defenses to Criminal Prosecutions**

Chapter 10: Compulsion, Intoxication, Automatism and Other Non-Controllable Factors

- Compulsion
  - Duress
    - *State v. St. Clair* 929
  - Necessity
    - Note: Cannibalism 933
- Intoxication
  - Voluntary Intoxication
    - *People v. Langworthy* 954
- Automatism
  - *Fulcher v. State* 979
- Syndrome Defenses
  - *State v. Stewart* 986
- Juvenile Justice Overview

Week 14

Chapter 10: Compulsion, Intoxication, Automatism and Other Non-Controllable Factors

- Intoxication
  - Voluntary Intoxication
    - *People v. Langworthy* 954
- Automatism
  - *Fulcher v. State* 979
- Syndrome Defenses
  - *State v. Stewart* 986
- Juvenile Justice Overview

Chapter 11: Insanity at Time of the Prohibited Act and Competency to Stand Trial 1001

- The M’Naghten (Right-Wrong) Test
  - *Daniel M’Naghten Case* 1002

Exam discussion
1) **Office Hours**

My office is located in Room 1116. My office hours are Tuesday and Thursday, noon-1:00pm and 5:15 pm to 6:15 pm. Feel free to stop by at any time to discuss criminal law, career choices, or anything else. You may also call me, e-mail me, or we can schedule an appointment. I also will remain in the classroom after each class is over to answer any questions you may have on the materials covered. I am, however less available immediately prior to class for questions.

2) **Attendance Policy**

My approach as to class attendance is that a student should make a reasonable effort to attend all classes within the semester. You are all adults and do make choices, such as attending or missing class. If you are unable to attend, for illness or any other reason, you may miss a maximum of 5 classes within the semester (See Attendance-General Policy which can be found at http://law.ubalt.edu/academics/internal/policies-procedures/attendance.cfm). It’s not necessary for you to advise me why you missed class. One exception is with respect to religious holidays (See Attendance-Religious Policy which can be found at http://law.ubalt.edu/academics/internal/policies-procedures/attendance.cfm).

I would also ask you to make all reasonable efforts to arrive to class on-time, as you will be expected to arrive to court on time. My view is that arriving late is disruptive to the class. Remember, the practice of law requires respect for others. I recognize there are situations which result in late arrivals, such as car trouble, traffic congestion, and other unforeseen events. If you need to enter the classroom late, I will forgive you, but please do not make a habit of it!

3) **Class Cancellation**

There will be no class on Tuesday, September 15, 2015 and Tuesday, September 22, 2015.

4) **Exams and Grades**

Criminal Law is subject to the Law School’s mandatory grading range. The class-wide average is to be in the range of 2.670 and 3.000. Your grade will be based primarily on the final exam and if a mid-term is given, a combination of final exam and mid-term. I will advise you of my intention regarding a mid-term in a timely manner. In the past, I have given a mid-term exam, which I count 20% of the final grade and the final exam counts 80% of the final grade. The final exam will be a three hour closed book exam. Students are permitted to use computers to type their exam. Class participation and court observation assignment are also considered; if your class participation or court observation assignment is extraordinary and your exam grade is between two grades, I may bring you up to a higher grade.