**Criminal Law 6107-01 (Syllabus)**

**Professor Thaddeus Hoffmeister**

**Spring Term 2019**

**Where:** Room 111

**Time:** Wed and Fri 1-2:30

**Required Text:** Hoffmeister, *Criminal Law:* *One-State Solution 2nd Edition* Wolters Kluwer 978-1454898139

Criminal Law

Class                Topic                     Assignment

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| 1 | Introduction  Chapter 1 (Background) | (1). Past exam  (2). Bar exam  (3). Syllabus  (4). One State Solution Pgs. 3-32 |
| 2 | Chapter 2 (Principles of Punishment) and  Chapter 3 (Actus Reus) | One-State Solution Pgs. 33-68 |
| 3 | Chapter 3 (Actus Reus) | One-State Solution Pgs. 68-106 |
| 4 | Chapter 4 (Mens Rea) | One-State Solution Pgs. 119-154 |
| 5 | Chapter 4 (Mens Rea) and  Chapter 5 (Causation and Concurrence of Elements) | One-State Solution Pgs. 154-192 |
| 6 | Chapter 6 (Homicide) and  Chapter 7 (Felony Murder) | One-State Solution Pgs. 195-226 |
| 7 | Chapter 7 (Felony Murder) | One-State Solution Pgs. 226-249 |
| 8 | Chapter 7 (Death Penalty) | One-State Solution Pgs. 249-289 |
| 9 | Chapter 8 (Voluntary Manslaughter) and  Chapter 9 (Involuntary Manslaughter) | One-State Solution Pgs. 291-316 |
| 10 | Chapter 10 (Assault and Battery) and  Chapter 12 (Kidnapping and Robbery) | One-State Solution Pgs. 317-327 and 375-388 |
| 11 | Chapter 13 (Larceny and False Pretenses) | One-State Solution Pgs. 391-419 |
| 12 | Chapter 14 (Embezzlement, Receipt of Stolen Property, and Forgery) | One-State Solution Pgs. 421-453 |
| 13 | Chapter 15 (Burglary, Arson, and Vandalism) | One-State Solution Pgs. 455-481 |
| 14 | Chapter 16 (Attempt) and  Chapter 17 (Solicitation) | One-State Solution Pgs. 485-526 |
| 15 | Chapter 18 (Conspiracy) | One-State Solution Pgs. 527-559 |
| 16 | Chapter 19 (Accomplice Liability) | One-State Solution Pgs. 561-575 |
| 17 | Chapter 20 (Self Defense and Defense of Others) | One-State Solution Pgs. 579-605 |
| 18 | Chapter 20 (Self Defense and Defense of Others) | One-State Solution Pgs. 605-639 |
| 19 | Chapter 21 (Insanity) | One-State Solution Pgs. 639-669 |
| 20 | Chapter 22 (Infancy and Intoxication) | One-State Solution Pgs. 671-693 |
| 21 | Chapter 23 (Entrapment) and    Chapter 24 (Necessity and Duress) | One-State Solution Pgs. 695-732 |
| 22 | **Class attendance is optional**  Chapter 11 (Sexual Assault) | One-State Solution Pgs. 329-352 |
| 23 | **Class attendance is optional**  Chapter 11 (Sexual Assault) | One-State Solution Pgs. 352-374 |
| 24 | Last class | Charlie Savage and Lisa Faye, *A B-Minus? The Shock*! The Horror! NY Times (May 24, 2010) |
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Goals of this course

--Provide you with a basic understanding of criminal law at both the micro and macro level

--Assist you in developing a deeper appreciation of the criminal justice system and how it functions

--Prepare you for the bar examination

--Lay the foundation for future courses in criminal law and procedure

--Improve your ability to interpret statutes, analyze cases, and IRAC

Assessment

To ensure that you reach the previously mentioned goals you will be regularly assessed throughout the semester. The assessment tools are as follows.

--Class Participation

Be prepared for class. If for some reason you don’t want to be called upon in any given class, let me know prior to the start of class. You may be given two passes per semester. I may increase or decrease a student’s grade one increment based on class participation or lack thereof.

--Mid-Term 30%

The mid-term is closed book and will consist of 30 multiple choice questions which will test generally accepted principles of criminal law and the MPC. You have 60 minutes to complete the mid-term. The mid-term will occur sometime during the first 1/3rd of the course. You will have prior notice of when the mid-term will be scheduled.

--Final Exam 70%

The final exam is closed book and will consist of two essay questions (36%) and 60 multiple choice questions (34%). On the essay questions, you are limited to 30 minutes per question and 3900 characters per question.

If you have a question about an assessment tool or your performance on an assessment tool, you can meet with me. All requests to review your performance on an individual assessment will be done *de novo.*

Attendance

You are allowed 2 absences for any reason per semester. Any absence beyond your second absence will result in the loss of 5 points per absence unless the absence is excused. [Here](http://people.com/human-interest/georgia-woman-takes-college-exam-at-while-in-labor-at-hospital/) is my standard for an excused absence. Also, if you miss more than 4 classes in any one semester, you may not be allowed to sit for the final pursuant to the UDSL policy manual and ABA guidelines. Finally, I do not keep track of absences. Mary Boston (room 1 in the basement) tracks all absences.

Office Hours

Regular office hours will be Wed or Friday after class or by appointment.

Taping of Classes

Taping either visual or audio is not permitted. If you have a special need to tape a particular class, please contact me in advance to discuss the issue and if necessary, we can arrange for taping.

Visitors

Please let me know beforehand if you plan to bring a visitor to class. Also, no student may have a visitor attend more than 2 classes per semester.

Integrity

*In re Application of Jones*, Slip Opinion No. 2018-Ohio-4287

*A panel of the board conducted a hearing on October 24, 2017, and found that Jones had violated the law school’s honor code by cheating on a take home exam and that she also engaged in a “pattern of deceit” throughout the school’s investigation and ensuing character-and-fitness proceedings. The panel therefore recommended that we disapprove Jones’s pending applications and that we permit her to reapply as a candidate for the February 2021 bar exam. The board adopted the panel’s report and recommendation and no objections have been filed*.

Disability Accommodations

“Law students wishing to request a disability related accommodation must submit the request in writing to Brenda Cooper, Program Coordinator: Disability Services for the University's Learning Enhancement & Academic Development (LEAD) Office in the Ryan C. Harris Learning Teaching Center (937.229.2066) and provide a copy of the request to Dean Shannon Penn, Assistant Dean for Student Affairs. If you have already secured a current Self-Identification Form indicating a disability which requires academic accommodations, please present the form to me so I will be able to provide the appropriate accommodation needed in this class."

OH Criminal Law Bar Exam Outline

I. Elements of a crime

* 1. Actus Reus
  2. Mens Rea
  3. Concurrence
  4. Causation

II. Punishment and Constitutional Issues

1. Purposes of Punishment
2. Ex post facto, Bill of Attainder, Vagueness and Overbreadth, Burden of Proof

III. Justification and Excuse

1. Law Enforcement
2. Others
3. Property
4. Self
5. Insanity
6. Duress
7. Entrapment
8. Mistake of Fact or Law
9. Intoxication
10. Necessity
11. Diminished Capacity

IV. Inchoate Crimes and Group Criminality

1. Conspiracy
2. Attempt
3. Solicitation
4. Accomplice
5. Corporations

V. Crimes Against People

1. Sexual Battery

B. Homicide

C. Assault and Battery

D. Robbery

E. Kidnapping

VI. Crimes Against Property

1. Trespass
2. Vandalism
3. Theft
4. Arson
5. Burglary