Some Ground Rules

1. Formal office hours are Mondays, 1:10 p.m. to 4:00 p.m., although my door is generally open when I'm in. A call or email before you walk over is a good idea.

2. The readings on this list have been chosen to raise interesting and provocative questions about the philosophy, practice and outcomes of criminal justice in the United States and western Europe. Please read every item on the list, and be prepared each day for discussion in class. Much of the success of the course will depend on your willingness to address hard questions in class and explore your answers in light of the responses of others, so questions, opinions and the free exchange of ideas are strongly encouraged. Class participation, which is not the same thing as agreeing with anyone else or being correct each time you speak, will comprise a significant part of your final grade.

3. In addition to regular attendance and participation, course requirements include (1) two 2000-word essays, selected by the student, from the first five Essays whose due dates are indicated on the syllabus, provided that the two are not consecutively numbered; (2) either Essay 6, due on December 8, or participation in moot court sessions during the week of December 11, including a written brief or opinion on the case; and (3) short response papers containing two discussion questions on the day's readings for at least nine of the sixteen class discussions, indicated on the syllabus by asterisks.

4. Incompletes are strongly disfavored and will be granted only under conditions of bona fide personal exigency.

Texts

The following books can be purchased at the Wesleyan bookstore or from many online booksellers:


All other readings will be posted on the course Moodle.

Reading Assignments
1.) **Matters of Life and Death** (Wednesday, September 6)


*2.) **American Justice** (Friday, September 8)


3.) **Actus Reus** (Wednesday, September 13)


   Doe v. City of Lafayette, 334 F.2d 606 (7th Cir. 2003)

4.) **Causation** (Friday, September 15)


5.) **Mens Rea and Culpability** (Wednesday, September 20)


   Regina v. Faulkner, 13 Cox C.C. 550 (1877)

   Regina v. Cunningham, 41 Crim. App. 155 (1957)

   Culpability in the Model Penal Code

6.) **Murder** (Friday, September 22)


   State v. Brown, 836 S.W. 2d 530 (Tenn. 1992)

   Furman v. Georgia, 408 U.S. 238 (1972)

7.) Manslaughter (Wednesday, September 27)


Freddo v. State, 155 S.W. 170 (Tenn. 1913)

People v. Casassa, 404 N.E. 2d 1310 (N.Y. 1980)

8.) Felony Murder I (Friday, September 29)


People v. Hansen, 885 P.2d 1022 (Cal. 1994)

9.) Felony Murder II (Wednesday, October 4)


State v. Sophophone, 19 P.3d 70 (Kan. 2001)

*10) Mental Abnormality (Friday, October 6)


The Case of Joy Baker

ESSAY #1 DUE IN CLASS, WEDNESDAY, OCTOBER 11

*11.) Retribution and Deterrence (Wednesday, October 11)

Leviticus 24: 17-22.


*12.) Discipline (Friday, October 13)


ESSAY #2 DUE IN CLASS, WEDNESDAY, OCTOBER 18

*13.) Externality and Liability (Wednesday, October 18)*


*14.) Criminal Liability (Friday, October 20)*


ESSAY #3 DUE IN CLASS, WEDNESDAY, OCTOBER 25

*15.) The Exclusionary Rule (Wednesday, October 25)*


16.) Arrests and Stops (Friday, October 27)


   Terry v. Ohio, 392 U.S. 1 (1968)

ESSAY #4 DUE IN CLASS, WEDNESDAY, NOVEMBER 1
*17.) **Trials and Bargains** (Wednesday, November 1)


18.) **Plea Bargaining** (Friday, November 3)

Miller, Dawson, Dix and Parnas, *Prosecution and Adjudication* (1982), pp. 866-894, 909-913:


*19.) **Inquisitorial Procedure** (Wednesday, November 8)


*20.) **Inquisitorial Plea Bargains** (Friday, November 10)


**ESSAY #5 DUE IN CLASS, WEDNESDAY, NOVEMBER 15**

*21.) **How We Got Here** (Wednesday, November 15)

*22.) The Warren Court and Beyond (Friday, November 17)*


THANKSGIVING BREAK

*23.) The Color of Justice (Wednesday, November 29)*


*24.) The New Jim Crow (Friday, December 1)*


*25) The Standard Story (Wednesday, December 6)*


*26) Prosecutorial Politics (Friday, December 8)*


ESSAY #6 DUE IN CLASS, FRIDAY, DECEMBER 8

MOOT COURT SESSIONS TO BE SCHEDULED IN THE WEEK OF DECEMBER 11