CRIME AND PUNISHMENT

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 around the world. 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 7, or participation in moot court sessions during the week of December 10, 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 5)

*2.) American Justice (Friday, September 7)


3.) Actus Reus (Wednesday, September 12)


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

4.) Causation (Friday, September 14)


5.) Mens Rea and Culpability (Wednesday, September 19)


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

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

   Culpability in the Model Penal Code

ESSAY #1 OUT, WEDNESDAY SEPTEMBER 19

6. Necessity (Friday, September 21)


7.) Defense Against Aggression (Wednesday, September 26)

pp. 419-429.

People v. Goetz, 497 N.E.2d 41 (N.Y. 1986)

*8.) Mental Abnormality (Friday, September 28)


The Case of Joy Baker

ESSAY #1 DUE, FRIDAY, SEPTEMBER 28

*9.) Retribution and Deterrence (Wednesday, October 3)


ESSAY #2 OUT, WEDNESDAY, OCTOBER 3

*10.) Discipline (Friday, October 5)


*11.) Criminal Liability (Wednesday, October 10)


*12.) Incarceration (Friday, October 12)

ESSAY #2 DUE, FRIDAY, OCTOBER 12

13.) Murder (Wednesday, October 17)


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

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


14.) Manslaughter I (Friday, October 19)


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

*15.) Manslaughter II (Wednesday, October 24)


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

ESSAY #3 OUT, WEDNESDAY, OCTOBER 24

16.) Felony Murder I (Friday, October 26)


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

17.) Felony Murder II (Wednesday, October 31)


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

ESSAY #4 OUT, WEDNESDAY, OCTOBER 31
*18.) **The Exclusionary Rule** (Friday, November 2)


ESSAY #3 DUE, FRIDAY, NOVEMBER 2

*19.) **Arrests and Stops** (Wednesday, November 7)


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


*20.) **Trials and Bargains** (Friday, November 9)


ESSAY #4 DUE, FRIDAY, NOVEMBER 9
*21.) Inquisitorial Procedure (Wednesday, November 14)


ESSAY #5 OUT, WEDNESDAY, NOVEMBER 14

*22.) Inquisitorial Plea Bargains (Friday, November 16)


THANKSGIVING BREAK

*23.) How We Got Here (Wednesday, November 28)


ESSAY #5 DUE IN CLASS, WEDNESDAY, NOVEMBER 28

ESSAY #6 OUT, WEDNESDAY, NOVEMBER 28

*24.) The Warren Court and Beyond (Friday, November 30)


*25.) The New Jim Crow (Wednesday, December 5)


*26.) The Standard Story (Friday, December 7)


ESSAY #6 DUE IN CLASS, FRIDAY, DECEMBER 7

MOOT COURT SESSIONS TO BE SCHEDULED IN THE WEEK OF DECEMBER 10