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, though students may not submit both Essay 1 and Essay 3; (2) either Essay 6, due on December 6, or participation in moot court sessions during the week of December 9, 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 fourteen 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 4)

*2.) American Justice (Friday, September 6)


3.) Legality (Wednesday, September 11)


Rex v. Manley, [1933] 1 K.B. 529

4.) Vagueness (Friday, September 13)


5.) Actus Reus (Wednesday, September 18)


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

6.) Causation (Friday, September 20)


ESSAY #1 (State v. Bulley) OUT, FRIDAY, SEPTEMBER 20

7.) Mens Rea and Culpability (Wednesday, September 25)


Regina v. Faulkner, 13 Cox C.C. 550 (1877)
Regina v. Cunningham, 41 Crim. App. 155 (1957)

Culpability in the Model Penal Code

8.) **Defense Against Aggression** (Friday, September 27)


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

ESSAY #1 DUE, FRIDAY, SEPTEMBER 27

*9.) **Mental Abnormality** (Wednesday, October 2)


The Case of Joy Baker

*10.) **Retribution and Deterrence** (Friday, October 4)


ESSAY #2 (Purposes of Criminal Law) OUT, FRIDAY, OCTOBER 4

*11.) **Discipline** (Wednesday, October 9)


*12.) **Incarceration** (Friday, October 11)

*13.) Alternatives (Wednesday, October 16)


NO CLASS, FRIDAY, OCTOBER 18

14.) Murder (Wednesday, October 23)


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

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


ESSAY #2 DUE, WEDNESDAY, OCTOBER 23

15.) Manslaughter I (Friday, October 25)


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

ESSAY #3 (State v. Talker and Lensman) OUT, FRIDAY, OCTOBER 25

*16.) Manslaughter II (Wednesday, October 30)


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

17.) Felony Murder I (Friday, November 1)


People v. Hansen, 885 P.2d 1022 (Cal. 1994)
ESSAY #3 DUE, FRIDAY, NOVEMBER 1

ESSAY #4 (Felony Murder) OUT, FRIDAY, NOVEMBER 1

18.) Felony Murder II (Wednesday, November 6)


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

*19.) Arrests and Stops (Friday, November 8)


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


ESSAY #5 (Comparative Procedure) OUT, FRIDAY, NOVEMBER 8

*20.) Trials and Bargains (Wednesday, November 13)


*21.) Inquisitorial Procedure (Friday, November 15)


ESSAY #4 DUE, FRIDAY, NOVEMBER 15

*22.) Inquisitorial Plea Bargains (Wednesday, November 20)


*23.) How We Got Here (Friday, November 22)


ESSAY #5 DUE, FRIDAY, NOVEMBER 22

ESSAY #6 OUT, FRIDAY, NOVEMBER 22

THANKSGIVING BREAK

*24.) The Warren Court and Beyond (Wednesday, December 4)


*25.) The New Jim Crow (Friday, December 6)


ESSAY #6 DUE IN CLASS, FRIDAY, DECEMBER 6
MOOT COURT SESSIONS TO BE SCHEDULED IN THE WEEK OF DECEMBER 9