



## **CRIMINAL LAW** **SYLLABUS**

Semester: Fall 2024

Course Number: 13713

Section: 2

Credits: 3

Days & Time: Tuesdays & Thursdays @ 1:45 pm – 3:10 pm

Location: Holland Hall 283

**Zachary D. Kaufman, J.D., Ph.D.**

**Professor of Law**

Office Location: Holland Hall 332

Office Hours: (1) Mondays 3 pm – 4 pm (via Zoom), (2) Tuesdays 3:20 pm – 4:20 pm (in person), and (3) by appointment (via Zoom or in person)

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### **I. COURSE INFORMATION**

#### **A. COURSE DESCRIPTION**

This course examines *substantive* criminal law in the United States: rules and prohibitions that our legal system enforces using criminal punishment. (*Procedural* criminal law—such as rules governing police stops, warrants, searches, arrests, criminal trials, and sentencing—is addressed in upper-level criminal procedure electives.) This course considers not just *what* the substance of the criminal law is, but also *how* criminal law is made and *why* criminal sanctions are used. Our inquiry requires close attention to criminal statutes’ text, judicial decisions interpreting those statutes, and realities about how criminal law is enforced.

**B. LEARNING OUTCOMES**

First, this course will provide you with a basic understanding of how substantive criminal law—a significant part of our legal system—functions in the United States. At the end of this course, you will be able to identify the basic legal principles and substantive rules underlying American criminal law, including the rationales for criminal punishment, the basic elements of various crimes, doctrines regarding criminal liability, and defenses raised by the accused. You will also be able to describe and assess the role of historical, philosophical, and policy considerations relating to substantive criminal law.

Second, this course will help you develop skills that are useful to all lawyers. Those abilities include learning and using basic legal vocabulary as well as reading and interpreting judicial opinions and statutes.

**C. SOURCES OF LAW**

This class is about substantive criminal law. But there is not one body of “the” substantive criminal law. Instead, there are:

- different bodies of substantive criminal law for every state,
- a narrower body of federal substantive criminal law that covers the whole United States, and
- the Model Penal Code (MPC), written by legal scholars and published by a private organization called the American Law Institute, which isn’t itself the law anywhere but which has influenced the law in a number of jurisdictions. (The MPC is sort of like the “Restatements” of law that you may have encountered in some of your other courses.)

For any given legal issue, we will mostly learn the dominant or majority rule (that is, the rule followed by most jurisdictions). Sometimes, though, we will study alternative approaches—such as where the common law and the MPC diverge. In those situations, you will be expected to be able to compare and contrast the different approaches. We will also read some cases dealing with federal constitutional limits on criminal punishment; these constitutional limits will, of course, apply to any criminal prosecution in the United States, whether state or federal.

**D. CLASS SURVEY**

So that I may get to know you better, by August 13 please fill out [this Google form](#).

**E. SUBJECT MATTER**

In this course we will study difficult material. Criminal law is the mechanism our society uses to deal with the gravest wrongs. We will read and discuss material that addresses troubling topics, such as cannibalism, killing, child and elder abuse, racial and other types of discrimination, police violence, and rape. It is essential for everyone in the class to communicate with the thoughtfulness, sensitivity, and care that these topics warrant. I will do my best for such communication, and I ask you to do the same. Please let me know privately if you have concerns about participating in discussion of a particular topic.

## **F. COMMUNICATION AND OFFICE HOURS**

My primary means of communicating with you outside of class will be by email and by posts on our course’s Canvas site. You are expected to check your email and Canvas and are responsible for any announcements or assignments I send via email or post on Canvas.

I am happy to answer questions by email if they are short or related to class logistics. I will do my best to respond to all questions within three business days. Substantive course-related questions are typically best addressed in office hours. During office hours I’m also happy to discuss course-related issues in the news, provide career advice, and talk about clerkships, public service, law firms and other opportunities in the private sector, or anything else you find interesting and productive.

When emailing me about meeting or for any other purpose, please include the abbreviated bracketed course name—“[CL]”—at the beginning of a descriptive subject header. For example, if emailing me a note that you must miss a class due to illness, your subject header would be something like: “[CL] Upcoming Absence due to Illness.”

I will hold office hours at the times listed at the beginning of this document. You may schedule appointments via email and you may do so alone or in groups. Please be respectful of your classmates by promptly cancelling any appointment you do not intend to keep.

If you cannot meet during my regular office hours, I would be glad to find an alternative time. Please email me and include several options when you are available to meet.

## **G. STUDENT COURSE EVALUATIONS**

Your feedback about the course is important and greatly appreciated. You are expected to provide professional and respectful feedback on the quality of instruction in this course. Please click [here](#) for guidance on how to provide feedback in a professional and respectful manner.

You will have two opportunities to provide feedback formally: a mid-term evaluation that I will administer and a final evaluation that UF will administer. For the mid-term evaluation, you will be notified when the evaluation period opens and you may complete evaluations through the Google Form I will provide. For the final evaluation, you will be notified when the evaluation period opens and you may complete evaluations through the email you receive from GatorEvals, in your Canvas course menu under GatorEvals, or via <https://ufl.bluera.com/ufl/>. Summaries of courses’ final evaluation results are available at: <https://gatorevals.aa.ufl.edu/public-results/>.

In addition, please email me or visit my office hours to provide any additional feedback.

## **H. COURSE EXPECTATIONS AND REQUIREMENTS**

The expectations and requirements for this course are as follows:

- **Compliance with the University of Florida Levin College of Law Honor Code:** Academic honesty and integrity are fundamental values of the University of Florida (UF) community. The UF Levin College of Law (UF Law) Honor Code also prohibits use of artificial intelligence, including, but not limited to, ChatGPT and Harvey, to assist in completing quizzes, exams, papers, or other assessments unless expressly authorized by the professor to do so. When using artificial intelligence, you must provide proper attribution to it. You are required to read and understand the UF Law Student Honor Code, which is available at: <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/additional-information/honorcode-and-committee/honor-code>. If you have any questions about the UF Law Student Honor Code, please let me know.
- **Canvas Registration:** You are required to register for the Canvas site for this course.
- **Checking Canvas and Email:** To ensure that you receive any class announcements or adjustments, you are required to check this course’s Canvas page and read this course’s email messages at least 3 weekdays per week.
- **Class Attendance:**
  - **Requirement:** Students are expected to attend and participate in class. I assume that each student enrolled in this course is committing to attend every class to the best of their abilities. Class attendance is required by both the American Bar Association (ABA) and UF Law. Attendance will be taken at each class session. You are responsible for ensuring the recording of your own attendance. You may not record attendance for another student. UF Law’s policy on attendance is available at: <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/uf-law-student-handbook-and-academic-policies>. A student who fails to meet this attendance requirement will be dropped from this course.
  - **Timeliness:** As a matter of professionalism, you are expected to be on time for class—meaning seated and ready to begin when class starts. Arriving late is disruptive not only to me, but also to your classmates. Please do not arrive late to class or leave early absent extenuating circumstances. If you need to do so, please notify me in advance and sit near an exit to minimize your disruption to others. Late arrivals may be treated as absences.
  - **Exception #1: 2 Absences for Any Reason:** To allow for exigencies in life, you are permitted two class absences—for any reason—without impacting your final grade. If possible, professional courtesy encourages you to notify me if you will not be in class. Please let me know if you have a family or health situation or emergency that will require missing more than two classes, and we will discuss how to accommodate you.
  - **Exception #2: Absences for Illness:** Please do not attend class if you are ill. All absences for illness are excused. The two-absence-for-any-reason policy does not apply to illness.
  - **Exception #3: Absences for Religious Holidays:** UF Law respects students’ observance of religious holidays (<https://catalog.ufl.edu/ugrad/1617/regulations/info/attendance.aspx>). All absences for religious holidays are excused. The two-absence-for-any-reason policy does not apply to religious holidays.

- Students, upon prior notification to their instructors, shall be excused from class or other scheduled academic activity to observe a religious holy day of their faith.
  - Students shall be permitted a reasonable amount of time to make up the material or activities covered in their absence.
  - Students shall not be penalized due to absence from class or other scheduled academic activity because of religious observances.
- Grading and Credit: For each unexcused absence beyond two, and not including absences for illness or religious holidays, your grade will be lowered by one-third of a grade (e.g., A- to B+). If you miss three or more scheduled classes without my explicit permission (again, not including absences for illness or religious holidays), I have the discretion to render you ineligible to receive credit for the course. This policy starts on the first day of classes, not the end of the add/drop period.
- Class Preparation and Participation: Preparation for and participation in class discussion are necessary both for your own understanding of the material and for the benefit of your classmates. You are expected to be prepared for every class, which means (1) having read, listened to, or viewed and being ready to discuss the material assigned for that class and (2) having the assigned material available during class in hard copy or electronic format in case we make reference to particular parts. If, for any reason, you are not prepared for a class, please let me know at least 2 hours in advance via email and I will not call on you that day. Being unprepared without permission more than 2 times during the semester will affect your grade.
  - ABA Out-of-Class Hours Requirement: American Bar Association Standard 310 requires that students devote at least 120 minutes to out-of-class preparation for every “classroom hour” of in-class instruction. Each class is approximately 1 hour and 25 minutes in length, requiring at least 2 hours and 50 minutes of preparation outside of class. Such preparation includes reading or viewing the assigned materials.
  - In-class engagement: During class, I will call on members of the student panel assigned for that class and I will solicit volunteers from among all students in the course. I expect that you will speak multiple times throughout the course. Learning in this course is a collaborative process. Each student’s contributions will be important and valuable for our discussion.
    - Discourse and the Classroom: As a law student and future lawyer, it is important that you be able to engage in rigorous discourse and critical evaluation while also demonstrating civility and respect for others, including your classmates, any guest speakers, and me. This is even more important in the case of controversial issues and other topics that may elicit strong emotions, as is the case in this course. The most productive discussions develop from students sharing contrasting opinions in a civil, respectful manner. Each class member is entitled to your respect, and to a presumption that their views are being offered in good faith—even if they are views with which you sharply disagree.
  - Technology: To avoid distractions during class, please do not use laptops or any other electronic devices (including tablets and mobile phones) for anything other than class purposes and please silence all electronic devices (including laptops, tablets, and mobile phones). You should not use class time to check email or social media, engage

in text conversations, browse the Internet, or otherwise use electronic devices in a manner that distracts you or others from class.

- **Grading:** While your grade is mostly based on the exam, exceptional performance in class discussion can raise your grade and poor performance can lower it. For the percentage your grade may be affected, see “Grading” – “Your Grade” below.
- **Chatham House Rule on Discussion and Attribution:** Classroom discussions are subject to the Chatham House rule: participants are free to use the information received, but neither the identity nor the affiliation of the speakers, nor that of any other participant, may be revealed. This rule, which applies to students and any guest speakers, is meant to encourage frank discussion and allow students and guest speakers to try out arguments. Robust but respectful debate is encouraged. You may not post online or otherwise share recordings, screenshots, classmates’ remarks, or any other class content. If you have any questions or concerns about class discussions—or feel in any way uncomfortable speaking in class for any reason—please contact me.

**I. GRADING**

- **UF Law Grading Policies:** UF Law’s mean and mandatory distributions are posted on the College’s website and this course adheres to that posted grading policy. The following chart describes the specific letter grade/grade point equivalent in place:

Letter Grade	Point Equivalent
A (Excellent)	4.0
A-	3.67
B+	3.33
B	3.0
B-	2.67
C+	2.33
C (Satisfactory)	2.0
C-	1.67
D+	1.33
D (Poor)	1.0
D-	0.67
E (Failure)	0.0

UF Law’s grading policies are available at: <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/uf-law-student-handbook-and-academic-policies>.

- **Your Grade:** Your grade will be based upon attendance, participation, and the exam in the following proportion:

Class Component	Percent of Grade
Attendance and Participation	20%
Exam	80%
TOTAL	100%

As part of your attendance and participation, I reserve the right to deduct points from your final grade if you engage in behavior that significantly disrupts the learning environment for your classmates, such as (1) arriving late to class; (2) leaving class early; (3) not silencing your laptop, tablet, or mobile phone; (4) using any electronic devices for purposes unrelated to class; or (5) uncivil, disrespectful, or insensitive commentary or behavior that chills classroom discussion.

- **Exam:** Your grade will be based primarily on an exam at the end of the semester.
  - This exam will be “limited open book.”
    - You **must ONLY use** material for this course. Accordingly, you **are permitted** to consult the syllabus’s required coursebook, other assigned readings, slides and other course materials that you downloaded from our course’s site on Canvas, your class notes, and any outline or other materials that you helped to prepare.
      - **Note:** You should download (e.g., from Canvas) any permissible materials prior to the exam, as you will not have access to the Internet during the exam.
    - You **must NOT use** any other materials. Accordingly, you **are NOT permitted** to consult other people, the Internet, outlines that you did not help to prepare (including commercial outlines, such as JOSHUA DRESSLER, UNDERSTANDING CRIMINAL LAW, or outlines prepared by other students without your help), artificial intelligence, or any other online or offline sources.
  - All answers must be exclusively your own work. You may not consult with others about the exam once the exam period has started. You may not use artificial intelligence during the exam.
  - The exam will be comprehensive: anything assigned for class or discussed during class may be tested.
  - The exam will test:
    - your understanding of legal rules and principles as well as policy considerations, and
    - your ability to apply such law and policy in new contexts and to critically analyze legal problems.
  - I will discuss the exam in class at an appropriate point. I won’t talk about the details of the exam in nonpublic settings where the whole class doesn’t have the option to be present (such as in office hours).
  - UF Law’s policy on exam delays and accommodations is available at: <http://www.law.ufl.edu/student-affairs/current-students/forms-applications/exam-delays-accommodations-form>.

## **J. ACCOMMODATIONS FOR STUDENTS WITH DISABILITIES**

Students requesting accommodations for disabilities must first register with the Disability Resource Center (<https://disability.ufl.edu/>). Once registered, students will receive an accommodation letter, which must be presented to the Assistant Dean for Student Affairs (Assistant Dean Brian Mitchell). Students with disabilities should follow this procedure as early as possible in the semester. It is important for students to share their accommodation letter with their instructor and discuss their access needs as early as possible in the semester. Students may obtain information about

various resources on UF Law’s Student Resources Canvas page, which is available at <https://ufl.instructure.com/courses/427635>.

**K. CLASS RECORDINGS**

Florida law permits all students to make their own video and/or audio recordings of all “class lectures,” and professors may not prohibit or interfere with such recordings. A “class lecture” is defined as an educational presentation intended to inform or teach enrolled students about a particular subject, including any instructor-led discussions that form part of the presentation, and delivered by any instructor hired or appointed by the University, or by a guest instructor, as part of a University of Florida course. A “class lecture” does not include lab sessions, student presentations, clinical presentations such as patient history, academic exercises involving solely student participation, assessments (quizzes, tests, exams), field trips, private conversations between students in the class or between a student and the faculty or lecturer during a class session.

Student may use such recordings only for the following purposes: (1) their own educational use, (2) in connection with a complaint to the university, or (3) as evidence in, or in preparation for, a criminal or civil proceeding. All other purposes are prohibited, and students may not “publish” recorded lectures without the written consent of the instructor. A student who publishes a recording without written consent may be subject to a civil cause of action instituted by a person injured by the publication and/or discipline under UF Regulation 4.040 Student Honor Code and Student Conduct Code. “Publish” is defined as sharing, transmitting, circulating, distributing, or providing access to a recording, regardless of format or medium, to another person (or persons), including but not limited to another student within the same class section. Additionally, a recording, or transcript of a recording, is considered published if it is posted on or uploaded to, in whole or in part, any media platform, including but not limited to social media, book, magazine, newspaper, leaflet, or third party note/tutoring services.

**L. HEALTH AND WELLNESS RESOURCES**

Law school can be a daunting experience, especially when life outside the law school becomes challenging. UF Law provides numerous resources for your support, and I encourage you to seek help if you have concerns. If you are comfortable doing so, you may also notify me so that I can direct you to further resources. UF Law’s health and wellness resources are available at: <https://www.law.ufl.edu/wellness-at-uf-law>.

**M. UF LAW STANDARD SYLLABUS POLICIES**

Other information about UF Law’s policies—including compliance with the UF Honor Code, Grading, Accommodations, Class Recordings, and Course Evaluations—is available at: <https://www.law.ufl.edu/uf-law-student-handbook-and-academic-policies>.



**N. COURSE MATERIALS**

- Required Book: CRIMINAL LAW: CASES AND MATERIALS (Joshua Dressler & Stephen P. Garvey eds., 9th ed. 2022). ISBN: 978-1636596891. Please be sure to obtain the correct edition.
- Recommended Book: JOSHUA DRESSLER, UNDERSTANDING CRIMINAL LAW (9th ed. 2022). ISBN: 978-1531021726. If you choose to acquire this study aid, again, please be sure to obtain the correct edition.
  - Note: This study aid is not a required material and is not permitted to be accessed during the exam.
- Canvas: I may post some course materials to Canvas.
- Online: Some course materials are available publicly online. For those materials, I provide a hyperlink in their listing below.

## II. SCHEDULE

- This syllabus features 26 class sessions.
- MPC provisions assigned below are available in the coursebook’s Appendix, the exact page number of which is included in parentheses.
- I may adjust the syllabus to accommodate our pace, to incorporate relevant news items, to accommodate a guest speaker’s availability, or in response to unforeseen developments. I will announce any such changes promptly and will post an updated syllabus to Canvas. If we do not complete material during the designated class, you should expect that we will return to it in the following class.

Class Session	Date	Topic(s)	Assignment(s)
<b>I. INTRODUCTION AND PRINCIPLES OF PUNISHMENT</b>			
1	Tuesday, Aug. 20	<ul style="list-style-type: none"> <li>• Nature, Sources, and Limits of the Criminal Law</li> <li>• Criminal Law in a Procedural Context: Pre-Trial</li> <li>• Criminal Law in a Procedural Context: Trial by Jury</li> <li>• Proof of Guilt at Trial</li> </ul>	<ul style="list-style-type: none"> <li>• Syllabus</li> <li>• 1-19</li> </ul>
2	Thursday, Aug. 22	<ul style="list-style-type: none"> <li>• Jury Nullification</li> <li>• Principles and Theories of Punishment</li> </ul>	<ul style="list-style-type: none"> <li>• 19-29</li> <li>• <a href="#">“60 Minutes” segment about race-based jury nullification</a> (10-minute video)</li> <li>• 31-56 (through top of page 56, to end of notes and questions on <i>The Queen v. Dudley &amp; Stephens</i>)</li> <li>• 605-609 (only <i>The Queen v. Dudley &amp; Stephens</i> case, not the notes and questions after)</li> </ul>
3	Tuesday, Aug. 27	<ul style="list-style-type: none"> <li>• How Much (and What) Punishment Should be Imposed?</li> <li>• Proportionality of Punishment</li> </ul>	<ul style="list-style-type: none"> <li>• 56-73 (through top of page 73, to end of notes and questions on <i>United States v. Gementera</i>)</li> <li>• 73-76 (through top of page 76, before <i>Coker v. Georgia</i>)</li> <li>• <a href="#">Restorative Circle Process</a> (15-minute video)</li> <li>• <a href="#">Civics 101 Podcast on the Eighth Amendment</a> (15-minute podcast)</li> </ul>

II. MODERN ROLE OF CRIMINAL STATUTES			
4	Thursday, Aug. 29	<ul style="list-style-type: none"> <li>Principle of Legality: The Requirement of Previously Defined Conduct &amp; The Values of Statutory Clarity</li> </ul>	<ul style="list-style-type: none"> <li>95-124</li> </ul>
III. ACTUS REUS			
5	Tuesday, Sept. 3	<ul style="list-style-type: none"> <li>Introduction, Voluntary Act</li> </ul>	<ul style="list-style-type: none"> <li>133-45</li> <li>157-59 (only “Social Harm” section)</li> <li>MPC § 2.01(1, 2, 4) (1026)</li> </ul>
6	Thursday, Sept. 5	<ul style="list-style-type: none"> <li>Omissions (“Negative Acts”)</li> </ul>	<ul style="list-style-type: none"> <li>146-57</li> <li>MPC § 2.01(1, 3) (1026)</li> </ul>
7	Tuesday, Sept. 10	<ul style="list-style-type: none"> <li>Bad Samaritan Laws</li> </ul>	<ul style="list-style-type: none"> <li>Vermont Statute title 12, § <a href="#">519</a></li> <li>Nevada Statute § <a href="#">202.882</a></li> <li>California Penal Code § <a href="#">152.3</a></li> <li>Texas Penal Code §§ <a href="#">38.17</a>, <a href="#">38.171</a></li> <li>Zachary D. Kaufman, <a href="#">Protectors of Predators or Prey: Bystanders and Upstanders amid Sexual Crimes</a>, 92 S. CAL. L. REV. 1317, 1318-48, 1355-61 (2019)</li> <li>Zachary D. Kaufman, <a href="#">Digital Age Samaritans</a>, 62 B.C. L. REV. 1117, 1117-39, 1176-92 (2021)</li> <li>Zachary D. Kaufman, <a href="#">Police Policing Police</a>, 91 GEO. WASH. L. REV. 353, 439-45 (2023) (Appendix)</li> </ul>
IV. MENS REA			
8	Thursday, Sept. 12	<ul style="list-style-type: none"> <li>Nature of Mens Rea</li> <li>Intent</li> <li>The Model Penal Code Approach</li> </ul>	<ul style="list-style-type: none"> <li>161-77</li> <li>MPC § 1.02(3) (1021)</li> <li>MPC § 2.02 (1027-28)</li> <li>MPC § 2.03(1-3) (1029)</li> </ul>
9	Tuesday, Sept. 17	<ul style="list-style-type: none"> <li>Wilfull Blindness</li> <li>Problems in Statutory Interpretation</li> </ul>	<ul style="list-style-type: none"> <li>177-89</li> <li>MPC §§ 2.02(2)(b)), 2.02(7) (1027-28)</li> </ul>
10	Thursday, Sept. 19	<ul style="list-style-type: none"> <li>Strict Liability Offenses</li> </ul>	<ul style="list-style-type: none"> <li>190-208</li> <li>MPC § 2.05 (1030-31)</li> </ul>
11	Tuesday, Sept. 24	<ul style="list-style-type: none"> <li>Mistake of Fact</li> <li>Mistake (or Ignorance) of Law</li> </ul>	<ul style="list-style-type: none"> <li>208-30</li> <li>MPC § 2.04 (1029-30)</li> </ul>
V. CAUSATION			
12	Thursday, Sept. 26	<ul style="list-style-type: none"> <li>Actual Cause (Cause-in-Fact)</li> <li>Proximate Cause (“Legal” Cause)</li> </ul>	<ul style="list-style-type: none"> <li>231-53</li> <li>MPC § 2.03 (1029)</li> </ul>

VI. CRIMINAL HOMICIDE			
13	Tuesday, Oct. 1	<ul style="list-style-type: none"> <li>• Homicide Statistics</li> <li>• Common Law Origins and Statutory Reform</li> <li>• Intentional Killings</li> </ul>	<ul style="list-style-type: none"> <li>• 257-60</li> <li>• 280-93 (starting with Note 4 on 280)</li> <li>• Florida Statutes <a href="#">chapter 782</a></li> <li>• MPC § 210.0-210.4 (1060-61)</li> </ul>
14	Thursday, Oct. 3	<ul style="list-style-type: none"> <li>• Manslaughter: “Heat of Passion” Killings</li> </ul>	<ul style="list-style-type: none"> <li>• 293-321</li> </ul>
15	Tuesday, Oct. 8	<ul style="list-style-type: none"> <li>• Unintentional Killings: Unjustified Risk-Taking</li> </ul>	<ul style="list-style-type: none"> <li>• 324-42</li> </ul>
16	Thursday, Oct. 10	<ul style="list-style-type: none"> <li>• Unintentional Killings: Unlawful Conduct (The Felony-Murder Rule and the Misdemeanor-Manslaughter Rule)</li> </ul>	<ul style="list-style-type: none"> <li>• 342-73</li> <li>• <a href="#">Why Did I Serve 16 Years for Murder When I Didn’t Kill Anyone</a> (6-minute video)</li> </ul>
VII. RAPE AND RELATED SEXUAL OFFENSES			
17	Tuesday, Oct. 15	<ul style="list-style-type: none"> <li>• Overview</li> <li>• Actus Reus: The Traditional (Pre-Reform) Approach: Forcible Rape</li> </ul>	<ul style="list-style-type: none"> <li>• Jeannie Suk Gersen, <i>The Socratic Method in the Age of Trauma</i>, 130 HARV. L. REV. 2320, 2332-37 (2017)</li> <li>• 417-56</li> <li>• Compare MPC Article 213 (original 1962 version – see Canvas) with revised MPC Article 213 (1067-80)</li> </ul>
18	Thursday, Oct. 17	<ul style="list-style-type: none"> <li>• Actus Reus: Moving Beyond the Traditional Approach</li> </ul>	<ul style="list-style-type: none"> <li>• 456-83</li> <li>• <a href="#">Model Penal Code: Sexual Assault and Related Offenses</a> (4-minute video)</li> </ul>
19	Tuesday, Oct. 22	<ul style="list-style-type: none"> <li>• “Consent” Obtained by Fraud or Intoxicants</li> <li>• Mens Rea</li> <li>• Rape Shield Laws</li> <li>• Statutory Rape</li> </ul>	<ul style="list-style-type: none"> <li>• 483-505</li> </ul>
VIII. INCHOATE OFFENSES			
20	Thursday, Oct. 24	<ul style="list-style-type: none"> <li>• Overview</li> <li>• Attempt: General Principles, Grading Criminal Attempts, Mens Rea, Actus Reus</li> </ul>	<ul style="list-style-type: none"> <li>• 763-802</li> <li>• MPC §§ 5.01, 5.05 (1054-55, 1058)</li> </ul>
21	Tuesday, Oct. 29	<ul style="list-style-type: none"> <li>• Attempt: Abandonment</li> <li>• Solicitation</li> <li>• Conspiracy: General Principles</li> </ul>	<ul style="list-style-type: none"> <li>• 818-22</li> <li>• 825-39</li> <li>• MPC §§ 5.02, 5.03, 5.04 (1055-58)</li> </ul>
22	Thursday, Oct. 31	<ul style="list-style-type: none"> <li>• Impossibility</li> <li>• Conspiracy: Mens Rea, Actus Reus</li> <li>• Conspiracy: Bilateral or Unilateral?</li> <li>• Defenses</li> </ul>	<ul style="list-style-type: none"> <li>• 802-18</li> <li>• 839-53</li> <li>• 859-64</li> <li>• 873-83</li> </ul>

<b>IX. LIABILITY FOR THE CONDUCT OF ANOTHER</b>			
23	Tuesday, Nov. 5	<ul style="list-style-type: none"> <li>• Accomplice Liability: General Principles, In General, Mens Rea, Actus Reus</li> </ul>	<ul style="list-style-type: none"> <li>• 893-928</li> <li>• MPC § 2.06 (1031-32)</li> </ul>
<b>X. DEFENSES</b>			
24	Thursday, Nov. 7	<ul style="list-style-type: none"> <li>• Categories of Defenses</li> <li>• Burden of Proof</li> <li>• Structure and Underlying Theories of Justification Defenses</li> <li>• Self-Defense</li> <li>• Defense of Others</li> </ul>	<ul style="list-style-type: none"> <li>• 507-14</li> <li>• 521-24</li> <li>• 534-48</li> <li>• 554-56 (only Note 7)</li> <li>• 576-80</li> <li>• MPC §§ 1.12, 3.01, 3.02, 3.04, 3.05 (1024-25, 1037-40)</li> </ul>
25	Friday, Nov. 8 @ 3:15 pm	<ul style="list-style-type: none"> <li>• Self-Defense (continued)</li> <li>• Battered Person Syndrome</li> <li>• Necessity</li> </ul>	<ul style="list-style-type: none"> <li>• 524-34 (through Note 7)</li> <li>• 556-75</li> <li>• 589-96</li> <li>• MPC § 2.09 (1034-35)</li> </ul>
26	Tuesday, Nov. 12	<ul style="list-style-type: none"> <li>• Necessity (continued)</li> <li>• Duress</li> <li>• Insanity</li> </ul>	<ul style="list-style-type: none"> <li>• 609-13</li> <li>• 617-30</li> <li>• 645-66</li> <li>• 674-76 (Notes 3 and 4)</li> <li>• 681-82</li> <li>• MPC § 4.01 (1048)</li> </ul>