COURSE DESCRIPTION

COURSE MATERIALS AND ASSIGNMENTS:
- Additional materials at class blog (http://lsi.typepad.com/criminal_law_moritz/)
- Carmen class website (serving as archive of class recordings and documents)
- Sections of the Model Penal Code (appearing in Appendix B of the text, pp. 1099-1150)
- Sections of the Ohio Revised Code (key provisions to be distributed in class handouts)

A course outline appears at the end of this memo to give you a broad overview of the topics covered in this class. In addition, you should have picked up/downloaded a detailed course syllabus listing the assignments for the semester. Roughly speaking, expect to read around 40 pages in the text (and related materials) each week, with about 2-3 hours of reading/preparation for each hour we spend together in the classroom (but this is a very rough approximation, your millage may vary).

Classes will be streamed via Zoom and will be recorded for later posting on Carmen. I highly recommend that students make every possible effort to attend the live class when feeling well and to stay home when not feeling well.

I recommend Understanding Criminal Law by Professor Joshua Dressler as the best secondary source if you seek another presentation of the materials and ideas discussed in class. In my view, avoiding commercial outlines and similar study aids, especially during your first year, will actually enhance your chances for success in law school.

CLASS TIME AND PARTICIPATION:
- We are in Room 245 meeting Monday/Wednesday/Friday from 1:30-2:40pm
- Attendance and participation are essential; quality participation requires preparation
- A few classes may run long to “make up” time for occasional class cancellations (such as Sept 2)

In conformity with the requirement of College Rule 9.08 and ABA Standard 308, I expect regular class attendance and preparation for class. I will call upon students each class to develop our discussion of the assigned materials. In addition, voluntary participation is encouraged and can decrease (though not eliminate) the possibility of being called upon in any particular session. When circumstances leave you unprepared, let me know and I will be sure not to call on you that session. We may sometimes extend class (especially during role-play days) to “make up” for classes that may need to be cancelled during the semester (which will be announced way in advance).

With about 50 hours of scheduled class time, an expected 2.5 hours of class preparation for each class hour, and a suggested 50 hours reviewing class materials, synthesizing information, and preparing for exams, total expected workload is around 225 hours for four academic credits.
LEARNING GOALS:
● Students will develop proficiency and demonstrate knowledge of the basics of substantive criminal law, including concepts and content ranging from theories of punishment, actus reus and mens rea, the elements of major crimes and affirmative defenses.

● Students will learn how to read, interpret and apply criminal statutes to determine what behaviors are prohibited, and will be able to identify uncertainties and ambiguities in the application of these statutes to real and simulated fact patterns.

● Students will gain an understanding of the array of legal and non-legal actors who play important roles in the development and application of the criminal law in various jurisdictions, and they will, through role-plays and other exercises, demonstrate an awareness of the distinctive institutional concerns and pressure faced by distinctive actors in the criminal justice system.

● Students will utilize criminal law and policy vocabulary accurately and effectively while also demonstrating the ability to listen to and engage with ideas and arguments that differ from their own.

● Students will demonstrate their ability in satisfying these outcomes through class discussions, role-play exercises, review of and engagement with the class blog, and midterm and final exams.

EXAM(S) AND GRADING:
● The midterm exam will be worth up to 10% of your final grade
● The final exam will be open-book and last between three and four hours
● Class participation will contribute up to 25% of the final grade
● Grades will conform to the College’s grade distribution policy

The midterm is tentatively scheduled for in-class administration on Wednesday, October 12. Your final grade will be based primarily upon your exam performance. Truly distinguished class participation through the semester can enhance the final grade. “Distinguished participation” relates to the quality and not the quantity of comments; penetrating insights offered once a week are superior to pedestrian commentary offered each day. Class participation will not result in the lowering of one’s grade, unless a student disregards the rules regarding attendance and preparation.

FINDING ME:
● Room 313
● Phone: (614) 688-8690
● E-mail: Berman.43@osu.edu
● Office Hours: Wednesday in person from 3-4pm and anytime by appointment

In addition to my office hours, I try to be available immediately after our class meetings. (Except for very short and simple inquiries, right before class is typically not a great time to meet.) You should feel free to stop by my office at any time during the school day (except right before class), though my availability can only be ensured with an appointment.
A WORD OF ADVICE: RELAX!!

Despite horror stories, law school can and should be enlightening and enjoyable. With your help (and as long as we do not get too stressed or take ourselves too seriously), I am confident that this class can achieve these goals. I look forward to working with all of you and getting to know you well this Fall and throughout your years as a member of the Moritz College of Law community.

ACADEMIC MISCONDUCT:

Academic integrity is essential to maintaining an environment that fosters excellence in teaching, research, and other educational and scholarly activities. The Ohio State University and the Committee on Academic Misconduct expect that all students have read and understand the University’s Code of Student Conduct, and that all students will complete all academic and scholarly assignments with fairness and honesty. The failure to follow the rules and guidelines established in the University’s Code of Student Conduct and this syllabus may constitute “Academic Misconduct.”

The Ohio State University’s Code of Student Conduct (Section 3335-23-04) defines academic misconduct as: “Any activity that tends to compromise the academic integrity of the University or subvert the educational process.” Examples of academic misconduct include (but are not limited to) plagiarism, collusion (unauthorized collaboration), copying the work of another student, and possession of unauthorized materials during an examination. Ignorance of the Conduct Code is not an excuse for academic misconduct, so I recommend that you review the College’s Honor Code and the University’s Code of Student Conduct.

If I suspect that a student has committed academic misconduct in this course, I am obligated by University Rules to report my suspicions to the College Administration and/or the Committee on Academic Misconduct. The sanctions for the misconduct could include a failing grade in this course, suspension or dismissal from the College and University, and a report to the relevant bar authorities. If you have any questions about the above policy or what constitutes academic misconduct in this course, please contact me.

DISABILITY STATEMENT:

The Moritz College of Law is committed to providing an environment that ensures that no individual is discriminated against based on a disability. Students with disabilities (as defined under the Americans with Disabilities Act of 1990) who may need special academic accommodations should notify the Assistant Dean for Students as soon as possible. The dean will work with the student, the Office of Disability Services, and me to coordinate reasonable accommodations for students with documented disabilities.

The Office for Disability Services is located in 150 Pomerene Hall, 1760 Neil Avenue; telephone 292-3307, TDD 292-0901; http://www.ods.ohio-state.edu/.
I. The Purposes and Limits of Criminal Punishment
   A. Forward-Looking, Utilitarian Justifications for Punishment
   B. Backward-Looking, Desert-Based Justifications for Punishment
   C. Additional Theories and Considerations

II. The Criminal Offense and Requirements for Criminal Liability
   A. The Conduct Requirement
      1. Requiring an *Actus Reus*
      2. Omissions
      3. Voluntariness
   B. The Guilty Mind Requirement
      1. Requiring a *Mens Rea*
      2. Categories of Culpability
      3. Mistakes
      4. Capacity
   C. Causation

III. Specific Offenses
    A. The Law of Homicide
       1. Intentional Homicide Offenses
       2. Unintentional Homicide Offenses
    B. The Law of Rape

IV. Defenses
    A. Assessing and Distinguishing Justification and Excuse
    B. Defensive Force
    C. Necessity and Duress and Insanity

V. Attribution of Criminality
   A. Attempt
   B. Complicity
   C. Conspiracy