

CRIMINAL LAW--Section C

Fall 2010

Professor John Burkoff * University of Pittsburgh School of Law

Assignments will be made on a regular basis from the following materials:

(1) R. Weaver, L. Abramson, J. Burkoff & C. Hancock, *Criminal Law: Cases, Materials & Problems* (3d ed. West 2009); and

(2) J. Burkoff, *Criminal Law: Supplementary Materials* (Fall 2010)

This course is devoted to the study of two interrelated subjects: (1) the traditional and modern doctrines of substantive criminal law; and (2) the context, milieu and process of criminal justice administration. You will discover that *each* of these subjects is of critical importance. It is of little practical use to you to “merely” learn the general rules pertaining to an area of the law when you fail at the same time, to understand the policies supporting those rules, the arenas in which they are put to use, the roles of the actors who participate in the adjudicative process and, maybe most important of all . . . what “*really* goes on.” We will talk a lot about what really goes on.

It is also necessary to focus on bedrock moral and social policy issues and to consider the politics of criminal justice, particularly at a time when terrorism concerns are so widespread. In so doing, we will (hopefully) engage in some “spirited discussion” about the meaning and implications of some criminal statutes, the role of law enforcement officers, prosecutors, defense counsel, and judges and the meaning and significance of particular trial and appellate court decisions in criminal cases.

Most important however, you should – you *must* – come to class *every day*, through rain, snow, sleet and/or mid-term elections, fully prepared and ready to engage in classroom colloquy. *Problems?* Stop by my office (Room 521) or e-mail me at burkoff@pitt.edu

What follows is a list of the subject areas we will cover this Fall and the *tentative* reading assignments for each area. (“Supp” refers to the Supplementary Materials.)

1. An overview of the criminal justice system as a system (Supp 1-7)
2. The role of the judge and jury and the constitutional requirements of proof in criminal cases (Supp 8-18)
3. The rationale for—and bounds of—decisions to inflict criminal punishment (1-18 & Supp 19-29)
4. Element analysis: Rape—the structure of criminal offenses (391-398, 401-411)
5. The actus reus requirement (Supp 32-33)
6. The requirement of a voluntary act (19-26)
7. The law of omissions (41- 49)

8. Distinguishing between single and multiple criminal acts (Supp 40-42)
9. The mens rea requirement (57-60,62-73,Supp 34-39)
10. The significance of intoxication and/or drugged condition (98-108)
11. Strict & vicarious culpability (80-95,200-206)
12. The significance of "mistaken" intention (108-133)
13. Intentional homicide: Murder (307-317)
14. Intentional homicide: Voluntary manslaughter (Supp 44 & 317-327)
15. Unintentional homicide (331-346,Supp 45-52,346-355)
16. Unintentional homicide: Special offenses (355-358 & Supp 53-58)
17. Causation (134-139,152-155)
18. Attempt (219-226,230-237)
19. Abandonment & impossibility (240-242,246-252)
20. Conspiracy (256-261,266-270,275-277,286-287)
21. Complicity (165-167,176-178)
22. Self Defense (459-462,479-485)
23. Psychological Defenses: Insanity, "guilty but mentally ill," diminished capacity, and competency (547-560)