

CRIMINAL LAW
TUESDAY & THURSDAY: 9:55-11:10 A.M
SPRING 2025
GRANT SMITH

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Office Hours: Tuesdays & Thursdays, 11:10-12:10.

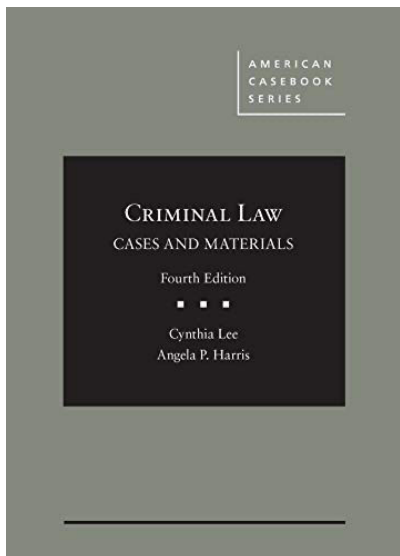
INTRODUCTION AND OVERVIEW

Welcome. We will be delving into criminal law. I find the subject incredibly interesting, and I hope you do too. We will be packing a lot into a very short time. Thus, if you start feeling any sense of confusion, uncertainty, or bewilderment, do not hesitate to reach out. I am very accessible and happy to talk.

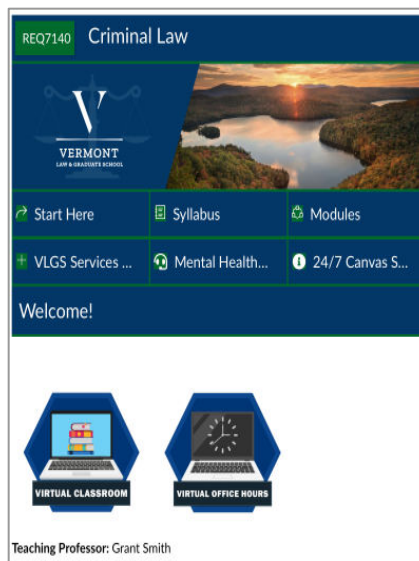
Additionally, criminal law comes laden with instances of some pretty bad human behavior. Thus, many of the topics we will discuss center on the dark side of humanity. If there is any subject you don't want to talk about, feel free to let me know before class, and I will be sure not to call on you.

Finally, this syllabus, is an organic and evolving document. Accordingly, it is subject to change. If something of interest comes up, or additional materials seem needed, I will notify you on Canvas. All changes and important messages will be delivered via the Canvas "announcements" feature. Here's to a great semester!

COURSE MATERIALS



(CL)



(Canvas)

LEARNING OUTCOMES

The objectives for this course are as follows:

1. Identifying and applying the foundational concepts of criminal law.
2. Knowing how to assess criminal law exam questions in a manner consistent with the Bar Exam.
3. Knowing the elements of various common law criminal offenses and defenses.
4. Understanding how the law changes.
5. Understanding the structure of the criminal law system in the United States.
6. Spotting relevant issues in a fact pattern.
7. Identifying legal rules within legal authorities.
8. Synthesizing rules of law into a logical framework for analysis.
9. Applying facts of hypothetical fact patterns to learned rules and critically thinking through the application.
10. The policy choices that are evident in the creation of crimes, the selection of offense elements, and the implementation of individual discretion by various criminal system actors.
11. The ability to reflect and assess the current criminal system, whether and how it provides “justice,” and its disparate impact on certain communities.

GRADING

General Participation*	20 percent
Midterm	30 percent
Final Exam	50 percent

* General Participation: This category includes class participation, the weekly assignments, and quizzes.

TIMELY SUBMISSION OF ASSIGNMENTS

You are responsible for submitting assignments at the proper time and place. Anyone who fails to submit an assignment on time or in the correct manner without prior permission will receive a 10% deduction per day late. Any assignment that is more than three days late will not be accepted.

To receive an extension, you must request it at least 24 hours in advance of the assignment deadline.



GUIDELINES FOR COURSE WORK

The Vermont Law and Graduate School Honor Code and the Code of Ethics apply to all activities, assignment submissions, and conduct in this course. You are required to be familiar with the Honor Code. Student conduct in this course may not violate the Prohibited Conduct classes of violations recognized in the Honor Code (located in the [Student Handbook](#)).

CLASS ATTENDANCE

Class attendance is mandatory. If you miss more than three classes, you will fail the course. Perfect attendance is preferred, but, if an emergency occurs and you need to miss a class, please notify me as soon as possible so I can help ensure that you don't fall behind.

TITLE IX

Vermont Law and Graduate School (VLGS) is committed to fostering a safe, productive learning environment. Title IX and VLGS policy prohibit discrimination based on sex. Sexual misconduct – including harassment, domestic and dating violence, sexual assault, and stalking – is also prohibited at VLGS.

VLGS encourages anyone experiencing sexual misconduct to talk to someone about what happened, so they can get the support they need, and VLGS can respond appropriately. If a student wishes to speak confidentially about an incident of sexual misconduct, wants more information about filing a report, or has questions about school policies and procedures, please contact [VLGS's Title IX Coordinator](#).

VLGS is legally obligated to investigate reports of sexual misconduct. Therefore, VLGS cannot guarantee the confidentiality of a report, but VLGS will consider a request for confidentiality and respect it to the extent possible.

Professors are also required to report incidents of sexual misconduct and thus cannot guarantee confidentiality. This policy includes any mention of sexual misconduct that a student might make in their written work. A professor must provide VLGS's Title IX coordinator with relevant details, such as the names of those involved in the incident.

ACCOMODATIONS

Vermont Law and Graduate School encourages students with disabilities, visible or hidden, to seek appropriate accommodations. If you have a disability and would like to request an accommodation please review The Vermont Law and Graduate School Disability Policy at: <https://www.vermontlaw.edu/community/students/academic-success/accommodations>

On that webpage, there is also an on-line form to complete and upload your supporting documentation. If you have questions, please contact the Vice Dean for Students, Joseph Brennan. Please note that requests made within two weeks of a midterm or a final examination may not be granted in time. Please make your request as soon as possible.

COURSE SCHEDULE

THIS SCHEDULE IS SUBJECT TO CHANGE

DATE	CLASS TITLE	ASSIGNED MATERIALS	DEADLINES
January 14	Welcome! Let's Talk About Criminal Law	<p>CL: v-vi, 1-3, 5-7, 38-41, 45-49, 953-955 (stop at top of 955).</p> <p><i>Syllabus</i> (Canvas)</p> <p><i>Mass Incarceration Trends</i> (Canvas)</p> <p><i>Criminal Record Profile</i> (Canvas)</p>	Introduction Assignment due Wednesday at 5 p.m. EST. Upload to Canvas.
January 16	Basic Principles of Criminal Law	<p>Block off an hour of listening for another assignment given after first class.</p> <p>CL: 6-20.</p> <p><i>Robert Sand Letter</i> (Canvas)</p> <p><i>Federal Sentencing Statute</i> (Canvas)</p>	Rules Assignment due Friday at 5 p.m. EST. Upload to Canvas.
January 21	Finish Basic Principles, Turn to Actus Reus	<p>CL: 65-73.</p> <p><i>Statute</i> (Canvas)</p>	
January 23	Actus Reus	<p>CL: 147-150, 153-161.</p>	Rules Assignment due Friday at 5 p.m. EST. Upload to Canvas.
January 28	Finish Actus Reus, Begin Mens Rea	<p>CL: 161-167, 173-175.</p>	
January 30	Mens Rea	<p>CL: 197-204; 956-958 (Section 2.02 of the MPC).</p>	Rules Assignment due Friday at 5 p.m. EST. Upload to Canvas.
February 4	Finish Mens Rea, Begin Causation	<p>CL: 211-219; 228-233.</p>	

February 6	Causation	CL: 301-312.	Rules Assignment due Friday at 5 p.m. EST. Upload to Canvas.
February 11	Concurrence	CL: 316. <i>United States v. Burrage</i> (Canvas) SCOTUS oral argument (Canvas)	Tentative Canvas Quiz 1: 2/11-2/12
February 13	Begin Homicide	CL: 319-324; 330-342.	Rules Assignment due Friday at 5 p.m. EST. Upload to Canvas.
February 18	Continue Homicide	CL: 342-344; 349-362; 370.	
February 20	Continue Homicide	CL: 377-389. Additional reading posted to Canvas.	Rules Assignment due Friday at 5 p.m. EST. Upload to Canvas.
February 25	Still Homicide	CL: 389-394. Additional reading posted to Canvas.	
February 27	Review	Additional reading posted to Canvas.	Rules Assignment due Friday at 5 p.m. EST. Upload to Canvas.
March 3	No Class		
March 6	No Class		
March 11	Finish Homicide	CL: 401-420.	
March 13	Actually Finish Homicide	CL: 420; 432. <i>State v. Heemstra</i> (Canvas)	Rules Assignment due Friday at 5 p.m. EST. Upload to Canvas.
March 18	MIDTERM		In-Class Midterm On ExamSoft
March 20	Start Theft	CL: 573-575; 577-578; 579; 585-588.	Rules Assignment due Friday at 5 p.m. EST. Upload to Canvas.

March 25	Continue Theft	CL: 593-602.	
March 27	Defenses	CL: 603-611, 614-623, 629-633, 637-638.	Rules Assignment due Friday at 5 p.m. EST. Upload to Canvas.
April 1	Defenses (No Joke)	<i>United States v. Britt</i> (Oral Argument) (Canvas) <i>United States v. Britt</i> (Opinion) (Canvas)	
April 3	Defenses	CL: 642-654.	Rules Assignment due Friday at 5 p.m. EST. Upload to Canvas.
April 8	Accomplice Liability	CL: 657-659; 675-681; 687.	Tentative Date Canvas Quiz: Available 4/8-4/9.
April 10	Accomplice Liability	CL: 833-837; 841-852.	Rules Assignment due Friday at 5 p.m. EST. Upload to Canvas.
April 15	Attempts	CL: 801-816.	
April 17	Constitutional Limits on the Power to Punish	CL: 75-76; 134-145. Watch Bryan Stevenson (Canvas).	Rules Assignment due Friday at 5 p.m. EST. Upload to Canvas.
April 22	Review	TBD	
April 24	Review	TBD	Complete Course Evaluations.