

Preface

CONTENT SNAPSHOT: CRIMINAL LAW IN FOCUS

Criminal law is one of those rare legal topics that has the ability to capture the public's attention. It can be an exciting, rewarding, and sometimes even heartbreaking area of the law. In practice, criminal law encounters people — both victims and perpetrators — in some of their worst moments. As a law school course, criminal law can feature memorable cases with facts that read like a movie script. But criminal law doctrine can also be quite challenging. Criminal law is notorious for its seemingly endless jurisdictional variations, as well as for its expansiveness in the era of mass incarceration.

With so much jurisdictional variation in the definition of crimes and defenses, it is critical to provide context. *Criminal Law in Focus* clearly describes the most widely followed principles and concepts, alerting students to where there are jurisdictional differences and tensions, and why those differences exist. Using compelling cases that provide a clear application of legal doctrine, the book covers core traditional offenses, like homicide and theft crimes, as well as some offenses that figure prominently in modern practice but that have historically been absent from criminal law classes, like drug possession. The book also addresses the interpretation of criminal statutes, both in the context of the coverage of specific offenses and as a stand-alone subject.

Whereas most criminal law casebooks place extended coverage of the elements of crime (acts, mental states, and causation) at the beginning of the book, and before students have learned about the elements of any individual criminal offenses, *Criminal Law in Focus* integrates its treatment of these general principles into the coverage of specific offenses. This approach is both more efficient and easier for students to follow than the traditional approach, which can cause students needless confusion by requiring them to grapple with concepts of *mens rea* or causation in the abstract. This more efficient structure, in combination with the streamlined pedagogical approach of the Focus Casebook Series, also allows for expanded coverage of contemporary issues in criminal law, including the rise of mass incarceration and the persistence of racial disparities in criminal enforcement.

Chapter One, The Purposes of Criminal Law, examines the theories of punishment and related contemporary debate, the unusually high incarceration rates in the U.S., and racial disparities in the criminal justice system.

Chapter Two, Sources and Components of the Criminal Law, provides an overview of the sources of criminal law and the role of statutory interpretation in criminal law and the criminal trial process. Additionally, this chapter introduces the common elements of criminal offenses that recur throughout criminal codes.

Chapter Three, Property Offenses, begins our coverage of individual criminal offenses. It includes coverage of the core theft offenses — larceny, robbery, embezzlement, false pretenses, and extortion — as well as burglary and arson.

Arguably, no single development has had a greater impact on our criminal justice system over the past five-and-a-half decades than the war on drugs. Chapter Four, Drug Offenses, focuses on the crimes of drug possession and drug possession with the intent to distribute, and includes coverage of marijuana legalization, drug decriminalization, and racial disparities in drug enforcement.

Chapter Five, Homicide Offenses, unpacks the different degrees of homicide, as well as the doctrine of causation and homicides by omission.

Chapter Six, Sex Offenses, focuses on three areas: rape, statutory rape, and laws against child pornography.

Chapter Seven, Attempts, covers the law that governs failed criminal endeavors, with particular attention to the line that separates preparatory acts from conduct that is sufficient to constitute an attempt.

Chapter Eight, Accomplice Liability, explores the legal doctrine and principles of accomplice liability, and the elements required to convict.

Chapter Nine, Conspiracy, examines the elements of the crime of conspiracy, the related doctrine of *Pinkerton v. United States*, and solicitation.

Chapter Ten, Revisiting the Elements of Crimes and Interpreting Criminal Statutes, reviews and more closely examines general principles regarding acts and mental states. It also explores some of the principles that govern the interpretation of criminal statutes, including the interpretation of *mens rea* provisions in criminal statutes, the rule of lenity, and the void for vagueness doctrine.

Chapter Eleven, Affirmative Defenses, addresses the major affirmative defenses: self-defense, duress, necessity, insanity, intoxication, entrapment, and public authority.

A note on the editing and presentation of cases and other sources: The deletion of text from within a sentence or paragraph is indicated by an ellipsis, with the exception of the deletion of in-text citations, which is not noted. To maximize readability, I opted not to use ellipsis where whole paragraphs or the beginning or end of a paragraph or sentence have been cut. In a few limited instances, I have re-ordered paragraphs or sentences from the source material to enhance readability. Most in-text citations and almost all footnotes have been deleted. Footnotes that were retained are marked using their original numbering. Footnotes that I have added to a case or other source are marked using a * and with the notation “[Footnote by casebook author.]”