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# Criminal Law

Fifth Edition

**Richard G. Singer**  
**John Q. La Fond**

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ASPEN PUBLISHERS

# Criminal Law

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*Fifth Edition*

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**Wolters Kluwer**

Law & Business

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To Karen: For twenty years of laughter, and love  
— R.G.S.

To my wife, Evelyn  
— J.Q.L.

# Preface

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Criminal law forces us to confront the most important moral dilemmas of our times. More than most law school courses, criminal law engages our emotions as well as our intellects. This book will encourage that engagement. Many of our examples are taken from current topics of intense public debate such as euthanasia, abortion, rape, and black rage. But the underlying normative challenge of the criminal law—justifying the coercive use of state power against individuals—transcends particular controversies. Indeed, this debate has challenged great thinkers of the past like Plato, Socrates, Aquinas, and Kant. And it will certainly challenge us and future generations. This text keeps that tension in sharp and continuous focus.

This book helps students master a broad range of criminal law doctrines. But it does not merely present a collection of “rules.” It also explains and analyzes those doctrines and the problems they generate in a cohesive and comprehensive way. Where there are ambiguities—either theoretical or practical—we discuss them. Not to do so would mislead students and trivialize the criminal law. By recognizing how complex the tapestry is and how interwoven are its various threads, students can appreciate the rich nuances of its doctrine and policy. This book examines that complexity, while remaining easy to read and to understand. Its sole purpose is to help students learn.

We were attracted to the format of the *Examples and Explanations* series long before we began work on this book. The format fits the typical law school classroom experience by posing challenging problems first (without answers of course!) and then offering solutions. We also enjoyed the humor evident in other volumes in this series. Learning is serious business—but no business is so serious that it cannot be approached with an occasional smile. We have tried to sprinkle humor generously throughout the book.

From all reports, students have found the earlier editions of this book very helpful, not only for mastering criminal law but also for learning what is expected of them on law school exams. We are pleased that the earlier editions were so successful. We have maintained the same basic approach, but we have thoroughly updated the Fifth Edition. New material has been added on important and current topics, like which facts the prosecution must prove beyond a reasonable doubt, homicidal liability for deaths resulting from the transmission of AIDS, torture (and the liability of those who relied upon administration policy while administering the “enhanced interrogation” techniques), necessity and terrorism, preemptive self-defense as

## Preface

a justification for invading Iraq, and the implications of new discoveries in neuroscience on criminal law. Examples drawn from newspaper headlines, such as terrorism prosecutions, testosterone overload, sexual abuse by clergy, “hockey rage,” the San Francisco “dog mauling” case, and the Andrea Yates case, in which a woman who killed her children raised the insanity defense based on severe depression, will interest and challenge you. We think that you will enjoy this book and that it will help you, as it has evidently helped many other students, to succeed in your criminal law course.

Finally, a plea for your help. This book can be successful in helping students only if the authors know what works — and what doesn’t. We are anxious for your comments — negative and positive — either on specific topics or hypotheticals, or generally. Please contact us at our e-mail addresses and give us your criticisms and comments. We can’t promise we’ll respond directly, but we can promise that we’ll consider every point as we move toward a sixth edition. A number of the hypotheticals, or at least their topic areas, have been added as the direct result of student comments to earlier editions. We have also benefited from observations about the accuracy of citations, format, etc. Keep those cards and letters coming in.

To all who read this book, we hope that you learn from it and enjoy it.

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January 2010

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# Summary of Contents

<i>Contents</i>		xi
<i>Preface</i>		xxvii
<i>Acknowledgments</i>		xxix
<b>Chapter 1</b>	The Sources and Limitations of the Criminal Law	1
<b>Chapter 2</b>	The Purposes of Punishment	19
<b>Chapter 3</b>	Actus Reus	37
<b>Chapter 4</b>	The Doctrines of Mens Rea	55
<b>Chapter 5</b>	Mistake	97
<b>Chapter 6</b>	Strict Liability	125
<b>Chapter 7</b>	Causation	151
<b>Chapter 8</b>	Homicide	181
<b>Chapter 9</b>	Rape	237
<b>Chapter 10</b>	Theft	269
<b>Chapter 11</b>	Solicitation	295
<b>Chapter 12</b>	Attempt	309
<b>Chapter 13</b>	Conspiracy	339
<b>Chapter 14</b>	Complicity	387
<b>Chapter 15</b>	Defenses: An Initial Survey	421
<b>Chapter 16</b>	Acts in Emergency: Justification vs. Excuse	445
<b>Chapter 17</b>	Defenses Based on Individual Characteristics	511
<i>Table of Cases</i>		581
<i>Index</i>		587

# Contents

---

<i>Preface</i>	xxvii
<i>Acknowledgments</i>	xxix

<b>Chapter 1</b>	<b>The Sources and Limitations of the Criminal Law</b>	<b>I</b>
------------------	--	----------

Overview	1
Sources of Criminal Law	2
The Common Law as a Source of Criminal Law	2
Legislative Sources	3
The Model Penal Code as a Source of Criminal Law	3
Constitutional Sources and Limits	4
Limitations on the Criminal Law	5
The Principle of Legality	6
The Common Law in England	6
The Common Law in the United States	6
The Strengths and Weaknesses of Common Law	
Crimes	7
Contemporary Law	8
Ex Post Facto	8
The Rule of Lenity	10
Void for Vagueness	10
The Burden of Proof	11
Examples and Explanations	14

<b>Chapter 2</b>	<b>The Purposes of Punishment</b>	<b>19</b>
------------------	-----------------------------------	-----------

Overview	19
Defining Punishment	19
The Purposes of Punishment	20
Utilitarianism	20
Deterrence	21
Incapacitation	24
Rehabilitation	25
Empirical Critiques	26
Normative Critiques	26
Retribution	27

## Contents

	The Relationship of the Theories	29
	The Importance of Sentencing	30
	“Civil” vs. “Punitive”	31
	The Difference Between “Criminal” and “Civil”	
	Confinement	31
	A Contemporary Example: Sexual Predator Laws	32
	Examples and Explanations	33
<b>Chapter 3</b>	<b>Actus Reus</b>	<b>37</b>
	Overview	37
	The Common Law	38
	Voluntary Act	39
	Omission and Legal Duty	39
	Moral Duty	41
	Possession	42
	The Model Penal Code	42
	Voluntary Act	42
	Omission and Legal Duty	43
	A More Precise Definition for Actus Reus	43
	Possession	44
	Examples and Explanations	44
<b>Chapter 4</b>	<b>The Doctrines of Mens Rea</b>	<b>55</b>
	Overview	55
	The Concepts of Mens Rea	56
	“Traditional” and “Statutory” Mens Rea	58
	Motive and Mens Rea	59
	Specific Kinds of Mens Rea	61
	Intent (Purpose)	61
	Knowledge	64
	Recklessness	65
	Negligence as a Predicate for Criminal Liability	67
	Proving Mens Rea	70
	Motive and Defenses	71
	Contemporaneity, Prior Fault, and Time Frames	71
	Statutory Interpretation and Mens Rea	72
	Principles of Statutory Construction	72
	Element Analysis	75
	The “Default Position”	77
	Mens Rea and the Constitution	79
	The Model Penal Code	80
	Element Analysis	80
	Elements and Material Elements	80

## Contents

Kinds of Material Elements	81
Levels of Culpability	82
Mens Rea and Material Elements	84
The Default Position Under the Code	86
Subjectivity vs. Objectivity	87
Summary	87
Examples and Explanations	88

## Chapter 5 Mistake 97

Overview	97
Mistake and Ignorance of Law	98
Ignorance of the Law	100
Mistake of Law	101
Exceptions to the Rule	103
“Specific Intent” Crimes	103
Noncriminal Law Mistake	104
Estoppel	104
The Cultural Defense	105
The Model Penal Code	105
Retention of the “Ignorantia Lex” Doctrine	105
The “Reasonable Reliance” Approach to Mistake	106
Mistake of Fact	108
Reasonableness and Specific Intent	108
Knowledge and Willful Blindness	109
Mistake of Legal Fact	110
The Model Penal Code	112
A Note on the Future of Mistake	112
Examples and Explanations	114

## Chapter 6 Strict Liability 125

Overview	125
The Reach of Strict Criminal Liability	126
Definitions and Indicia of Strict Liability	128
Public Welfare Offenses	128
Mala in Se (“Real”) vs. Mala Prohibita (“Unreal”?) Crimes	130
“Regulatory” or “Police” Offenses	131
Innocent Actors	131
The Litmus Test of Available Punishments	133
Strict vs. Vicarious Liability	134
Policy Analysis: Arguments For and Against Strict Liability	134
Alternatives to Strict Liability	136
“Greater Crime” Theory	137

## Contents

One More Way of Imposing Strict Liability: Elements, Material Elements, and Sentencing Factors	140
Constitutionality	141
The Model Penal Code	143
A Recap and a Methodology	143
Examples and Explanations	145
<b>Chapter 7 Causation</b>	<b>151</b>
Overview	151
The Rationale of Causation	152
The Elements of Causation	153
The Common Law	153
Responsibility for Causing Harm	153
Cause in Fact	153
Omission as a Cause	154
Concurrent Causation	154
Direct Cause	155
Proximate Cause	155
Contributory Negligence and Proximate Causation	162
The Model Penal Code	162
Responsibility for Causing Harm	162
“But For” Causation	162
Other Causation, Concurrent Causation, and Transferred Intent	162
Culpability as to Result	163
Examples and Explanations	164
<b>Chapter 8 Homicide</b>	<b>181</b>
Overview	181
Human Being	181
When Does Life Begin?	182
When Does Life End?	182
Cause and Death	183
Murder	183
“Original” Murder: Killing with “Malice Aforethought”	183
Presumed Malice	185
Gradations of Murder	185
“First-Degree” Murder	185
“Second-Degree” Murder	187
The Model Penal Code Approach	187
Some Further Thoughts	188
Examples and Explanations	189

## Contents

Felony Murder	197
Introduction	197
Restrictions on the Doctrine: “Cause” Questions	198
The “Proximate Cause” Theory	198
The “In Furtherance” (“Agency”) and “Provocative Act” Theories	199
Justified vs. Excused Killings	199
The Shield Cases: Exception to an Exception to an Exception	199
Other Restrictions	200
Duration of the Felony: Time Matters	200
Limitations on the Predicate Felony	200
Mens Rea vs. Felony Murder	203
Summary	204
Statutory Felony Murder: The Interplay of Courts and Legislatures	205
The Model Penal Code Approach	205
Examples and Explanations	206
Manslaughter	212
Voluntary Manslaughter	212
The Rules of Voluntary Manslaughter	212
Twentieth-Century Changes in the Doctrines	216
Critique of Manslaughter Doctrine	218
Involuntary Manslaughter	218
Reckless and Negligent Manslaughter	218
Misdemeanor-Manslaughter	219
The Model Penal Code Approach	220
Examples and Explanations	222

## **Chapter 9      Rape      237**

Overview	237
The Common Law Approach	238
Definition	238
Spousal Immunity	239
Force	239
Threat of Force	240
Consent	241
Attacking the Credibility of the Complainant	241
Legally Ineffective Consent	241
Fraud	242
American Common Law	243
The Actus Reus of Rape	243
The Mens Rea of Rape	243

## Contents

The Model Penal Code	244
Second-Degree Rape	245
First-Degree Rape	246
Gross Sexual Imposition	246
Modern Rape Statutes	247
Rape by Force or Threat of Serious Bodily Injury	248
Force	248
Additional Force	248
Inherent Force	250
Nonphysical Force	250
Dispensing with the Force Requirement	251
Threat of Force	251
Resistance by the Victim	252
Consent	253
Deception	254
Rape in the First Degree	254
Spousal Immunity	254
Rape Because No Legally Effective Consent	254
Summary	255
Evidence Reforms	255
The Corroboration Requirement	255
Rape Shield Laws	256
Examples and Explanations	257

## Chapter 10 Theft 269

Overview	269
The Impact of History	270
The Death Penalty	270
Protecting Trade vs. Protecting Individualism	270
Larceny	271
Trespass	272
Asportation and Taking	273
Personal Property	274
Of Another	275
With Intent	275
To Deprive	276
Permanently	276
Contemporaneity	277
Finders	278
Embezzlement	278
Conversion	279
In Lawful Possession	279
Fraud	280

## Contents

False Pretenses	280
Representation	281
Present or Past Fact	281
Title	282
Mens Rea, Knowledge, and Intent to Defraud	283
Puffing and Opinion	283
Confusion	283
Grading	284
The Model Penal Code	285
Examples and Explanations	287

## Chapter 11 Solicitation 295

Overview	295
Definition	296
The Common Law	296
The Model Penal Code	297
Another Version of Solicitation	297
The Mens Rea of Solicitation	298
The Common Law	298
The Model Penal Code	298
The Actus Reus of Solicitation	298
The Common Law	298
The Model Penal Code	298
The Relationship Between Solicitation and Conspiracy	299
Responsibility for Crime Solicited	299
Solicitation and Immunity for Crime Solicited	300
Solicitation and Innocent Agents	300
Impossibility	300
The Common Law	300
Legal Impossibility	300
Factual Impossibility	301
The Model Penal Code	301
Abandonment	301
Solicitation and Law Enforcement	302
Punishment	303
Examples and Explanations	303

## Chapter 12 Attempt 309

Overview	309
Definition	310
The Mens Rea of Attempt	310
The Actus Reus of Attempt	310
The Common Law	311



## Contents

Mens Rea	311
Intend the Act	311
Intend the Result	311
Intend the Circumstances	311
Actus Reus	312
Last Act	312
The Equivocality Test	312
Proximity Test	313
Probable Desistance	313
The Model Penal Code	314
Definition	314
Mens Rea	314
Conduct	314
Result	314
Circumstance	314
Actus Reus	315
Summary	315
Abandonment	316
The Common Law	316
The Model Penal Code	317
Impossibility: Legal, Factual, and Inherent	318
The Common Law	318
Legal Impossibility	318
Factual Impossibility	320
Analysis	320
Inherent Impossibility	321
The Model Penal Code	321
Legal Impossibility	321
Factual Impossibility	322
Inherent Impossibility	322
Stalking	322
Examples and Explanations	323

## Chapter 13 Conspiracy 339

Overview	339
Definition	340
The Common Law	341
The Model Penal Code	341
Punishment and Grading	342
The Common Law	342
The Model Penal Code	342
The Special Advantages of Conspiracy for Prosecutors	343
Choice of Venue	343