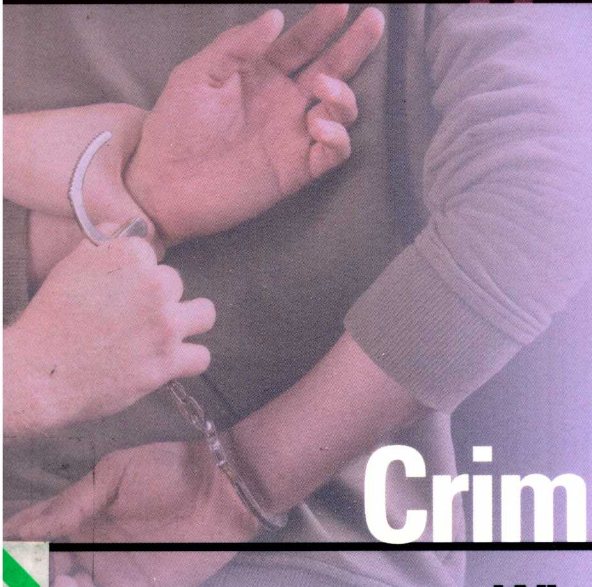
Inside



Criminal Law

What Matters and Why

Second Edition

John M. Burkoff
Russell L. Weaver

Wolters Kluwer
Law & Business

Inside Criminal Law

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Second Edition

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*Dedicated, with love, to Nancy, Amy and Sean, David and Emmy,
Emma, Molly, and Hannah.*
-JMB

To Ben, Kate, and Laurence, with love.
-RLW

Preface and Acknowledgments

Every state in the United States—and the federal government and the District of Columbia—has (literally) tens of thousands of criminal statutes on the books. These bodies of criminal statutes (sometimes collected in a so-called Crimes Code) are different as well as constantly changing—in every single one of these jurisdictions. But there are, nonetheless, important similarities in the history, approach, coverage, and application of *all* the major criminal offenses in *each* of these jurisdictions. It is these similarities, as well as the most significant differences in approach and coverage, that are discussed in appropriate detail in the chapters that follow.

This book—the first and second editions—was written primarily for use by law students who are taking a law school course in criminal law. We have each taught just such a course for longer than we care to admit, and we have tried to include herein all the information necessary for a law student to obtain an informed overview of everything that is typically taught in such a law school course.

This book should prove helpful to non-law students as well. It would serve as a useful overview of criminal law in the United States for undergraduate students enrolled in criminal justice courses. Moreover, this book would serve as a useful tool for criminal justice professionals working in other countries who might want to look to American criminal law as a basis for comparison to their own criminal codes. Indeed, this book would be helpful for many others as well, such as journalists, legislators, and administrators working in the U.S. criminal justice system and interested laypeople who would simply like to gain a better understanding of—and more informed insights into—the nature of substantive criminal law in this country.

It is our hope that the unique features of this book will be particularly useful for readers. The Overview at the beginning of each chapter positions the material that follows in that chapter within the whole field of criminal law. The Frequently Asked Questions feature (FAQs) gives readers clear and cogent answers to issues that commonly pop up in a criminal law course. Sidebars add some color to the coverage of substantive criminal law, offering readers some parenthetical insights. (Use that material to show off in class!) The Summary feature near the end of each chapter offers you a quick and easy guide to the most basic points covered in that chapter. And the Connections feature at the end of each chapter helps you fit the points made in that chapter with the other chapters in the book and the whole body of substantive criminal law.

A number of different types of updated material was added to this second edition. In particular, there was an unusually large number of Supreme Court decisions bearing upon substantive criminal law issues that were decided since the first edition was published. Reference to these various decisions can be found throughout the chapters in this second edition. Particularly noteworthy, however, are the newly included decisions relating to justifications for punishment—e.g., when the death penalty can be imposed—that are referenced in the first chapter.

Finally, we wish to acknowledge with our sincere gratitude the assistance in the production of the first edition of this book of Barbara Roth, the managing editor for this project at Aspen; the editorial assistance of Dana Wilson; the research assistance of Corrie Thearle (Pitt Law, Class of '12) and Sarah Drinkwater (Pitt Law, Class of '09); and the drawings of Dan Schneider (in the conspiracy chapter). We also wish to express our gratitude to our families, not only for their forbearance during the time we took to accomplish this project, but for their crucial role as well in spending all of the (modest) amount of money generated by sales of this book.

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What Matters and Why

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