

# CRIMINAL LAW

Wayne R. LaFave  
Austin W. Scott, Jr.

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*Hornbook Series*



**HANDBOOK**  
**ON**  
**CRIMINAL LAW**

**By**

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**and**

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Oberer, Hanslowe and Andersen's Cases and Materials on Labor Law—Collective Bargaining in a Free Society, 2nd Ed., 1168 pages, 1979, with 1979 Statutory Supplement and 1982 Case Supplement (Casebook)

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Shapiro and Spece's Problems, Cases and Materials on Bioethics and Law, 892 pages, 1981 (Casebook)

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Fryer and Orentlicher's Cases and Materials on Legal Method and Legal System, 1043 pages, 1967 (Casebook)

Greenberg's Judicial Process and Social Change, 666 pages, 1977 (Coursebook)

Kempin's Historical Introduction to Anglo-American Law in a Nutshell, 2nd Ed., 280 pages, 1973 (Text)

Kimball's Historical Introduction to the Legal System, 610 pages, 1966 (Casebook)

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Aronson and Weckstein's Professional Responsibility in a Nutshell, 399 pages, 1980 (Text)

Mellinkoff's The Conscience of a Lawyer, 304 pages, 1973 (Text)

Mellinkoff's Lawyers and the System of Justice, 983 pages, 1976 (Casebook)

Pirsig and Kirwin's Cases and Materials on Professional Responsibility, 3rd Ed., 667 pages, 1976, with 1981 Supplement (Casebook)

Schwartz and Wydick's Problems in Legal Ethics, approximately 300 pages, 1983 (Casebook)

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Cohen and Berring's How to Find the Law, 8th Ed., approximately 600 pages, 1983. Problem book available (Casebook)

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Weihofen's Legal Writing Style, 2nd Ed., 332 pages, 1980 (Text)

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Davies' Legislative Law and Process in a Nutshell, 279 pages, 1975 (Text)

Nutting and Dickerson's Cases and Materials on Legislation, 5th Ed., 744 pages, 1978 (Casebook)

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McCarthy's Local Government Law in a Nutshell, 2nd Ed., approximately 350 pages, 1983 (Text)

Michelman and Sandalow's Cases-Comments-Questions on Government in Urban Areas, 1216 pages, 1970, with 1972 Supplement (Casebook)

Reynolds' Hornbook on Local Government Law, 860 pages, 1982 (Text)

Stason and Kauper's Cases and Materials on Municipal Corporations, 3rd Ed., 692 pages, 1959 (Casebook)

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Zuckman and Gayne's Mass Communications Law in a Nutshell, 2nd Ed., 473 pages, 1983 (Text)

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Shanor and Terrell's Military Law in a Nutshell, 378 pages, 1980 (Text)

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Strong and Clark's Law Office Management, 424 pages, 1974 (Casebook)

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### WATER LAW

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## PREFACE

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This text is intended primarily for use by law students during their study of substantive criminal law. There is, to be sure, no substitute for careful examination of the basic sources—the appellate opinions, statutes, and critical commentary which are to be found in the modern casebooks dealing with this subject. It is neither intended nor expected that the *Handbook on Criminal Law* will be of particular use to the student who has not grappled with those materials. Rather, this book has been prepared on the assumption that the diligent student (particularly in his first year of law study) may find a textual treatment of the subject useful as he undertakes the necessary process of reviewing and synthesizing the regularly assigned materials.

Criminal law casebooks currently in use vary considerably in their approach and coverage. It is unlikely that any two teachers of the subject could agree completely as to the objectives of the basic course in criminal law or the content which is most suited to achieving those objectives. This being the case, a brief explanation of the scope of and emphasis within this text is in order.

For one thing, this text is *not* an encyclopedia of crimes in which black-letter definitions of all common offenses—from abortion to vagrancy—may be found. The imparting of detailed information about many different crimes is not the goal of a basic course in criminal law, and thus the discussion of specific offenses herein is limited to certain crimes against the person (Chapter 7) and crimes relating to property (Chapter 8). Major emphasis is given to homicide and theft, two areas most teachers of criminal law have concluded are particularly suited to such tasks as: (a) evaluation of the criminal process as a technique for social control; (b) comparison and evaluation of the actual and potential contributions of courts (through the common law) and legislatures (through codification) in defining and grading crimes; (c) understanding the significance of history in the development of the law of crimes; (d) acquiring expertise in use of the case method and techniques of legal analysis.

The reach of the substantive criminal law is constantly expanding, and thus today's law student is much more likely than his counterpart of some years ago to find himself engaged to some extent in the practice of criminal law after graduation. This practice may involve the prosecution of or defense against charges of such familiar crimes as robbery, battery, and rape; it may instead or in addition be concerned with the increasing body of regulatory crimes which have been enacted in response to such contemporary concerns as consumer protection and environmental control. An adequate preparation for such practice requires an *understanding* of the fundamental bases of our system of substantive criminal law, rather than *knowledge* of the precise definitions of the growing list of crimes. Consequently, the major emphasis in this text is upon what is usually re-