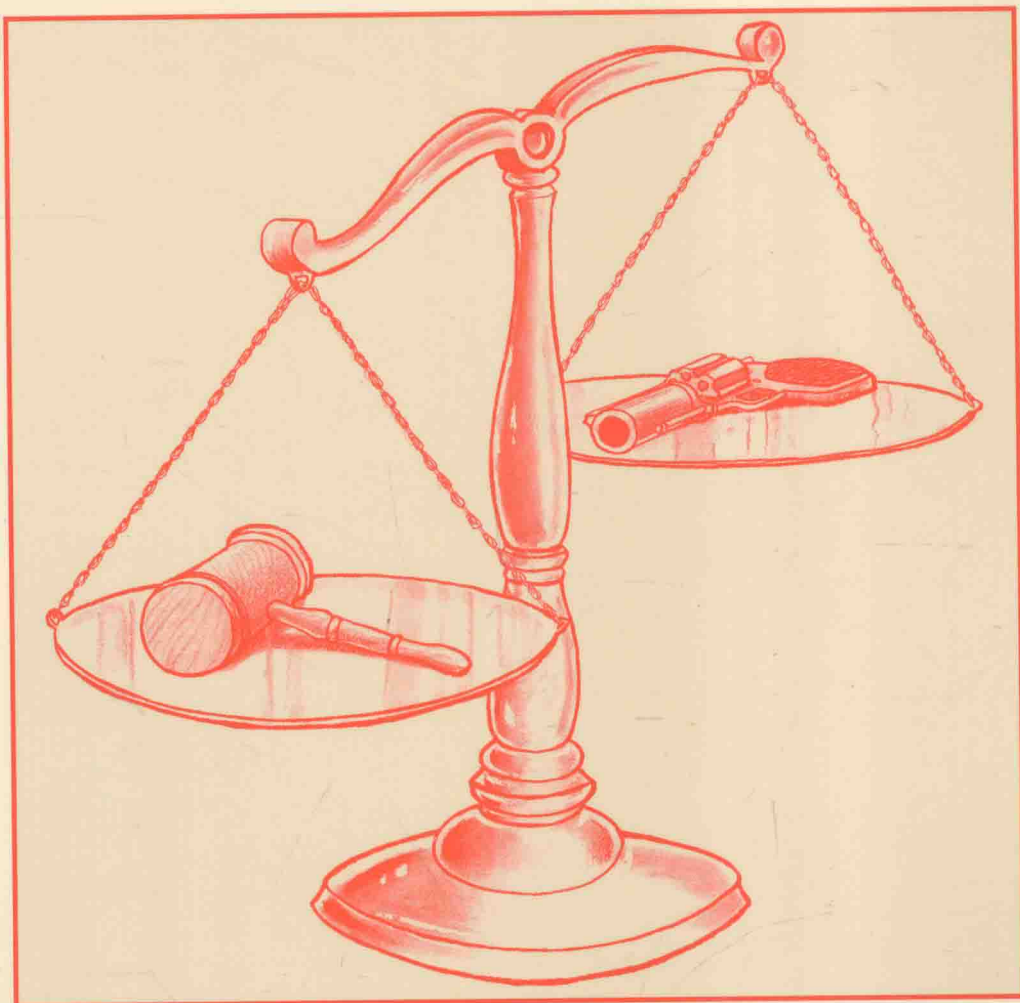


Criminal Law

Sixth Edition

Richard G. Singer

John Q. La Fond



Wolters Kluwer

Law & Business

Criminal Law

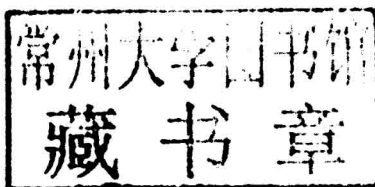
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To Karen: For twenty-three years of laughter, and love
— R.G.S.

To my wife, Evelyn
— J.Q.L.

Preface

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 Sixth 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 seventh 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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This book bears the name of its “authors.” But it required the hard work, assistance, and sacrifice of many people. Our students contributed helpful comments on many of the examples in this book, thereby protecting future students from the foibles found in earlier versions. Research assistants, particularly Laura Anglin, Jenifer Hanlon, Tara Manley, and Anne-Marie Sargent at Seattle University School of Law, and Rebecca Abeln, Deawn Hersini, Christin Keele, Chris Moberg, Tina Parsley, and Katherine Schoofs at the University of Missouri-Kansas City School of Law. Moral support was provided by our respective Deans — Rayman Solomon, Jim Bond, and Burnele Powell. The tedious and frustrating job of reading our scribbles and making sense of them fell to wonderful and indefatigable secretaries: Noreen Slease at Seattle University, Norma Karn at the University of Missouri-Kansas City School of Law, and Debi Leak at Rutgers University, whose good humor kept us both on an even keel. We wish especially to thank our respective spouses, Karen Garfing and Evelyn La Fond, for their continuing tolerance and patient support.

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