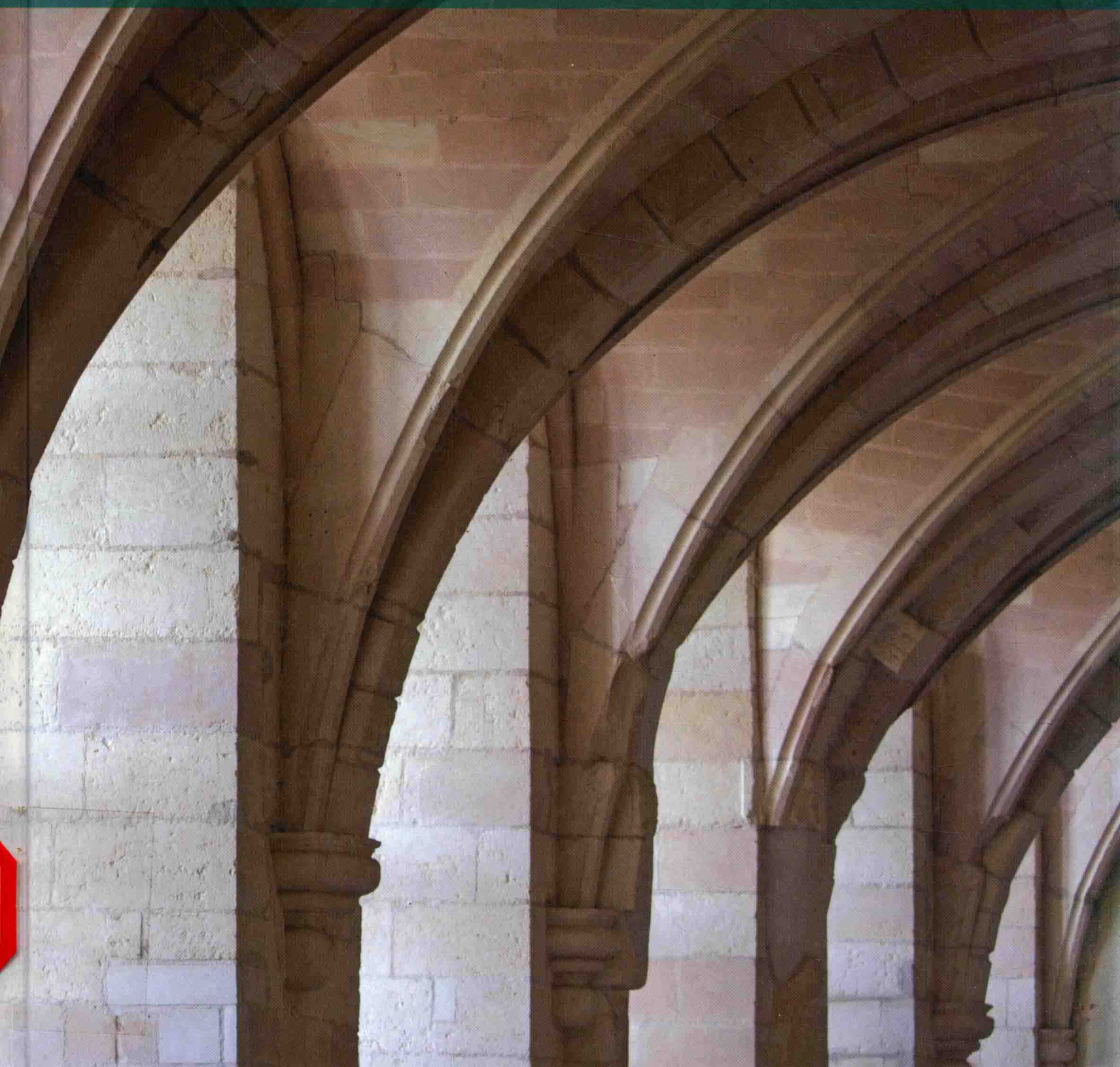


# Criminal Law

11th Edition

Joel Samaha



# CRIMINAL LAW

11th EDITION

**Joel Samaha**

Horace T. Morse Distinguished Teaching Professor  
University of Minnesota



**WADSWORTH**  
CENGAGE Learning®

Australia • Brazil • Japan • Korea • Mexico • Singapore • Spain • United Kingdom • United States



***Criminal Law, Eleventh Edition***

**Joel Samaha**

Editor-in-Chief: Linda Ganster

Senior Acquisitions Editor:

Carolyn Henderson Meier

Assistant Editor: Virginette Acacio

Editorial Assistant: Casey Lozier

Media Editor: Ting Jian Yap

Senior Marketing Manager:

Michelle Williams

Senior Marketing Communications

Manager: Heather Baxley

Senior Content Project Manager:

Christy A. Frame and Rita Jaramillo

Senior Art Director: Maria Epes

Senior Manufacturing Planner: Judy Inouye

Rights Acquisitions Specialist:

Roberta Broyer

Production Service: Ruth Cottrell

Photo Researcher: Sarah Evertson

Text Researcher: PMG

Copy Editor: Lura Harrison

Text Designer: Marsha Cohen

Cover Designer: Bartay Studio

Cover Image: Getty Images /

Sylvester Adams

Compositor: Integra Software Services

Pvt Ltd, Pondicherry

© 2014, 2011 Wadsworth, Cengage Learning

ALL RIGHTS RESERVED. No part of this work covered by the copyright herein may be reproduced, transmitted, stored, or used in any form or by any means graphic, electronic, or mechanical, including but not limited to photocopying, recording, scanning, digitizing, taping, Web distribution, information networks, or information storage and retrieval systems, except as permitted under Section 107 or 108 of the 1976 United States Copyright Act, without the prior written permission of the publisher.

For product information and technology assistance, contact us at  
**Cengage Learning Customer & Sales Support, 1-800-354-9706.**

For permission to use material from this text or product,  
submit all requests online at **[www.cengage.com/permissions](http://www.cengage.com/permissions).**

Further permissions questions can be e-mailed to  
**[permissionrequest@cengage.com](mailto:permissionrequest@cengage.com).**

Library of Congress Control Number: 2012947172

ISBN-13: 978-1-285-06191-7

ISBN-10: 1-285-06191-8

**Wadsworth**

20 Davis Drive

Belmont, CA 94002-3098

USA

Cengage Learning is a leading provider of customized learning solutions with office locations around the globe, including Singapore, the United Kingdom, Australia, Mexico, Brazil, and Japan. Locate your local office at **[www.cengage.com/global](http://www.cengage.com/global).**

Cengage Learning products are represented in Canada by  
Nelson Education, Ltd.

To learn more about Wadsworth, visit **[www.cengage.com/wadsworth](http://www.cengage.com/wadsworth)**

Purchase any of our products at your local college store or at our  
preferred online store **[www.CengageBrain.com](http://www.CengageBrain.com).**

**For My Students**

## About the Author

Professor Joel Samaha teaches Criminal Law, Criminal Procedure, and Introduction to Criminal Justice at the University of Minnesota. He is both a lawyer and a historian whose primary interest is crime control in a constitutional democracy. He received his BA, JD, and PhD from Northwestern University. Professor Samaha also studied under the late Sir Geoffrey Elton at Cambridge University, England. He was named the College of Liberal Arts Distinguished Teacher in 1974. In 2007, he was awarded the title of University of Minnesota Distinguished Teaching Professor and inducted into the Academy of Distinguished Teachers.

Professor Samaha was admitted to the Illinois Bar in 1962, where he practiced law briefly in Chicago. He taught at UCLA before going to the University of Minnesota in 1971. He has taught both television and radio courses in criminal justice and co-taught a National Endowment for the Humanities seminar in legal and constitutional history. At the University of Minnesota, he served as chair of the Department of Criminal Justice Studies from 1974 to 1978.

In addition to *Law and Order in Historical Perspective* (1974), an analysis of law enforcement in pre-industrial English society, Professor Samaha has transcribed and written a scholarly introduction to a set of local criminal justice records from the reign of Elizabeth I. He has also written several articles on the history of criminal justice, published in the *Historical Journal*, *American Journal of Legal History*, *Minnesota Law Review*, *William Mitchell Law Review*, and *Journal of Social History*. In addition to *Criminal Law*, he has written two other textbooks, *Criminal Procedure*, now in its eighth edition, and *Criminal Justice*, now in its seventh edition. He continues to teach and write full time.

# PREFACE

Criminal Law was my favorite class as a first-year law student at Northwestern University Law School in 1958. I've loved it ever since, a love that has only grown from teaching it at least once a year at the University of Minnesota since 1971. I hope my love of the subject comes through in *Criminal Law*, which I've just finished for the eleventh time. It's a great source of satisfaction that my modest innovation to the study of criminal law—the text-casebook—has endured and flourished. *Criminal Law*, the text-casebook, brings together the description, analysis, and critique of general principles with excerpts of cases edited for nonlawyers.

Like its predecessors, *Criminal Law*, Eleventh Edition, stresses both the general principles that apply to all of criminal law and the specific elements of particular crimes that prosecutors have to prove beyond a reasonable doubt. Learning the principles of criminal law isn't just a good mental exercise, although it does stimulate students to use their minds. Understanding the general principles is an indispensable prerequisite for understanding the elements of specific crimes. The general principles have lasted for centuries. The definitions of the elements of specific crimes, on the other hand, differ from state to state and over time because they have to meet the varied and changing needs of new times and different places.

That the principles have stood the test of time testifies to their strength as a framework for explaining the elements of crimes defined in the fifty states and in the U.S. criminal code. But there's more to their importance than durability; it's also practical to know and understand them. The general principles are the bases both of the elements that prosecutors have to prove beyond a reasonable doubt to convict defendants and of the defenses that justify or excuse defendants' criminal conduct.

So *Criminal Law*, Eleventh Edition rests on a solid foundation. But it can't stand still, any more than the subject of criminal law can remain frozen in time. The more I teach and write about criminal law, the more I learn and rethink what I've already learned; the more "good" cases I find that I didn't know were there; and the more I'm able to include cases that weren't decided and reported when the previous edition went to press.

Of course, it's my obligation to incorporate into the eleventh edition these now-decided and reported cases, and this new learning, rethinking, and discovery. But obligation doesn't describe the pleasure that preparing now eleven editions of *Criminal Law* brings me. It's thrilling to find cases that illustrate a principle in terms students can understand and that stimulate them to think critically about subjects worth thinking about. It's that thrill that drives me to make each edition better than the last. I hope it will make my students—and you—more intelligent consumers of the law and social reality of criminal law in the U.S. constitutional democracy.

## ORGANIZATION/APPROACH

The chapters in the text organize the criminal law into a traditional scheme that is widely accepted and can embrace, with minor adjustments, the criminal law of any

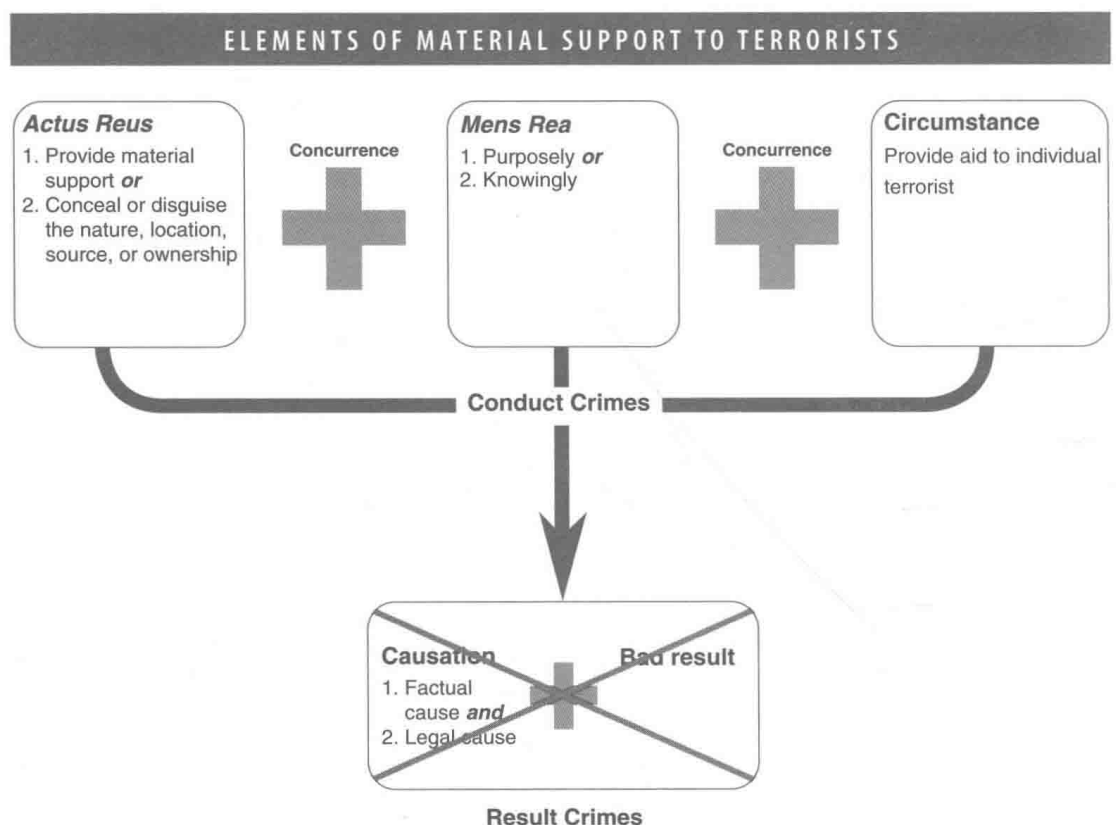
state and/or the federal government. The logic of the arrangement is first to cover the general part of the criminal law—namely, principles and doctrines common to all or most crimes—and then the special part of criminal law—namely, the application of the general principles to the elements of specific crimes.

Chapters 1 through 8 cover the general part of criminal law: the sources and purposes of criminal law and criminal punishment; the constitutional limits on the criminal law; the general principles of criminal liability; the defenses of justification and excuse; parties to crime; and incomplete crimes.

Chapters 9 through 13 cover the special part of the criminal law: the major crimes against persons; crimes against homes and property; crimes against public order and morals; and crimes against the state.

*Criminal Law* has always followed the three-step analysis of criminal liability (criminal conduct, justification, and excuse). *Criminal Law* brings this analysis into sharp focus in two ways. First, the chapter sequence: Chapters 3 and 4 cover the general principles of criminal conduct (criminal act, criminal intent, concurrence, and causation). Chapter 5 covers the defenses of justification, the second step in the analysis of criminal liability. Chapter 6 covers the defenses of excuse, the third step. So the chapter sequence mirrors precisely the three-step analysis of criminal liability.

*Criminal Law* also sharpens the focus on the three-step analysis by means of the *Elements of Crime* art. The design of the boxes is consistent throughout the book. All three of the analytic steps are included in each Elements of Crime graphic, but elements that aren't required—like crimes that don't require a “bad” result—have a gray “X” through the elements. The figures go right to the core of the three-step analysis of criminal liability, making it easier for students to master the essence of criminal law: applying general principles to specific individual crimes.



## CHANGES TO THE ELEVENTH EDITION

*Criminal Law*, Eleventh Edition includes new case excerpts; an increased selection of relevant legal and social science research; a rich collection of examples to illustrate main points; all new chapter-opening vignettes to enhance student relevancy; and numerous new “Ethical Dilemmas” to give students an opportunity to prepare for on-the-job challenges.

For the first time, we have also included a running glossary to define terms as each chapter progresses—a tool we think students will find invaluable. Additionally, the Eleventh Edition includes entirely new sections, including some on such high-profile topics as the ban on carrying concealed guns in churches, mandatory life without parole for juveniles, the duty to intervene (as exemplified in the Penn State child sex assault case), physician-assisted suicide, “homegrown” (U.S. born and/or longtime resident non-U.S. born) terrorists, and more.

There are also new charts and tables, and all retained graphics are updated to reflect the most recent information available. Finally, I’ve included a few *sample documents* that criminal justice professionals encounter in their daily work—a police report (Chapter 1), a probation report (Chapter 2), a grand jury presentment (Chapter 3), and a forfeiture order (Chapter 11). Here are the highlights of the changes in each chapter.

### Chapter 1, Criminal Law and Criminal Punishment: An Overview

#### NEW

- **Case Excerpt** *State v. Chaney* (1970) “Did the punishment devalue the victim?” Did the sentence of one year in prison with early parole send the message that the suffering he caused the woman he raped twice and then robbed was worthless?
- **Figure** “Elements of Criminal Liability”
- **Table** “Crimes and Torts: Similarities and Differences”
- **Ethical Dilemma** “Are the private paparazzi informants doing ethical work?”
- **Sample Document** Sample police report

**REVISED** Explanation of the distinction between *mala in se* and *mala prohibita* with examples

- **Figure** Updated “World Imprisonment Rates, 2009”
- **Table** Updated “Estimated Number of Arrests, 2010”

### Chapter 2, Constitutional Limits on Criminal Law

#### NEW

- **Section** “Life without Parole for Juveniles”
- **Case Excerpts:**
  - *GeorgiaCarry.Org, Inc. v. Georgia* (2011) “Did he have a right to carry a gun in church?” Tests a “hot button” issue—the constitutionality of a Georgia ban on carrying guns in churches
  - *Lawrence v. Texas* (2003) “Do consenting adults have a right to privacy in their private sexual conduct?” Tests whether there’s a constitutional right to privacy, involving adult consensual homosexual sex
  - *State v. Ninham* (2011) “Is it cruel and unusual punishment to sentence Omer Ninham to “death in prison”? Tests the constitutionality of a sentence of life in prison without parole for a fourteen-year-old convicted of murder
- **Table** “The U.S. Supreme Court and the Right to Privacy,” with leading cases on the issue from *Griswold* to *Lawrence*
- **Sample Document** Probation form

## REVISED

- “The ‘Right to Bear Arms’” Major revision reflects extension of *D.C. v. Heller* (2008) to states in *McDonald v. Chicago* (2010)
- Expansion of the Ethical Dilemma, “Is Shaming ‘Right’?”

**Chapter 3, The Criminal Act: The First Principle of Criminal Liability**

## NEW

- **Vignette** “Was His Sleep Sex a Voluntary Act?”
- **Section** “Epileptic Seizures” New information from the Epilepsy Therapy Project on the effects of failing to take medication, auras, and warning signs of imminent seizures
- **Case Excerpts**
  - *State v. Burrell* (1992) “Did he fire the gun voluntarily?” Tests whether Burrell’s last act before firing the gun that killed his friend had to be voluntary
  - *People v. Decina* (1956) “Was killing while driving during an epileptic seizure voluntary?” Leading epileptic seizure case tests the culpability of Emil Decina who, during an epileptic seizure as he drove his vehicle, hit six schoolgirls, killing four
  - *Miller v. State* (1999) “Did he possess illegal drugs?” Tests whether Miller legally “possessed” the drugs in the car in which he was a passenger
- **Exploring Further**
  - Voluntary acts—“Is sleep sex a voluntary act?” Did he commit rape in his sleep?
  - Possession—“Did she possess alcohol?” Did the minor “possess” the alcohol in the car in the DWI case?
- **Ethical Dilemma** “Did Assistant Coach Michael McQueary (of Penn State) have a moral duty to intervene in the alleged sexual assault he witnessed?”
- **Sample Document** Excerpt of grand jury indictment in the Penn State case

**Chapter 4, The General Principles of Criminal Liability: *Mens Rea*, Concurrence, Causation, Ignorance, and Mistake**

## NEW

- **Vignette** “Did He Intend to Give Them AIDS?”

## REVISED

- **Section** “Ignorance and Mistake” section to clarify the “failure of proof” theory

**Chapter 5, Defenses to Criminal Liability: Justifications**

## NEW

- **Vignette** “When Seconds Count, the Police Are Only Minutes Away”
- **Section** “Proving Defenses” Revised and expanded “Affirmative Defenses and Proving Them” from *Criminal Law* 10
- **Case Excerpts**
  - *U.S. v. Haynes* (1998) “Can a sneak attack be self-defense?”
  - *Toops v. State* (1994) “Was driving drunk a lesser evil than a car out of control?” Choice of evils and drunk driving
- **Table** Hot-button issue—“Summary of Florida Castle Law Changes”

## REVISED

- **Section** “Self-Defense” Expanded, adding new material on inevitable and imminent attack and sneak attacks and self-defense
- **Figure** “Castle Doctrine Map” Updated to reflect state statutes in 2009

## Chapter 6, Defenses to Criminal Liability: Excuses

### NEW

- **Vignette** “Did He Know It Was ‘Wrong’ to Kill His Father?”
- **Major Sections**
  - “The History of Insanity Defense” Explores the history of the insanity defense from Plato (350 B.C.) to modern times, with emphasis on historical cases, especially from eighteenth-century England to the right-wrong test created in the famous *McNaughtan* case and its development up to the present. I’ve stressed the major legal and historical evidence regarding the myth that the insanity defense is a way to escape punishment.
  - “The Insanity Defense: Myths and Reality” Explores the enormous gap between the public *perception* of how the insanity defense works and how it actually works. The myth is that the defense allows many dangerous people to escape punishment for the crime; the reality is that few do escape.
- **Subsection** “The Product of Mental Illness Test (*Durham* Rule)”
- **Case Excerpts**
  - *U.S. v. Hinckley* (2009) “Should his furlough releases be expanded?” Latest decision in the series of opinions expanding John Hinckley’s furlough privileges since he attempted to kill President Reagan in 1981
  - *State v. Odell* (2004) “Did he know ‘the nature and wrongfulness’ of his acts?” Insanity case tests whether Darren Odell knew it was wrong to kill his father
- **Table** “Juveniles Tried as Adults” Briefly summarizes cases
- **Figure** “Duress Statutes” Highlights examples of defense of duress statutes from three states

### REVISED Sections

- “The Right-Wrong Test” Expanded to explain the controversy between lawyers and mental health experts on the definition of insanity, especially on reason (cognition) and will (volition)
- “The Substantial Capacity Test (Model Penal Code)” Expanded to include criticisms of this test of insanity

## Chapter 7, Parties to Crime and Vicarious Liability

### NEW

- **Vignette** “Was He an Accessory?”
- **Figure** Examples of “Accomplice *Mens Rea*”

REVISED Section “Parties to Crime” Expanded explanation and discussion of the two theories of liability for someone else’s crime—“agency” and “forfeited personal identity”

## Chapter 8, Inchoate Crimes

### NEW

- **Vignette** “Did He Attempt to Rape?”
- **Major Section** “The Racketeer and Corrupt Organizations Act (RICO)” describes the history of RICO; **Four New Subsections** “Prosecuting Organized Crime,” “Prosecuting White-Collar Crimes,” “Prosecuting Government Corruption,” and Punishing RICO Offenders”
- **Section** Added “Defenses to Attempt Liability” to clarify and simplify two concepts, which are now two **New Subsections** under defenses: “Legal Impossibility” and “Voluntary Abandonment”

- **Case Excerpts**

- *Mims v. U.S.* (1967) “Did he attempt to rob the bank?” (application of the Model Penal Code “substantial steps”)
- *Alexander v. U.S.* (1993) “Was the forfeiture an excessive fine?”
- *State v. Schleifer* (1923) “Did he solicit his audience to destroy their employers’ homes and businesses?”

- **REVISED Sections**

- “Attempt *Actus Reus*” Revised to clarify and simplify the tests of the criminal act in attempt law, adding **New Subsections** for each test—all but the last act test; dangerous proximity to success test; indispensable element test; unequivocal test; probable desistance test; and the substantial steps (Model Penal Code) test
- Expanded “Solicitation *Actus Reus*”

## **Chapter 9, Crimes against Persons I: Murder and Manslaughter**

### **NEW**

- **Vignette** “Is Doctor-Assisted Suicide Murder?”
- **Section** “The Deadly Weapon Doctrine” History and modern application of the doctrine, explaining how prosecutors can prove the element of intent to kill by proving the defendant attacked the victim with a deadly weapon
- **Subsection** “Provocation by Nonviolent Homosexual Advance (NHA)” Debate over whether “gay panic” killings are murder or voluntary manslaughter
- **Case Excerpts**
  - *State v. Snowden* (1957) “Did he premeditatedly and deliberately murder?”
  - *People v. Phillips* (1966) “Is ‘grand theft’ an underlying felony for felony murder?”
  - *Commonwealth v. Carr* (1990) “Did seeing the lesbian lovemaking cause a ‘gay panic’?”
- **Table** “Stage of Fetal Development in Feticide Statutes”
- **Figures**
  - “The FBI’s Index of Serious Crimes in the United States (2010)”
  - “Inherently Dangerous to Life in the Abstract Felonies” Cases illustrating the range and variety of felonies that qualify for the felony murder rule
  - “Model Penal Code Homicide Sections”
- **Sample Document** Sample jury instruction on provocation

### **REVISED Sections**

- “When Does Life Begin?” More emphasis on fetal death, especially feticide statutes
- “Felony Murder” Includes the history, the debate over, and the modern trend toward restricting, and even abolishing, the ancient rule
- “Manslaughter” Expanded by adding an introduction providing more background and history of manslaughter
- “Adequate Provocation” Expanded to clarify and elaborate on the complex definition and application of the concept, including a new list of the definition of legally accepted provocations

## **Chapter 10, Crimes against Persons II: Sex Offenses, Bodily Injury, and Personal Restraint**

### **NEW**

- **Vignette** “Did He Seduce or Rape Her?”
- **Case** *People v. Evans* (1975) “Was it rape or seduction?”

- **Figures**
  - “Relationship of Rape Victim to Rapist”
  - “Michigan Criminal Sexual Conduct Statute”

## Chapter 11, Crimes against Property

### NEW

- **Vignette** “Did He Commit Credit Card Fraud?”
- **Sections**
  - “Ponzi Schemes” History and impact of the 2007 “Great Recession” on Ponzi crimes
  - “White-Collar Crime” History and application to federal mail fraud
- **Case Excerpts**
  - *People v. Gasparik* (1981) “Did he ‘steal’ the leather jacket?” Description and analysis of adapting the ancient offense of larceny to fit the modern crime of shoplifting
  - *U.S. v. Maze* (1974) “Did he commit federal mail fraud?” Maze stole his roommate’s credit card to pay for his road trip from Kentucky to California

REVISED Section “Cybercrimes” Added history, showing that “digital people” weren’t the first “victims” of data collection and mining, giving an example of how GM used it in the 1920s to “steal” Ford’s customers by “target marketing”

## Chapter 12, Crimes against Public Order and Morals

### NEW

- **Vignette** “Violent Video Games”
- **Sections**
  - “Violent Video Games” Do they cause violent behavior like the killings at Columbine and other schools?
  - “Prostitution” Focuses on the inequality issue captured in this opener to the section: “The law’s desire to punish bad girls has often been moderated by its wish to save nice boys from harm, inconvenience or embarrassment” Subsections include:
    - The History of Prostitution Laws
    - The Double Standard Today
    - Court Remedies for the Double Standard
    - Local Government Programs Targeting Johns (car forfeiture, driver’s license revocation, and publishing the names of arrested johns in local newspapers and online)
- **Case Excerpts**
  - *Interactive Digital Software Association v. St. Louis County* (2002) “Can counties ban juveniles from playing violent video games in arcades?”
  - *Commonwealth v. An Unnamed Defendant* (1986) “Is it constitutional to arrest only prostitutes and not johns?”
- **Figure** “Male–Female Prostitution Arrests, 2010”

UPDATED Table “Estimated Number of Arrests, 2010”

## Chapter 13, Crimes against the State

MAJOR CHAPTER REVISION In response to reviewers’ excellent suggestions, and to developments in the law, as well as my own interests in the history of espionage and its

application to present law, this is almost a 75 percent rewrite of the old chapter. The result: a chapter that engages more deeply the issues of the substantive criminal law and crimes against the state.

#### NEW

- **Vignette** “Did He Provide Material Support to a Terrorist Organization?” *Holder v. Humanitarian Law Project* (2010); U.S. Supreme Court case
- **Ethical Dilemma** “Which of the following actions is it ethical to ban as ‘material support and resources’ to terrorists?”
- **Table** Statute “Attempted Intentional Damage to Protected Computer”

#### REVISED Sections

- “Espionage” Major rewrite includes:
  - **New Subsection** “The History of the Espionage Act” Discussion of leading cases of the WWI era
  - **New Subsection** “The Espionage Act Today” Includes analysis of major cases
    - Bradley Manning and WikiLeaks
    - Thomas Drake, former executive in the NSA, whistleblower charged with transferring top secret national defense documents
    - Jeffrey Sterling, former CIA agent who disclosed secret national defense information to the *New York Times* reporter James Risen, which later appeared in Risen’s *Secret History of the CIA* book
    - John Kiriaku, former CIA officer and member of the team that captured and “waterboarded” the top Al Qaeda hierarchy, who disclosed the identity of a CIA analyst that interrogated Zubaydah
- “Antiterrorist Crimes” Major rewrite includes:
  - **New Subsections** All new text for “The Top Terrorist Plot Cases,” which discusses cases since 9/11, and “‘Homegrown’ Terrorists”
  - **Table** “Statutes Charged in Top 50 Terrorist Plots, 2001–2010”
  - **Figures** “Top 50 Plot Prosecutions, 2001–2010” and “Homegrown Terrorist Defendants Born in the United States, 2001–2010”
- “Material Support to Terrorists and Terrorist Organizations” Major rewrite places special emphasis on constitutional challenges on First Amendment speech and assembly rights
- “Sabotage” Expanded explanation of its use and added an extended analysis of the case of Douglas James Duchak, a computer analyst responsible for updating the TSA “No Fly List” who tried to destroy it because he was laid off
- **NEW U.S. Supreme Court Case** *Holder v. Humanitarian Law Project* (2010), upholding “material support” provisions of the USA Patriot Act

## Supplements

---

### RESOURCES FOR INSTRUCTORS

- **Instructor’s Resource Manual with Test Bank** The manual, which has been updated and revised by Valerie Bell of Loras College, includes learning objectives, key terms, a detailed chapter outline, a chapter summary, discussion topics, student activities, media tools, and a newly expanded test bank. The learning objectives are correlated with the discussion topics, student activities, and media tools. Each

chapter's test bank contains questions in multiple-choice, true–false, completion, and essay formats, with a full answer key. The test bank is coded to the learning objectives that appear in the main text and includes the page numbers in the main text where the answers can be found. Finally, each question in the test bank has been carefully reviewed by experienced criminal justice instructors for quality, accuracy, and content coverage. Our Instructor Approved seal, which appears on the front cover, is our assurance that you are working with an assessment and grading resource of the highest caliber. The manual is available for download on the password-protected website and can also be obtained by e-mailing your local Cengage Learning representative.

- **ExamView® Computerized Testing** The comprehensive Instructor's Manual is backed up by ExamView, a computerized test bank available for PC and Macintosh computers. With ExamView, you can create, deliver, and customize tests and study guides (both print and online) in minutes. You can easily edit and import your own questions and graphics, change test layouts, and reorganize questions. And using ExamView's complete word-processing capabilities, you can enter an unlimited number of new questions or edit existing questions.
- **PowerPoint Lecture Slides** Helping you make your lectures more engaging while effectively reaching your visually oriented students, these handy Microsoft PowerPoint® slides outline the chapters of the main text in a classroom-ready presentation. The PowerPoint® slides are updated to reflect the content and organization of the new edition of the text and feature some additional examples and real-world cases for application and discussion. Available for download on the password-protected instructor book companion website, the presentations can also be obtained by e-mailing your local Cengage Learning representative. The PowerPoint® slides were updated for the current edition by Mark Brown of the University of South Carolina.
- **Lesson Plans** The Lesson Plans, which were updated by Valerie Bell of Loras College, bring accessible, masterful suggestions to every lesson. This supplement includes a sample syllabus, learning objectives, lecture notes, discussion topics and in-class activities, a detailed lecture outline, assignments, media tools, and "What if..." scenarios. The learning objectives are integrated throughout the Lesson Plans, and current events and real-life examples in the form of articles, websites, and video links are incorporated into the class discussion topics, activities, and assignments. The lecture outlines are correlated with PowerPoint slides for ease of classroom use. Lesson Plans are available on the instructor website.
- **Real-World Resources: Tools to Enhance Relevancy** The media tools from across all the supplements are gathered into one location and organized by chapter and learning objective. Each item has a description of the resource and a directed learning activity. Available on the instructor website, WebTutor and CourseMate, these can be used as resources for additional learning or as assignments.
- **Wadsworth Criminal Justice Video Library** So many exciting new videos—so many great ways to enrich your lectures and spark discussion of the material in this text. Your Cengage Learning representative will be happy to provide details on our video policy by adoption size. The library includes these selections and many others.
  - **ABC® Videos.** ABC videos feature short, high-interest clips from current news events as well as historic raw footage going back forty years. Perfect for discussion starters or to enrich your lectures and spark interest in the material in the text, these brief videos provide students with a new lens through which to view the past and present, one that will greatly enhance their knowledge and

understanding of significant events and open up to them new dimensions in learning. Clips are drawn from such programs as *World News Tonight*, *Good Morning America*, *This Week*, *PrimeTime Live*, *20/20*, and *Nightline*, as well as numerous ABC News specials and material from the Associated Press Television News and British Movietone News collections.

- **Introduction to Criminal Justice Video Series.** This Cengage Learning video series features videos supplied by the BBC Motion Gallery. These short, high-interest clips from CBS and BBC news programs—everything from nightly news broadcasts and specials to *CBS News Special Reports*, *CBS Sunday Morning*, *60 Minutes*, and more—are perfect classroom discussion starters. They are designed to enrich your lectures and spark interest in the material in the text. Clips are drawn from the BBC Motion Gallery.
- **Criminal Justice Media Library** Cengage Learning's Criminal Justice Media Library includes nearly three hundred media assets on the topics you cover in your courses. Available to stream from any web-enabled computer, the Criminal Justice Media Library's assets include such valuable resources as Career Profile Videos, featuring interviews with criminal justice professionals from a range of roles and locations; simulations that allow students to step into various roles and practice their decision-making skills; video clips on current topics from ABC® and other sources; animations that illustrate key concepts; interactive learning modules that help students check their knowledge of important topics; and Reality Check exercises that compare expectations and preconceived notions against the real-life thoughts and experiences of criminal justice professionals. The Criminal Justice Media Library can be uploaded and used within many popular Learning Management Systems, and all video assets include assessment questions that can be delivered straight to the grade book in your LMS. You can also customize it with your own course material. Please contact your Cengage Learning representative for ordering and pricing information.
- **WebTutor™ on Blackboard® and WebCT®** Jump-start your course with customizable, rich, text-specific content within your Course Management System. Whether you want to web-enable your class or put an entire course online, WebTutor delivers. WebTutor offers a wide array of resources, including media assets, test banks, practice quizzes linked to chapter learning objectives, and additional study aids. Visit <http://www.cengage.com/webtutor> to learn more.

## RESOURCES FOR STUDENTS

- **Study Guide** An extensive student guide has been developed for this edition by Mark Brown of the University of South Carolina. Because students learn in different ways, the guide includes a variety of pedagogical aids to help them. Each chapter is outlined and summarized, major terms and figures are defined, plus media tools for directed learning and self-tests are provided.
- **CourseMate** Cengage Learning's Criminal Justice CourseMate brings course concepts to life with interactive learning, study, and exam preparation tools that support the printed textbook. CourseMate includes an integrated e-book, quizzes mapped to chapter learning objectives that have been updated for the current edition by Roreita Joy Walker of Bauder College, flashcards, videos, and more, and EngagementTracker, a first-of-its-kind tool that monitors student engagement in the course. The accompanying instructor website offers access to password-protected resources, such as an electronic version of the instructor's manual and PowerPoint® slides.

- **Careers in Criminal Justice Website** (Can be bundled with this text at no additional charge) Featuring plenty of self-exploration and profiling activities, the interactive Careers in Criminal Justice website helps students investigate and focus on the criminal justice career choices that are right for them. Includes interest assessment, video testimonials from career professionals, resume and interview tips, links for reference, and a wealth of information on “soft skills,” such as health and fitness, stress management, and effective communication.
- **CLeBook** Cengage Learning’s Criminal Justice e-books allow students to access our textbooks in an easy-to-use online format. Highlight, take notes, bookmark, search your text, and, for most texts, link directly into multimedia. In short, CLeBooks combine the best features of paper books and e-books in one package.
- **Current Perspectives: Readings from Infotrac® College Edition** These readers, designed to give students a closer look at special topics in criminal justice, include free access to InfoTrac College Edition. The timely articles are selected by experts in each topic from within InfoTrac College Edition. They are available free when bundled with the text and include the following titles:
  - Introduction to Criminal Justice
  - Community Corrections
  - Cyber Crime
  - Victimology
  - Juvenile Justice
  - Racial Profiling
  - White-Collar Crime
  - Terrorism and Homeland Security
  - Public Policy and Criminal Justice
  - Technology and Criminal Justice
  - Ethics in Criminal Justice
  - Forensics
  - Corrections
  - Law and Courts
  - Policy in Criminal Justice

## Acknowledgements

---

*Criminal Law*, Eleventh Edition (like the other ten), didn’t get to you by my efforts alone; I had a lot of help. I’m grateful for all those who have provided feedback over the years. Many thanks also to Criminal Justice Editor Carolyn Henderson Meier who has helped me at every stage of the book. Thanks, too, to my indefatigable, sharp, careful copy editor Lura Harrison, whose work definitely improved the final manuscript throughout the book but most of all on the new and expanded sections. And Ruth Cottrell’s calm efficiency, warm kindness, meticulous editing, and infinite patience really is a gift that keeps on giving.

But there are still more to thank. Professor Ann Bunch provided major assistance on refining the learning objectives and chapter summaries as well as to creating the new marginal glossary. I’m confident that you’ll benefit from Ann’s efforts. My student Charlotte Culbertson came through for me when I needed help “right now,” particularly on identity theft statistics and tracking down valuable sources on the new section on the World War I espionage cases. From the three semesters that she was my student and one in which she was my teaching assistant, I’ve learned that when Charlotte sets out to do something, she doesn’t let go until she succeeds.

Additionally, I would like to thank the following reviewers of the Tenth Edition for providing invaluable feedback and direction for this revision:

- Ann Bunch, *State University of New York–Brockport*
- Robert A. Del Sordo, *Camden County College*
- Jason Hale, *County College of Morris*
- Jean Gabriel Jolivet, *Southwestern College*
- Kenneth Mentor, *University of North Carolina at Pembroke*
- Jo Ann M. Scott, *Ohio Northern University*
- David L. Weiden, *Indiana University–Purdue University Indianapolis*
- James L. Wright, *Chattanooga State Community College*

What would I do without Doug and Steve? Doug takes me there and gets me here and everywhere, day in and day out, days that now have stretched into years. And my old and dearest friend Steve, who from the days when he watched over our Irish Wolfhounds in the 1970s, to now decades later when he keeps “Frankie” the Standard Poodle, “Kitty Cat,” the Siamese, me, and a lot more around here in order. And they do it all while putting up with what my beloved mentor at Cambridge, the late Sir Geoffrey Elton, called “Joel’s mercurial temperament.” Only those who really know me can understand how I can try the patience of Job! Friends and associates like these have given *Criminal Law*, Eleventh Edition whatever success it enjoys. As for its faults, I own them all.

Joel Samaha  
Minneapolis