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By
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THOMSON

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PREFACE

This book is designed to be a succinct exposition of substantive criminal law to which a troubled student can turn for reliable guidance. The troubled student whom I have endeavored to guide is one who finds himself in that situation in spite of his diligent effort to succeed. I have made no special attempt to aid those students who have not made a substantial effort to master the material during the semester (although candor does compel me to acknowledge that some of these students may use this book, with a few of the brighter ones even passing criminal law because of it.)

The book is also designed to serve the untroubled criminal law student (I usually find at least one or two per class) in two ways. First, for the student who likes to spend most of her study time analyzing cases and/or law review articles, but would like to see a brief textual treatment of each day's assignment, this book provides that treatment. And second, the book provides an overview or perspective to aid the student in synthesizing an entire semester's worth of material.

Although it should go without saying, I'll say it anyway—this book is not a substitute for individual analysis. One who does not develop the capacity to analyze problems will not be saved by this or any

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other book when he is asked to analyze a problem that neither he nor the book had previously considered.

Teachers of and books about criminal law vary widely in regard to the order in which they present the material. This book is divided into seven parts. Part I develops the purposes of punishment, an understanding of which is essential to the study of criminal law. Part II develops those specific crimes which, in the opinion of the author, need developing. In addition, it analyzes causation and self defense. Part III is concerned with the ingredients of all crimes (*mens rea* and *actus reus*), while Part IV discusses special defenses. Part V examines burden of proof and presumptions. Part VI discusses inchoate and group criminality, and Part VII analyzes limitations on the criminal law. Finally, the book concludes with a short perspective on the study of criminal law.

Throughout this book in case citations, the following abbreviations have been employed: C=Commonwealth, D.P.P.=Director of Public Prosecutions, P=People, R=Regina or Rex, S=State, and U.S.=United States. The American Law Institute's Model Penal Code, which is frequently cited in this book, has been abbreviated M.P.C. Unless otherwise indicated, all M.P.C. citations are to the proposed official draft. Whenever an M.P.C. cite is used, the section will be preceded by the M.P.C. designation (*e.g.*, M.P.C. § 210.6 substitutes aggra-

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vating and mitigating circumstances for degrees of murder). Hopefully, this will avoid confusion between references to M.P.C. sections and the frequent internal nutshell section references that are made throughout the book.

Because this is not intended to be a source book, case citations are illustrative rather than exhaustive and secondary sources (other than the M.P.C.) have been intentionally omitted save for those few instances where their inclusion was unavoidable. Without intending to disparage the many outstanding works in the field of criminal law that I have found helpful, I would like to especially note the aid I received from reading LaFare and Scott, *Handbook on Criminal Law*, and Dressler, *Understanding Criminal Law*.

In the thirty-nine years since I began teaching criminal law, I have received many helpful insights into the criminal law from my colleagues and students. Some of these insights are in this book. In addition, I would like to thank the several secretaries and research assistants who at one time or another have aided me in the preparation of the book. Finally, I would like to particularly thank seven research assistants from three generations of law students. The first edition (1975) was enhanced by the efforts of Kathleen C. Barger, Jack Drum and A. W. Turner, Jr. Joanna G. Hansen and Timothy C. Holm contributed significantly to the second edition. For the third edition, I thank

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Dameron Page and Deborah Stencel. And for the fourth edition, I am grateful to William Cross.

A.H.L.

Chapel Hill, North Carolina
March, 2003

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