

ASP – Criminal Law (Prof. Steinman)
Fall 2005 - Session #1
Santa Clara University School of Law
Monday, 12 September 2005 3:00 – 4:45 PM

1. Introductions

- a. Session Leader: Sriranga Veeraraghavan
- b. Contact Information:
 - i. Email: SVeeeraraghavan@scu.edu OR rangav@mac.com
 - ii. Phone: (408) 446-0959 (Home), (408) 832-0776 (Cell)

2. General Q&A and Pointers re Law School, Crim and Steinman

- a. What questions/concerns do you have?
- b. Some ideas on making Crim easier
 - i. Talk to Steinman!
 - 1. He is almost always in his office AND loves to talk to students
 - 2. He wants people to learn and will answer almost any question
 - 3. Lunch w/ Steinman on Friday's is very helpful
 - ii. Being on Call
 - 1. Try to do the reading a few days before
 - 2. Go see Steinman and go over the add'l questions and the problem
 - iii. The Midterm
 - 1. Steinman's exam is different than other exams you'll take
 - 2. Don't worry about it until Steinman tells you to look at old exams
- c. Some things to think about when reading a case:
 - i. Crim Specific
 - 1. What crime was Δ charged with?
 - a. What were the elements of that crime?
 - b. What did/would the DA need to show for each element?
 - 2. What arguments did the DA make?
 - 3. What arguments did the Δ make?
 - 4. Which ones did the ct find most persuasive?

ii. General

1. Where was the case decided (what jurisdiction)?
2. Have you read any other cases that might be related to this one?

iii. Application – Steinman focuses on problems

1. How can you relate the facts of the case to the problem?
2. How can you apply the policies in the case to the problem?

3. Class Hypo – Determining Mens Rea

a. Consider the following statute (not a real statute):

Criminal Animal Cruelty § 101 – “Any person who causes an animal in their care to be without food, shelter or proper medical care shall be guilty of criminal animal cruelty punishable by up to 1 year in prison and/or a fine of \$1,000”

- i. What are the elements of the offense?
- ii. What do you think the mens rea should be for each element?

b. Now considered Criminal Animal Cruelty § 102:

”Any person who intentionally, willfully or knowingly causes severe pain or death of an animal or causes an animal in their care to be without food, shelter or proper medical care shall be guilty of criminal animal cruelty punishable by up to 5 years in prison and a fine of \$50,000” [Assume that the statute doesn’t apply to legally sanctioned animal uses]

- i. Does this change what you think the mens rea should be for § 101?

4. Group Activity re Statutes and Mens Rea

a. Groups 1 and 2 – Regina v Prince (p 226)

- i. What are all the elements of the crime that Prince was charged w/?
- ii. What was the mens rea (in MPC terms – p1041-1042) that the ct required for each element?

b. Group 3 and 4 – Cheek v US (p 263)

- i. What are all the elements of the crime that Cheek was charged w/?
- ii. What is the mens rea (in MPC terms – p1041-1042) that the ct required for each element?

5. Group Hypo

Mr. Moran is a gun and shooting enthusiast and collector who often goes to local gun shows in search of unique guns. Last week he went to a local gun show and purchased a WW1-era M1 rifle from an antique gun dealer. Most M1 rifles can only fire one bullet each time the trigger is pressed. After purchasing the gun, Mr. Moran put the gun in the trunk of his car.

During a routine traffic stop yesterday, the police came across the rifle and upon inspecting it found that it could fire more than one bullet each time the trigger was pressed. The police arrested Mr. Moran for violating Section 2 of the Firearms Control Act:

Firearms Control Act § 2 – “It shall be unlawful for any person to receive or possess a firearm which is not registered to him”

Firearms Control Act § 1 defines a “firearm” as “any weapon capable of automatically firing more than one shot with a single pull of the trigger.” Assume that the purchaser of a “firearm” needs to register it and Mr. Moran hadn’t registered this rifle.

Two groups

1. DA Group
 - a. Determine what you think the mens rea should be for this crime
2. PD Group
 - a. Determine what you think the mens rea should be for this crime
3. Common Questions for both groups
 - a. Do either Cheek or Prince help you re the mens rea?
 - b. What facts support your view of the mens rea?
 - c. Is there a public policy that supports your view of the mens rea?
 - d. What if the mens rea was negligence/reckless? Do you think the facts support a conviction?