

RWU School of Law
Criminal Law, Section A
Prof. Allen
Assignment #1

Welcome to Criminal Law!

I. READING ASSIGNMENT

- (1) Read the entirety of this assignment.
- (2) All reading materials for this assignment are posted on the BRIDGES under the “Assignments” Tab.
- (3) Read the following pages in the SUPPLEMENTAL textbook "Mastering Criminal Law" (2nd Ed. 2015) by Podgor¹ --
 - Mastering Criminal Law, Ch. 1, pp. 3-6
- (4) Read the following pages in the HANDOUTS from Kennedy, *A Short & Happy Guide to Criminal Law*² --
 - Ch. 2, pp. 33-41
 - Ch. 3 pp. 43-55
- (5) Read the following selections from the primary textbook, *Criminal Law: Concepts and Practice* (5th Ed. 2022) by Podgor:
 - Podgor, Ch. 1, pp. 3-17 (not including § 1.05).
- (6) Read carefully the handout concerning State v. Goldilocks. Imagine that 10-year-old Goldilocks has been arrested for the conduct described in the children’s story “Goldilocks and the

¹ Ellen S. Podgor, et al., MASTERING CRIMINAL LAW (Carolina Academic Press, 2d ed. 2015), eBook is available FREE: <http://link.overdrive.com/?websiteID=100665&titleID=2759481>. If you have trouble with the eBook link please contact lawlibraryhelp@rwu.edu.

² Joseph E. Kennedy, A SHORT AND HAPPY GUIDE TO CRIMINAL LAW (West Academic Publishing). This book may be FREE online and in hardcopy through RWU library, <https://law.rwu.edu/library>. If you have trouble with the eBook link please contact lawlibraryhelp@rwu.edu.

Three Bears.” Imagine too that the three bears live as a family in a house in the woods as described in the story. The prosecutors (the lawyers for the State) have decided to charge Goldilocks with crimes, as such Goldilocks is entitled to have a defense attorney represent her.

II. IN-CLASS EXERCISE PREPARATION

During class YOU will be randomly selected to play the role of either the prosecutor or a defense attorney, making arguments on behalf of either the state or Goldilocks. Come to class prepared with notes containing arguments for both sides (Your notes are for your personal reference and will not be collected). As you prepare for class please consider the following questions:

- (1) Charging Decisions. What are the strongest arguments for and against charging Goldilocks with one or both of the crimes described in the handout?
- (2) Strength the Evidence. If the case were to proceed to trial, what facts/evidence favor a guilty verdict? What facts/evidence might support a “choice of evils” defense? In crafting the defense, you may create additional facts consistent with the story, but don’t go overboard. Humor and creativity are encouraged.
- (3) Punishment. If Goldilocks were to be found guilty, what punishment should the prosecutor recommend the judge to impose? What punishment should the defense attorney recommend? Why?

III. OBJECTIVE

This exercise is not designed to test your knowledge of substantive law or whether you can spot some obscure issue. It is designed to get

you comfortable talking in class about some foundational, philosophical and functional aspects of criminal law, including the prosecutor's charging decision, the burden of proof, the accused's right to a defense, and the goals of punishment. Have fun with the assignment!

**State v.
Goldilocks**

CHARGE(S) –

Ms. Goldilocks, aged 10, is charged under the following statutes:

164.215 Burglary in the second degree.

- (1) Except as otherwise provided in RWU Law 164.255, a person commits the crime of burglary in the second degree when the person enters or remains unlawfully in a building with the intent to commit a crime therein
- (2) Burglary in the second degree is a Class C felony.
- (3) A Class C felony is a felony punishable by not more than ten years in prison.

164.255 Criminal trespass in the first degree.

- (1) A person commits the crime of criminal trespass in the first degree if the person
 - (a) enters or remains unlawfully in a dwelling; or
 - (b) having been denied future entry to a building pursuant to a merchant's notice of trespass, reenters the building during hours when the building is open to the public, with the intent to commit theft therein.
- (2) Criminal trespass in the first degree is a Class A misdemeanor.
- (3) Class A misdemeanor is punishable by fine not to

exceed \$4,000, jail confinement not to exceed one year, or both.

DEFENSE --

Ms. Goldilocks has claimed the choice of evils defense:

161.200 Choice of evils.

Unless inconsistent with other provisions of chapter 743 . . . conduct which would otherwise constitute an offense is justifiable and not criminal when (a) that conduct is necessary as an emergency measure to avoid imminent injury; and (b) the threatened injury is of such gravity that, according to ordinary standards of intelligence and morality, the desirability of avoiding injury clearly outweighs the desirability of avoiding the injury sought to be prevented by the statute defining the offense in issue.