Universidad de Navarra

U.S. Criminal Law

Guía docente 2026-27

INTRODUCTION

Brief descripction: This course is designed as an overview American criminal law. It focuses on the fundamental legal and constitutional principles that guide legislatures and courts in the process of creating and interpreting American substantive criminal law (the law that determines when a person has committed a criminal offense for which he or she can be justly punished). We will not attempt to survey all of the elements (definitions) of the thousands of crimes recognized by the United States, the states, and their political subdivisions. Rather, we will consider only a few crimes (criminal homicide, and the inchoate crimes-- incomplete crimes-- of attempt and conspiracy) and on the principal defenses most frequently invoked by criminal defendants (broadly speaking, justifications and excuses).

- **Titulación**: Anglo-American Law Program, Grado en Derecho, Grado en Relaciones Internacionales
- **Módulo/Materia**: Optatividad, derecho angloamericano
- **ECTS**: 3
- **Course, semester**: Segundo curso, segundo semestre
- **Carácter**: Optativa
- **Professor responsible for the subject:** Prof. Alberto Muñoz
- **Visiting professor**: James Coleman Jr. (Duke University)
- **Idioma**: Inglés
- **Schedule and location**: The course will be delivered in an intensive format every morning from 11:00 to 14:00 in two week's time. From March 1nd to 12th. Nevertheless, check Bullet Calendar to confirm classroom information.(https://unav-publish.bulletscheduling.com/horarios_diplomas_derecho/calendar) and click on Modules.

Please note that the schedule is subject to changes due to reasons beyond our control.

RESULTADOS DE APRENDIZAJE (Competencias)

De acuerdo con la **Memoria del Grado en Derecho**, las competencias que los estudiantes deben llegar a dominar asociadas a las asignaturas Optativas vinculadas al Anglo-American Law Program del que forma parte esta asignatura son las siguientes:

Competencias básicas

CB1 - Que los estudiantes hayan demostrado poseer y comprender conocimientos en un área de estudio que parte de la base de la educación secundaria general, y se suele encontrar a un nivel que, si bien se apoya en libros de texto avanzados, incluye también algunos aspectos que implican conocimientos procedentes de la vanguardia de su campo de estudio.

CB2 - Que los estudiantes sepan aplicar sus conocimientos a su trabajo o vocación de una forma profesional y posean las competencias que suelen demostrarse por medio de la elaboración y defensa de argumentos y la resolución de problemas dentro de su área de estudio.

CB3 - Que los estudiantes tengan la capacidad de reunir e interpretar datos relevantes (normalmente dentro de su área de estudio) para emitir juicios que incluyan una reflexión sobre temas relevantes de índole social, científica o ética.

CB4 - Que los estudiantes puedan transmitir información, ideas, problemas y soluciones a un público tanto especializado como no especializado.

CB5 - Que los estudiantes hayan desarrollado aquellas habilidades de aprendizaje necesarias para emprender estudios posteriores con un alto grado de autonomía

Competencias generales

CG1 - Poseer un conocimiento general de la disciplina y la metodología jurídicas que permita el ejercicio de actividades de carácter profesional en el ámbito del Derecho o la adquisición de los títulos complementarios exigidos por la ley para determinadas actividades profesionales.

CG2 - Expresar y transmitir adecuadamente ideas complejas que permitan comunicar, de manera oral y escrita, soluciones fundadas en Derecho a un público especializado o no.

CG3 - Localizar y gestionar correctamente las fuentes jurídicas, tanto legales, jurisprudenciales y doctrinales.

Competencias específicas

CEE1 Conocer los conceptos jurídicos básicos de la tradición jurídica angloamericana de forma que se pueda comunicar en inglés oralmente o por escrito sus principales características en sus ámbitos principales.

SYLLABUS

Overview . . . .

Preparing for Class . . . . . .

I. Elements of the Criminal Offense . . . . . .

A. The Criminal Act . . . . . .

B. The Guilty Mind . . . .

C. Causation . . . .

II. Application of the Foregoing Principles: Homicide Offenses . . . . . .

A. A sample criminal homicide statute statue . . . . . .

B. Intentional Homicides . . . . . .

1. Murder . . . . . .

2. Voluntary manslaughter . . . . . .

C. Unintentional Homicides . . . . . .

1. Murder Based on Extreme Indifference To human Life . . . . .

2. Felony Murder . . . . . .

3. Involuntary Manslaughter . . . . . .

D. Capital Sentencing . . . . . .

III. Affirmative Defenses . . . . . .

A. Use of Defensive Force . . . . . .

B. Necessity and duress . . . . . .

IV. Inchoate Crimes . . . . . .

A. Complicity . . . . . .

B. Criminal attempts . . . . . .

C. Criminal conspiracy . . . . . .

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EDUCATIONAL ACTIVITIES

The Distribution of the student's workload measured in hours is the following:	
Theory in class periods	15 hours
Practical in-class periods	15 hours
Seminars and personal tutoring	10
Evaluation	2
Personal study	30

ASSESMENT

CONVOCATORIA ORDINARIA

Preparation for class: 20% of the grade

You are of course responsible for all of the reading for every class, unless I say otherwise. Please note that I may cut some of the reading if I think it is best for the class.

I use the Socratic method; any student may be called upon at any time. I consider preparation for and participation in class in determining final grades, particularly where a student is at the margin between grades or where a student's preparation and performance is notable one way or another. If you are unprepared to participate thoughtfully in a given class, please tell me before class starts.

Preparation for class begins with a careful reading of the assignment.

Statutes

A major element of the practice of criminal law is interpretation of statutes, such as the Model Penal Code. A statute is highly condensed, and you will not gain a complete understanding of a statutory provision if you read through it as quickly as you might read a case abstract of the same length. You first may wish to skim a statutory provision to see generally what it covers and how it is organized, but, in the end, you should go over the text slowly, methodically, and carefully. Try to determine both the general thrust or purpose of each provision, and how each section, subsection, clause, and term relates to that purpose. Try to predict the kinds of questions that will arise if the statute is enforced. Is the meaning of each term clear? Do the terms used in one section carryover to other sections of the statute? Etc

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Whether it is necessary to brief each case before class is a personal choice for each student. Some students will prefer other methods of preparation, such as a combination of highlighting and marginal notations. The important point is not what method you use to prepare, but that you develop some method that permits you to (1) analyze thoroughly each case, and (2) recall readily your analysis during class discussion and when you review.

Cases

If you brief cases, consider the following: Do not waste time copying passages from cases. The objectives of briefing are to (1) identify the significant analytical steps in each case, and (2) jot down notes that will help you recall the analysis quickly. Accordingly, complete sentences are not necessary; most students adopt some system of abbreviations for common terms. A brief may be in any format that you find most helpful to achieve the objectives of the exercise, but it should highlight the following facets of each case:

1. *Facts*: Only the material or legally relevant facts. After you have read the court's analysis, review your notes to make sure you did not omit any facts that were important to the issue(s) decided or include any facts that are irrelevant.

2. *Procedural Posture*: The procedural posture in which the legal issue arose. In criminal law, this is generally a defendant's appeal from his conviction based upon claims such as the failure to dismiss a particular charge, an erroneous jury instruction, the improper admission of evidence, or insufficient evidence to support the jury's verdict. Sometimes, the issue will arise before trial (*i.e.* in pre-trial motions); keep in mind the distinction. (Some students erroneously assume that whenever a defendant prevails on a claim, it means that he or she has been acquitted. That usually is not the case; often the court only orders a new trial for the defendant.)

3. *Question(s) Presented*: The basic legal issue(s) posed in the case. Pay attention to how the Court frames the issue and consider what impact, if any, that has on the analysis. You also should pay close attention to any subsidiary issues spawned by the principal dispute. On the final exam, your ability to identify these subsidiary issues will favorably distinguish your work from that of students who fail to identify such issues. The ability to identify such subsidiary issues is the essence of legal analysis.

4. *Court's Decisions(s)*: The court's resolution of the issue(s) presented in the case, noting also the procedural disposition then made (e.g., remand for a new trial).

5. *Rationale*: The court's explanation of its decision(s). Here, you *should* be critical: Is the court's rationale consistent with the principles underlying the rule applied? Is there a flaw in the analysis? If so, to what do you attribute it?

Whether or not you elect to prepare written briefs, you should be prepared to discuss the foregoing facets of each assigned case.

Final open-book exam 80% of the grade.

CONVOCATORIA EXTRAORDINARIA

In June, your grade will come out completely of your exam performance.

OFFICE HOURS

Please write to Prof. Coleman for an appointment at his office at jcoleman@law.duke.edu

BIBLIOGRAPHY

- Joshua Dressler, Understanding Criminal Law, 6th Edition, LexisNexis, 2012. Localízalo en la Biblioteca
- Kaplan, Weisberg, and Binder, *Criminal Law: Cases and Materials* (Wolters Kluwer Seventh Edition) . Localízalo en la Biblioteca

- Course packet of cases.

The Model Penal Code Provisions

A major element of the practice of criminal law is interpretation of statutes, such as the Model Penal Code. A statute is highly condensed, and you will not gain a complete understanding of a statutory provision if you read through it as quickly as you might read a case abstract of the same length. You first may wish to skim a statutory provision to see generally what it covers and how it is organized, but, in the end, you should go over the text slowly, methodically, and carefully. Try to determine both the general thrust or purpose of each provision, and how each section, subsection, clause, and term relates to that purpose. Try to predict the kinds of questions that will arise if the statute is enforced. Is the meaning of each term clear? Do the terms used in one section carryover to other sections of the statute? Etc.

Cases

The cases we will work in class are found in the casebook that I used at Duke Law School, Kaplan, Weisberg, and Binder, *Criminal Law: Cases and Materials* (Wolters Kluwer Seventh Edition) and in Dressler and Garvey, C*ases and Materials on Criminal Law* (West Publishing Sixth Edition). All of the cases were edited to take out unnecessary text (*i.e.*, text that relates to matters beyond the purpose for which the case is being used). Such deletions are indicated with ellipses (“**. . .**”).