

TABLE OF CONTENTS

PREFACE	III
TABLE OF CASES	XXI
Chapter One. Elements and the Definition of Crimes.....	1
Wayte v. United States	2
A. The Element of Identification.....	5
United States v. Chappell.....	5
Exercise	9
United States v. FNU LNU, a/k/a “Sandra Calzada”	9
Exercise	11
B. Action Elements (Actus Reus)	11
1. Causation	11
Burrage v. United States	11
Exercise	15
2. Possession	15
United States v. Jameson	16
Exercise	19
3. Omission.....	19
United States v. Park.....	20
Exercise	23
4. Involuntary Acts	23
United States v. Flores-Alejo.....	24
Exercise	27
C. State of Mind Elements (Mens Rea)	27
1. Knowledge.....	27
United States v. Pennington.....	28
Exercise	30
United States v. Shaw.....	31
Exercise	36
United States v. Tyson	36
Exercise	41
2. Intent.....	42
United States v. Campos.....	42
United States v. Campos.....	45
Exercise	48
United States v. Messerlian.....	48
Exercise	52
D. Jurisdictional Elements	52
United States v. McNeal.....	52
Exercise	55
United States v. Ivanov	56
Exercise	59

E.	Other Elements	59
1.	Chemical Composition.....	60
	United States v. Baggett.....	61
	Exercise	62
2.	Criminal History.....	62
	Old Chief v. United States	63
	Exercise	65
3.	Status of the Victim.....	65
	United States v. Kirkland	65
	Exercise	67
	Dassey v. Dittmann	68
	Exercise	79
Chapter Two. Crimes Causing Death		81
A.	Second Degree Murder	82
	United States v. Milton.....	83
	Exercise	85
	United States v. Sheffey	86
	Exercise	90
B.	First Degree Murder	90
1.	Premeditation	91
	United States v. Thomas.....	91
	Exercise	93
	United States v. Shaw	93
	Exercise	97
	United States v. Bell	98
	Exercise	101
2.	Felony-Murder.....	102
	United States v. Garcia-Ortiz.....	102
	Exercise	104
	United States v. Saba.....	105
	Exercise	107
	United States v. Pineda-Doval	107
	Exercise	111
C.	Voluntary Manslaughter	111
	United States v. Roston	112
	Exercise	116
	United States v. Serawop	117
	Exercise	124
D.	Involuntary Manslaughter	124
	United States v. Schmidt.....	125
	Exercise	126
	United States v. Eric B.	127
	Exercise	129
E.	Self-Defense	129
	United States v. Slocum.....	130
	Exercise	138

United States v. Garcia.....	138
Exercise.....	139
United States v. Peterson.....	140
Exercise.....	144
United States v. Trujillo.....	145
Exercise.....	147
Chapter Three. Violent Crimes (Other than Homicide)	149
A. Defining “Violent Crimes”.....	150
Begay v. United States.....	150
Exercise.....	154
B. Robbery.....	154
United States v. Burnley.....	155
Exercise.....	157
United States v. Kelley.....	158
Exercise.....	162
United States v. Stokes.....	163
Exercise.....	165
C. Assault.....	165
United States v. McKinney.....	166
Exercise.....	170
United States v. Vallery.....	171
Exercise.....	175
United States v. Gholston.....	175
Exercise.....	176
United States v. Arrington.....	176
Exercise.....	180
United States v. Sayer.....	182
Exercise.....	186
D. Kidnapping.....	186
United States v. Ivy.....	187
Exercise.....	189
United States v. Robert Ford.....	190
Exercise.....	193
E. Terrorism.....	193
Exercise.....	196
United States v. McVeigh.....	196
Exercise.....	202
Holder v. Humanitarian Law Project.....	202
Exercise.....	208
Chapter Four. Sex Crimes.....	209
A. Sex Procured by Force or the Threat of Force.....	210
United States v. Buckley.....	211
Exercise.....	212
United States v. Holly.....	212
Exercise.....	216

B.	Sex Procured by Coercion	217
	United States v. Johns	217
	Exercise	219
	United States v. Denjen	220
	Exercise	225
C.	Non-Consensual Sex	225
1.	Non-Consensual Sex with a Conscious Victim	226
	United States v. Erramilli	227
	Exercise	231
	United States v. Hawkins	232
	Exercise	234
2.	Non-Consensual Sex with an Impaired or Unconscious Victim	234
	United States v. Betone	235
	Exercise	237
	United States v. Cartright	238
	Exercise	240
	United States v. James	241
	Exercise	252
D.	Sex Involving Minors	253
	United States v. White Calf	254
	Exercise	257
	United States v. Jennings	258
	Exercise	264
E.	Prostitution and Sex Trafficking	264
	United States v. Mi Sun Cho	265
	Exercise	267
	United States v. Todd	268
	Exercise	274
F.	Child Pornography	274
	United States v. Smith	277
	Exercise	280
	United States v. Grzybowicz	281
	Exercise	286
	Chapter Five. Property Crimes	287
A.	Larceny	288
1.	Theft of Physical Property	288
	United States v. Leke	288
	Exercise	292
	United States v. William	294
	Exercise	295
	United States v. Shugart	296
	Exercise	298
	Carter v. United States	299
	Exercise	305
	United States v. Uder	305
	Exercise	308

2.	Theft of Non-Physical Property	308
a.	Theft of Trade Secrets	309
	United States v. Nosal.....	309
	Exercise	315
b.	Identity Theft	315
	United States v. Doe.....	315
	Exercise	319
B.	Burglary	319
	United States v. Martin	320
	Exercise	322
	United States v. Eagle Bear	322
	Exercise	323
	United States v. Williams	324
	Exercise	326
C.	Embezzlement	327
	United States v. Sayklay	327
	Exercise	329
	United States v. Wiseman	329
	Exercise	331
	United States v. Molnar.....	332
	Exercise	336
D.	Fraud.....	336
	United States v. Stephens	336
	Exercise	341
	United States v. Dupre	342
	Exercise	347
E.	Extortion	347
	United States v. Coss	348
	Exercise	355
	United States v. Blagojevich.....	356
	Exercise	360
F.	Money Laundering	360
	Cuellar v. United States	360
	Exercise	363
	Chapter Six. Narcotics	365
A.	Action Elements	366
1.	Simple Possession.....	367
a.	Constructive Possession	367
	United States v. McAtee.....	368
	Exercise	370
	United States v. Clark.....	371
	Exercise	373
b.	Possession of Marijuana That Is Legal Under State Law	373
	Gonzalez v. Raich.....	374
	Exercise	381

2.	Distribution and Dispensing of Narcotics	381
a.	Distribution for No Remuneration	381
	United States v. Washington	382
	Exercise	385
b.	Distribution/Dispensing by Licensed Doctors	385
	United States v. Tran Trong Cuong M.D.	385
	Exercise	389
c.	Simple Possession of Narcotics as a Lesser Included	
	Offense to Distribution of Narcotics	390
	United States v. Ambriz	390
	Exercise	393
3.	Manufacture of Narcotics	394
	United States v. Wood	394
	Exercise	396
B.	Intent	396
	United States v. Burkley	397
	Exercise	399
C.	Knowledge	400
	United States v. Louis	400
	Exercise	403
	United States v. Ramos	404
	Exercise	408
	United States v. Muessig	408
	Exercise	414
D.	Chemical Composition of Narcotics	414
	United States v. Stanley	414
	Exercise	416
	DePierre v. United States	416
	Exercise	425
E.	Continuing Criminal Enterprises	425
	United States v. Eiland	426
	Exercise	429
F.	Use of a Communication Facility	429
	Abuelhawa v. United States	429
	Exercise	433
	Chapter Seven. Firearms	435
A.	Illegal Guns and Related Items	435
	United States v. Camp	436
	Exercise	439
	United States v. Abernathy	439
	Exercise	441
	United States v. Haile	441
	Exercise	444
	United States v. Dukes	444
	Exercise	448
	United States v. O'Neill	448

	Exercise	452
B.	People Prohibited from Possessing Firearms	452
	Rehaif v. United States	453
	Exercise	459
	United States v. Carter	460
	Exercise	465
	United States v. Sarraj	466
	Exercise	470
	United States v. Cardoza	470
	Exercise	472
	United States v. Ramos	473
	Exercise	476
C.	Use of a Firearm in Another Offense	476
	Watson v. United States	478
	Exercise	481
	United States v. Hilliard	481
	Exercise	484
D.	Guns in Prohibited Places	485
	United States v. Garrett	485
	Exercise	493
	United States v. Guzmán-Montanez	496
	Exercise	502
	Chapter Eight. Immigration	503
A.	Federal Control of Immigration	503
	Arizona v. United States	503
B.	Immigrant Smuggling	509
	United States v. Yoshida	510
	Exercise	515
	United States v. Cortez-Meza	516
	Exercise	520
C.	Immigration Fraud	520
	Maslenjak v. United States	521
	Exercise	525
	United States v. Orellano-Blanco	525
	Exercise	530
D.	Re-Entry After Deportation	531
	United States v. Harvey	532
	Exercise	534
E.	Employment of Undocumented Aliens and Peonage	535
	United States v. Tipton	536
	Exercise	540
	United States v. Farrell	540
	Exercise	553

Chapter Nine. Crimes Against Justice	555
A. Obstruction of Justice	555
United States v. Bonds	556
United States v. Bonds	561
Exercise	562
United States v. Heicklen	562
Exercise	568
Report on the Investigation into Russian Interference in the 2016 Presidential Election	568
Exercise	573
B. Perjury	573
United States v. Chaplin	574
Exercise	583
United States v. Rash	584
Exercise	588
C. False Statements	588
United States v. Brogan	589
Exercise	594
United States v. Cook	595
Exercise	603
D. Misprision of a Felony	603
United States v. Brantley	603
Exercise	611
United States v. Solis	611
Exercise	615
 Chapter Ten. Expanding Liability: Attempt, Conspiracy, and Accomplice Liability	 617
A. Attempt	618
United States v. Resendiz-Ponce	618
Exercise	624
United States v. Nelson	625
Exercise	631
B. Conspiracy	631
1. General Conspiracies	632
a. Agreement	632
United States v. Burton	633
Exercise	636
United States v. Gee	637
Exercise	641
United States v. Chandler	642
Exercise	649
b. Knowledge and Intent	649
United States v. Huevo	649
Exercise	656
United States v. Feola	656
Exercise	662

c.	Overt Act Requirement	663
	United States v. Mohamed.....	663
	Exercise	666
d.	Pinkerton Rule.....	666
	United States v. Allen	667
	Exercise	669
e.	Multiple Act Conspiracies	669
	United States v. Chahla	669
	Exercise	673
f.	Unilateral Conspiracies.....	673
	United States v. Valigura.....	674
	Exercise	677
g.	Wharton's Rule	677
	United States v. Daley.....	678
	Exercise	681
2.	Narcotics Conspiracies	681
a.	Overt Act Requirement	681
	United States v. Shabani	682
	Exercise	685
b.	Buyer-Seller Relationship.....	685
	United States v. Brock	685
	Exercise	690
c.	Ongoing Conspiracy.....	690
	United States v. Johnson	691
	Exercise	693
C.	Solicitation, Aiding and Abetting, and Accessory After the Fact.....	694
1.	Solicitation	694
	United States v. Dvorkin	695
	Exercise	699
2.	Aiding and Abetting	700
	United States v. Simpson.....	700
	Exercise	705
	United States v. Ledezma	705
	Exercise	712
3.	Accessory After the Fact	712
	United States v. Calderon.....	713
	Exercise	718
	Chapter Eleven. Defenses.....	719
A.	Alibi	719
	United States v. Zuniga	720
	Exercise	724
B.	Public Authority	724
	Divaroli v. United States	725
	Exercise	728
C.	Withdrawal, Abandonment, and Renunciation.....	728
	United States v. Young	729

Exercise	734
United States v. Maloney.....	735
Exercise	738
D. Duress	738
Dixon v. United States	739
Exercise	745
E. Necessity	745
United States v. Ridner	745
Exercise	750
F. Entrapment	750
United States v. Zupnik.....	751
Exercise	754
Chapter Twelve. Mental Health and Ability—Competence and Insanity	757
A. Competence.....	757
United States v. Kimble.....	759
Exercise	763
Sell v. United States.....	763
Exercise	772
United States v. Steil	772
Exercise	776
B. The Defense of Insanity	776
United States v. Brown.....	777
Exercise	782
United States v. Brown.....	782
Exercise	786
United States v. Alvarez-Ulloa.....	786
Exercise	789
United States v. Garcia.....	790
Exercise	795
United States v. Taylor	795
Exercise	801
Chapter Thirteen. Sentencing.....	803
A. Statutory Minimums and Maximums.....	804
1. Statutory Maximum Sentence.....	804
Apprendi v. New Jersey	804
Exercise	807
2. Statutory Minimums	808
United States v. Ford	809
Exercise	811
United States v. Young	812
Exercise	821
United States v. Angelos.....	821
Exercise	832

B.	Sentencing Guidelines	833
	Molino-Martinez v. United States.....	835
	Exercise	841
	Spears v. United States	841
	Exercise	845
C.	Judicial Discretion and the Goals of Sentencing.....	845
	Gall v. United States.....	847
	Exercise	854
	United States v. Sanchez-Lopez	854
	Exercise	857
	United States v. Davis	858
	Exercise	862
	Chapter Fourteen. The Theory of Criminal Law.....	863
A.	Retribution and Punishment.....	864
	Furman v. Georgia	864
	Exercise	871
	United States v. Cole.....	872
	Exercise	875
	United States v. Weekly	875
	Exercise	879
B.	Deterrence.....	880
	United States v. Walker.....	880
	Exercise	887
	United States v. Fuentes-Echevarria.....	888
	Exercise	890
C.	Incapacitation	890
	Graham v. Florida	891
	Exercise	896
D.	Rehabilitation	896
	United States v. Bannister	896
	Exercise	901
	Tapia v. United States	902
	Exercise	904
E.	Restorative Justice	905
	United States v. Cunningham	906
	Exercise	909
	United States v. Ferranti.....	909
	Exercise	914
	INDEX.....	917