

## CRIMINAL LAW FALL 2018 – PROFESSOR JACOBS

Tuesday – Thursday 2:00pm 382 Holland

Office: 301 Holland Hall (Office Hours TBA)

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This is a three credit course which meets three times a week. The required text is **CRIMINAL LAW: CASES AND MATERIALS**, Kaplan, Weisberg & Binder eds. Eighth Edition.

### CLASS REQUIREMENTS:

The class room hour is for the development of the legal mind. Reading the newspaper or other non class related materials is inappropriate and will not be tolerated. The use of electronic devices, including but not limited to laptops, notebooks, netbooks, tablets, cell phones and smart watches, is prohibited in class. Surfing on the internet, sending instant messages, downloading music, watching videos, and other recreational activities, are inappropriate and will not be tolerated. If a student is engaging in these practices, the student will be asked to leave the class and will be marked absent. Repeated violations may result in the student being administratively removed from the class.

All students are expected to attend class fully prepared to engage in the day's discussions. **In order to fully prepare, a student must own or lease the required text, read all of the assigned material, AND must have given thought to the material.** It is not enough to simply read the words and come to class with no appreciation or understanding of what was read. A student will be marked unprepared if the student comes to class without the required text and/or comes to class unprepared, which includes attending class with no understanding or appreciation of the assigned material. See paragraph below for consequences of coming to class unprepared and how it is calculated as an absence. Finally, many ideas will be exchanged during the course of the semester, some will be controversial, others less so. All students are expected to conduct themselves in a professional manner as adults, which means being respectful to other members of the class. This is the beginning of your legal career, be conscious of the reputation you are building in your legal community.

The ABA requires attendance be maintained for all law school classes and there is a mandatory attendance rule for this class. Any absences over five (5) will be deemed excessive. Grades will be negatively impacted for any student who exceeds the 5 absences. Please do not inform me when you will be absent. You have five absences to use or not use as you see fit. Please do not ask for an excused absence to travel, go to competitions, etc. Of course, you may do those things but they will count within the five absences. Therefore, you should choose when to be absent carefully. If you become ill or have a family emergency that will cause you to violate the attendance policy, you should contact the Office of Student Affairs and that office will notify your faculty members if needed. All students are expected to be prepared for class, which means the assigned materials have been read and reflected on before class begins. Any student who knows he or she is unprepared for class may elect to

use a pass for the day. Each student is allowed to pass twice during the semester. **In order to pass, the student should place a note on the podium before class begins.** If there is no note, and a student is called upon, and is clearly unprepared for class, that shall constitute an absence, which counts against the five permitted absences. No passes will be accepted during the first two weeks of school. The duration of the class is 50 minutes. There will be no break. If a student has a medical condition that impacts the ability to sit for 50 minutes, the student should go to the Office of Student Services and seek relief from this course requirement. Otherwise, all students are expected to remain in class for the entire 50 minutes.

By the end of the semester, it is expected that all students will know the competing theories of punishment and how they impact the development and application of criminal law. All students should be able to identify the material elements of a crime. Students should be able to identify traditional common law aspects of crime and compare and contrast it with the definition of crimes as influenced by the Model Penal Code. Students should be able to analyze black letter law as expressed in cases and statutes under review and to apply that law to new fact patterns. By the end of the term students are also expected to have developed a basic understanding of statutory interpretation. The faculty has been asked to give you guidelines on how long you should spend preparing for class. In a professional school environment there can only be one answer. A student needs to spend as much time preparing and is required for that student to BE prepared. Some students read faster than others. Some understand abstract concepts more quickly. One student may be able to adequately prepare for class in two hours while another may need four. Each student should spend the amount of time that will allow him/her to be adequately prepared. As a general guideline, a student should spend two to four (2-4) hours reading and preparing for each 50 minute class hour. HOWEVER, PLEASE BE ADVISED if a student spends that amount of time and comes to class unprepared, it shall not be an excuse that the suggested amount of time was spent preparing. If a student is unprepared, the student will be marked as such with the accompanying penalty mentioned above.

This course has a 3 hour closed book exam. No materials will be permitted within the exam room and no watches are allowed. The Levin College of Law has an honor code. Anyone cheating violates the code and will be subject to disciplinary sanction. The University of Florida uses a letter grade system, where the highest grade is an A and the lowest an E (which is a failing grade here). The University does use "+" and "-" grades, however there is no "A+".

The University of Florida adheres to all requirements under Americans with Disabilities Act. If a student needs an accommodation, he or she should contact the Office of Student Services. All students are permitted to observe officially recognized religious holidays without penalty. Absences for observation of officially recognized religious holidays do not count against the five permitted absences.

\*Reading Assignments:

\* This syllabus is not a contract between myself and the class. It merely serves as a guideline for students to help them stay current with course readings. I reserve the right to adjust

readings throughout the semester as needed or as events require.

Each line represents the reading for one class. If there are notes within the pages assigned it should go without saying that the notes must be read as well as the cases that precede them.

Week 1

1-19

21-27: 31-39

39-53

Week 2

58-72

76 – 93 Note 3

93 – 102

Week 3 (Criminal Act)

115 – top 130

130- top 142

142 – mid 159

Week 4

159 – mid 169 ; lecture on Legality

181- 195

Mens Rea: 199-209; 212 note 3 through mid 217

Week 5

220- mid 223: 224 – 234

bottom 235 – top 253

253 – mid 271

Week 6

272- mid 285

Causation: 289 – 296 note 4; 298 note 7 through top 302

305 – 321

### Week 7

mid 326 – top 338

Theft: 1005 – top 1021

1021 – 1027; 1043 – 1048

### Week 8

1054 – 1067

Perjury & False Statements: 1071-1078 note 2; note 5 at 1081; 1087 – 1091

Homicide: 324 – 342; 359 – 373 through note 6

### Week 9

Note 9 at 377 through note 12; Vol. Man 380- 396

399 – 402 note 3; note 6 at top 403 – top 407; 408-421

Unintentional Killings: 423 – top 438

### Week 10

mid 438 – 450

lecture felony murder (readings)

Defenses: 549 – top 566

### Week 11

566 – 574 note 2; note 13 at 582 – 593

594 – 605; 605 –616

621 -625; 625 -637

### Week 12

Sexual Assault: In class exercise

921 – 943

bot 948 – mid 952; 956 – 962 note 3; 967 – bottom 969; note 4 at 972

### Week 13

974 -993

Attempts: 709 – 722

723 – 725; 728 – 731; note 9 at 734 – 739

Week 14

740 – 761

Complicity: 797 – 810

Finish complicity – discuss examination