

CRIMINAL LAW
UNIVERSITY OF FLORIDA LEVIN COLLEGE OF LAW
FALL 2023 SYLLABUS – LAW 5100 – 3 CREDITS

Professor Matthew Kim

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Office Hours: Monday and Wednesday 12:30 p.m. – 1:30 p.m.

MEETING TIME:

Monday and Wednesday 10:30 a.m. – 11:55 a.m.

CLASSROOM LOCATION:

360 Holland

COURSE DESCRIPTION AND OBJECTIVES:

In this course, we will explore the general principles of criminal law, substantive crimes, and defenses. Broadly speaking, the course will provide an overview of principles and concepts underlying the laws that prohibit and punish behavior that the public has deemed undesirable. Throughout the course, we will also consider limits on substantive criminal law and ask how courts generally interpret criminal laws.

STUDENT LEARNING OUTCOMES:

At the end of this course, students should be able to:

1. Identify core components of criminal law doctrine
2. Understand the practical, moral, and policy concerns underlying criminal law
3. Identify legal issues and propose solutions in criminal law

REQUIRED READING MATERIALS:

The required textbook for this course is Kadish, Schulhofer, and Barkow, *Criminal Law and its Processes: Cases and Materials* (11th edition 2022) (hereafter KSB). In addition, we will focus on criminal law doctrine as articulated in the Model Penal Code (hereafter MPC). The relevant provisions of the MPC are included in the appendix of KSB. Other handouts or materials may be assigned over the course of the semester and will be posted on Canvas.

COURSE EXPECTATIONS AND GRADING EVALUATION:

Your course grade will be based on a final exam (90%) and class participation (10%). You will also have the opportunity to take an optional midterm exam, which will not be a part of your overall grade.

The final exam will be a fixed date, open book/notes, closed internet, in-class exam. The final exam schedule can be found [here](#). Please note that the schedule is subject to change. After course grades have been posted, if you wish to review your final exam, I will make your final exam available to you. If you wish to speak to me after you have reviewed your exam, you may do so after February 1, 2024.

In evaluating your class participation, I will take into account a number of considerations, including the professionalism and civility you display in class, your preparedness, and your class attendance. I expect everyone to be familiar with the assigned material and prepared to discuss it in class if called upon. I also expect everyone to be civil in the manner in which they conduct themselves in class discussions. Please do not arrive late to class, leave early, or leave to take a break during class absent extenuating circumstances.

You may take a take-home midterm exam if you choose to do so in the middle of the semester. The midterm exam is meant to provide you with an opportunity to receive feedback on your understanding of the material and prepare for the final exam. If you choose to take the optional midterm exam, I will provide written feedback based on your answer with an approximate grade range. I will also devote some class time to discuss the midterm exam if a sufficient number of students have opted to take the midterm exam. Your midterm exam will have no impact on your overall grade.

CLASS ATTENDANCE POLICY:

Attendance in class is required by both the ABA and UF Law. Attendance will be taken at each class meeting. Students are responsible for ensuring that they are not recorded as absent. Students are allowed 2 unexcused absences during the course of the semester. A student who fails to meet the attendance requirement will be dropped from the course. UF Law's policy on attendance can be found [here](#). Please note the religious holiday exemption below.

OBSERVANCE OF RELIGIOUS HOLIDAYS:

UF Law respects students' [observance of religious holidays](#). The following guidelines from UF apply:

- Students, upon prior notification to their instructors, shall be excused from class or other scheduled academic activity to observe a religious holy day of their faith.
- Students shall be permitted a reasonable amount of time to make up the material or activities covered in their absence.
- Students shall not be penalized due to absence from class or other scheduled academic activity because of religious observances.

COMPLIANCE WITH UF HONOR CODE:

Academic honesty and integrity are fundamental values of the UF community. Students should be sure that they understand the UF Law Honor Code located [here](#). The UF Law Honor Code also prohibits the use of artificial intelligence, including, but not limited to, ChatGPT and Harvey, to assist in completing quizzes, exams, papers, or other assessments unless expressly authorized by the professor to do so.

INFORMATION ON UF LAW GRADING POLICIES:

UF Law's mean and mandatory grade distributions are posted on UF Law's website, and this class adheres to that posted grading policy. The following chart describes the specific letter grade/grade point equivalent in place:

Letter Grade	Point Equivalent	Letter Grade	Point Equivalent
A	4.0	C	2.0
A-	3.67	C-	1.67
B+	3.33	D+	1.33
B	3.0	D	1.0
B-	2.67	D-	0.67
C+	2.33	E	0.0

UF Law’s grading policy is available [here](#).

EXAM DELAYS AND ACCOMMODATIONS:

UF Law’s policy on exam delays and accommodations can be found [here](#).

CELLPHONES AND LAPTOPS:

Cellphones and laptops cannot be used during class without prior approval. Please turn off your cellphone during class.

STATEMENT RELATED TO ACCOMMODATIONS FOR STUDENTS WITH DISABILITIES:

Students requesting accommodations for disabilities must first register with the Disability Resource Center (<https://disability.ufl.edu/>). Once registered, students will receive an accommodation letter, which must be presented to the Assistant Dean for Student Affairs (Assistant Dean Brian Mitchell). Students with disabilities should follow this procedure as early as possible in the semester. Students need to share their accommodation letter with me and discuss their access needs as early as possible in the semester. Students may access information about various resources on the UF Law Student Resources Canvas page (<https://ufl.instructure.com/courses/427635>).

STUDENT COURSE EVALUATIONS:

Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. See [here](#) for guidance on how to give feedback in a professional and respectful manner. Students will be notified when the evaluation period opens and may complete evaluations through the email they receive from GatorEvals, in their Canvas course menu under GatorEvals, or via <https://ufl.bluera.com/ufl/>. Summaries of course evaluation results are available to students [here](#).

RECORDINGS OF CLASS:

All classes will be recorded via Mediasite and be provided to students for excused absences. The Office of Student Affairs and I will determine when students may have access to these recordings, and the recordings will be password protected. It is the student’s responsibility to contact the Office of Student Affairs as soon as possible after an excused absence.

ABA OUT-OF-CLASS HOURS REQUIREMENTS:

ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every “classroom hour” of in-class instruction. Each weekly class time is approximately 3 hours in length, requiring at least **6 hours of preparation** outside of class, including reading the assigned materials.

OFFICE HOURS:

My regular in-person office hours are Wednesdays from 1:00 p.m. to 3:00 p.m. My office hours will be held in 310 Holland. If you are unable to meet with me during my regularly scheduled office hours, please send me an email, and we will arrange another mutually convenient time. My email address is matthew.kim@ufl.edu. I encourage you to come see me during the semester and ask questions that you may have about the course.

LEGAL DISCLAIMER:

No lesson is intended to espouse, promote, advance, inculcate, or compel a particular feeling, perception, or belief. Any discussion surrounding race, color, national origin, or sex will be presented in an objective manner and without my endorsement of any particular point of view. To the extent possible, facts and theories will be presented along with different interpretations and viewpoints. I encourage you to engage in open discussions so that you reach your own opinions and conclusions. I will not judge you on your opinions, only on how you support your opinions with facts and legal reasoning.

HEALTH AND WELLNESS RESOURCES:

Law school can be a daunting experience, especially when life outside the law becomes challenging. UF Law provides numerous resources for your support, and I encourage you to seek help if you have concerns. Any student who has difficulty accessing sufficient food or lacks a safe place to live is encouraged to contact the Office of Student Affairs. If you are comfortable doing so, you may also notify me so that I can direct you to further resources.

- *U Matter, We Care*: If you or someone you know is in distress, please contact umatter@ufl.edu, call 352-392-1575, or visit [U Matter, We Care website](#) to refer or report a concern and a team member will reach out.
- *Counseling and Wellness Center*: [Visit the Counseling and Wellness Center website](#) or call 352-392-1575 for information on crisis services as well as non-crisis services.
- *Student Health Care Center*: Call 352-392-1161 for 24/7 information to help you find the care you need or [visit the Student Health Care Center website](#).
- *University Police Department*: [Visit UF Police Department website](#) or call 352-392-1111 (or 911 for emergencies).
- *UF Health Shands Emergency Room / Trauma Center*: For immediate medical care call 352-733-0111 or go to the emergency room at 1515 SW Archer Road, Gainesville, FL 32608.

COURSE SCHEDULE OF TOPICS AND ASSIGNMENTS:

The following course schedule is offered as a guide to the direction of the course. Our pace will depend on the level of interest and the level of difficulty of each section. As such, the course schedule is subject to change.

a. Conceptual Foundations

i. Purposes of Criminal Law and the Process of Determining Guilt

- Assignment 1: KSB 9-14 (*Dudley*)
- Assignment 1: KSB 146-147 (*Winship*)

ii. Limits on Punishment

- Assignment 2: KSB 195 (*McBoyle*)
- Assignment 2: KSB 195-203 (*Yates*)
- Assignment 2: KSB 216-223 (*Morales*)
- Assignment 2: KSB 1151-1155 (*Ewing*)
- Assignment 2: KSB 1156-1159 (*Graham*)

b. General Elements of a Crime

i. Actus Reus

- Assignment 3: KSB 248 (*Martin*)
- Assignment 3: KSB 251-52 (*Newton*)
- Assignment 3: KSB 261-62 (*Jones*)
- Assignment 4: KSB 263-65 (*Pope*)

ii. Mens Rea

- Assignment 5: KSB 285-287 (*Cunningham*)
- Assignment 5: KSB 292-294 (*Hazelwood*)
- Assignment 5: KSB 294-296 (*Elonis*)
- Assignment 5: MPC § 2.02
- Assignment 6: KSB 305-06 (*Jewell*)
- Assignment 6: KSB 312-14 (*Prince*)
- Assignment 6: KSB 320-23 (*Olsen*)
- Assignment 7: KSB 350-55 (*Marrero*)
- Assignment 7: KSB 360-62 (*Cheek*)
- Assignment 7: KSB 370-72 (*Lambert*)
- Assignment 8: KSB 331-35 (*Morissette*)
- Assignment 8: KSB 335-36 (*Staples*)
- Assignment 8: KSB 339-41 (*Guminga*)

iii. Causation

- Assignment 9: KSB 568-71 (*Acosta*)
- Assignment 9: KSB 574-76 (*Arzon*)
- Assignment 9: KSB 576-77 (*Warner-Lambert*)
- *The optional midterm exam will be distributed at the end of Class 9. It will be due at the start of Class 11. No late responses will be accepted.

- Assignment 10: KSB 584 (*Campbell*)
- Assignment 10: KSB 585-87 (*Kevorgian*)
- Assignment 10: KSB 595-97 (*Root*)
- Assignment 10: KSB 598-99 (*McFadden*)
- Assignment 10: KSB 599-600 (*Atencio*)

c. Specific Crimes

i. Homicide

- Assignment 11: Optional midterm
- Assignment 11: KSB 470-74 (*Carroll*)
- Assignment 11: KSB 474-76 (*Guthrie*)
- Assignment 11: KSB 480-82 (*Girouard*)
- Assignment 12: Review your optional midterm response
- Assignment 12: KSB 482-85 (*Maher*)
- Assignment 12: KSB 496-99 (*Casassa*)
- Assignment 13: KSB 506-09 (*Welansky*)
- Assignment 13: KSB 511-13 (*Hall*)
- Assignment 13: KSB 515-17 (*Williams*)
- Assignment 13: KSB 524-25 (*Malone*)
- Assignment 13: KSB 528-29 (*Fleming*)
- Assignment 14: KSB 545-46 (*Philips*)
- Assignment 14: KSB 547-49 (*Hines*)
- Assignment 14: KSB 551-53 (*Burton*)
- Assignment 14: KSB 559-61 (*Canola*)

ii. Rape

- Assignment 15: KSB 393-97 (*Rusk*)
- Assignment 15: KSB 401-03 (*DiPetrillo*)
- Assignment 15: KSB 412-16 (*M.T.S.*)
- Assignment 16: KSB 417-19 (*McFadden*)
- Assignment 16: KSB 429-31 (*Evans*)
- Assignment 16: KSB 438-41 (*Fischer*)

d. Other Crimes

i. Attempt

- Assignment 17: KSB 604-06 (*Smallwood*)
- Assignment 17: KSB 612-14 (*Rizzo*)
- Assignment 17: KSB 616-18 (*McQuirter*)
- Assignment 17: KSB 627-29 (*Jackson*)
- Assignment 18: KSB 633-34 (*Davis*)
- Assignment 18: KSB 637-39 (*Jaffe*)
- Assignment 18: KSB 639-41 (*Dlugash*)

ii. Accomplice Liability

- Assignment 19: KSB 655-57 (*Hicks*)
- Assignment 19: KSB 658-59 (*Gladstone*)
- Assignment 19: KSB 663-67 (*Rosemond*)
- Assignment 19: KSB 673-74 (*McVay*)
- Assignment 19: KSB 674-75 (*Roebuck*)
- Assignment 20: KSB 678-79 (*Russell*)
- Assignment 20: KSB 680-82 (*Luparello*)
- Assignment 20: KSB 685-87 (*Wilcox*)
- Assignment 20: KSB 692-93 (*Hayes*)

iii. Conspiracy

- Assignment 21: KSB 707-10 (*Pinkerton*)
- Assignment 21: KSB 721-23 (*Alvarez*)
- Assignment 21: KSB 728-33 (*Lauria*)
- Assignment 21: KSB 741-43 (*Kotteakos*)
- Assignment 21: KSB 744-45 (*Bruno*)
- Assignment 21: KSB 747-48 (*McDermott*)

e. Defenses

i. Self-Defense and Defense of Property

- Assignment 22: KSB 805-09 (*Goetz*)
- Assignment 22: KSB 820-25 (*Kelly*)
- Assignment 22: KSB 837-40 (*Norman*)
- Assignment 23: KSB 849-51 (*Abbott*)
- Assignment 23: KSB 856-58 (*Peterson*)
- Assignment 23: KSB 861-64 (*Cabellos*)

ii. Necessity

- Assignment 24: KSB 876-79 (*Unger*)
- Assignment 24: KSB 887-89 (*Schoon*)

iii. Duress

- Assignment 24: KSB 906-09 (*Toscano*)

iv. Intoxication

- Assignment 24: KSB 925-927 (*Hood*)

v. Insanity

- Assignment 25: KSB 949-51 (*M'Naghten*)
- Assignment 25: KSB 951-53 (*Blake*)
- Assignment 25: KSB 955-59 (*Lyons*)

- Assignment 25: KSB 972-74 (*Crenshaw*)

f. **Review**

i. Review

- Assignment 26: Submit review questions by Friday 11:59 p.m.