

SYLLABUS
INTRODUCTION TO CRIMINAL PROSECUTION
University of Florida Levin College of Law
Fall 2025 – LAW 6101 (27328) – 1 Credit

INSTRUCTOR'S CONTACT INFORMATION:

Professor Sarah H. Wolking

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Office Hours: Thursdays from 2:00 to 4:00 p.m. If this time doesn't work for you, please contact me to schedule a meeting at a more convenient time. Students are encouraged to reach out to me anytime to discuss legal issues or ask questions about their cases. You can email, text, call, or stop by my office.

MEETING TIMES:

This course will meet on the following dates and times:

Monday, August 11th: 10am-12pm and 1-3pm

Tuesday, August 12th: 9am-12pm and 1-3pm

Wednesday, August 13th: 9am-1pm at Lowell Correctional Institution (11120 NW Gainesville Rd, Ocala, FL 34482)

Thursday, August 14th: 9am-2pm at the State Attorney's Office (120 W. University Ave, Gainesville, FL 32601)

Friday, August 15th: 10:00am-12:00pm

LOCATION: MLAC 209 unless otherwise noted above.

COURSE DESCRIPTION AND OBJECTIVES:

This week-long, 1-credit course is designed to introduce students to the art and craft of prosecution. Prosecutors must learn to wield the power of the state ethically and thoughtfully. Students will become familiar with the practices of prosecutors in the 8th Judicial Circuit so they are prepared to hit the ground running when the Prosecution Field Clinic begins. They will trace the lifecycle of a criminal case, learn essential case preparation skills, and discuss the challenges they will face in the courtroom and the broader criminal justice system. Students will gain insight into the strategy and logic involved in preparing and presenting cases in this field.

In this condensed course, students will also tackle the complex ethical issues that define prosecutors' fundamental duty to seek justice. Selected readings and recordings will explore the institutional strengths and weaknesses of the players in the criminal justice system and the impact of race, gender, and class on the quality of justice.

Finally, students will begin considering or refining their professional identity, recognize a criminal justice system that needs reform, and become motivated to take action. Prosecutors hold significant power to create meaningful and lasting changes, and this introductory course will challenge students to think critically about how to solve problems within this system.

STUDENT LEARNING OUTCOMES:

After completing this course, students should be able to:

1. **Analyze the ethical aspects of prosecutorial decision-making** using real-world cases and scholarly critiques, including the discretion to charge, offer plea deals, and recommend sentencing outcomes;
2. **Critically examine the role of a prosecutor in promoting or resisting systemic reform**, referencing current debates on progressive prosecution, restorative justice, and the carceral state;
3. **Identify and reflect on their own implicit biases** and discuss how those biases influence decision-making in the criminal justice system;
4. **Compare and contrast traditional punitive approaches with restorative justice frameworks**, and articulate when and how restorative practices might better serve the interests of justice and community healing;
5. **Demonstrate knowledge of trauma-informed prosecution practices**, including how Adverse Childhood Experiences (ACEs) influence criminal behavior;
6. **Develop or refine a professional identity** that reflects the core values of the legal profession and embraces ethical problem-solving within the criminal justice arena;
7. **Evaluate the strengths and weaknesses of key players in the criminal justice system**, including police, courts, jails/prisons, public defenders, and prosecutors;
8. **Identify and articulate challenges facing criminal justice reform**, including bail policies, misdemeanor crime prosecution, implicit bias and tunnel vision, police training/resources, extreme prison sentences, racism, and over-criminalization;
9. **Demonstrate an understanding of the process of a criminal case**—from investigation and charging to interviewing, motion-writing, jury selection, and argument;
10. **Navigate institutional norms and bureaucratic constraints** while upholding a commitment to justice, fairness, and the dignity of all participants in the criminal justice system.

REQUIRED READING MATERIALS:

Please make sure to register for the Canvas course and bring any required materials with you, either in print or easily accessible electronic form, to class. You are responsible for regularly checking your Canvas page and the email linked to it for any announcements or updates.

- Marco Poggio, Seven Months In, Race-Blind Charging Faces Test In California, Law360 (July 18, 2025, 3:17 PM EDT) in Canvas
- Olwyn Conway, Beyond Binary Thinking: Addressing the Biases That Threaten the Progressive Prosecution Movement (2022) in Canvas
- Victims' Rights from a Restorative Perspective by Lara Bazelon & Bruce A. Green in Canvas under "Restorative Justice"
- Darrell Jackson, Coming to Terms with a Lifetime of Trauma While in Prison (11/12/2023) in Canvas
- Lisa Deaderick, It Takes More Than Just Punishment to Repair Harm; USD Prof on Restorative Justice Work (12/17/2023) in Canvas
- Angelo Sedillo, Prison Journalism Project: NM Lifers' Requests for Education Rebuffed-Year After Year (12/7/2023) in Canvas
- Courtney Duchene, A Criminal Justice Success Story? Right here in Philly? (12/12/23)
- Nicholas Turner, Impact Over Orthodoxy (12/6/23) in Canvas
- Patrick Anderson, Forecast: RI Prison Population Will Grow Almost 30% by 2034. What's Driving the Increase? (12/5/23) in Canvas
- Sarah Stillman, Sentenced to Life for an Accident Miles Away (The New Yorker 12/11/2023) in Canvas

- David Alm, From a Life Sentence to Freedom; The Rahsaan Thomas Story (11/13/2023) in Canvas
- Eric Umansky, The Failed Promise of Police Body Cameras (NYT 12/13/23) in Canvas
- Ronald Brownstein, Why California Wants to Recall Its Most Progressive Prosecutors (The Atlantic, April 2022) in Canvas
- Billy Binion, Prosecutors Shouldn't Be Above the Law (Reason, January 2023) in Canvas
- Darcy Covert, The False Hope of the Progressive-Prosecutor Movement (The Atlantic 06/14/21) in Canvas
- Derald Wing Sue, Microaggressions: Death by a Thousand Cuts (Scientific American, March 2021) in Canvas
- Allegra M. McLeod, Prison Abolition and Grounded Justice, 62 UCLA L. Rev. 1156 (2015) in Canvas
- Zach Weissmueller, Can Larry Krasner Fix Philly's Crime Problem? (Reason, February 2023) in Canvas
- David Graham, The Murders in Memphis Aren't Stopping (The Atlantic, November 2022)
- Gretchen Casey, Restoring Justice: Repairing the Harm After Sexual Assault, TedxUF <https://www.youtube.com/watch?v=eGzjM1JEBwo> (12:02)
- Florida Statutes 960.001 and 960.0021
- <https://implicit.harvard.edu/implicit/takeatest.html>
- Billy Binion, Keri Blakinger Is a Figure Skater and a Felon (Reason, January 2023) in Canvas
- US District Court Western District of Washington-unconscious bias video <https://www.wawd.uscourts.gov/jury/unconscious-bias> (10:54)
- Criminal Jury instructions <https://www.wawd.uscourts.gov/sites/wawd/files/CriminalJuryInstructions-ImplicitBias.pdf>
- Alec Karakatsanis, The Punishment Bureaucracy: How to Think About "Criminal Justice Reform" <https://www.yalelawjournal.org/forum/the-punishment-bureaucracy>
- Jarrell Daniels TedTalk: What prosecutors and incarcerated people can learn from each other https://www.ted.com/talks/jarrell_daniels_what_prosecutors_and_incarcerated_people_can_learn_from_each_other?language=en (11:54)
- Restorative Justice: A Best Practice Guide for Prosecutors in Smaller Jurisdictions (2022)<https://static1.squarespace.com/static/63865b7996058b7822aa193d/t/6393916eab266752d469de3c/1670615406454/FINAL+Restorative+Justice+Paper+2022.pdf>

RECOMMENDED READING:

- Eagly, G. Fisher, and R. Tyler, Criminal Practice: A Handbook for New Advocates (2021)
- Richard J. Crawford and Charlotte A. Morris, The Persuasive Edge (2nd ed. 2011)
- Catharine Wells, Microaggressions in the Context of Academic Communities, <https://digitalcommons.law.seattleu.edu/cgi/viewcontent.cgi?article=1692&context=sjsj>
- Richard Uviller, The Neutral Prosecutor, 16 Ford. L. Rev. 1695 (2000)
- Avanindar Singh and Sajid A. Khan, A Public Defender Definition of Progressive Prosecution in Canvas and here: <https://www-cdn.law.stanford.edu/wp-content/uploads/2021/03/Singh-and-Khan-Public-Defender-Definition-of-Progressive-Prosecution.pdf>
- ABA Standards for Criminal Justice: Prosecution and Defense Functions
- NDAA National Prosecution Standards, 3rd Ed.
- ABA Model Rules and Florida Rules of Professional Conduct

COURSE EXPECTATIONS AND GRADING EVALUATION:

Students will be evaluated based upon:

- Timely submission of written assignments in the syllabus: 50% (responses are due *before* class and should be submitted in Canvas)
- Classroom preparation and participation: 50%

CLASS ATTENDANCE AND MAKEUP POLICY:

Attendance in class is required by both the ABA and the Law School. A student who fails to meet the attendance requirement will be dropped from the course. Attendance at each session of this compressed course is mandatory. Any missed session will result in a 5-point reduction in a student's final grade (on the 100-point scale) for each missed session. If you have a legitimate reason for missing class, you should contact me before or soon after class ends so that your absence can be excused. The law school's policy on attendance can be found [here](#).

UF LEVIN COLLEGE OF LAW STANDARD SYLLABUS POLICIES:

Other information about UF Levin College of Law policies, including compliance with the UF Honor Code, Grading, Accommodations, Class Recordings, and Course Evaluations, can be found at [this link](#).

ABA OUT-OF-CLASS HOURS REQUIREMENTS:

ABA Standard 310 states that students must spend 120 minutes on out-of-class preparation for each "classroom hour" of in-class instruction. Our weekly class time is approximately 20 hours, so students should plan for at least 40 hours of preparation outside of class, which includes reading assigned materials and completing at-home exercises and assignments. Please note that because of the compressed nature of this course, most of your preparation needs to be done in the days prior to the start of class.

COMMUNICATION COURTESY AND CIVILITY:

Please observe the rules of common courtesy in all email messages and class discussions. Turn off your cell phone during class. I reserve the right to reduce your final grade if you engage in behavior that disrupts the learning environment for your classmates.

INTERNET USE DURING CLASS:

Using the Internet during class is not allowed unless I instruct otherwise. You are not permitted to check social media, email (including clinic- or career-related messages), or news sites. Think of class as an important client meeting, and plan your emailing accordingly. Your internet use, even for a noble purpose, violates the standards of professionalism. If you have concerns about this policy, feel free to discuss them with me.

COURSE SCHEDULE OF TOPICS AND ASSIGNMENTS

This syllabus is provided as a guide to the direction of the course. Our pace will depend in part on the level of interest and the level of difficulty of each section and is subject to change. Specific assignments and supplemental reading may be announced in class and on Canvas.

INTRODUCTION TO PROSECUTION

Monday 8/11	<p><i>Day 1: The Role of the Prosecutor and the Charging Decision</i></p> <p><i>Required Reading - Due by 9 am Monday, August 11, 2025:</i></p> <ul style="list-style-type: none"> • “Tempering the Law: Problems and Questions” in Canvas • Eric Umansky, The Failed Promise of Police Body Cameras (NYT 12/13/23) • Courtney Duchene, A Criminal Justice Success Story? Right here in Philly? (12/12/23) • Patrick Anderson, Forecast: RI Prison Population Will Grow Almost 30% by 2034. What's Driving the Increase? (12/5/23) • Nicholas Turner, Impact Over Orthodoxy (12/6/23) • Marco Poggio, Seven Months In, Race-Blind Charging Faces Test In California, Law360 (July 18, 2025, 3:17 PM EDT) • Billy Binion, Prosecutors Shouldn't Be Above the Law (Reason, January 2023) • Reports by Det. Janice Barth and Sgt. Gregory Buckley <p><i>Written Assignments - Due by 9 am Monday, August 11, 2025:</i></p> <ul style="list-style-type: none"> • Upload 1-2 pages to Canvas outlining why crime rates are rising (or aren't rising) in the city or area where you grew up or where you most recently lived. This prompt will require some research on your part! • Upload to Canvas your written response to these questions: <ul style="list-style-type: none"> ○ Should the prosecutor have tempered the legislature’s judgment regarding the crime of statutory rape? <i>State v. Bartlett</i>, and ○ Should the prosecutor have respected the legislature’s judgment and proceeded with the prosecution? <i>Commonwealth v. Leno</i> • Upload to Canvas your written response to these questions: <ul style="list-style-type: none"> ○ Would you, on this evidence, prosecute Steve R. for rape? ○ Is there probable cause to believe R raped D? ○ Are you convinced beyond a reasonable doubt that R raped D? ○ If there is probable cause, is it appropriate to try R for rape and let a jury decide whether the charge has been proved beyond a reasonable doubt? and, ○ Assume you proceed to charge R with rape. Shortly before the trial, you learn from one of D’s doctors that she has a history of “pre-psychotic” disturbance, including occasional hallucinatory symptoms. Must you disclose this information to defense counsel? Would it matter that the defendant has been charged with rape twice before?
Tuesday 8/12	<p><i>Day 2: Implicit and Unconscious Bias, Microaggressions, Adverse Childhood Experiences (ACEs) - Guest speaker: Professor Emerita Teresa Drake</i></p> <p><i>Required Reading, Viewing, and Testing - Due by 9 am Tuesday, August 12, 2025:</i></p> <ul style="list-style-type: none"> • US District Court Western District of Washington-unconscious bias video: https://www.wawd.uscourts.gov/jury/unconscious-bias (10:54) • Criminal Jury Instructions: https://www.wawd.uscourts.gov/sites/wawd/files/CriminalJuryInstructions-ImplicitBias.pdf • Please take at least two implicit association tests (IATs), found here: https://implicit.harvard.edu/implicit/takeatouchtestv2.html

	<ul style="list-style-type: none"> • Derald Wing Sue, Microaggressions: Death by a Thousand Cuts (Scientific American, March 2021) <p><i>Written Assignments - Due by 9 am Tuesday, August 12, 2025 – upload to Canvas:</i></p> <ul style="list-style-type: none"> • Submit 1-2 pages describing your IAT result(s), your reaction to your result(s), and your view of the effectiveness of IATs in training people who work in the criminal justice system (prosecutors, police, judges, defense lawyers, etc.) • Describe a microaggression that you have suffered or made and what lessons you took from it (1-2 pages)
Weds 8/13	<p><i>Day 3: Prison Education and Reform; Progressive Prosecution; Prison Tour at Lowell Correctional Institution in Ocala</i></p> <p><i>Required Reading and Viewing - Due by 9 am Wednesday, August 13, 2025:</i></p> <ul style="list-style-type: none"> • Jarrell Daniels TedTalk: What prosecutors and incarcerated people can learn from each other https://www.ted.com/talks/jarrell_daniels_what_prosecutors_and_incarcerated_people_can_learn_from_each_other?language=en (11:54) • Billy Binion, Keri Blakinger Is a Figure Skater and a Felon (Reason, January 2023) • Angelo Sedillo, Prison Journalism Project: NM Lifers' Requests for Education Rebuffed-Year After Year (12/7/2023) • Sarah Stillman, Sentenced to Life for an Accident Miles Away (The New Yorker 12/11/2023) • David Alm, From a Life Sentence to Freedom; The Rahsaan Thomas Story (11/13/2023) • Allegra M. McLeod, Prison Abolition and Grounded Justice, 62 UCLA L. Rev. 1156 (2015) excerpted in Canvas • Olwyn Conway, Beyond Binary Thinking: Addressing the Biases That Threaten the Progressive Prosecution Movement in Canvas (2022) • Darcy Covert, The False Hope of the Progressive-Prosecutor Movement (The Atlantic 06/14/21) in Canvas • Ronald Brownstein, Why California Wants to Recall Its Most Progressive Prosecutors (The Atlantic, April 2022) <p><i>Written Assignment - Due by 9 am Wednesday, August 13, 2025:</i></p> <ul style="list-style-type: none"> • Upload to Canvas your 2-3 page critique of the Progressive Prosecution Movement based on what you've read and discussed so far this week. Is it only a “false hope?”
Thurs 8/14	<p><i>Day 4: Policies and procedures at SAO8; Security/STAC training</i></p> <p><i>Required Reading - Due by 9 am Thursday, August 14, 2025:</i></p> <ul style="list-style-type: none"> • Zach Weissmueller, Can Larry Krasner Fix Philly's Crime Problem? (Reason, February 2023) • David Graham, The Murders in Memphis Aren't Stopping (The Atlantic, November 2022) • Alec Karakatsanis, The Punishment Bureaucracy: How to Think About "Criminal Justice Reform" https://www.yalelawjournal.org/pdf/Karakatsanis_vahc6bgb.pdf

	<p><i>Written Assignments - Due by 9 am Thursday, August 14, 2025:</i></p> <ul style="list-style-type: none"> • Upload to Canvas your 2-3 page critique of and three practical takeaways from Karakatsanis's article. • Upload to Canvas your written response to the questions following this prompt: The defendant is charged with vehicular homicide, defined in the jurisdiction to include unintentional killing while driving under the influence of alcohol or drugs. The evidence shows that the defendant had been drinking heavily. Based on his record and the case circumstances, you conclude that the appropriate sentence is two years' imprisonment. Do any of the following facts related to you by defense counsel affect your recommendation? Explain why or why not. <ul style="list-style-type: none"> ○ the defendant is the sole support for three children ○ the defendant is of below-average intelligence ○ the defendant's father severely abused him ○ the defendant, who is 18, has been accepted to join the Marines, but imprisonment would disqualify him ○ the defendant, who is 18, has been accepted to attend Columbia, but imprisonment would disqualify him ○ the defendant, who is 68, has terminal cancer and less than three years to live ○ the defendant is HIV positive, and you have read statistics showing that the average HIV-positive prison inmate lives half as long as the average HIV-positive person outside prison ○ the defendant is 18, slightly built, and appears to be at high risk of being raped in prison, where a substantial portion of inmates are HIV-positive
Friday 8/15	<p><i>Day 5: Restorative Justice - Guest speaker: Gretchen Casey, Former President of the Florida Restorative Justice Association</i></p> <p><i>Required Reading and Viewing - Due by 9 am Friday, August 15, 2025:</i></p> <ul style="list-style-type: none"> • Florida Statutes 960.001 and 960.0021 • Victims' Rights from a Restorative Perspective by Lara Bazelon & Bruce A. Green • Gretchen Casey, Restoring Justice: Repairing the Harm After Sexual Assault, TedxUF https://www.youtube.com/watch?v=eGzjM1JEbwo (12:02) • Darrell Jackson, Coming to Terms with a Lifetime of Trauma While in Prison (11/12/2023) • Lisa Deaderick, It Takes More Than Just Punishment to Repair Harm; USD Prof on Restorative Justice Work (12/17/2023) <p><i>Written Assignments - Due by 11:59pm Sunday, August 17, 2025:</i></p> <ul style="list-style-type: none"> • Upload to Canvas your answer to this question: Imagine you were on the City Commission in whichever municipality you wrote about on Monday. What three (or more) changes would you make to reduce crime and improve the lives of those impacted by the criminal justice system? • Upload to Canvas your answers to each of these questions: <ul style="list-style-type: none"> ○ Think back to the reasons you came to law school. What was your original vision? ○ What kind of lawyer did you intend to be? If your vision has changed since you've been in law school, what is your current vision?

	<ul style="list-style-type: none"> ○ Imagine yourself in 10 years in your dream job. What do you love about it? What do you do on a day-to-day basis? ○ What are the attributes, knowledge, and skills possessed by lawyers whom you admire?
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ADVANCE ASSIGNMENTS FOR PROSECUTION CLINIC:

Due by 6 pm on Wednesday, August 20, 2025:

Please read and be prepared to discuss the following: Criminal Practice: A Handbook for New Advocates, Chapters 1-4 (pp. 1-52) *and* Chapter 14 (pp. 259-269)

Due by 11:59 pm Sunday, August 24, 2025:

Prepare a goal statement and upload it in Canvas. This statement should be for the fall semester Prosecution Clinic. See “Developing a Good Goal Statement” in Canvas, and please follow the template outlined in "Prosecution Clinic Fall PDP" in Canvas.

Due by 6 pm Wednesday, August 27, 2025:

Please read and be prepared to discuss the following: Criminal Practice: A Handbook for New Advocates, Chapters 6-9 (pp. 71-160)

The Persuasive Edge, Chapter 1, “Developing a Practical Approach to Persuasion,” *and* Chapter 2, “Building an Honest Relationship with the Jury”

Due by 6 pm Wednesday, September 3, 2025:

Please read and be prepared to discuss the following: Criminal Practice: A Handbook for New Advocates, Chapters 10-13 (pp. 161-257)

The Persuasive Edge, Chapters 3-4