Prof. K. Russell-Brown Spring 2021

Office: 316 Holland Hall TuTh 1:15–2:40 PM

Phone: (352) 273-0912 355C Holland Hall

OH: Mon, 11-1 (Zoom appt.)

[RussellBrownK@law.ufl.edu](mailto:RussellBrownK@law.ufl.edu)

**CRIMINAL LAW** (Section 4)

LAW 5100

3 credits

**COURSE DESCRIPTION**

The course is an introduction to substantive criminal law, how society regulates, prevents and punishes socially undesirable behavior. It covers the elements of basic criminal offenses, including homicide and sexual assault and inchoate offenses (conspiracy, attempt). We will also examine related factors regarding criminal offending, such as culpability and mental state. The course addresses the principles of justification and excuse. The course will also address the role of institutional actors, including police and prosecutors and the role of discretion.

**REQUIRED TEXT**

* Kadish, Schulhofer, & Barkow (2017, 10th ed.) *Criminal Law and Its Processes: Cases and* *Materials*

\*Additional course material may be assigned

**CLASS ATTENDANCE & CLASS PARTICIPATION**

Please plan to attend class, to arrive on time and to remain in class for the entire time period. The ABA requires “regular and punctual” attendance. Class attendance is an essential function of legal education and a primary obligation of each student. Students with four or five unexcused absences will be referred to Student Affairs and their absences may result in a grade reduction. Students with six or more absences may be dropped from the class.

The expectation is that students will attend each class, read all assigned materials prior to class discussion, participate regularly in class discussions, and be prepared to discuss the assigned material.

**COMPUTERS & CELL PHONES**

The use of computers and other electronic devices used for notetaking, communication and/or access to the internet is not permitted. Please silence your cell phones.

**COURSE GRADE & FINAL EXAMINATION**

Your final course grade will be based primarily on an in-class final examination.

The final examination for this course is scheduled for **Friday, April 30, 2021, at 8:30AM.**

**COURSE WORKLOAD**

Students should expect to spend, on average, two hours of preparation for every hour of class instruction.

**GRADING SCALE**

Grading for this course will adhere to UF Law’s mean and mandatory distributions, detailed in the below chart. For further information of UF Law grading policies, visit <http://www.law.ufl.edu/student-affairs/current-students/academic-policies#9>.

|  |  |
| --- | --- |
| **Letter Grade** | **Point Equivalent** |
| A (Excellent) | 4.0 |
| A- | 3.67 |
| B+ | 3.33 |
| B | 3.0 |
| B- | 2.67 |
| C+ | 2.33 |
| C (Satisfactory) | 2.0 |
| C- | 1.67 |
| D+ | 1.33 |
| D (Poor) | 1.0 |
| D- | 0.67 |
| F (Failure) | 0.0 |

UF Law’s policy on make-up exams or other course work can be found at:

<https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/forms-applications/exam-delays-accommodations-form>

**ACCOMODATIONS**

Requests for classroom accommodations must be made with the Office of Disability Resources. The UF Office of Disability will provide documentation to the student who must then provide documentation to UF Law’s Office of Student Affairs.

**ACADEMIC HONESTY**

Academic honesty and integrity are fundamental values of the University community.

Please review the UF Student Honor Code: <http://www.dso.ufl.edu/students.php>

**LEARNING OBJECTIVES**

1. Know basic principles and overview of U.S. criminal law
2. Describe justifications for punishment
3. Identify elements of numerous criminal offenses
4. Differentiate within and across categories of crimes (e.g., homicide, inchoate offenses, and sexual assault)
5. Strengthen ability to read, digest, and critique court cases
6. Evaluate relevant Model Penal Code provisions
7. Identify relevant legal and policy considerations for justice system practices

**COURSE OUTLINE**

Week of January 18

**TOPIC**: Course Introduction & Overview

Ch. 1, Institutions and Processes

Reading: pp 1-7

Ch. 2, Justifications for Punishment

Why Punish?

Reading: pp 96-101; 107-108; 116-118

Complexities of Crime Control (Theories of Punishment)

Reading: pp 118-121; 125-132

What to Punish?

Reading: pp 150-156

Week of January 25

**TOPIC**: Ch. 3, Defining Criminal Conduct

Introduction and Principles of Legality

Reading: pp 157-160; 162-172; 176-180

* + - *Commonwealth v. Mochan* (1955)
    - *McBoyle v. U.S.* (1931)
    - *Yates v. U.S.* (2015)
    - *Keeler v. Superior Court* (1970)

Proportionality

Reading: pp 202-211

* + - *Ewing v. California* (2003)

Culpability (Actions)

Reading: pp 221-234

* + - *Martin v. State* (1944)
    - *People v. Newton* (1970)

Week of February 1

**TOPIC**:Ch. 3,Defining Criminal Conduct (cont’d)

Culpability (Omissions)

Reading: pp 234-238

* + - *Jones v. U.S.* (1962)
    - *Pope v. State* (1979)

Culpability (Actions v. Omissions)

Reading: pp 253-255

* + - *Barber v. Superior Court* (1983)

Mens Rea (MPC)

Reading: pp 258-262; 270-272

* + - *Regina v. Cunningham* (1957)
    - *Elonis v. U.S.* (2015)

Mens Rea (MPC & Statutory Construction)

Reading: pp 277- 287 (begin with n. 3); 276-277 (n. 1; n. 2)

* + - *U.S. v. Jewell* (1976)

Mistake of Fact

Reading: pp 287-294

* + - *Regina v. Prince* (1875)

Week of February 8

**TOPIC**: Ch. 3, Defining Criminal Conduct (cont’d)

Mistake of Law

Reading: pp 325-333; 344-350

* + - *People v. Marrero* (1987)
    - *Lambert v. California* (1957)
    - *Cheek v. U.S.* (1991)

Ignorance of the Law

Reading: pp 333-336

Strict Liability

Reading: pp 303-313

* + - *Morissette v. U.S*. (1952)
    - *Staples v. U.S.* (1994)

Vicarious Liability

Reading: pp 313-315

* + - *State v. Guminga* (1986)

`

Week of February 15

**TOPIC**: Ch. 4, Rape

Overview & Actus Reus (Force)

Reading: pp 351-359; 364-368; 373-376; 384-388; 391-392

* + - *State v. Rusk* (1981)
    - *State in the Interest of M.T.S.* (1992)
    - *M.C. v. Bulgaria* (2003)

Rape (Consent, Deception, Mens Rea)

Reading: pp 396-399; 407-411; 413-420

* + - *People v. Evans* (1975)
    - *Commonwealth v. Sherry*  (1982)
    - *Commonwealth v. Fischer* (1998)

Week of February 22

**TOPIC**: Ch. 5, Homicide

Introduction

Reading: pp 443-447; 451-461

* + - *Commonwealth v. Carroll* (1963)
    - *State v. Guthrie (*1995)

Voluntary Manslaughter (Mitigation & Provocation)

Reading: pp 462-468

* + - *Girouard v. State* (1991)
    - *Maher v. People* (1862)

Voluntary Manslaughter/MPC

Reading: pp 479-490

* + - *People v. Casassa* (1980)

Involuntary Manslaughter

Reading: pp 490-493

* + - *Commonwealth v. Welansky* (1944)

Week of March 1

TOPIC: Ch. 5, Homicide (cont’d)

Involuntary Manslaughter (cont’d)

Reading: pp 496-502

* + - *People v. Hall*  (2000)
    - *State v. Williams (*1971)

Unintentional Murder

Reading: pp 509-512: 513-514

* + - *Commonwealth v. Malone* (1946)
    - *U.S. v. Fleming*  (1984)

Felony Murder

Reading: pp 517–520; 530-531; 533-535; 542-544; 546- 548-552

* + - *Regina v. Serne* (1887)
    - *People v. Phillips* (1966)
    - *Hines v. State*  (2003)
    - *People v. Chun* (2009)
    - *State v. Canola* (1977)

Week of March 8

**TOPIC**: Ch. 5, Homicide (cont’d)

Death Penalty

Reading: pp. 552-565; 567-573

* + - *Gregg v. Georgia* (1976)
    - *Atkins v. Virginia* (2002)
    - *McCleskey v. Kemp* (1987)

**TOPIC**: Ch. 6, Significance of Resulting Harm

Causation

Reading: pp 603-607; 610-614

* + - *People v. Acosta* (1991)
    - *People v. Arzon* (1978)

Intervention

Reading: pp 619-623

* + - *People v. Campbell* (1983)
    - *People v. Kevorkian* (1994)

Week of March 15

TOPIC: Ch. 6: Significance of Resulting Harm (cont’d)

Intervention (cont’d)

Reading: pp. 626-629; 635-640

* + - *Stephenson v. State* (1932)
    - *Commonwealth v. Root* (1961)
    - *State v. McFadden* (1982)
    - *Commonwealth v. Atencio* (1963)

Attempt (Approaches)

Reading: pp 641-646; 651-658

* + - *Smallwood v. State* (1996)
    - *People v. Rizzo* (1927)
    - *McQuirter v. State (*1953)

Attempt (MPC)

Reading: pp 666-669

* + - *U.S. v. Jackson*  (1977)

Week of March 22

**TOPIC**: Ch. 6, Significance of Resulting Harms (cont’d)

Solicitation

Reading: pp 672-684

* + - *State v. Davis*  (1928)
    - *People v. Jaffe* (1906)
    - *People v. Dlugash* (1977)

**TOPIC**: Ch. 7, Group Criminality

Overview & Conspiracy (Actus Reus & Mens Rea)

Reading: pp 691-692; 744-745; 748-751; 756-761; 766-769

* + - *Perry v. State* (2014)
    - *People v. Lauria* (1967)
    - *Pinkerton v. U.S.* (1946)

Week of March 29

**TOPIC**: Ch. 8, Exculpation (Justification and Excuse)

Self-Defense

Reading: pp 869-880

* + - *U.S. v. Peterson* (1973)
    - *People v. Goetz* (1986)

Self-Defense (Battered Victim’s Defense)

Reading: pp 903-908

* + - *State v. Norman* (1989)

Self-Defense (Retreat)

Reading: pp 919-920; 925-927

* + - *State v. Abbott* (1961)
    - *U.S. v. Peterson* (1973)

Defense of Property

Reading: pp 930-933

* + - *People v. Ceballos* (1974)

Week of April 5

**TOPIC**: Ch. 8, Exculpation (Justification and Excuse) (cont’d)

Duress

Reading: pp 985-988

* + - *State v. Toscano* (1977)

Intoxication

Reading: pp. 1004-1007; 1014-1017

* + - *People v. Hood* (1969)

Insanity

Reading: pp 1030-1041

* + - *M’Naghten’s Case* (1843)
    - *U.S. v. Lyons* (1984)

Week of April 12

**NOTE**: Thursday, April 15 is the last day of class

**TOPIC**: Catch-up & Review

Week of April 19

**NOTE**: Monday, April 19 is the last day of classes for the spring semester

***University of Florida***

***Levin College of Law***

***Spring 2021***