SYLLABUS

CRIMINAL PROCEDURE – ADVERSARY SYSTEMS

(LAW 6112)

Spring Semester 2020

Professor Kenneth Nunn

**Professor’s contact information**

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**Office Hours:** Mon. 2:00-4:00 pm. I am also available by appointment. Please email me for available times.

**Required and recommended textbooks and other course materials**

**Required:** All required course material will be posted on ChartaCourse and will be available at www.chartacourse.com. You will need to sign up for a ChartaCourse account at www.chartacourse.com.

**Credit hours and class preparation**

This is a three-credit course. Class will be held Tuesdays and Thursdays at 1:00 to 2:25 pm. Students should expect to spend, on average, approximately two hours preparing for every hour of class. Up to date reading assignments will be posted on the ChartaCourse site.

**Course objectives & student learning outcomes**

This course is intended to acquaint you with the basic attributes of the adversarial criminal justice system. The course is designed to develop a basic familiarity with the procedures used in the criminal justice system, the issues raised by those procedures, and practical guidance on how to utilize those procedures to your best professional advantage.

After completing this course, students should be able to:

1. Describe how a case proceeds through the criminal legal system from start to finish.

2. Describe the powers of prosecutors and constitutional and statutory limits on that power.

3. Describe the role of counsel in the criminal legal system.

4. Describe the scope and extent of the defendant’s right to counsel.

5. Demonstrate an understanding of the basic principles of the adversarial criminal legal system.

6. Demonstrate an understanding of the various strategies and tactics that may be used by actors within the criminal legal system.

7. Demonstrate an understanding of the core ethical principles that govern attorney conduct.

8. Demonstrate an understanding of policy issues relevant to individual rights and liberties raised by the criminal legal system.

**Workload**

It is anticipated that you will spend approximately 2 hours out of class reading and/or preparing for in class assignments for every 1 hour in class.

**Evaluation**

Your grade for the course will be based predominately on the grade you receive on your final examination. Each student will be expected to comment on at least one case or problem during the course of the semester. Class participation and preparation are factors which may count for up to 0.75 grade points on your final grade.

**Final examination**

The final examination may contain multiple-choice, short answer or traditional law school essay questions. All material and concepts covered in the course may be tested on the exam, including matters discussed in class for which there are no specific readings and assigned readings not specifically discussed in class. Exams will be graded anonymously by exam number. The final exam is currently scheduled to be administered on May 4, 2020 at 1:00 p.m.

**Information on UF Law grading policies**

Grade Points Grade Point Grade Point

A (Excellent) 4.0 C+ 2.33 D- 0.67

A- 3.67 C (Satisfactory) 2.00 E (Failure) 0.0

B+ 3.33 C- 1.67

B (Good) 3.00 D+ 1.33

B- 2.67 D (Poor) 1.00

The law school grading policy is available at: <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/academic-policies>

**Academic honesty /misconduct**

Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the UF Student Honor Code at <https://sccr.dso.ufl.edu/process/student-conduct-code/>.

**Policy related to Make-up exams or other work**

The law school policy on delay in taking exams can be found at: <http://www.law.ufl.edu/student-affairs/current-students/forms-applications/exam-delays-accommodations-form>.

**Statement related to accommodations for students with disabilities**

Students requesting classroom accommodation must first register with the Office of Disability Resources.  The UF Office of Disability Resources will provide documentation to the student who must then provide this documentation to the Law School Office of Student Affairs when requesting accommodation.

**Class attendance policy**

Please note that the American Bar Association requires "regular and punctual class attendance... to satisfy residence and class hours requirements." A sign in sheet will be used to record attendance for each class. Falsifying the sign in sheet will considered a violation of the Honor Code. Students are allowed **two** unexcused absences. If you are absent more than two times, your absence will need to be excused. Students with more than three unexcused absences will be referred to student affairs and may be dropped from the class. Class will start promptly at the announced time. Students who are repeatedly tardy may not be permitted to enter once class has begun.

**Computer use**

Computer use is required for this course. Computers will be allowed during drop/add and when course evaluations are completed. Students whose cell phones ring in class will be asked to leave class and counted absent.

**Make up classes**

Make up classes may be scheduled for this class. Make up classes will not count toward your excused or unexcused absence total, however students will receive extra credit for their attendance. Make up classes will be announced in class and posted via email and the Canvas page.

**Taping**

You may not tape or otherwise record classes without my prior approval.

**Canvas**

You need to regularly check the Canvas site for this class. Documents, schedule changes and notices will be posted on Canvas.

**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. Guidance on how to give feedback in a professional and respectful manner is available at <https://gatorevals.aa.ufl.edu/students/>.  Students will be notified when the evaluation period opens and can 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 at <https://gatorevals.aa.ufl.edu/public-results/>.

**Subjects to be covered and assigned readings (Tentative)**

This is a summary syllabus of the topics to covered in the class. You may access a full syllabus with links to each reading on the ChartaCourse site. Reading assignments will be subject to changes announced periodically in class or posted on ChartaCourse and/or Canvas.

Day 1 - January 14

Introduction to the Course

Day 2 - January 16

The Scottsboro Tragedy (In-class video)

Day 3 - January 21

The Doctrine of Incorporation and the Right to Counsel &

The Right to Appointed Counsel

Day 4 - January 23

The Right to Appointed Counsel (Cont.)

Provision of Counsel and Right to Self-Representation

Day 5 - January 28

Effective Assistance of Counsel

Day 6 – January 30

Initiating the Criminal Process from the Defense Perspective

Day 7 - February 4

Pretrial Release &

Preventive Detention

Day 8 - February 6

Prosecutorial Discretion and Selective Prosecution &

Vindictive Prosecution

Day 9 - February 11

The Screening Function and Preliminary Hearings &

Grand Jury Screening

Day 10 - February 13

Grand Jury Investigation &

Pretrial Motions, Joinder and Severance

Day 11 - February 18

Discovery—Defense

Day 12 - February 20

Discovery—Prosecution

Day 13 - February 25

Speedy Trial

Day 14 – February 27

Plea Bargaining—Introduction

Plea Bargaining—Restraints

March 3 – Spring Break

March 5 – Spring Break

Day 15 – March 10

Attorney Competency in Plea Negotiations

Day 16 – March 12

Making and Breaking Deals

The Procedural Effect of a Guilty Plea

Day 17 – March 17

The Right to a Jury Trial

Day 18 – March 19

Jury Selection &

Peremptory Challenges—The Batson Rule

Day 19 – March 24

Peremptory Challenges—Applying Batson

Day 20 – March 26

Pre-Trial Publicity and the Media

Day 21 - March 31

Right to Confrontation &

Crawford and Unavailable Witnesses

Day 22 - April 2

Crawford and Unavailable Witnesses (Cont.) &

Crawford and Testimonial Statements

Day 23 - April 7

Co-Defendant’s Confessions—The Bruton Rule

Right to Compulsory Process

Day 24 - April 9

Mandatory Sentencing and Constitutional Limits &

Sentencing and Apprendi I

Day 25 - April 14

Sentencing and Apprendi II

Day 26 – April 16

Mistrials and Double Jeopardy &

Appeals