SYLLABUS

CRIMINAL LAW – SECTION 3

(LAW 5100)

3 credits

Fall Semester 2019

Professor Kenneth Nunn

**Professor’s contact information**

**Office Location:** Rm. 314 HOL

**Phone:** 273-0660

**Email:** nunn@law.ufl.edu

**Office Hours:** Tue. 2:30-3:30 pm and by appointment

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

**Required:** Kennedy, *Criminal Law: Cases, Controversies and Problems* (2019)

Recommended: Dressler, *Understanding Criminal Law* (any edition is fine)

**Course description**

This course is an introduction to the substantive law of crimes, including principles of punishment, elements of typical crimes, responsibility and defenses.

**Course objectives & student learning outcomes**

This course is intended to acquaint you with the basic principles of criminal law, including the nature of crimes, justifications of punishment, actus rea, mens rea, elements of typical crimes, complicity, inchoate crime, responsibility and defenses. This course should also familiarize you with the basics of case analysis and statutory construction.

After completing this course, students should be able to:

1. Describe the basic principles of criminal law.

2. Understand the various theories of punishment and how the resulting criminal law is shaped by these theories.

3. Demonstrate an understanding of the policy issues relevant to power control and conduct control concerns in the criminal law.

4. Understand how to read a fact pattern and identify pertinent issues of criminal law.

5. Demonstrate an understanding of case analysis and statutory construction.

**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.

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

The law school policy on delay in taking exams 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/>

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

Students requesting accommodation for disabilities must first register with the Disability Resource Center (<http://www.dso.ufl.edu/drc/>). Once registered, students will receive an accommodation letter which must be presented to the Assistant Dean for Student Affairs (Dean Mitchell) when requesting accommodation. Students with disabilities should follow this procedure as early as possible in the semester.

**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 <http://www.dso.ufl.edu/students.php>.

**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. Do not contact me about an impending absence until you have used your two unexcused absences. Students with more than **four** absences in total 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.

**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 TWEN page.

**Computer and cell phone use**

The use of laptops, PDAs or other electronic devices used for notetaking, communication and/or access to the internet **will not be permitted** in this class. Use of such devices will result in the student being asked to leave class and counted absent. Computer use will be allowed during drop/add and when course evaluations are completed. Students whose cell phones ring in class will also be asked to leave class and counted absent.

**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)**

Readings are from the assigned text for the course, Kadish, Schulhofer & Barkow, *Criminal Law and Its Processes* (10th ed. 2017). Reading assignments will be subject to changes announced periodically in class or posted on TWEN. 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.

GENERAL PRINCIPLES

*Aug. 26th*

A. Introduction to the Course

Readings: 1-5

B. Why Punish?

Readings: No Readings

*Aug. 30th*

A. Theories of Punishment

Readings: 29-36

*Sep. 6th*

A. What to Punish?

Readings: 55-75; [95-111]

ELEMENTS OF CRIME

*Sep. 9th*

A. Acts

Readings: 125-138

B. Omissions

Readings: 139-145

*Sep. 13th*

A. Mens Rea

Readings: 167-195

*Sep 16th*

A. Mens Rea (Cont.)

Readings: 195-216

*Sept. 20th*

A. Strict Liability

Readings: 216-236

*Sept. 23rd*

A. Strict Liability (Cont.)

Readings: 236-261

*Sept. 27th*

A. Mistake of Fact

Readings: 267-281

B. Mistakes of Law

Readings: 281-295

HOMICIDE

*Sept. 30th*

A. Homicide Overview

Readings: 321-333

B. Premeditation

Readings: 335-353

*Oct. 7th*

A. Voluntary Manslaughter

Readings: 355-374

B. Manslaughter and Provocation

Readings: 375-389

*Oct. 11th*

A. Involuntary Manslaughter

Readings: 391-411

B. Unintentional Murder

Readings: 411-429

*Oct. 14th*

A. Felony Murder

Readings: 431-469

RAPE

*Oct. 18th*

A. Felony Murder (Cont.)

Readings: 469-481

B. Sexual Assault

Readings: 777-792

*Oct. 21st*

A. Sexual Assault (Cont.)

Readings: 792-818

CAUSATION AND RESULTING HARM

*Oct. 25th*

A. Causation

Readings: 483-507

B. Inchoate Crimes and Solicitation

Readings: 509-518

EXTENSIONS OF CRIMINALITY

*Oct. 28th*

A. Conspiracy

Readings: 519-545

*Nov. 1st*

A. Conspiracy (Cont.)

Readings: 545-562

B. Attempt—Actus Reus

Readings: 563-575

*Nov. 4th*

A. Attempt—Mens Rea

Readings: 576-582

B. Defenses to Attempt

Readings: 582-602

*Nov. 8th*

A. Accomplice Liability

Readings: 603-639

*Nov. 16th*

A. Accomplice Liability (Cont.)

Readings: 639-657

EXCULPATION

*Nov. 18th*

A. Self-Defense

Readings: 659-688

*Nov. 22nd*

A. Self-Defense—Necessary Force and Stand Your Ground Laws

Readings: 688-714

*Nov. 20th*

A. Duress and Necessity

Readings: 715-732

B. Intoxication

Readings: 297-311

*Nov. 25th*

A. Intoxication (Cont.)

Readings: 311-319

B. Insanity and Diminished Capacity

Readings: 733-753

*Dec. 2nd*

A. Insanity—M’Naughten and Responses

Readings: 753-776