SYLLABUS

CRIMINAL LAW – SECTION 2

(LAW 5100)

3 credits

Spring Semester 2021

Professor Kenneth Nunn

**Professor’s contact information**

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**Office Hours:** Tue. 2:00-3:30 pm and by appointment. All office hours will be conducted using Zoom.

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

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

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.

**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 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.

**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/uf-law-student-handbook-and-academic-policies>.

**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. Click [here](https://gatorevals.aa.ufl.edu/students/) 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 [ufl.bluera.com/ufl/](file:///C:\Users\nance\AppData\Local\Microsoft\Windows\INetCache\Content.Outlook\70WP0DTB\ufl.bluera.com\ufl\). Summaries of course evaluation results are available to students [here](https://gatorevals.aa.ufl.edu/public-results/).

**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. 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.

**COVID-19 and Heath Safety Policies**

Many students will have face-to-face instructional sessions to accomplish the student learning objectives of this course. In response to COVID-19, the following policies and requirements are in place to maintain your learning environment and to enhance the safety of our in-classroom interactions. I may take noncompliance into account when grading students or determining if a student may remain in the course.

* You are required to wear approved face coverings at all times during class and within buildings. Following and enforcing these policies and requirements are all of our responsibility. Failure to do so will lead to a report to the Office of Student Conduct and Conflict Resolution. You also will no longer be permitted on the UF Law campus. Finally, Dean Inman will also report your noncompliance to the relevant state board of bar examiners.
* This course has been assigned a physical classroom with enough capacity to maintain physical distancing (6 feet between individuals) requirements. Please utilize designated seats and maintain appropriate spacing between students. Please do not move desks or stations.
* Sanitizing supplies are available in the classroom if you wish to wipe down your desks prior to sitting down and at the end of the class.
* Be mindful of how to properly enter and exit the classroom.  Practice physical distancing to the extent possible when entering and exiting the classroom.
* If you are experiencing COVID-19 symptoms (<https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>), please do not come to campus or, if you are already on campus, please immediately leave campus. Please use the UF Health screening system and follow the instructions about when you are able to return to campus.  (See <https://coronavirus.ufhealth.org/screen-test-protect/covid-19-exposure-and-symptoms-who-do-i-call-if/>.)
* Course materials will be provided to you with an excused absence, and you will be given a reasonable amount of time to make up work. (See <https://catalog.ufl.edu/UGRD/academic-regulations/attendance-policies/>).”

**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.

**Taping or recording of class sessions**

Students may not take, circulate, or post photos or videos of classroom discussions, whether they are in-person, hybrid, or completely online. Students failing to follow this rule will be referred to the College of Law Honor Code Council and the University’s Office of Student Conduct and Conflict Resolution.

**Canvas**

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

**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 Canvas. 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

*Jan, 19th*

A. Introduction to the Course

Readings: 1-7

B. Why Punish?

Readings: 96-106

*Jan. 21st*

A. Why Punish? (Cont.)

Readings: 106-118

B. Theories of Punishment

Readings: 118-132

*Jan. 26th*

A. What to Punish?

Readings: 150-156; Handout—Problems (available on Canvas)

ELEMENTS OF CRIME

*Jan. 28th*

A. The Principle of Legality

Readings: 157-175 (stop after n. 2)

B. Acts

Readings: 221-224

*Feb. 2nd*

A. Acts (Cont.)

Readings: 224-234

B. Omissions

Readings: 234-253

*Feb. 4th*

A. Mens Rea—Introduction

Readings: 258-268 (stop at the end of note 5)

B. Mens Rea--MPC

Readings: 273-276 (stop before note 1); MPC 2.02, pp.1274-75

*Feb. 9th*

A. Mens Rea—MPC (Cont.)

Readings: 277 (beginning with note 3) -287

B. Mens Rea--Statutory Construction

Readings: 276-277, notes 1 and 2

*Feb. 11th*

A. Mistake of Fact

Readings: 287-294

B. Mistake of Law

Readings: 325-333

*Feb. 16th*

A. Mistake of Law (cont.)

Readings: 338 (beginning with note on “willfully”)-350

B. Quasi-Mistakes of Fact

Readings: 333-336

*Feb. 18th*

A. Strict Liability

Readings: 303-313

B. Vicarious Liability

Readings: 313-317

RAPE

*Feb. 23rd*

A. Rape & Force

Readings: 351-359; 364-368; 373-380; 385-390

*Feb. 25th*

A. Rape & Consent

Readings: 396-413

B. Mens Rea & Rape

Readings: 416-426

HOMICIDE

*Mar. 2nd*

A. Premeditation

Readings: 443-447 (stop after Cal. Penal Code); 451-462

*Mar. 4th*

A. Voluntary Manslaughter/Provocation

Readings: 462-479

B. Manslaughter/Provocation: The MPC Approach

Readings: 479-490

*Mar. 9th*

A. Involuntary Manslaughter

Readings: 490-503

*Mar. 11th*

B. Unintentional Murder

Readings: 509-513 (end with n. 4); 515 (beginning with n. 2)-517

*Mar. 16th*

A. Felony Murder

Readings: 520 (beginning with People v. Stamp)-526; 542-552

CAUSATION AND RESULTING HARM

*Mar. 18th*

A. Causation

Readings: 603-619

*Mar. 23rd*

A. Intervention

Readings: 619-626

B. Intervention (cont.)

Readings: 626-633

EXTENSIONS OF CRIMINALITY

*Mar. 25th*

B. Attempt--Traditional Approaches

Readings: 641-651

A. Attempt—Common Law Tests

Readings: 651-666

*Mar. 30th*

A. Attempt--MPC Approach

Readings: 666-672

B. Solicitation/Impossibility

Readings: 672-684

EXCULPATION

*Apr. 1st*

A. Self-Defense--Reasonable Belief

Readings: 869-886

*Apr. 6th*

A. Self-Defense--Battered Victim Defenses

Readings: 903-919

B. Self-Defense--Retreat

Readings: 919-925

*Apr. 8th*

A. Self-Defense—Retreat (cont.)

Readings: 925-930

B. Defense of Property

Readings: 930-937

*Apr. 13th*

A. Duress

Readings: 985-996 (stop prior to U.S. v. Fleming); 999 (beginning with note 4)-1001

B. Intoxication

Readings: 1004-1010

*Apr. 15th*

A. Intoxication (cont.)

Readings: 1010-1018

B. Insanity

Readings: 1018-1033