**CRIMINAL LAW - SPRING 2022**

**PROFESSOR JOHN STINNEFORD**

**SYLLABUS**

Law # 5100 (Section 1B)

3 Credits

Course Description

In this course we will explore the general principles of criminal law and will cover several substantive crimes and defenses.

Student Learning Outcomes

By the end of this course, students will be able to:

• Read and understand the statutes and judicial opinions defining criminal law in the United States.

• Understand the practical, moral, and policy concerns underlying the criminal law.

• Identify legal issues in given fact patterns and work through their solutions using the relevant legal rules.

Required Text

The required text for this course is Dressler & Garvey, Cases and Materials on Criminal Law (8th edition 2019). Other handouts or materials may be assigned during the semester. You may access supplemental materials and view other course related information on the course TWEN® page. You are required to register on TWEN® by the end of the drop/add period for the semester.

Classes

Classes will be held on Tuesdays and Thursdays from 1:15-2:40 in Holland Hall Room 345. The final exam schedule may be found here: https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/exam-schedules. Please note that it is subject to change.

Office Hours

My office hours are on Tuesdays from 3:30 p.m. to 5:30 p.m. and by appointment. If you are unable to meet with me during my regularly scheduled office hours please send me an e-mail and I’ll be happy to arrange another mutually convenient time.

Contact Information

My office is in Room 379 and the telephone number is (352) 273-0959. My e-mail address is jstinneford@law.ufl.edu. I encourage you to contact me regularly during the semester and to ask any questions that you may have about the course or even more generally about the practice of law.

Grading

Your final course grade will be based principally on a final exam (90%), and will be subject to modification based upon course participation and attendance as described below.

After course grades have been posted, if you wish to review your exam I will make your exam available along with a model answer. If you wish to speak to me after you have reviewed your exam, you may do so after February 1. For further information on the University’s grading policies and calculation of grade points please see <http://www.registrar.ufl.edu/catalog/policies/regulationgrades.html>.

Class Preparation, Participation, and Attendance

*A. Class Preparation and Participation*

ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every “classroom hour” of in-class instruction. Criminal Law has 3 “classroom hours” of in-class instruction each week, requiring at least 6 hours of preparation outside of class.

Your grade may be significantly affected (up to one full letter grade) by your class participation. In evaluating your class participation, I take into account a number of considerations, including the professionalism and courtesy you display in class, your preparedness in class, and your class attendance. I do not reward students for being relatively talkative; nor do I punish students for being relatively quiet. I do, however, expect everyone to be familiar with the material assigned for a given day, and prepared to discuss it in class if called upon.

*B. Class Attendance*

Students are expected to attend class, to be prepared, and to participate in class discussions. It is your responsibility to locate and initial the sign-in sheet for each class session. By signing your initials, you affirm that you are physically present in class during that class period. It will be considered a violation of the course rules and the Honor Code to falsely indicate that you were present in class, or to assist a classmate in such misrepresentation.

Pursuant to ABA guidelines, students who have four (4) or more absences will be barred from taking the final exam, and will automatically fail this course. Two (2) to three (3) absences may result in a reduction of your grade as described above, in the section describing grade adjustments for course participation. Absences necessitated by religious holidays are exempted by this policy, so long as you give me advance notice of your absence. More generally, if you are concerned that you may come close to the limit on absences, it is a good idea to keep me informed as to what’s going on, so that we can explore whether an accommodation is possible.

Recording Devices and Cell Phones

Cellular telephones should not be used during class and ringers should be silenced.

Students are allowed to record video or audio of class lectures. However, the purposes for which these recordings may be used are strictly controlled. The only allowable purposes are (1) for personal educational use, (2) in connection with a complaint to the university, or (3) as evidence in, or in preparation for, a criminal or civil proceeding. All other purposes are prohibited. Specifically, students may not publish recorded lectures without the written consent of the instructor.

A “class lecture” is an educational presentation intended to inform or teach enrolled students about a particular subject, including any instructor-led discussions that form part of the presentation, and delivered by any instructor hired or appointed by the University, or by a guest instructor, as part of a University of Florida course. A class lecture does not include lab sessions, student presentations, clinical presentations such as patient history, academic exercises involving solely student participation, assessments (quizzes, tests, exams), field trips, private conversations between students in the class or between a student and the faculty or lecturer during a class session.

Publication without permission of the instructor is prohibited. To “publish” means to share, transmit, circulate, distribute, or provide access to a recording, regardless of format or medium, to another person (or persons), including but not limited to another student within the same class section. Additionally, a recording, or transcript of a recording, is considered published if it is posted on or uploaded to, in whole or in part, any media platform, including but not limited to social media, book, magazine, newspaper, leaflet, or third party note/tutoring services. A student who publishes a recording without written consent may be subject to a civil cause of action instituted by a person injured by the publication and/or discipline under UF Regulation 4.040 Student Honor Code and Student Conduct Code.

Computer Usage: I encourage you to use a laptop to take notes, prepare your outline, and take exams. Please do not surf the web, send emails or IMs, look up old crushes on Facebook, shop for autographed Tim Tebow photos on EBay, or generally mess around on your computer. Such conduct is unprofessional, and shows a lack of respect for your classmates and me. Such conduct may result in a grade reduction as discussed in the “class participation” section, above.

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>.

Accommodations For Students With Disabilities

Students with disabilities who experience learning barriers and would like to request academic accommodations should connect with the Disability Resource Center (https://disability.ufl.edu/). It is important for students to share their accommodation letter with their instructor and discuss their access needs as early as possible in the semester.

Health and Wellness Resources

* *U Matter, We Care*: If you or someone you know is in distress, please contact umatter@ufl.edu, 352-392-1575, or visit [U Matter, We Care website](https://umatter.ufl.edu/) to refer or report a concern and a team member will reach out to the student in distress.
* *Counseling and Wellness Center*: [Visit the Counseling and Wellness Center website](https://counseling.ufl.edu/) or call 352-392-1575 for information on crisis services as well as non-crisis services.
* *Student Health Care Center*: Call 352-392-1161 for 24/7 information to help you find the care you need, or [visit the Student Health Care Center website](https://shcc.ufl.edu/).
* *University Police Department*: [Visit UF Police Department website](https://police.ufl.edu/) or call 352-392-1111 (or 9-1-1 for emergencies).
* *UF Health Shands Emergency Room / Trauma Center:* For immediate medical care call 352-733-0111 or go to the emergency room at 1515 SW Archer Road, Gainesville, FL 32608; [Visit the UF Health Emergency Room and Trauma Center website](https://ufhealth.org/emergency-room-trauma-center).

Basic Needs Assistance

Any student who has difficulty accessing sufficient food or lacks a safe place to live is encouraged to contact the Office of Student Affairs.  If you are comfortable doing so, you may also notify me so that I can direct you to further resources.

University Policy on Academic 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.

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> .

**Student 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/.

Assignments

Below are the expected reading assignments. Please note that this plan is subject to change. I reserve the right to modify the assignments from time to time, and to utilize additional handouts and materials. All assignments are from the required texts, unless otherwise noted. The notes and problems in this casebook are particularly important, so be prepared to discuss them in class.

**I. Conceptual Foundations**

* **Purposes of Criminal Law and Punishment**
	+ *Assignment 1:*Read CB pp. 31-53
	+ *Assignment 2:* Read CB pp. 53-70
* **Principle of Proportionality**
	+ *Assignment 3:* Read CB pp. 71-90
* **Principle of Legality**
	+ *Assignment 4:* Read CB pp. 91-94 & 105-14 & Chicago v. Morales(1999) (posted excerpts)

**II. General Elements of a Crime**

1. **Actus Reus**
* *Assignment 5*: Read CB pp. 129-41 (voluntary act)
* *Assignment 6*: Read CB pp. 141-156 (omissions and social harm)
1. **Mens Rea**
* *Assignment 7*: Read CB pp. 157-73 (overview and general issues)
* *Assignment 8*: Read CB pp. 173-86 (willful blindness; discerning statutory mens rea)
* *Assignment 9*: Read CB pp. 186-205 (strict liability crimes)
* *Assignment 10*: Read CB pp. 205-26 (mistake of fact and mistake of law)
1. **Causation (Result Crimes)**
* *Assignment 11*: Read CB pp. 227-34 (actual cause, introduction to proximate cause)
* *Assignment 12*: Read CB pp. 234-49 (determining proximate cause; concurrence of the elements)

**III. Study of Selected Crime: Homicide**

1. **Homicide**
* *Assignment 13*: Read CB pp. 251-63 (intro) & CB pp. 270-82 (deliberate, premeditated killings)
* *Assignment 14:* Read CB pp. 282-310 (intentional killings in heat of passion or emotional distress)
* *Assignment 15:* Read CB pp. 313-29 (unintentional killings resulting from unjustified risk-taking)
* *Assignment 16:* Read CB pp. 329-336 & 341-49 (felony murder)
* *Assignment 17:* Read CB pp. 349-59 (felony murder)

**IV. Defenses**

1. **Justifications**
	* **Self-Defense**
		+ *Assignment 18*: Read CB pp. 497-503 (overview) & CB pp. 513-27 (principles)
		+ *Assignment 19*: Read CB pp. 527-49 (defining “reasonable”)
2. **Excuse**
* **Duress**
	+ *Assignment 20*: Read CB pp. 601-05 (background) & CB pp. 605-19 (principles)
* **Attempt**
	+ *Assignment 21:* Read CB pp. 749-52 (introduction) & CB pp. 752-66 (*mens rea* of an attempt)
	+ *Assignment 22:* Read CB pp. 766-88 (*actus reus* of an attempt)
* **Conspiracy**
	+ *Assignment 23:* Read CB pp. 822-30 (principles) & CB pp. 831-41 (*mens rea*)
	+ *Assignment 24*: Read CB pp. 842-56 (*actus reus*) & CB pp. 872-75 (withdrawal defense)

**V. Accomplice Liability**

* *Assignment 25*: Read CB pp. 877-81 (background) & pp. 885-99 (*mens rea*); re-read pp. 836-41 (*Lauria*)
* *Assignment 26*: Read CB pp. 899-910 (*actus reus*)