**FLORIDA CRIMINAL PROCEDURE**

Course LAW 6115 Spring 2019

Professor Jennifer Zedalis

**CONTACT INFORMATION**

**Office: 327 Holland Hall; phone 352-273-0814; zedalis@law.ufl.edu**

**Spring Office Hours: Tuesday 2-4, Wednesday 2-3, appointments and walk-ins welcome.**

**COURSE DESCRIPTION**

Florida Criminal Procedure is a two-credit graded course. Classes are on Mondays from 9:00am to 10:40am.

This course covers the important procedural law in Florida criminal practice. The nature, purpose, and application of various rules will be discussed. In addition to the rules themselves, students will be assigned cases addressing the major provisions. The course will be taught with an emphasis on making students practice-ready. During the semester, students will draft at least one motion based on a given hypothetical. Three quizzes will be given in lieu of a final exam.

**COURSE GOALS AND OBJECTIVES**

Students will become familiar with and have a working knowledge of the Florida Rules of Criminal Procedure. Students will be able to recognize procedural issues in cases and understand how the rules (should) operate or apply on behalf of the defendant or the prosecution. Students will understand the principles of fairness in process.

**COURSE MATERIALS**

* The Florida Rules of Criminal Procedure
* Assigned Florida Decisions

**PREPARATION**

ABA Standard 310 requires that students devote 2 hours to out-of-class preparation for every “classroom hour” of in-class instruction. Florida Criminal Procedure has 2 classroom hours of in-class instruction each week, requiring at least 4 hours of preparation outside of class.

**COURSE TECHNOLOGY**

The course calendar, assignments and class updates will be posted on the course TWEN/CANVAS page.

**Use of cell phones, computers and other electronic devices will not be permitted during class unless specifically indicated by the professor.**

**ATTENDANCE**

Class attendance is important and expected. Students with more than 2 absences may lose up to 10 grade points unless unique circumstances beyond the control of the student dictate otherwise.

**EVALUATION**

CLASS GRADING SCALE

|  |  |
| --- | --- |
| Attendance and Participation | 20 points |
| Quiz #1 | 20 points |
|  Quiz #2 | 20 points |
| Quiz #3 |  25 points |
| Drafted Motions |  15 points |
| **Total** | **100 points** |

GPA SCALE

|  |  |
| --- | --- |
| 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 |
| E (Failure) | 0.0  |

**UF POLICIES**

UNIVERSITY POLICY ON ACCOMMODATING STUDENTS WITH DISABILITIES: Students requesting accommodation for disabilities must first register with the Dean of Students Office (http://www.dso.ufl.edu/drc/). The Dean of Students Office will provide documentation to the student who must then provide this documentation to the instructor when requesting accommodation. You must submit this documentation prior to submitting assignments or taking the quizzes or exams. Accommodations are not retroactive. Therefore, students should contact the office as soon as possible in the term for which they are seeking accommodations.

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.

NETIQUETTE: COMMUNICATION COURTESY: All members of the class are expected to follow rules of common courtesy in all email messages, threaded discussions and chats.

COURSE EVALUATION: Students are expected to provide feedback on the quality of instruction in this course by completing online evaluations at https://evaluations.ufl.edu. Evaluations are typically open during the last two or three weeks of the semester, but students will be given specific times when they are open. Summary results of these assessments are available to students at https://evaluations.ufl.edu/results/

Other resources are available at http://www.distance.ufl.edu/getting-help for:

* Counseling and Wellness resources
* Disability resources
* Resources for handling student concerns and complaints
* Library Help Desk support

**FLORIDA CRIMINAL PROCEDURE – SPRING 2019 COURSE SCHEDULE**

***A Just determination in every proceeding***

***Simplicity in procedure***

***Fairness in administration….3.020 Fla.R.Crim.P***

*Schedule is subject to change*

|  |  |
| --- | --- |
| **Date** | **Topic** |
| Jan 7 | Introduction**; Rules 3.020-3.130** Scope/ PurposeProviding Counsel to IndigentsArrest/Notice to Appear First Appearance |
| Jan 14 | **Rules 3.131-3.152**Pretrial Release/ DetentionProbable Cause DeterminationTime for Filing Formal ChargesIndictment or InformationConsolidation of related offensesSeverance of offenses or defendants |
| Jan 21 | No Class—Observance of Martin Luther King Day |
| Jan 28 | **Rules 3.160-3.191**Arraignment/ PleasPlea discussions & agreementsAcceptance o guilty or nolo contendere pleasPresence of defendantPretrial MotionsSpeedy Trial |
| Feb 4 | **Rules 3.210-3.216**Competency and Insanity |
| Feb 11 | Quiz#1 |
| Feb 18 | **Rules 3.220-3.290**DiscoveryAccused as a witnessRight to trial by juryWaiver of jury trial |
| Feb 25 | **Rules 3.300-3.430**Voir DireTime/exercise/manner of challengePeremptory challengesMotions for Judgment of acquittalJury Instructions/ Jury requests |
| Mar 4 | Spring Break! |
| Mar 11 | **Rules 3.440-3.700**VerdictsPost-trial motions |
| Mar 18 | Quiz#2 |
| Mar 25 | **Rules 3.988-3.980; 3.780**Sentencing GuidelinesCapital sentencingMotions to correct/modify/reduce sentencesScoresheets |
| April 1 | **Rules 3.830-3.840**Direct criminal contemptIndirect criminal contempt |
| April 8 | Quiz#3 |
| April 15 | **Written motions due; 3.850-3.851**Motions to vacate/correct/set aside sentencesPost-conviction DNA testing |
| April 22 | Practice Forum |