**FLORIDA CRIMINAL PROCEDURE**

Course LAW 6115 Spring 2021

Professor Jennifer Zedalis

**CONTACT INFORMATION**

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

**Office Hours: (virtual until further notice) Wednesdays 1-3 or by appointment.**

**COURSE DESCRIPTION**

Florida Criminal Procedure is a two-credit graded course. Classes are on Mondays from 4:45pm to 6:45pm in MLAC 106. Please note that the class may be moved online on short notice due to current health/safety concerns or restrictions.

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. Roll will be taken in each class, whether in person or online.

**EVALUATION**

CLASS GRADING SCALE

|  |  |
| --- | --- |
| Attendance and Participation | 15 points |
| Quiz #1 | 25 points |
| Quiz #2 | 25 points |
| Quiz #3 | 20 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 2021 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*

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| --- | --- |
| **Date** | **Topic** |
| Jan 25 | Introduction**; Rules 3.010-3.130**  Scope/ Purpose  Providing Counsel to Indigents  Arrest/Notice to Appear  First Appearance |
| Feb 1 | **Rules 3.131-3.152**  Pretrial Release/ Detention  Probable Cause Determination  Time for Filing Formal Charges  Indictment or Information  Consolidation of related offenses  Severance of offenses or defendants |
| Feb 8 | **Rules 3.160-3.180**  Arraignment/Pleas  Plea discussions and agreements  Acceptance of guilty or nolo contendere pleas  Presence of defendant |
| Feb 15 | **Rules 3.190- 3.200**  Pretrial Motions  Speedy Trial  Motions for rehearing  Notice of Alibi |
| Feb 22 | **Quiz #1** |
| Mar 1 | **Rules 3.210-3.219**  Competency and sanity |
| Mar 8 | **Rules 3.220-3.290**  Discovery  Accused as a witness  Right to trial by jury  Waiver of jury trial |
| Mar 15 | **Rules 3.300-3.430**  Voir Dire  Time/exercise/manner of challenge  Peremptory challenges  Motions for Judgment of acquittal  Jury Instructions/ Jury requests |
| Mar 22 | **Quiz #2** |
| Mar 29 | **Rules 3.440-3.692**  Verdicts  Post-trial motions |
| Apr 5 | **Rules 3.700-3.802**  Sentencing |
| Apr 12 | **Rules 3.830-3.980**  Sentencing Guidelines  Motions to correct/modify/reduce sentences  Direct and indirect criminal contempt |
| April 19 | **Quiz #3** |
|  |  |
|  | **Written motions due by April 23, 5pm** |
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**COVID Policy:**

* 1. “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.  <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.<https://catalog.ufl.edu/UGRD/academic-regulations/attendance-policies/>.”

“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.”

**Class Recording:**

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