## Criminal law

**UNIVERSITY OF FLORIDA LEVIN COLLEGE OF LAW**

**FALL 2023 COURSE POLICIES & SYLLABUS**

**Law 5100, Class 14001, Section 2 § B**

**3 CREDITS**

Professor Lea Johnston

Office: 305 Holland Hall

Office phone: (352) 273-0794

Email: JohnstonL@law.ufl.edu

Office Hours: Fri, 2:45 – 4:45PM

Class meeting time: T, W, Fri 10:30 – 11:25AM

Location: Holland Hall Room 285B

**Course Description and Objectives.** This course will cover the basic principles of substantive criminal law, including the elements of a crime, justifications for punishment, and defenses. We will review one crime, homicide, in depth. Along the way, we will focus on the rationales justifying the existence of the criminal justice system and the infliction of punishment. We will also consider the racial and social justice implications of the substantive criminal law.

**Student Learning Outcomes.** At the end of this course, students should be able to:

* Conduct strong legal analysis: from a given fact pattern, identify a pertinent legal issue, articulate the relevant rules, apply those rules to relevant facts, and reach a well-supported legal conclusion;
* Deduce, from a given fact pattern, strategies to defend a client from a given criminal charge;
* Deduce, from a given fact pattern, a strategy to adduce sufficient evidence on each element of a crime so as to establish that crime beyond a reasonable doubt;
* Articulate and defend the values underlying criminal law;
* List the elements of various common law crimes and defenses;
* Trace the evolution of fundamental criminal concepts, such as mens rea, from their common law to modern incarnations; and
* Identify and consider racial and social justice implications of criminal law.

**Required and Suggested Instructional Materials**.

**Required** — Joshua Dressler & Stephen P. Garvey, Criminal Law Cases and Materials (9th ed. 2022) – Casebook Plus Hardcover (includes a hardcover copy of the casebook along with a virtual “learning library” of resources)

\*\****This is the latest version of the case book. It is important that you purchase this version of the book (in its physical form) and the accompanying electronic library.***

**Suggested** — Joshua Dressler, Understanding Criminal Law. The suggested treatise complements our case book.

Secondary Sources. If you want additional explanation, I suggest consulting these treatises:

Wayne R. LaFave, Criminal Law

Paul Robinson & Michael T. Cahill, Criminal Law

Additional practice problems may be found here:

Kathryn Christopher & Russell Christopher, Criminal Law: Model Problems and Outstanding Answers

Grading Evaluation**.** Your final grade in the course will reflect the following:

* 85% of grade: cumulative final exam
* 15% of grade: completion (in a manner demonstrating good faith effort) of assigned problems, discussion questions, and quizzes on Canvas and by Dressler
  + Due date for assigned problems and discussion questions: these are due on the same date as the associated assigned reading (see modules)
  + Due date for quizzes: must be completed before the exam, unless otherwise specified

Exam**.** Students will primarily be evaluated through an **in-class**, cumulative, limited-space examination of 3 or 4 hours in length. It may contain multiple choice, short answer, and/or traditional law school essay questions. The exam will focus on material discussed in class, but all material and concepts covered in the course may be tested to some degree. Exams will be graded anonymously by exam number. Past exams and model answers can be found in the “past exams” folder in the files section of Canvas.

Our examination will be a **partial open book exam**. You may bring the following materials (and only these materials) in physical form with you to the exam room:

* **Your casebook**
* **Your outline**

Students will not be permitted to access the internet or any of their computer files during the exam.Law school policy dictates that exams will only be distributed electronically. You may use a ‘split screen’ to see the exam questions while answering them. Please plan accordingly.

**Review of Final Exam.** How to receive a copy of your exam: **After February 15, 2024**, students who wish to review their exams can do so by requesting a copy of their exams by emailing me your exam number. I will post the exam questions, along with a model answer, on Canvas in the past exams folder.

How to ask questions about your exam: I expect that the model answer and best student answer will address most students’ questions. I am happy to address any remaining questions by email. Before meeting with me, please review your exam and compare it to the model answer. I will not re-grade exams.

Class Structure**.** Our class time will focus on case explications and discussion of hypotheticals, big-picture questions, and problems. The syllabus and corresponding modules will set forth the topics we will cover in each class, as well as assigned reading, assigned problems and discussion questions, and suggested supplemental materials.

**Dressler Quizzes.** As a review device—and to assess your comprehension of the material—I will assign certain quizzes created by the author of our case book. Completion of these quizzes (but not your performance on them) will be reflected in your final grade. These quizzes may be completed at your own pace. Just be sure to complete them before the final exam! To access these quizzes and receive credit for their completion, follow these steps:

* Go to eproducts.westacademic.com
* Sign in or create an account.
* Click to open Criminal Law: Cases and Materials from your bookshelf.
* Click the Enroll in a Course button and enter this course code:
  + **CRSE-G7AM-ESRD-61GC-KICL**
* If you don't see a picture of Criminal Law: Cases and Materials on your bookshelf when you log on to eproducts.westacademic.com, perform either of the following:
  + Click the Redeem Code button on the My Bookshelf page and enter the code that came with the casebook. Next, redeem your code.
  + If you did not purchase a new book with a code, you can go to store.westacademic.com and purchase either the eBook/Learning Library or the Learning Library option for your casebook.

Need Help? If you need help, please contact a West representative at 1-877-888-1330 (option 4) or support@westacademic.com.

About the Course Code. By registering the course code, you connect your quiz results to the course I created. I will have the option to view your progress and scores on the quizzes tied to your book. If you have questions about the information that West provides to faculty, please refer to the eProducts user agreement.

**CALI lessons.** As a supplemental learning device, I suggest lessons developed by the Center for Computer-Assisted Legal Instruction (CALI). You must register and create an account at this website: <https://www.cali.org/>. The CALI student code is FLORUVstu73. In my opinion, these lessons are extremely effective.

Zoom. UF policy (and ABA rules) permit up to 1/3 of each in-person course to take place online. I reserve the right to conduct some portion of this course (up to that limit) in that manner, although I do not intend to do so at this time. This [Zoom Guide](https://www.law.ufl.edu/e-learning) for students may become useful to you; it is also available from UF Law’s Homepage. If some classes take place by Zoom, please use the following rules of video conferencing etiquette:

* Use your own name (preferred first name, last name) and do not change it;
* Choose a stationary location (meaning you must Zoom in from a computer, not from your phone);
* Choose a location where there are minimal disruptions (e.g. roommates talking and pets jumping on you);
* Do not change your background;
* You must “show video” and yourself for the active portions of the class when we are not on breaks; and
* Do not Zoom in the same room as someone else in the class. Unfortunately, Zoom “parties” create horrible feedback noises.

Faculty and Student Zoom Support.Students can contact UF’s e-Learning Support Staff with specific questions at 352-392-4357. Students may also call our IT Department for online teaching support at 352-273-0760.

Class Preparation, Participation, and Experience**.** ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every “classroom hour” of in-class instruction.Each weekly class is approximately 3 hours in length, requiring at least **6 hours of preparation** outside of class. This requirement will be met through your completing the assigned reading and practice materials.

I have high expectations for the learning environment we create together. I rely heavily on classroom discussion to explicate cases and concepts and apply those frameworks to new problems. I expect each of you to attend class prepared. Preparation includes completing the assigned reading, working through the assigned problems and/or discussion questions prior to class, reviewing notes and/or reading material from the prior class, and watching any assigned video.

Students are encouraged to employ critical thinking and to rely on data and verifiable sources to interrogate all assigned readings and subject matter in this course as a way of determining whether they agree with their classmates and/or their instructor. No lesson is intended to espouse, promote, advance, inculcate, or compel a particular feeling, perception, viewpoint, or belief.

At the end of this document is a tentative syllabus with topics to be covered in the course. The readings for each topic can be found on Canvas, organized by module. Assignments will be posted on a syllabus on Canvas and also within the “task list” for each module. I will update the syllabus and dates on the modules weekly.

Discourse, Inclusion, and the Classroom Ethos. As a law student and future lawyer, it is important that you are able to engage in rigorous discourse and critical evaluation while also demonstrating civility and respect for others. This is even more important in the case of controversial issues and other topics that may elicit strong emotions. I encourage each of us to:

* commit to self-examination of our notions and assumptions
* speak honestly, thoughtfully, and respectfully
* listen carefully and respectfully
* reserve the right to change our mind and allow for others to do the same
* allow ourselves and each other to verbalize ideas and to push the boundaries of logic and reasoning both as a means of exploring our beliefs as well as a method of sharpening our skills as lawyers

**Class Attendance Policy**. Attendance in class is required by both the ABA and the Law School. On the first day of class, I will circulate a seating chart. Your seat that day will be your seat for the semester. Attendance will be taken at the beginning of each class meeting. Students are allowed **six** absences during the course of the semester. Please plan accordingly and arrive to class on time. A student who fails to meet the attendance requirement will be dropped from the course. The law school’s policy on attendance can be found [here](https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/uf-law-student-handbook-and-academic-policies#:~:text=co%2Dcurricular%20activities.-,Attendance,regular%20and%20punctual%20class%20attendance.&text=UF%20Law%20policy%20permits%20dismissal,of%2012%20credits%20per%20semester.).

**Preferred Name and Pronouns.** It is important to the learning environment that you feel welcome in this class and that you are comfortable participating in class discussions and communicating with me on any issues related to the class. If your preferred name is not the name listed on the official UF roll, please let me know as soon as possible so I can address you with your preferred name and pronoun.

You may also change your “Display Name” in Canvas. Canvas uses the "Display Name" as set in myUFL. The Display Name is what you want people to see in the UF Directory, such as "Ally" instead of "Allison." To update your display name, go to one.uﬂ.edu, click on the dropdown at the top right, and select "Directory Proﬁle." Click "Edit" on the right of the name panel, uncheck "Use my legal name" under "Display Name," update how you wish your name to be displayed, and click "Submit" at the bottom. This change may take up to 24 hours to appear in Canvas. This does not change your legal name for ofﬁcial UF records.

Office Hours. Myoffice hoursare on Fridays from2:45 – 4:45PM in Holland 305. You are welcome to drop by or schedule a meeting during these hours. My final office hour of the semester will be on **Friday, November 17**. I will be happy to receive questions on course material by email until **12pm on Monday, November 27**.

**UF Levin College of Law Standard Syllabus Policies.** Other information about UF Levin College of Law policies, including compliance with the UF Honor Code, Grading, Accommodations, Class Recordings, and Course Evaluations can be found at [this link](https://ufl.instructure.com/courses/427635/files/74674656?wrap=1).

**Health and Wellness Resources.** Your mental and emotional health are important. Here are some important resources of which you should be aware.

* *U Matter, We Care*: If you or someone you know is in distress, please contact [umatter@ufl.edu,](mailto: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.

That’s it! I look forward to having each of you in class this semester.

**FALL 2023 TENTATIVE COURSE SCHEDULE OF TOPICS AND ASSIGNMENTS**

This tentative outline sets forth the topics I hope to cover this semester, although we may not cover all listed items. **The readings for each topic – and daily assignments – can be found on Canvas within each module**. For the first week of class, please see Module 1 on Canvas (highlighted below). I will update the syllabus and dates within the modules on Canvas weekly.

**Week Topic**

**Week 1**

**Module 1: INTRODUCTION & PRINCIPLES OF PUNISHMENT**

Criminal Justice Process

* Case book: Section 1.A-D.1 – read pp. 1-13 and note 6 on page 14
* See Canvas for optional supplemental reading

Theories of Punishment

* Case book: Sections 2.A & B – read pp. 31-53
* Read The Nation, *What is Prison Abolition* (on Canvas)
* Answer (and submit through Canvas) the discussion question concerning theories of punishment
* See Canvas for optional supplemental reading

(\*At the end of week 1, we may start covering the material at the beginning of module 2, below. If we do, I will cover the main points by accepting volunteers.)

**Week 2**

**Module 2: ACTUS REUS**

Voluntary Act

Omissions

**Week 3**

**Module 3: MENS REA**

Nature of “Mens Rea”

Common Law: General Issues in Proving Culpability

**Week 4**

MPC: General Issues in Proving Culpability

Strict Liability Offenses

**Week 5**

Mistake & Mens Rea: Mistake of Fact

Mistake & Mens Rea: Mistake of Law

**Week 6**

**Module 4: CAUSATION**

Actual Cause

Proximate Cause

**Week 6**

**Module 5: CRIMINAL HOMICIDE**

Overview

First Degree Murder: Deliberation-Premeditation

**Week 7**

Voluntary Manslaughter: Heat of Passion (Common Law)

Manslaughter: Extreme Emotional Disturbance (MPC)

**Week 8**

Reckless Murder

Involuntary Manslaughter

Felony Murder

**Week 9**

Felony Murder, cont’d

**Module 6: AFFIRMATIVE DEFENSES**

**Week 10** Categories of Defenses

Principles of Justification

Self-Defense

**Week 11**

Necessity

Principles of Excuse

Duress

**Week 12**

**Module 7: COMPLICITY**

Accomplice Liability – General Principles

Accomplice Liability – Mens Rea

**Week 13**

Accomplice Liability – Actus Reus