

**CRIMINAL LAW**  
**UNIVERSITY OF FLORIDA LEVIN COLLEGE OF LAW**  
**SPRING 2025 SYLLABUS – LAW 5100 – 3 CREDITS**

Professor Matthew Kim

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Office Hours: Thursday 10:00 a.m. – 12:00 p.m.

**MEETING TIME:**

Tuesday and Thursday 8:30 a.m. – 9:55 a.m.

**CLASSROOM LOCATION:**

382 Holland

**COURSE DESCRIPTION AND OBJECTIVES:**

In this course, we will explore the general principles of criminal law, substantive crimes, and defenses. Broadly speaking, the course will provide an overview of principles and concepts underlying the laws that prohibit and punish behavior that the public has deemed undesirable. Throughout the course, we will also consider limits on substantive criminal law and ask how courts generally interpret criminal laws.

**STUDENT LEARNING OUTCOMES:**

At the end of this course, students should be able to:

1. Identify core components of criminal law doctrine
2. Understand the practical, moral, and policy concerns underlying criminal law
3. Identify legal issues and propose solutions in criminal law

**REQUIRED READING MATERIALS:**

The required textbook for this course is Kadish, Schulhofer, and Barkow, *Criminal Law and its Processes: Cases and Materials* (11th edition 2022) (hereafter KSB). Students will be required to obtain a physical copy of the textbook. In addition, the course will focus on criminal law doctrine as articulated in the Model Penal Code (hereafter MPC). The relevant provisions of the MPC are included in the appendix of KSB. Other handouts or materials may be assigned over the course of the semester and will be posted on Canvas.

**COURSE EXPECTATIONS AND GRADING EVALUATION:**

The course grade will be based on a final exam (90%), a midterm exam (5%), and class participation (5%).

The final exam will be a fixed date, closed book/notes, closed hard drive, closed internet, in-class exam. The final exam schedule can be found [here](#). Please note that the schedule is subject to change.

The midterm exam will be a limited flexible date, open book/notes, closed hard drive, closed internet, out-of-class exam. Students will receive no credit if they do not complete it in time.

In evaluating class participation, I will take into account a number of considerations, including the student’s professionalism and civility displayed in class, preparedness, and class attendance. I expect everyone to be familiar with the assigned material and prepared to discuss it in class if called upon. I also expect everyone to be civil in the manner in which they conduct themselves in class discussions. Please do not arrive late to class, leave early, or leave to take a break during class absent extenuating circumstances. If a student is late to class, leaves early, or leaves to take a break during class absent extenuating circumstances, the student will receive a zero for class participation for that date and may be marked absent.

**CLASS ATTENDANCE POLICY:**

Attendance in class is required by both the ABA and UF Law. Attendance will be taken at each class meeting. Students are responsible for ensuring that they are not recorded as absent. Students are allowed **3 unexcused absences** during the course of the semester. A student who fails to meet the attendance requirement will be dropped from the course. UF Law’s policy on attendance can be found [here](#). Please note the religious holiday exemption below. If a student is late to class, leaves early, or leaves to take a break during class absent extenuating circumstances, the student may be marked absent.

**OBSERVANCE OF RELIGIOUS HOLIDAYS:**

UF Law respects students’ [observance of religious holidays](#). The following guidelines from UF apply:

- Students, upon prior notification to their instructors, shall be excused from class or other scheduled academic activity to observe a religious holy day of their faith.
- Students shall be permitted a reasonable amount of time to make up the material or activities covered in their absence.
- Students shall not be penalized due to absence from class or other scheduled academic activity because of religious observances.

**COMPLIANCE WITH UF HONOR CODE:**

Academic honesty and integrity are fundamental values of the UF community. Students should be sure that they understand the UF Law Honor Code located [here](#). The UF Law Honor Code also prohibits the use of artificial intelligence, including, but not limited to, ChatGPT and Harvey, to assist in completing quizzes, exams, papers, or other assessments unless expressly authorized by the professor to do so.

**INFORMATION ON UF LAW GRADING POLICIES:**

UF Law’s mean and mandatory grade distributions are posted on UF Law’s website, and this class adheres to that posted grading policy. The following chart describes the specific letter grade/grade point equivalent in place:

Letter Grade	Point Equivalent	Letter Grade	Point Equivalent
A	4.0	C	2.0

A-	3.67	C-	1.67
B+	3.33	D+	1.33
B	3.0	D	1.0
B-	2.67	D-	0.67
C+	2.33	E	0.0

UF Law’s grading policy is available [here](#).

**EXAM DELAYS AND ACCOMMODATIONS:**

UF Law’s policy on exam delays and accommodations can be found [here](#).

**CELLPHONES AND LAPTOPS:**

Cellphones and laptops cannot be used during class without prior approval. Please turn off cellphones before class. Students may use a tablet for the sole purpose of taking notes. I reserve the right to prohibit the use of tablets should they become a distraction.

**STATEMENT RELATED TO ACCOMMODATIONS FOR STUDENTS WITH DISABILITIES:**

Students requesting accommodations for disabilities must first register with the Disability Resource Center (<https://disability.ufl.edu/>). Once registered, students will receive an accommodation letter, which must be presented to the Assistant Dean for Student Affairs (Assistant Dean Brian Mitchell). Students with disabilities should follow this procedure as early as possible in the semester. Students need to share their accommodation letter with me and discuss their access needs as early as possible in the semester. Students may access information about various resources on the UF Law Student Resources Canvas page (<https://ufl.instructure.com/courses/427635>).

**STUDENT 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. See [here](#) 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 <https://ufl.bluera.com/ufl/>. Summaries of course evaluation results are available to students [here](#).

**RECORDINGS OF CLASS:**

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 guest 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 and Student Conduct Code.

### **ABA OUT-OF-CLASS HOURS REQUIREMENTS:**

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 time is approximately 3 hours in length, requiring at least **6 hours of preparation** outside of class, including reading the assigned materials.

### **OFFICE HOURS:**

My regular in-person office hours are Thursdays from 10:00 a.m. to 12:00 p.m. My office hours will be held in 310 Holland. If students are unable to meet with me during my regularly scheduled office hours, they are welcome to send me an email, and I will arrange another mutually convenient time. My email address is [kim@law.ufl.edu](mailto:kim@law.ufl.edu). I encourage students to come see me during the semester and ask questions that they may have about the course.

### **LEGAL DISCLAIMER:**

No lesson is intended to espouse, promote, advance, inculcate, or compel a particular feeling, perception, or belief. Any discussion surrounding race, color, national origin, or sex will be presented in an objective manner and without my endorsement of any particular point of view. To the extent possible, facts and theories will be presented along with different interpretations and viewpoints. I encourage students to engage in open discussions so that students reach their own opinions and conclusions. I will not judge students based on their opinions; I will only judge how students support their opinions with facts and legal reasoning.

### **HEALTH AND WELLNESS RESOURCES:**

Law school can be a daunting experience, especially when life outside the law becomes challenging. UF Law provides numerous resources for support, and I encourage students to seek help if they have concerns. 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 students are comfortable doing so, they may also notify me so that I can direct them to further resources.

- *U Matter, We Care*: If you or someone you know is in distress, please contact [umatter@ufl.edu](mailto:umatter@ufl.edu), call 352-392-1575, or visit [U Matter, We Care website](#) to refer or report a concern and a team member will reach out.
- *Counseling and Wellness Center*: [Visit the Counseling and Wellness Center website](#) 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](#).
- *University Police Department*: [Visit UF Police Department website](#) or call 352-392-1111 (or 911 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.

### **COURSE SCHEDULE OF TOPICS AND ASSIGNMENTS:**

The following course schedule is offered as a guide to the direction of the course. My pace will depend on the level of interest and the level of difficulty of each section. As such, the course schedule is subject to change.

#### **a. Conceptual Foundations**

##### **i. Purposes of Criminal Law and the Process of Determining Guilt**

- KSB 9-14 (*Dudley*)
- KSB 146-147 (*Winship*)

##### **ii. Limits on Punishment**

- KSB 195 (*McBoyle*)
- KSB 195-203 (*Yates*)
- KSB 216-223 (*Morales*)
- KSB 1151-1155 (*Ewing*)
- KSB 1156-1159 (*Graham*)

#### **b. General Elements of a Crime**

##### **i. Actus Reus**

- KSB 248 (*Martin*)
- KSB 251-52 (*Newton*)
- KSB 261-62 (*Jones*)
- KSB 263-65 (*Pope*)

##### **ii. Mens Rea**

- KSB 285-287 (*Cunningham*)
- KSB 292-294 (*Hazelwood*)
- KSB 294-296 (*Elonis*)
- KSB 305-06 (*Jewell*)
- KSB 312-14 (*Prince*)
- KSB 320-23 (*Olsen*)
- KSB 350-55 (*Marrero*)
- KSB 360-62 (*Cheek*)
- KSB 370-72 (*Lambert*)
- KSB 331-35 (*Morissette*)

- KSB 339-41 (*Guminga*)

iii. Causation

- KSB 568-71 (*Acosta*)
- KSB 574-76 (*Arzon*)
- KSB 576-77 (*Warner-Lambert*)
- KSB 584 (*Campbell*)
- KSB 585-87 (*Kevorkian*)
- KSB 595-97 (*Root*)
- KSB 598-99 (*McFadden*)

c. Homicide

i. Murder and Manslaughter

- KSB 470-74 (*Carroll*)
- KSB 474-76 (*Guthrie*)
- KSB 480-82 (*Girouard*)
- KSB 482-85 (*Maher*)
- KSB 496-99 (*Casassa*)
- KSB 506-09 (*Welansky*)
- KSB 511-13 (*Hall*)
- KSB 515-17 (*Williams*)
- KSB 524-25 (*Malone*)
- KSB 528-29 (*Fleming*)
- KSB 545-46 (*Philips*)
- KSB 547-49 (*Hines*)
- KSB 551-53 (*Burton*)
- KSB 559-61 (*Canola*)

d. Defenses

i. Self-Defense and Defense of Property

- KSB 805-09 (*Goetz*)
- KSB 820-25 (*Kelly*)
- KSB 837-40 (*Norman*)
- KSB 849-51 (*Abbott*)
- KSB 856-58 (*Peterson*)
- KSB 861-64 (*Cabellos*)

ii. Necessity

- KSB 876-79 (*Unger*)
- KSB 887-89 (*Schoon*)

iii. Duress

- KSB 906-09 (*Toscano*)

iv. Intoxication

- KSB 925-927 (*Hood*)

v. Insanity

- KSB 949-51 (*M'Naghten*)
- KSB 951-53 (*Blake*)
- KSB 955-59 (*Lyons*)
- KSB 972-74 (*Crenshaw*)

e. Inchoate Crimes

i. Attempt and Solicitation

- KSB 604-06 (*Smallwood*)
- KSB 612-14 (*Rizzo*)
- KSB 627-29 (*Jackson*)
- KSB 633-34 (*Davis*)
- KSB 637-39 (*Jaffe*)
- KSB 639-41 (*Dlugash*)

ii. Accomplice Liability

- KSB 655-57 (*Hicks*)
- KSB 658-59 (*Gladstone*)
- KSB 663-67 (*Rosemond*)
- KSB 673-74 (*McVay*)
- KSB 674-75 (*Roebuck*)
- KSB 678-79 (*Russell*)
- KSB 680-82 (*Luparello*)
- KSB 685-87 (*Wilcox*)
- KSB 692-93 (*Hayes*)

iii. Conspiracy

- KSB 707-10 (*Pinkerton*)
- KSB 721-23 (*Alvarez*)
- KSB 728-33 (*Lauria*)
- KSB 741-43 (*Kotteakos*)
- KSB 744-45 (*Bruno*)
- KSB 747-48 (*McDermott*)

f. Review

i. Review