

CRIMINAL JUSTICE CONTROVERSIES
UNIVERSITY OF FLORIDA LEVIN COLLEGE OF
LAW
SPRING 2025 SYLLABUS—LAW 6936—2 CREDITS

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Office Hours: Tuesdays 3:00-5:00p.m. in my office

MEETING TIME: W, 4:30–6:30 pm

LOCATION: HH 355D

COURSE DESCRIPTION AND OBJECTIVES:

The course will examine select areas of the criminal justice process that have generated meaningful public and scholarly debate. Course topics will include, but are not limited to, the exercise of prosecutorial discretion, plea bargaining, guilty pleas, and sentencing. Students can use this class to satisfy their Advanced Writing Requirement. Students will be required to write on a criminal justice topic that falls within the broad parameters of this course and to give an oral presentation

STUDENT LEARNING OUTCOMES:

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

- Understand the background stories and debates underlying many notable criminal justice system practices and principles
- Understand how these background stories impacted the development of the law in these areas
- Understand how these background stories might influence our approach to possible reforms

REQUIRED READING MATERIALS:

Criminal Procedure Stories (Foundation Press), Steiker, editor; Evidence Stories (Foundation Press), Lempert, editor. In addition, various readings obtainable on Westlaw and other similar outlets will be assigned.

COURSE EXPECTATIONS AND GRADING EVALUATION:

Your final grade will be based on the following factors: 1) final writing project (80%); 2) class participation (10%); and 3) in-class presentation of your paper (10%). If you elect to satisfy your Advanced Writing Requirement with your paper submission, your paper must be at least 25 pages (12-point font, double-spaced). If you elect not to satisfy your advanced writing requirement with your paper submission, then you must submit a paper at least 12 pages in

length (12-point font, double-spaced). All papers are due on the last day of finals period. UF Law's grade distribution policy will be followed.

CLASS ATTENDANCE POLICY:

Attendance in class is required by both the ABA and the Law School. Attendance will be taken at each class meeting. Students are allowed two (2) absences during the course of the semester. Students are responsible for ensuring that they are not recorded as absent if they come in late. 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](#).

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>.

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.

FIRST DAY ASSIGNMENT

- Federal Rules of Criminal Procedure 5.1, 8 and 14
- United States v. Williams, 112 S.Ct. 1735 (1992)
- State v. Reldan, 401 A.2d 563 (1979)

COURSE SCHEDULE OF TOPICS AND ASSIGNMENTS

This syllabus is offered as a guide to the direction of the course. Our pace will depend in part on the level of interest and the level of difficulty of each section and is subject to change.

1. The Role of the Prosecutor
 - Federal Rules of Criminal Procedure 5.1, 8 and 14
 - United States v. Williams, 112 S.Ct. 1735 (1992)
 - State v. Reldan, 401 A.2d 563 (1979)
2. Plea Bargaining and the Guilty Plea Hearing
 - Bordenkircher v. Hayes, 434 U.S. 357 (1978)
 - *Bordenkircher v. Hayes, Plea Bargaining and the Decline of the Rule of Law*, Steiker, p. 351
 - United States v. Mezzanatto, 51 U.S. 196 (1995)
 - *The Story of Rule 410 and United States v. Mezzanatto: Using Plea Statements at Trial (FRE 410: Waiver of Protection)*, Lempert, p. 103
 - Federal Rules of Evidence 410
 - Federal Rules of Criminal Procedure 11

3. Role of the Defense Attorney

- *Gideon v. Wainwright*, 372 U.S. 335 (1963)
- *Gideon v. Wainwright and Strickland v. Washington: Broken Promises*, Steiker, p. 101
- *Nix v. Whiteside*, 475 U.S. 157 (1986)
- *United States v. Courtney*, 960 F. Supp. 2d 1152 (D.N.M. 2013)

4. Federal Sentencing Guidelines

- *Williams v. New York*, 337 U.S. 241 (1949)
- *Apprendi v. New Jersey*, 530 U.S. 466 (2000)
- *Blakely v. Washington*, 542 U.S. 296 (2004)
- *United States v. Booker*, 543 U.S. 220 (2005)
- *Rita v. United States*, 551 U.S. 338 (2007)
- *Gall v. United States*, 552 U.S. 38 (2007)
- *Alleyne v. United States*, 133 S.Ct. 2151 (2013)

5. Confrontation Clause

- *Crawford v. United States*, 541 U.S. 36 (2004)
- *Davis v. Washington*, 547 U.S. 813 (2006)
- *The Story of Crawford (Crawford v. United States: Confrontation)*, Lempert, p. 335

6. The Right to Exculpatory Information and the Right to Remain Silent

- *Brady v. Maryland*, 373 U.S. 83 (1963)
- *Brady v. Maryland: From Adversarial Gamesmanship Toward the Search for Innocence?*, Steiker, p. 120.
- *Miranda v. Arizona*, 384 U.S. 436 (1966)
- *Miranda v. Arizona, A Modest But Important Legacy*, Steiker, p. 155.

7. The Exclusionary Rule

- *Wolf v. Colorado*, 338 U.S. 25 (1961)
- *Mapp v. Ohio*, 367 U.S. 643 (1961)
- *United States v. Leon*, 468 U.S. 897 (1984)
- *Jones v. United States*, 362 U.S. 257 (1960)
- *United States v. Jones*, 565 U.S. 400 (2012)
- *Carpenter v. United States*, 585 U.S. 296 (2018)
- *Mapp v. Ohio, The First Shot Fired in the Warren Court's Criminal Procedure "Revolution."*, Steiker, p. 45

8. Student Presentations