

CRIMINAL JUSTICE CONTROVERSIES
UNIVERSITY OF FLORIDA LEVIN COLLEGE OF LAW
SPRING 2026 SYLLABUS—LAW 6936—2 CREDITS

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

MEETING TIME: Tuesdays, 1:15p.m. – 3:15p.m.

LOCATION: HH 285A

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 ACADEMIC POLICIES AND RESOURCES:

Other information about UF academic policies and resources can be found at this link:

[UF Syllabus Policy Links - Online Course Syllabi - University of Florida](#)

COMPLIANCE WITH UF HONOR CODE:

Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the UF Law Honor Code located here: [Law School Honor System – Regulation and Policy Hub](#)

The UF Law Honor Code also prohibits 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:

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

The law school grading policy, including a chart that describes the specific letter grade/grade point equivalent in place, is available here:

[UF Law Student Handbook and Academic Policies - Levin College of Law](#)

OBSERVANCE OF RELIGIOUS HOLIDAYS:

UF Law respects students' observance of religious holidays. [Attendance Policies < University of Florida](#)

- 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.

EXAM DELAYS AND ACCOMMODATIONS:

The law school policy on exam delays and accommodations can be found here: [Exam Delays & Accommodations - Levin College of Law](#)

STATEMENT RELATED TO ACCOMODATIONS 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. It is important for students to share their accommodation letter with their instructor 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, available at <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. Click on the following link for guidance on how to give feedback in a professional and respectful manner: [Students - Faculty Evaluations - University of Florida](#)

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.bluer.com/ufl/>. Summaries of course evaluation results are available to students here: [Public Results - Faculty Evaluations - University of Florida](#)

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

FIRST DAY ASSIGNMENT

There are no assigned readings for Day 1.

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

- *Brady v. United States*, 397 U.S. 742 (1970)
- *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)
- *Maryland v. Craig*, 497 U.S. 836 (1990)

- *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