

Course Policies & General Syllabus: Fall 2022

Criminal Law

Law 5100, Section 3

3 credits

Professor Lea Johnston
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Criminal Law
Holland Hall Room 355B
T, W, Th 1:15 – 2:10 pm
Office Hours: HH 305: Wed, 2:20-3:20 p.m.
Office Hours: Zoom: Fri, 10:30-11:30 a.m.

1. Course Coverage. 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.

2. Student Learning Outcomes. After completing 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.

3. Assessment of Student Learning and Grade. I will assess your attainment of competency in these learning outcomes through an in-class examination at the end of the semester. Your 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

4. Required & Suggested Instructional Materials. Section numbers in the tentative syllabus refer to sections of the Dressler & Garvey case book. The suggested treatise complements our case book.

Required — JOSHUA DRESSLER & STEPHEN P. GARVEY, CRIMINAL LAW CASES AND MATERIALS (8th ed. 2019) – Casebook Plus Hardcover (includes a hardcover copy of the casebook along with a virtual “learning library” of resources)

*****this is not the latest version of the case book.***

Suggested — JOSHUA DRESSLER, UNDERSTANDING CRIMINAL LAW (8th ed. 2018).

Secondary Sources:

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

WAYNE R. LAFAYE, CRIMINAL LAW (6th ed. 2017)

PAUL ROBINSON & MICHAEL T. CAHILL, CRIMINAL LAW (2d ed. 2012)

Additional practice problems may be found here:

KATHRYN CHRISTOPHER & RUSSELL CHRISTOPHER, CRIMINAL LAW: MODEL PROBLEMS AND OUTSTANDING ANSWERS (2012)

5. My Contact Information & Office Hours. I can be reached by email at JohnstonL@law.ufl.edu or found in my office in Holland 305.

I will hold two sets office hours each week. I will hold **in-person office hours** in my office (Holland 305) each Wednesday from 2:20-3:20 p.m. You are welcome to drop by or schedule a meeting during these hours. If you choose to meet with me in my office, please wear a mask. If you are unwilling to wear a mask, we can meet at another location.

In addition, I'll hold **office hours by Zoom** from 10:30 – 11:30 a.m. on Friday mornings. ****Please sign up for a 15-minute slot on Zoom by Thursday at 5pm.** If you don't sign up for a meeting time the day before, I won't know to attend the meeting!

I will be out of town on Friday, November 18, for a conference, so my final office hour of the semester will be on **Wednesday, November 16**. I will be happy to receive questions on course material by email until **12pm on Wednesday, November 23**.

6. Class Structure. Our class time will focus on case explications and discussion of hypotheticals, big-picture questions, and problems. The syllabus 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.

Zoom. We will be utilizing Zoom in this course for virtual office hours. In addition, 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 for students may become useful to you: <https://www.law.ufl.edu/e-learning>; 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;
- Dress appropriately for video conferencing;
- You must “show video” and yourself for the active portions of the class when we are not on breaks;
- Please turn off any cell phones and other electronic devices;
- Close any other computer programs, websites, and email so you can give your classmates and speakers your full attention; 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.

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 Cases and Materials on Criminal Law from your bookshelf.
- Click the Enroll in a Course button and enter this course code:
 - CRSE-QHSH-ZBR2-6GHC-THLY
- If you don't see a picture of Cases and Materials on Criminal Law 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. 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 current CALI student code is FLORUVstu73. In my opinion, these lessons are extremely effective.

7. Class Preparation, Participation, and Experience. Consistent with the American Bar Association Standard 310, you should expect to spend **at least six hours** per week preparing for this three-hour course.

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, reviewing notes and/or reading material from the prior class, and watching any assigned video.

As referenced, the syllabus includes problems and discussion questions related to the assigned material. **I expect you to come to class prepared to discuss how you might address these questions.** The syllabus will note (in yellow highlighting) when a problem or discussion question has been assigned, and this will be evident in the “task list” for each module of the course on Canvas. The syllabus and task list will also note whether you must submit your answer prior to class through Canvas, or merely prepare the problem in advance of class discussion. A portion (15%) of your grade will reflect your good faith effort in working through these materials (which must be prepared before class), as well as the Dressler quizzes (which must be completed before the exam). These problems and discussion questions will be graded as “complete” or “incomplete” based on my assessment of your good faith effort. I will provide individualized feedback, using a rubric with a point system, on at least one problem.

To ensure meaningful participation from all class members and to help you build lawyering skills, I will cold-call students using the Socratic Method. I will also, at times, ask for volunteers. My intent is never to embarrass you or make you anxious; it will always be OK for you to “consult with co-counsel” and ask the person next to you for their thoughts.

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 modules. 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.

8. Attendance Policy. Attendance is required. On the first day of class, I will circulate a seating chart. Your seat that day will be your seat for the semester. At the beginning of each class meeting, students must sign an attendance roster. Missing more than six classes without approval from Dean Rachel Inman is grounds for dismissal from the course.¹ Please plan accordingly and arrive to class on time.

Masks. If the Covid pandemic is ongoing, I would appreciate your wearing a mask in our classroom to demonstrate your respect for the comfort and wellbeing of your classmates and myself. Choosing not to wear a mask will not affect a student’s grade in any way.

Preferred Name and Pronouns. It is important to the learning environment that you feel welcome and safe 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. I would like to acknowledge your preferred name and pronouns that reflect your identity; please let me know how you would like to be addressed.

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

¹ University recognized religious holidays are exempt. Please provide me with advance notification of such absences.

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.

9. Exam. There will be one exam in this course, which will account for 85% of your total grade. The remainder (15%) will be awarded for good faith completion of all assigned problems, discussion questions, and quizzes (on Canvas and by Dressler).

The final examination will be 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. The law school policy on delay in taking exams can be found [here](#).

Our examination will be a "Limited Open Book" exam. This year, the law school has imposed the following requirements on this type of exam:

If a professor chooses this option, students may reference their assigned casebook(s), supplements, or rulebooks in the course, as well as any handouts provided by the instructor during the course. Students may not bring notes or outlines to the exam, although books that are annotated by hand in the margins may be used. Students will not be permitted to access the internet or any of their computer files during the exam.

Thus, you may bring your case book to the exam room. You will also be permitted to bring hard copies of the material posted on Canvas. You may not bring notes or outlines to the exam beyond any handwritten annotations in your book and, presumably, on your "handouts." Please plan accordingly.

Review of Final Exam. How to receive a copy of your exam: **After February 15, 2023**, 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.

Grading Policy: I adhere to the College's posted grading policy (<https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/academic-policies>). Grades carry the following point equivalents:

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

10. 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.

As a group, we are likely diverse across racial, ethnic, sexual orientation, gender identity, economic, religious, and political lines. As we enter one of the great learning spaces in the world—the law school classroom—and develop our unique personality as a class section, I encourage each of us to:

- commit to self-examination of our values 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

11. Class Recordings. Students are allowed to record video or audio of class lectures for personal use. However, students may not publish recorded lectures without the written consent of the instructor. 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 Code and Student Conduct Code.

12. Accommodations for Students with Disabilities. Students with disabilities requesting accommodations should first register with the Disability Resource Center (352-392-8565, www.dso.ufl.edu/drc/) by providing appropriate documentation. Once registered, students will receive an accommodation letter which must be presented to Dean Rachel Inman when requesting accommodation. Students with disabilities should follow this procedure as early as possible in the semester.

13. The Honor Pledge. UF students are bound by The Honor Pledge, which states: “We, the members of the University of Florida community, pledge to hold ourselves and our peers to the highest standards of honesty and integrity. On all work submitted for credit by students at the university, the following pledge is either required or implied: ‘On my honor, I have neither given nor received unauthorized aid in doing this assignment.’”

The Honor Code (<https://www.dso.ufl.edu/sccr/process/student-conduct-honor-code/>) specifies a number of behaviors that are in violation of this code and the possible sanctions. Furthermore, you are obligated to report any condition that facilitates academic misconduct to appropriate personnel (i.e., Dean Rachel Inman). If you have any questions or concerns, please ask me or Dean Inman.

14. 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, 352-392-1575, or visit [U Matter, We Care website](#) 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](#) 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 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](#).

15. 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.

16. Course Evaluation. At the end of the semester, students will be asked to provide feedback on the quality of instruction by completing course evaluations online via GatorEvals. Guidance on how to give feedback in a professional and respectful manner is available at <https://gatorevals.aa.ufl.edu/students/>. Students will be notified when the evaluation period opens, and can 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 at <https://gatorevals.aa.ufl.edu/public-results/>.

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

Criminal Law
Professor Johnston, Fall 2022

Tentative Syllabus

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.** 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

Theories of Punishment

(*may start beginning of module 2, below)

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